

1 AN ACT concerning persons with disabilities.

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

4 Section 2. The Statute on Statutes is amended by changing
5 Section 1.37 as follows:

6 (5 ILCS 70/1.37)

7 Sec. 1.37. Intellectual disability. Except where the
8 context indicates otherwise, in any rule, contract, or other
9 document a reference to the term "mental retardation" shall be
10 considered a reference to the term "intellectual disability"
11 and a reference to a mentally retarded person or a similar
12 reference shall be considered a reference to a person with an
13 intellectual disability; and a reference to the term "mentally
14 handicapped" shall be considered a reference to the term
15 "intellectual disability" and a reference to a mentally
16 handicapped person or a similar reference shall be considered
17 a reference to a person with an intellectual disability. The
18 use of either "mental retardation" or "intellectually
19 disabled", or "mentally retarded" or "mentally handicapped" or
20 "person with an intellectual disability" shall not invalidate
21 any rule, contract, or other document.

22 Nothing in this amendatory Act of the 104th General
23 Assembly or in any other Act replacing the term "mentally

1 handicapped" with "intellectual disability" is intended to
2 make any substantive change to eligibility, benefits, or
3 coverage under any provision of law. The replacement of the
4 term "mentally handicapped" with "intellectual disability"
5 shall be construed as a modernization of terminology only and
6 shall not be interpreted to narrow or expand eligibility.

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

8 Section 5. The Government Severance Pay Act is amended by
9 changing Section 5 as follows:

10 (5 ILCS 415/5)

11 Sec. 5. Definitions. As used in this Act:

12 "Department" means any branch, department, college, or
13 school of a university established by the board of trustees of
14 the university.

15 "Misconduct" includes, but is not limited to, the
16 following:

17 (1) Conduct demonstrating conscious disregard of an
18 employer's interests and found to be a deliberate
19 violation or disregard of the reasonable standards of
20 behavior which the employer expects of his or her
21 employee. Such conduct may include, but is not limited to,
22 willful damage to an employer's property that results in
23 damage of more than \$50, or theft of employer property or
24 property of a customer or invitee of the employer.

1 (2) Carelessness or negligence to a degree or
2 recurrence that manifests culpability or wrongful intent,
3 or shows an intentional and substantial disregard of the
4 employer's interests or of the employee's duties and
5 obligations to his or her employer.

6 (3) Chronic absenteeism or tardiness in deliberate
7 violation of a known policy of the employer or one or more
8 unapproved absences following a written reprimand or
9 warning relating to more than one unapproved absence.

10 (4) A willful and deliberate violation of a standard
11 or regulation of this State by an employee of an employer
12 licensed or certified by this State, which violation would
13 cause the employer to be sanctioned or have its license or
14 certification suspended by this State.

15 (5) A violation of an employer's rule, unless the
16 claimant can demonstrate that:

17 (A) he or she did not know, and could not
18 reasonably know, of the rule's requirements;

19 (B) the rule is not lawful or not reasonably
20 related to the job environment and performance; or

21 (C) the rule is not fairly or consistently
22 enforced.

23 (6) Other conduct, including, but not limited to,
24 committing criminal assault or battery on another
25 employee, or on a customer or invitee of the employer, or
26 committing abuse or neglect of a patient, resident, person

1 with a disability ~~disabled person~~, elderly person, or
2 child in her or his professional care.

3 "Severance pay" means the actual or constructive
4 compensation, including salary, benefits, or perquisites, for
5 employment services yet to be rendered which is provided to an
6 employee who has recently been or is about to be terminated, or
7 a university president or chancellor who is transitioning to a
8 new position within the university for which he or she is
9 employed, excluding interim presidents and interim
10 chancellors.

11 "Unit of government" means and includes all boards,
12 commissions, agencies, institutions, authorities, and bodies
13 politic and corporate of the State, created by or in
14 accordance with the constitution or statute, of the executive
15 branch of State government and does include colleges,
16 universities, and institutions under the jurisdiction of the
17 governing boards of the University of Illinois, Southern
18 Illinois University, Illinois State University, Eastern
19 Illinois University, Northern Illinois University, Western
20 Illinois University, Chicago State University, Governors State
21 University, Northeastern Illinois University, and the Board of
22 Higher Education. "Unit of government" also includes units of
23 local government, school districts, and community colleges
24 under the Public Community College Act.

25 (Source: P.A. 102-378, eff. 8-13-21.)

1 Section 6. The Property Tax Code is amended by changing
2 Section 15-172 as follows:

3 (35 ILCS 200/15-172)

4 Sec. 15-172. Low-Income Senior Citizens Assessment Freeze
5 Homestead Exemption.

6 (a) This Section may be cited as the Low-Income Senior
7 Citizens Assessment Freeze Homestead Exemption.

8 (b) As used in this Section:

9 "Applicant" means an individual who has filed an
10 application under this Section.

11 "Base amount" means the base year equalized assessed value
12 of the residence plus the first year's equalized assessed
13 value of any added improvements which increased the assessed
14 value of the residence after the base year.

15 "Base year" means the taxable year prior to the taxable
16 year for which the applicant first qualifies and applies for
17 the exemption provided that in the prior taxable year the
18 property was improved with a permanent structure that was
19 occupied as a residence by the applicant who was liable for
20 paying real property taxes on the property and who was either
21 (i) an owner of record of the property or had legal or
22 equitable interest in the property as evidenced by a written
23 instrument or (ii) had a legal or equitable interest as a
24 lessee in the parcel of property that was single family
25 residence. If in any subsequent taxable year for which the

1 applicant applies and qualifies for the exemption the
2 equalized assessed value of the residence is less than the
3 equalized assessed value in the existing base year (provided
4 that such equalized assessed value is not based on an assessed
5 value that results from a temporary irregularity in the
6 property that reduces the assessed value for one or more
7 taxable years), then that subsequent taxable year shall become
8 the base year until a new base year is established under the
9 terms of this paragraph. For taxable year 1999 only, the Chief
10 County Assessment Officer shall review (i) all taxable years
11 for which the applicant applied and qualified for the
12 exemption and (ii) the existing base year. The assessment
13 officer shall select as the new base year the year with the
14 lowest equalized assessed value. An equalized assessed value
15 that is based on an assessed value that results from a
16 temporary irregularity in the property that reduces the
17 assessed value for one or more taxable years shall not be
18 considered the lowest equalized assessed value. The selected
19 year shall be the base year for taxable year 1999 and
20 thereafter until a new base year is established under the
21 terms of this paragraph.

22 "Chief County Assessment Officer" means the County
23 Assessor or Supervisor of Assessments of the county in which
24 the property is located.

25 "Equalized assessed value" means the assessed value as
26 equalized by the Illinois Department of Revenue.

1 "Household" means the applicant, the spouse of the
2 applicant, and all persons using the residence of the
3 applicant as their principal place of residence.

4 "Household income" means the combined income of the
5 members of a household for the calendar year preceding the
6 taxable year.

7 "Income" has the same meaning as provided in Section 3.07
8 of the Senior Citizens and Persons with Disabilities Property
9 Tax Relief Act, except that, beginning in assessment year
10 2001, "income" does not include veteran's benefits.

11 "Internal Revenue Code of 1986" means the United States
12 Internal Revenue Code of 1986 or any successor law or laws
13 relating to federal income taxes in effect for the year
14 preceding the taxable year.

15 "Life care facility that qualifies as a cooperative" means
16 a facility as defined in Section 2 of the Life Care Facilities
17 Act.

18 "Maximum income limitation" means:

- 19 (1) \$35,000 prior to taxable year 1999;
20 (2) \$40,000 in taxable years 1999 through 2003;
21 (3) \$45,000 in taxable years 2004 through 2005;
22 (4) \$50,000 in taxable years 2006 and 2007;
23 (5) \$55,000 in taxable years 2008 through 2016;
24 (6) for taxable year 2017, (i) \$65,000 for qualified
25 property located in a county with 3,000,000 or more
26 inhabitants and (ii) \$55,000 for qualified property

1 located in a county with fewer than 3,000,000 inhabitants;
2 and

3 (7) for taxable years 2018 and thereafter, \$65,000 for
4 all qualified property.

5 As an alternative income valuation, a homeowner who is
6 enrolled in any of the following programs may be presumed to
7 have household income that does not exceed the maximum income
8 limitation for that tax year as required by this Section: Aid
9 to the Aged, Blind or Persons with Disabilities ~~Disabled~~
10 (AABD) Program or the Supplemental Nutrition Assistance
11 Program (SNAP), both of which are administered by the
12 Department of Human Services; the Low Income Home Energy
13 Assistance Program (LIHEAP), which is administered by the
14 Department of Commerce and Economic Opportunity; The Benefit
15 Access program, which is administered by the Department on
16 Aging; and the Senior Citizens Real Estate Tax Deferral
17 Program.

18 A chief county assessment officer may indicate that he or
19 she has verified an applicant's income eligibility for this
20 exemption but may not report which program or programs, if
21 any, enroll the applicant. Release of personal information
22 submitted pursuant to this Section shall be deemed an
23 unwarranted invasion of personal privacy under the Freedom of
24 Information Act.

25 "Residence" means the principal dwelling place and
26 appurtenant structures used for residential purposes in this

1 State occupied on January 1 of the taxable year by a household
2 and so much of the surrounding land, constituting the parcel
3 upon which the dwelling place is situated, as is used for
4 residential purposes. If the Chief County Assessment Officer
5 has established a specific legal description for a portion of
6 property constituting the residence, then that portion of
7 property shall be deemed the residence for the purposes of
8 this Section.

9 "Taxable year" means the calendar year during which ad
10 valorem property taxes payable in the next succeeding year are
11 levied.

12 (c) Beginning in taxable year 1994, a low-income senior
13 citizens assessment freeze homestead exemption is granted for
14 real property that is improved with a permanent structure that
15 is occupied as a residence by an applicant who (i) is 65 years
16 of age or older during the taxable year, (ii) has a household
17 income that does not exceed the maximum income limitation,
18 (iii) is liable for paying real property taxes on the
19 property, and (iv) is an owner of record of the property or has
20 a legal or equitable interest in the property as evidenced by a
21 written instrument. This homestead exemption shall also apply
22 to a leasehold interest in a parcel of property improved with a
23 permanent structure that is a single family residence that is
24 occupied as a residence by a person who (i) is 65 years of age
25 or older during the taxable year, (ii) has a household income
26 that does not exceed the maximum income limitation, (iii) has

1 a legal or equitable ownership interest in the property as
2 lessee, and (iv) is liable for the payment of real property
3 taxes on that property.

4 In counties of 3,000,000 or more inhabitants, the amount
5 of the exemption for all taxable years is the equalized
6 assessed value of the residence in the taxable year for which
7 application is made minus the base amount. In all other
8 counties, the amount of the exemption is as follows: (i)
9 through taxable year 2005 and for taxable year 2007 and
10 thereafter, the amount of this exemption shall be the
11 equalized assessed value of the residence in the taxable year
12 for which application is made minus the base amount; and (ii)
13 for taxable year 2006, the amount of the exemption is as
14 follows:

15 (1) For an applicant who has a household income of
16 \$45,000 or less, the amount of the exemption is the
17 equalized assessed value of the residence in the taxable
18 year for which application is made minus the base amount.

19 (2) For an applicant who has a household income
20 exceeding \$45,000 but not exceeding \$46,250, the amount of
21 the exemption is (i) the equalized assessed value of the
22 residence in the taxable year for which application is
23 made minus the base amount (ii) multiplied by 0.8.

24 (3) For an applicant who has a household income
25 exceeding \$46,250 but not exceeding \$47,500, the amount of
26 the exemption is (i) the equalized assessed value of the

1 residence in the taxable year for which application is
2 made minus the base amount (ii) multiplied by 0.6.

3 (4) For an applicant who has a household income
4 exceeding \$47,500 but not exceeding \$48,750, the amount of
5 the exemption is (i) the equalized assessed value of the
6 residence in the taxable year for which application is
7 made minus the base amount (ii) multiplied by 0.4.

8 (5) For an applicant who has a household income
9 exceeding \$48,750 but not exceeding \$50,000, the amount of
10 the exemption is (i) the equalized assessed value of the
11 residence in the taxable year for which application is
12 made minus the base amount (ii) multiplied by 0.2.

13 When the applicant is a surviving spouse of an applicant
14 for a prior year for the same residence for which an exemption
15 under this Section has been granted, the base year and base
16 amount for that residence are the same as for the applicant for
17 the prior year.

18 Each year at the time the assessment books are certified
19 to the County Clerk, the Board of Review or Board of Appeals
20 shall give to the County Clerk a list of the assessed values of
21 improvements on each parcel qualifying for this exemption that
22 were added after the base year for this parcel and that
23 increased the assessed value of the property.

24 In the case of land improved with an apartment building
25 owned and operated as a cooperative or a building that is a
26 life care facility that qualifies as a cooperative, the

1 maximum reduction from the equalized assessed value of the
2 property is limited to the sum of the reductions calculated
3 for each unit occupied as a residence by a person or persons
4 (i) 65 years of age or older, (ii) with a household income that
5 does not exceed the maximum income limitation, (iii) who is
6 liable, by contract with the owner or owners of record, for
7 paying real property taxes on the property, and (iv) who is an
8 owner of record of a legal or equitable interest in the
9 cooperative apartment building, other than a leasehold
10 interest. In the instance of a cooperative where a homestead
11 exemption has been granted under this Section, the cooperative
12 association or its management firm shall credit the savings
13 resulting from that exemption only to the apportioned tax
14 liability of the owner who qualified for the exemption. Any
15 person who willfully refuses to credit that savings to an
16 owner who qualifies for the exemption is guilty of a Class B
17 misdemeanor.

18 When a homestead exemption has been granted under this
19 Section and an applicant then becomes a resident of a facility
20 licensed under the Assisted Living and Shared Housing Act, the
21 Nursing Home Care Act, the Specialized Mental Health
22 Rehabilitation Act of 2013, the ID/DD Community Care Act, or
23 the MC/DD Act, the exemption shall be granted in subsequent
24 years so long as the residence (i) continues to be occupied by
25 the qualified applicant's spouse or (ii) if remaining
26 unoccupied, is still owned by the qualified applicant for the

1 homestead exemption.

2 Beginning January 1, 1997, when an individual dies who
3 would have qualified for an exemption under this Section, and
4 the surviving spouse does not independently qualify for this
5 exemption because of age, the exemption under this Section
6 shall be granted to the surviving spouse for the taxable year
7 preceding and the taxable year of the death, provided that,
8 except for age, the surviving spouse meets all other
9 qualifications for the granting of this exemption for those
10 years.

11 When married persons maintain separate residences, the
12 exemption provided for in this Section may be claimed by only
13 one of such persons and for only one residence.

14 For taxable year 1994 only, in counties having less than
15 3,000,000 inhabitants, to receive the exemption, a person
16 shall submit an application by February 15, 1995 to the Chief
17 County Assessment Officer of the county in which the property
18 is located. In counties having 3,000,000 or more inhabitants,
19 for taxable year 1994 and all subsequent taxable years, to
20 receive the exemption, a person may submit an application to
21 the Chief County Assessment Officer of the county in which the
22 property is located during such period as may be specified by
23 the Chief County Assessment Officer. The Chief County
24 Assessment Officer in counties of 3,000,000 or more
25 inhabitants shall annually give notice of the application
26 period by mail or by publication. In counties having less than

1 3,000,000 inhabitants, beginning with taxable year 1995 and
2 thereafter, to receive the exemption, a person shall submit an
3 application by July 1 of each taxable year to the Chief County
4 Assessment Officer of the county in which the property is
5 located. A county may, by ordinance, establish a date for
6 submission of applications that is different than July 1. The
7 applicant shall submit with the application an affidavit of
8 the applicant's total household income, age, marital status
9 (and if married the name and address of the applicant's
10 spouse, if known), and principal dwelling place of members of
11 the household on January 1 of the taxable year. The Department
12 shall establish, by rule, a method for verifying the accuracy
13 of affidavits filed by applicants under this Section, and the
14 Chief County Assessment Officer may conduct audits of any
15 taxpayer claiming an exemption under this Section to verify
16 that the taxpayer is eligible to receive the exemption. Each
17 application shall contain or be verified by a written
18 declaration that it is made under the penalties of perjury. A
19 taxpayer's signing a fraudulent application under this Act is
20 perjury, as defined in Section 32-2 of the Criminal Code of
21 2012. The applications shall be clearly marked as applications
22 for the Low-Income Senior Citizens Assessment Freeze Homestead
23 Exemption and must contain a notice that any taxpayer who
24 receives the exemption is subject to an audit by the Chief
25 County Assessment Officer.

26 Notwithstanding any other provision to the contrary, in

1 counties having fewer than 3,000,000 inhabitants, if an
2 applicant fails to file the application required by this
3 Section in a timely manner and this failure to file is due to a
4 mental or physical condition sufficiently severe so as to
5 render the applicant incapable of filing the application in a
6 timely manner, the Chief County Assessment Officer may extend
7 the filing deadline for a period of 30 days after the applicant
8 regains the capability to file the application, but in no case
9 may the filing deadline be extended beyond 3 months of the
10 original filing deadline. In order to receive the extension
11 provided in this paragraph, the applicant shall provide the
12 Chief County Assessment Officer with a signed statement from
13 the applicant's physician, advanced practice registered nurse,
14 or physician assistant stating the nature and extent of the
15 condition, that, in the physician's, advanced practice
16 registered nurse's, or physician assistant's opinion, the
17 condition was so severe that it rendered the applicant
18 incapable of filing the application in a timely manner, and
19 the date on which the applicant regained the capability to
20 file the application.

21 Beginning January 1, 1998, notwithstanding any other
22 provision to the contrary, in counties having fewer than
23 3,000,000 inhabitants, if an applicant fails to file the
24 application required by this Section in a timely manner and
25 this failure to file is due to a mental or physical condition
26 sufficiently severe so as to render the applicant incapable of

1 filing the application in a timely manner, the Chief County
2 Assessment Officer may extend the filing deadline for a period
3 of 3 months. In order to receive the extension provided in this
4 paragraph, the applicant shall provide the Chief County
5 Assessment Officer with a signed statement from the
6 applicant's physician, advanced practice registered nurse, or
7 physician assistant stating the nature and extent of the
8 condition, and that, in the physician's, advanced practice
9 registered nurse's, or physician assistant's opinion, the
10 condition was so severe that it rendered the applicant
11 incapable of filing the application in a timely manner.

12 In counties having less than 3,000,000 inhabitants, if an
13 applicant was denied an exemption in taxable year 1994 and the
14 denial occurred due to an error on the part of an assessment
15 official, or his or her agent or employee, then beginning in
16 taxable year 1997 the applicant's base year, for purposes of
17 determining the amount of the exemption, shall be 1993 rather
18 than 1994. In addition, in taxable year 1997, the applicant's
19 exemption shall also include an amount equal to (i) the amount
20 of any exemption denied to the applicant in taxable year 1995
21 as a result of using 1994, rather than 1993, as the base year,
22 (ii) the amount of any exemption denied to the applicant in
23 taxable year 1996 as a result of using 1994, rather than 1993,
24 as the base year, and (iii) the amount of the exemption
25 erroneously denied for taxable year 1994.

26 For purposes of this Section, a person who will be 65 years

1 of age during the current taxable year shall be eligible to
2 apply for the homestead exemption during that taxable year.
3 Application shall be made during the application period in
4 effect for the county of his or her residence.

5 The Chief County Assessment Officer may determine the
6 eligibility of a life care facility that qualifies as a
7 cooperative to receive the benefits provided by this Section
8 by use of an affidavit, application, visual inspection,
9 questionnaire, or other reasonable method in order to insure
10 that the tax savings resulting from the exemption are credited
11 by the management firm to the apportioned tax liability of
12 each qualifying resident. The Chief County Assessment Officer
13 may request reasonable proof that the management firm has so
14 credited that exemption.

15 Except as provided in this Section, all information
16 received by the chief county assessment officer or the
17 Department from applications filed under this Section, or from
18 any investigation conducted under the provisions of this
19 Section, shall be confidential, except for official purposes
20 or pursuant to official procedures for collection of any State
21 or local tax or enforcement of any civil or criminal penalty or
22 sanction imposed by this Act or by any statute or ordinance
23 imposing a State or local tax. Any person who divulges any such
24 information in any manner, except in accordance with a proper
25 judicial order, is guilty of a Class A misdemeanor.

26 Nothing contained in this Section shall prevent the

1 Director or chief county assessment officer from publishing or
2 making available reasonable statistics concerning the
3 operation of the exemption contained in this Section in which
4 the contents of claims are grouped into aggregates in such a
5 way that information contained in any individual claim shall
6 not be disclosed.

7 Notwithstanding any other provision of law, for taxable
8 year 2017 and thereafter, in counties of 3,000,000 or more
9 inhabitants, the amount of the exemption shall be the greater
10 of (i) the amount of the exemption otherwise calculated under
11 this Section or (ii) \$2,000.

12 (c-5) Notwithstanding any other provision of law, each
13 chief county assessment officer may approve this exemption for
14 the 2020 taxable year, without application, for any property
15 that was approved for this exemption for the 2019 taxable
16 year, provided that:

17 (1) the county board has declared a local disaster as
18 provided in the Illinois Emergency Management Agency Act
19 related to the COVID-19 public health emergency;

20 (2) the owner of record of the property as of January
21 1, 2020 is the same as the owner of record of the property
22 as of January 1, 2019;

23 (3) the exemption for the 2019 taxable year has not
24 been determined to be an erroneous exemption as defined by
25 this Code; and

26 (4) the applicant for the 2019 taxable year has not

1 asked for the exemption to be removed for the 2019 or 2020
2 taxable years.

3 Nothing in this subsection shall preclude or impair the
4 authority of a chief county assessment officer to conduct
5 audits of any taxpayer claiming an exemption under this
6 Section to verify that the taxpayer is eligible to receive the
7 exemption as provided elsewhere in this Section.

8 (c-10) Notwithstanding any other provision of law, each
9 chief county assessment officer may approve this exemption for
10 the 2021 taxable year, without application, for any property
11 that was approved for this exemption for the 2020 taxable
12 year, if:

13 (1) the county board has declared a local disaster as
14 provided in the Illinois Emergency Management Agency Act
15 related to the COVID-19 public health emergency;

16 (2) the owner of record of the property as of January
17 1, 2021 is the same as the owner of record of the property
18 as of January 1, 2020;

19 (3) the exemption for the 2020 taxable year has not
20 been determined to be an erroneous exemption as defined by
21 this Code; and

22 (4) the taxpayer for the 2020 taxable year has not
23 asked for the exemption to be removed for the 2020 or 2021
24 taxable years.

25 Nothing in this subsection shall preclude or impair the
26 authority of a chief county assessment officer to conduct

1 audits of any taxpayer claiming an exemption under this
2 Section to verify that the taxpayer is eligible to receive the
3 exemption as provided elsewhere in this Section.

4 (d) Each Chief County Assessment Officer shall annually
5 publish a notice of availability of the exemption provided
6 under this Section. The notice shall be published at least 60
7 days but no more than 75 days prior to the date on which the
8 application must be submitted to the Chief County Assessment
9 Officer of the county in which the property is located. The
10 notice shall appear in a newspaper of general circulation in
11 the county.

12 Notwithstanding Sections 6 and 8 of the State Mandates
13 Act, no reimbursement by the State is required for the
14 implementation of any mandate created by this Section.

15 (Source: P.A. 101-635, eff. 6-5-20; 102-136, eff. 7-23-21;
16 102-895, eff. 5-23-22.)

17 Section 10. The Illinois Pension Code is amended by
18 changing Sections 4-110.1, 4-114, 4-115.1, 5-152, 6-148,
19 6-151, 6-151.1, 6-163, 16-190.1, and 19-113 as follows:

20 (40 ILCS 5/4-110.1) (from Ch. 108 1/2, par. 4-110.1)

21 Sec. 4-110.1. Occupational disease disability pension.
22 The General Assembly finds that service in the fire department
23 requires firefighters in times of stress and danger to perform
24 unusual tasks; that firefighters are subject to exposure to

1 extreme heat or extreme cold in certain seasons while
2 performing their duties; that they are required to work in the
3 midst of and are subject to heavy smoke fumes, and
4 carcinogenic, poisonous, toxic or chemical gases from fires;
5 and that these conditions exist and arise out of or in the
6 course of employment.

7 An active firefighter with 5 or more years of creditable
8 service who is found, pursuant to Section 4-112, unable to
9 perform his or her duties in the fire department by reason of
10 heart disease, stroke, tuberculosis, or any disease of the
11 lungs or respiratory tract, resulting from service as a
12 firefighter, is entitled to an occupational disease disability
13 pension during any period of such disability for which he or
14 she has no right to receive salary.

15 Any active firefighter who has completed 5 or more years
16 of service and is unable to perform his or her duties in the
17 fire department by reason of a disabling cancer, which
18 develops or manifests itself during a period while the
19 firefighter is in the service of the fire department, shall be
20 entitled to receive an occupational disease disability benefit
21 during any period of such disability for which he or she does
22 not have a right to receive salary. In order to receive this
23 occupational disease disability benefit, (i) the type of
24 cancer involved must be a type which may be caused by exposure
25 to heat, radiation or a known carcinogen as defined by the
26 International Agency for Research on Cancer and (ii) the

1 cancer must (and is rebuttably presumed to) arise as a result
2 of service as a firefighter.

3 A firefighter who enters the service after August 27, 1971
4 shall be examined by one or more practicing physicians
5 appointed by the board. If the examination discloses
6 impairment of the heart, lungs or respiratory tract, or the
7 existence of any cancer, the firefighter shall not be entitled
8 to the occupational disease disability pension unless and
9 until a subsequent examination reveals no such impairment or
10 cancer.

11 The occupational disease disability pension shall be equal
12 to the greater of (1) 65% of the salary attached to the rank
13 held by the firefighter in the fire service at the time of his
14 or her removal from the municipality's fire department payroll
15 or (2) the retirement pension that the firefighter would be
16 eligible to receive if he or she retired (but not including any
17 automatic annual increase in that retirement pension).

18 The firefighter is also entitled to a child's disability
19 benefit of \$20 a month for each natural or legally adopted
20 unmarried child less than age 18 dependent upon the
21 firefighter for support. The total child's disability benefit
22 when added to the occupational disease disability pension
23 shall not exceed 75% of the firefighter's salary at the time of
24 the grant of occupational disease disability pension.

25 The occupational disease disability pension is payable to
26 the firefighter during the period of the disability. If the

1 disability ceases before the death of the firefighter, the
2 disability pension payable under this Section shall also cease
3 and the firefighter thereafter shall receive such pension
4 benefits as are provided in accordance with other provisions
5 of this Article.

6 If a firefighter dies while still disabled and receiving a
7 disability pension under this Section, the disability pension
8 shall continue to be paid to the firefighter's survivors in
9 the sequence provided in Section 4-114. A pension previously
10 granted under Section 4-114 to a survivor of a firefighter who
11 died while receiving a disability pension under this Section
12 shall be deemed to be a continuation of the pension provided
13 under this Section and shall be deemed to be in the nature of
14 worker's occupational disease compensation payments. The
15 changes to this Section made by this amendatory Act of 1995 are
16 intended to be retroactive and are not limited to persons in
17 service on or after its effective date.

18 The child's disability benefit shall terminate if the
19 disability ceases while the firefighter is alive or when the
20 child or children attain age 18 or marry, whichever event
21 occurs first, except that benefits payable on account of a
22 child under this Section shall not be reduced or terminated by
23 reason of the child's attainment of age 18 if he or she is then
24 dependent by reason of a physical or mental disability but
25 shall continue to be paid as long as such dependency
26 continues. Individuals over the age of 18 and adjudged as a

1 disabled person or a person with a disability pursuant to
2 Article XIa of the Probate Act of 1975, except for persons
3 receiving benefits under Article III of the Illinois Public
4 Aid Code, shall be eligible to receive benefits under this
5 Act.

6 (Source: P.A. 93-1090, eff. 3-11-05.)

7 (40 ILCS 5/4-114) (from Ch. 108 1/2, par. 4-114)

8 Sec. 4-114. Pension to survivors. If a firefighter who is
9 not receiving a disability pension under Section 4-110 or
10 4-110.1 dies (1) as a result of any illness or accident, or (2)
11 from any cause while in receipt of a disability pension under
12 this Article, or (3) during retirement after 20 years service,
13 or (4) while vested for or in receipt of a pension payable
14 under subsection (b) of Section 4-109, or (5) while a deferred
15 pensioner, having made all required contributions, a pension
16 shall be paid to his or her survivors, based on the monthly
17 salary attached to the firefighter's rank on the last day of
18 service in the fire department, as follows:

19 (a) (1) To the surviving spouse, a monthly pension of
20 40% of the monthly salary, and if there is a surviving
21 spouse, to the guardian of any minor child or children
22 including a child which has been conceived but not yet
23 born, 12% of such monthly salary for each such child until
24 attainment of age 18 or until the child's marriage,
25 whichever occurs first. Beginning July 1, 1993, the

1 monthly pension to the surviving spouse shall be 54% of
2 the monthly salary for all persons receiving a surviving
3 spouse pension under this Article, regardless of whether
4 the deceased firefighter was in service on or after the
5 effective date of this amendatory Act of 1993.

6 (2) Beginning July 1, 2004, unless the amount provided
7 under paragraph (1) of this subsection (a) is greater, the
8 total monthly pension payable under this paragraph (a),
9 including any amount payable on account of children, to
10 the surviving spouse of a firefighter who died (i) while
11 receiving a retirement pension, (ii) while he or she was a
12 deferred pensioner with at least 20 years of creditable
13 service, or (iii) while he or she was in active service
14 having at least 20 years of creditable service, regardless
15 of age, shall be no less than 100% of the monthly
16 retirement pension earned by the deceased firefighter at
17 the time of death, regardless of whether death occurs
18 before or after attainment of age 50, including any
19 increases under Section 4-109.1. This minimum applies to
20 all such surviving spouses who are eligible to receive a
21 surviving spouse pension, regardless of whether the
22 deceased firefighter was in service on or after the
23 effective date of this amendatory Act of the 93rd General
24 Assembly, and notwithstanding any limitation on maximum
25 pension under paragraph (d) or any other provision of this
26 Article.

1 (3) If the pension paid on and after July 1, 2004 to
2 the surviving spouse of a firefighter who died on or after
3 July 1, 2004 and before the effective date of this
4 amendatory Act of the 93rd General Assembly was less than
5 the minimum pension payable under paragraph (1) or (2) of
6 this subsection (a), the fund shall pay a lump sum equal to
7 the difference within 90 days after the effective date of
8 this amendatory Act of the 93rd General Assembly.

9 The pension to the surviving spouse shall terminate in
10 the event of the surviving spouse's remarriage prior to
11 July 1, 1993; remarriage on or after that date does not
12 affect the surviving spouse's pension, regardless of
13 whether the deceased firefighter was in service on or
14 after the effective date of this amendatory Act of 1993.

15 The surviving spouse's pension shall be subject to the
16 minimum established in Section 4-109.2.

17 (b) Upon the death of the surviving spouse leaving one
18 or more minor children, or upon the death of a firefighter
19 leaving one or more minor children but no surviving
20 spouse, to the duly appointed guardian of each such child,
21 for support and maintenance of each such child until the
22 child reaches age 18 or marries, whichever occurs first, a
23 monthly pension of 20% of the monthly salary.

24 In a case where the deceased firefighter left one or
25 more minor children but no surviving spouse and the
26 guardian of a child is receiving a pension of 12% of the

1 monthly salary on August 16, 2013 (the effective date of
2 Public Act 98-391), the pension is increased by Public Act
3 98-391 to 20% of the monthly salary for each such child,
4 beginning on the pension payment date occurring on or next
5 following August 16, 2013. The changes to this Section
6 made by Public Act 98-391 apply without regard to whether
7 the deceased firefighter was in service on or after August
8 16, 2013.

9 (c) If a deceased firefighter leaves no surviving
10 spouse or unmarried minor children under age 18, but
11 leaves a dependent father or mother, to each dependent
12 parent a monthly pension of 18% of the monthly salary. To
13 qualify for the pension, a dependent parent must furnish
14 satisfactory proof that the deceased firefighter was at
15 the time of his or her death the sole supporter of the
16 parent or that the parent was the deceased's dependent for
17 federal income tax purposes.

18 (d) The total pension provided under paragraphs (a),
19 (b) and (c) of this Section shall not exceed 75% of the
20 monthly salary of the deceased firefighter (1) when paid
21 to the survivor of a firefighter who has attained 20 or
22 more years of service credit and who receives or is
23 eligible to receive a retirement pension under this
24 Article, or (2) when paid to the survivor of a firefighter
25 who dies as a result of illness or accident, or (3) when
26 paid to the survivor of a firefighter who dies from any

1 cause while in receipt of a disability pension under this
2 Article, or (4) when paid to the survivor of a deferred
3 pensioner. For all other survivors of deceased
4 firefighters, the total pension provided under paragraphs
5 (a), (b) and (c) of this Section shall not exceed 50% of
6 the retirement annuity the firefighter would have received
7 on the date of death.

8 The maximum pension limitations in this paragraph (d)
9 do not control over any contrary provision of this Article
10 explicitly establishing a minimum amount of pension or
11 granting a one-time or annual increase in pension.

12 (e) If a firefighter leaves no eligible survivors
13 under paragraphs (a), (b) and (c), the board shall refund
14 to the firefighter's estate the amount of his or her
15 accumulated contributions, less the amount of pension
16 payments, if any, made to the firefighter while living.

17 (f) (Blank).

18 (g) If a judgment of dissolution of marriage between a
19 firefighter and spouse is judicially set aside subsequent
20 to the firefighter's death, the surviving spouse is
21 eligible for the pension provided in paragraph (a) only if
22 the judicial proceedings are filed within 2 years after
23 the date of the dissolution of marriage and within one
24 year after the firefighter's death and the board is made a
25 party to the proceedings. In such case the pension shall
26 be payable only from the date of the court's order setting

1 aside the judgment of dissolution of marriage.

2 (h) Benefits payable on account of a child under this
3 Section shall not be reduced or terminated by reason of
4 the child's attainment of age 18 if he or she is then
5 dependent by reason of a physical or mental disability but
6 shall continue to be paid as long as such dependency
7 continues. Individuals over the age of 18 and adjudged as
8 a disabled person or a person with a disability pursuant
9 to Article XIa of the Probate Act of 1975, except for
10 persons receiving benefits under Article III of the
11 Illinois Public Aid Code, shall be eligible to receive
12 benefits under this Act.

13 (i) Beginning January 1, 2000, the pension of the
14 surviving spouse of a firefighter who dies on or after
15 January 1, 1994 as a result of sickness, accident, or
16 injury incurred in or resulting from the performance of an
17 act of duty or from the cumulative effects of acts of duty
18 shall not be less than 100% of the salary attached to the
19 rank held by the deceased firefighter on the last day of
20 service, notwithstanding subsection (d) or any other
21 provision of this Article.

22 (j) Beginning July 1, 2004, the pension of the
23 surviving spouse of a firefighter who dies on or after
24 January 1, 1988 as a result of sickness, accident, or
25 injury incurred in or resulting from the performance of an
26 act of duty or from the cumulative effects of acts of duty

1 shall not be less than 100% of the salary attached to the
2 rank held by the deceased firefighter on the last day of
3 service, notwithstanding subsection (d) or any other
4 provision of this Article.

5 Notwithstanding any other provision of this Article, if a
6 person who first becomes a firefighter under this Article on
7 or after January 1, 2011 and who is not receiving a disability
8 pension under Section 4-110 or 4-110.1 dies (1) as a result of
9 any illness or accident, (2) from any cause while in receipt of
10 a disability pension under this Article, (3) during retirement
11 after 20 years service, (4) while vested for or in receipt of a
12 pension payable under subsection (b) of Section 4-109, or (5)
13 while a deferred pensioner, having made all required
14 contributions, then a pension shall be paid to his or her
15 survivors in an amount equal to the greater of (i) 54% of the
16 firefighter's monthly salary at the date of death, or (ii) 66
17 2/3% of the firefighter's earned pension at the date of death,
18 and, if there is a surviving spouse, 12% of such monthly salary
19 shall be granted to the guardian of any minor child or
20 children, including a child who has been conceived but not yet
21 born, for each such child until attainment of age 18. Upon the
22 death of the surviving spouse leaving one or more minor
23 children, or upon the death of a firefighter leaving one or
24 more minor children but no surviving spouse, a monthly pension
25 of 20% of the monthly salary shall be granted to the duly
26 appointed guardian of each such child for the support and

1 maintenance of each such child until the child reaches age 18.
2 The total pension provided under this paragraph shall not
3 exceed 75% of the monthly salary of the deceased firefighter
4 (1) when paid to the survivor of a firefighter who has attained
5 20 or more years of service credit and who receives or is
6 eligible to receive a retirement pension under this Article,
7 (2) when paid to the survivor of a firefighter who dies as a
8 result of illness or accident, (3) when paid to the survivor of
9 a firefighter who dies from any cause while in receipt of a
10 disability pension under this Article, or (4) when paid to the
11 survivor of a deferred pensioner. Nothing in this Section
12 shall act to diminish the survivor's benefits described in
13 subsection (j) of this Section.

14 Notwithstanding Section 1-103.1, the changes made to this
15 subsection apply without regard to whether the deceased
16 firefighter was in service on or after the effective date of
17 this amendatory Act of the 101st General Assembly.

18 Notwithstanding any other provision of this Article, the
19 monthly pension of a survivor of a person who first becomes a
20 firefighter under this Article on or after January 1, 2011
21 shall be increased on the January 1 after attainment of age 60
22 by the recipient of the survivor's pension and each January 1
23 thereafter by 3% or one-half the annual unadjusted percentage
24 increase in the consumer price index-u for the 12 months
25 ending with the September preceding each November 1, whichever
26 is less, of the originally granted survivor's pension. If the

1 annual unadjusted percentage change in the consumer price
2 index-u for a 12-month period ending in September is zero or,
3 when compared with the preceding period, decreases, then the
4 survivor's pension shall not be increased.

5 For the purposes of this Section, "consumer price index-u"
6 means the index published by the Bureau of Labor Statistics of
7 the United States Department of Labor that measures the
8 average change in prices of goods and services purchased by
9 all urban consumers, United States city average, all items,
10 1982-84 = 100. The new amount resulting from each annual
11 adjustment shall be determined by the Public Pension Division
12 of the Department of Insurance and made available to the
13 boards of the pension funds.

14 (Source: P.A. 101-610, eff. 1-1-20.)

15 (40 ILCS 5/4-115.1) (from Ch. 108 1/2, par. 4-115.1)

16 Sec. 4-115.1. Eligibility of children. Dependent benefits
17 shall be paid to each natural child of a deceased firefighter,
18 and to each child legally adopted, until the child's
19 attainment of age 18 or marriage, whichever occurs first,
20 whether or not the death of the firefighter occurred prior to
21 November 21, 1975.

22 Benefits payable to or on account of a child under this
23 Article shall not be reduced or terminated by reason of the
24 child's adoption by a third party after the firefighter's
25 death.

1 Benefits payable to or on account of a child under this
2 Article shall not be reduced or terminated by reason of the
3 child's attainment of age 18 if he or she is then dependent by
4 reason of a physical or mental disability but shall continue
5 to be paid as long as such dependency continues. Individuals
6 over the age of 18 and adjudged as a disabled person or a
7 person with a disability pursuant to Article XIa of the
8 Probate Act of 1975, except for persons receiving benefits
9 under Article III of the Illinois Public Aid Code, shall be
10 eligible to receive benefits under this Act.

11 (Source: P.A. 95-279, eff. 1-1-08.)

12 (40 ILCS 5/5-152) (from Ch. 108 1/2, par. 5-152)

13 Sec. 5-152. Child's annuity - Conditions - Amount. A
14 child's annuity shall be payable in the following cases of
15 policemen who die on or after the effective date: (a) A
16 policeman whose death results from injury incurred in the
17 performance of an act or acts of duty; (b) a policeman who dies
18 in service from any cause; (c) a policeman who withdraws upon
19 or after attainment of age 50 and who enters upon or is
20 eligible for annuity; (d) a present employee with at least 20
21 years of service who dies after withdrawal, whether or not he
22 has entered upon annuity.

23 Only one annuity shall be granted and paid for the benefit
24 of any child if both parents have been policemen.

25 The annuity shall be paid, without regard to the fact that

1 the death of the deceased policeman parent may have occurred
2 prior to the effective date of this amendatory Act of 1975, in
3 an amount equal to 10% of the annual maximum salary attached to
4 the classified civil service position of a first class
5 patrolman on July 1, 1975, or the date of the policeman's
6 death, whichever is later, for each child while a widow or
7 widower of the deceased policeman survives and in an amount
8 equal to 15% of the annual maximum salary attached to the
9 classified civil service position of a first class patrolman
10 on July 1, 1975, or the date of the policeman's death,
11 whichever is later, while no widow or widower shall survive,
12 provided that if the combined annuities for the widow and
13 children of a policeman who dies on or after September 26,
14 1969, as the result of an act of duty, or for the children of
15 such policeman in any case wherein a widow or widower does not
16 exist, exceed the salary that would ordinarily have been paid
17 to him if he had been in the active discharge of his duties,
18 all such annuities shall be reduced pro rata so that the
19 combined annuities for the family shall not exceed such
20 limitation. The compensation portion of the annuity of the
21 widow shall not be considered in making such reduction. No age
22 limitation in this Section or Section 5-151 shall apply to a
23 child who is ~~so physically or mentally handicapped as to be~~
24 unable to support himself or herself due to a physical or
25 intellectual disability. Benefits payable under this Section
26 shall not be reduced or terminated by reason of any child's

1 attainment of age 18 if he is then dependent by reason of a
2 physical or mental disability but shall continue to be paid as
3 long as such dependency continues. For the purposes of this
4 subsection, "disability" means inability to engage in any
5 substantial gainful activity by reason of any medically
6 determinable physical or mental impairment which can be
7 expected to result in death or which has lasted or can be
8 expected to last for a continuous period of not less than 12
9 months.

10 In the case of a family of a policeman who dies on or after
11 September 26, 1969, as the result of any cause other than the
12 performance of an act of duty, in which annuities for such
13 family exceed an amount equal to 60% of the salary that would
14 ordinarily have been paid to him if he had been in the active
15 discharge of his duties, all such annuities shall be reduced
16 pro rata so that the combined annuities shall not exceed such
17 limitation.

18 Child's annuity shall be paid to the parent providing for
19 the child, unless another person is appointed by a court of law
20 as the child's guardian.

21 (Source: P.A. 95-279, eff. 1-1-08; 95-504, eff. 8-28-07;
22 95-876, eff. 8-21-08.)

23 (40 ILCS 5/6-148) (from Ch. 108 1/2, par. 6-148)

24 Sec. 6-148. A child's annuity, shall be paid for the
25 benefit of any unmarried child, less than age 18, of any

1 following described firemen:

2 (a) A fireman whose death results from the performance of
3 any act or acts of duty; (b) a fireman who dies in service from
4 any cause; (c) a fireman who withdraws subsequent to age 50 and
5 who enters upon or is eligible for annuity; and (d) a fireman
6 having at least 20 years of service who withdraws and dies
7 before he enters upon annuity.

8 The annuity shall be paid without regard to the fact that
9 the death of the deceased fireman parent may have occurred
10 prior to the effective date of this amendatory Act and shall be
11 paid monthly in an amount equal to 15% of the current annual
12 maximum salary attached to the classified civil service
13 position of fire fighter if no widow survives and 10% of such
14 salary while the widow survives and no age limitation in this
15 Section shall apply to a child who is ~~so physically or mentally~~
16 ~~handicapped as to be~~ unable to support himself or herself due
17 to a physical or intellectual disability; provided, if
18 annuities for the widow and children of a fireman who dies on
19 or after the effective date and whose death has been the result
20 of an act or acts of duty performed on or after said date, or
21 for the children in any such case wherein a widow shall not
22 exist, computed at the rates hereinbefore stated, would exceed
23 the final annual salary of a first class fireman, (one who
24 receives maximum salary for classified civil service rank of
25 fire fighter), the annuity for each child shall be reduced pro
26 rata so that the combined annuities for the family of the

1 fireman shall not exceed such amount; and in the case of the
2 family of a fireman who dies on or after said date and whose
3 death is the result of any cause or causes other than injury
4 incurred in the performance of an act or acts of duty in which
5 annuities for such family, computed at the rates hereinbefore
6 stated would exceed 60% of the final annual salary of a first
7 class fireman, the annuity of each child shall be reduced pro
8 rata so that the combined annuities for the family do not
9 exceed such limitation.

10 Child's annuity shall be paid to the parent who is
11 providing for the child, unless another person is appointed by
12 a court of law as the child's guardian.

13 (Source: P.A. 95-279, eff. 1-1-08.)

14 (40 ILCS 5/6-151) (from Ch. 108 1/2, par. 6-151)

15 Sec. 6-151. An active fireman who is or becomes disabled
16 on or after the effective date as the result of a specific
17 injury, or of cumulative injuries, or of specific sickness
18 incurred in or resulting from an act or acts of duty, shall
19 have the right to receive duty disability benefit during any
20 period of such disability for which he does not receive or have
21 a right to receive salary, equal to 75% of his salary at the
22 time the disability is allowed. However, beginning January 1,
23 1994, no duty disability benefit that has been payable under
24 this Section for at least 10 years shall be less than 50% of
25 the current salary attached from time to time to the rank and

1 grade held by the fireman at the time of his removal from the
2 Department payroll, regardless of whether that removal
3 occurred before the effective date of this amendatory Act of
4 1993.

5 Whenever an active fireman is or becomes so injured or
6 sick, as to require medical or hospital attention, the chief
7 officer of the fire department of the city shall file, or cause
8 to be filed, with the board a report of the nature and cause of
9 his disability, together with the certificate or report of the
10 physician attending or treating, or who attended or treated
11 the fireman, and a copy of any hospital record concerning the
12 disability. Any injury or sickness not reported to the board
13 in time to permit the board's physician to examine the fireman
14 before his recovery, and any injury or sickness for which a
15 physician's report or copy of the hospital record is not on
16 file with the board shall not be considered for the payment of
17 duty disability benefit.

18 Such fireman shall also receive a child's disability
19 benefit of \$30 per month on account of each unmarried child,
20 the issue of the fireman or legally adopted by him, who is less
21 than 18 years of age or has a disability ~~handicapped~~ and is
22 dependent upon the fireman for support. The total amount of
23 child's disability benefit shall not exceed 25% of his salary
24 at the time the disability is allowed.

25 The first payment of duty disability or child's disability
26 benefit shall be made not later than one month after the

1 benefit is granted. Each subsequent payment shall be made not
2 later than one month after the date of the latest payment.

3 Duty disability benefit shall be payable during the period
4 of the disability until the fireman reaches the age of
5 compulsory retirement. Child's disability benefit shall be
6 paid to such a fireman during the period of disability until
7 such child or children attain age 18 or marries, whichever
8 event occurs first; except that attainment of age 18 by a child
9 who has a physical or intellectual disability and is ~~so~~
10 ~~physically or mentally handicapped as to be~~ dependent upon the
11 fireman for support, shall not render the child ineligible for
12 child's disability benefit. The fireman shall thereafter
13 receive such annuity or annuities as are provided for him in
14 accordance with other provisions of this Article.

15 For the purposes of this Section only, any fireman who
16 becomes disabled as a result of exposure to and contraction of
17 COVID-19, as evidenced by either a confirmed positive
18 laboratory test for COVID-19 or COVID-19 antibodies or a
19 confirmed diagnosis of COVID-19 from a licensed medical
20 professional shall:

21 (1) be rebuttably presumed to have contracted COVID-19
22 while in the performance of an act or acts of duty;

23 (2) be rebuttably presumed to have been injured while
24 in the performance of an act or acts of duty; and

25 (3) be entitled to receive a duty disability benefit
26 during any period of such disability for which the fireman

1 does not have a right to receive salary, in an amount equal
2 to 75% of the fireman's salary, as salary is defined in
3 this Article, at the time the disability is allowed, in
4 accordance with this Section.

5 The presumption shall apply to any fireman who was exposed
6 to and contracted COVID-19 on or after March 9, 2020 and on or
7 before January 31, 2022; except that the presumption shall not
8 apply if the fireman was on a leave of absence from his or her
9 employment or otherwise not required to report for duty for a
10 period of 14 or more consecutive days immediately prior to the
11 date of contraction of COVID-19. For the purposes of
12 determining when a fireman contracted COVID-19 under this
13 paragraph, the date of contraction is either the date that the
14 fireman was diagnosed with COVID-19 or was unable to work due
15 to symptoms that were later diagnosed as COVID-19, whichever
16 occurred first.

17 It is the intent of the General Assembly that the change
18 made by this amendatory Act shall apply retroactively to March
19 9, 2020, and any fireman who has been previously denied a duty
20 disability benefit that would otherwise be entitled to duty
21 disability benefit under this Section shall be entitled to
22 retroactive benefits and duty disability benefit.

23 (Source: P.A. 103-2, eff. 5-10-23; 103-692, eff. 7-19-24.)

24 (40 ILCS 5/6-151.1) (from Ch. 108 1/2, par. 6-151.1)

25 Sec. 6-151.1. The General Assembly finds and declares that

1 service in the Fire Department requires that firemen, in times
2 of stress and danger, must perform unusual tasks; that by
3 reason of their occupation, firemen are subject to exposure to
4 great heat and to extreme cold in certain seasons while in
5 performance of their duties; that by reason of their
6 employment firemen are required to work in the midst of and are
7 subject to heavy smoke fumes and carcinogenic, poisonous,
8 toxic or chemical gases from fires; and that in the course of
9 their rescue and paramedic duties firemen are exposed to
10 disabling infectious diseases, including AIDS, hepatitis C,
11 and stroke. The General Assembly further finds and declares
12 that all the aforementioned conditions exist and arise out of
13 or in the course of such employment.

14 Any active fireman who has completed 7 or more years of
15 service and is unable to perform his duties in the Fire
16 Department by reason of heart disease, tuberculosis, breast
17 cancer, any disease of the lungs or respiratory tract, AIDS,
18 hepatitis C, stroke, or a contagious staph infection,
19 including methicillin-resistant Staphylococcus aureus (MRSA),
20 resulting from his service as a fireman, shall be entitled to
21 receive an occupational disease disability benefit during any
22 period of such disability for which he does not have a right to
23 receive salary.

24 Any active fireman who has completed 7 or more years of
25 service and is unable to perform his duties in the fire
26 department by reason of a disabling cancer, which develops or

1 manifests itself during a period while the fireman is in the
2 service of the department, shall be entitled to receive an
3 occupational disease disability benefit during any period of
4 such disability for which he does not have a right to receive
5 salary. In order to receive this occupational disease
6 disability benefit, the type of cancer involved must be a type
7 which may be caused by exposure to heat, radiation or a known
8 carcinogen as defined by the International Agency for Research
9 on Cancer.

10 Any fireman receiving a retirement annuity shall be
11 entitled to an occupational disease disability benefit under
12 this Section if the fireman (1) has not reached the age of
13 compulsory retirement, (2) has not been receiving a retirement
14 annuity for more than 5 years, and (3) has a condition that
15 would have qualified the fireman for an occupational disease
16 disability benefit under this Section if he or she was an
17 active fireman. A fireman who receives an occupational disease
18 disability benefit in accordance with this paragraph may not
19 receive a retirement annuity during the period in which he or
20 she receives an occupational disease disability benefit. The
21 occupational disease disability benefit shall terminate upon
22 the fireman reaching the age of compulsory retirement.

23 Any fireman who shall enter the service after the
24 effective date of this amendatory Act shall be examined by one
25 or more practicing physicians appointed by the Board, and if
26 that examination discloses impairment of the heart, lungs, or

1 respiratory tract, or the existence of AIDS, hepatitis C,
2 stroke, cancer, or a contagious staph infection, including
3 methicillin-resistant Staphylococcus aureus (MRSA), then the
4 fireman shall not be entitled to receive an occupational
5 disease disability benefit unless and until a subsequent
6 examination reveals no such impairment, AIDS, hepatitis C,
7 stroke, cancer, or contagious staph infection, including
8 methicillin-resistant Staphylococcus aureus (MRSA).

9 The occupational disease disability benefit shall be 65%
10 of the fireman's salary at the time of his removal from the
11 Department payroll. However, beginning January 1, 1994, no
12 occupational disease disability benefit that has been payable
13 under this Section for at least 10 years shall be less than 50%
14 of the current salary attached from time to time to the rank
15 and grade held by the fireman at the time of his removal from
16 the Department payroll, regardless of whether that removal
17 occurred before the effective date of this amendatory Act of
18 1993.

19 Such fireman also shall have a right to receive child's
20 disability benefit of \$30 per month on account of each
21 unmarried child who is less than 18 years of age or has a
22 disability ~~handicapped~~, dependent upon the fireman for
23 support, and either the issue of the fireman or legally
24 adopted by him. The total amount of child's disability benefit
25 payable to the fireman, when added to his occupational disease
26 disability benefit, shall not exceed 75% of the amount of

1 salary which he was receiving at the time of the grant of
2 occupational disease disability benefit.

3 The first payment of occupational disease disability
4 benefit or child's disability benefit shall be made not later
5 than one month after the benefit is granted. Each subsequent
6 payment shall be made not later than one month after the date
7 of the latest payment.

8 Occupational disease disability benefit shall be payable
9 during the period of the disability until the fireman reaches
10 the age of compulsory retirement. Child's disability benefit
11 shall be paid to such a fireman during the period of disability
12 until such child or children attain age 18 or marry, whichever
13 event occurs first; except that attainment of age 18 by a child
14 who has a physical or intellectual disability and is ~~so~~
15 ~~physically or mentally handicapped as to be~~ dependent upon the
16 fireman for support, shall not render the child ineligible for
17 child's disability benefit. The fireman thereafter shall
18 receive such annuity or annuities as are provided for him in
19 accordance with other provisions of this Article.

20 (Source: P.A. 104-284, eff. 8-15-25.)

21 (40 ILCS 5/6-163)

22 Sec. 6-163. Annual salary for computing annuities and
23 benefits-Amount of duty disability benefit limited. For age
24 and service annuity, the minimum annuities prescribed in
25 Sections 6-123 and 6-128 and for disability benefits, salary

1 as defined in Section 6-111 shall be the basis of computation.
2 For disability pension and duty disability benefit under this
3 Article, it shall be assumed that the annual salary of a
4 fireman is the amount set out and appropriated for the rank or
5 grade held by him in the annual budget or appropriation of the
6 city, and that when salary is appropriated in a lump sum to be
7 paid on the basis of a daily wage for services as needed, the
8 annual salary is the amount ascertained by multiplying the
9 daily wage by 280; provided that (1) for computing minimum
10 annuity, disability pension and duty disability benefits from
11 and after January 1, 1941, the salary shall be assumed to be
12 not less than the salary appropriated for the rank or grade
13 held by the fireman concerned on December 31, 1940; and that
14 (2) when the amount of salary appropriated for a position is
15 for a definite period of less than 12 months in any one year
16 subsequent to December 31, 1940, disability benefit shall be
17 computed upon the basis of a daily wage or salary by dividing
18 the amount appropriated for such person with a disability
19 ~~disabled person~~ by 365; and (3) the amount of duty disability
20 benefit, either in itself or when added to child's disability
21 benefit, shall not exceed the actual salary appropriated for
22 the rank or grade held by the person with a disability ~~disabled~~
23 ~~person~~ when the right to such disability benefits accrues.

24 The provisions of this section shall be retroactive to
25 January 1, 1941, but shall not apply to any person whose
26 pension, annuity or disability benefit has been or shall be

1 granted, based upon or computed in accordance with the
2 provisions of any Act other than this Article or the
3 "Firemen's Annuity and Benefit Fund of the Illinois Municipal
4 Code".

5 (Source: Laws 1967, p. 3625.)

6 (40 ILCS 5/16-190.1) (from Ch. 108 1/2, par. 16-190.1)

7 Sec. 16-190.1. Payment of benefits on account of minors,
8 persons with disabilities, ~~disabled persons~~ and others.
9 Benefits under this Article due minors or persons with
10 disabilities ~~disabled persons~~ as defined in Section 16-140(4)
11 may be paid (1) to any person who has legally qualified and is
12 acting as guardian of the minor's or person with a
13 disability's ~~disabled person's~~ person or property in any
14 jurisdiction; or (2) to a parent of the minor or to any adult
15 person with whom the minor or person with a disability
16 ~~disabled person~~ may be residing, provided the board is assured
17 that the moneys will be held in trust or used for the support
18 of the minor or person with a disability ~~disabled person~~; or
19 (3) to the trustee of a trust established for the benefit of
20 the minor or person with a disability ~~disabled person~~. In
21 addition, an adult person to whom benefits under this Article
22 may be paid, while of sound mind and memory, may designate in
23 writing any adult person with whom he or she resides or who
24 provides responsible assistance or advice to him or her in the
25 conduct of his or her affairs to receive benefits due or to

1 become due to him or her under this Article, and benefits may
2 be paid in accordance with such designation provided the board
3 is assured that the same will be held in trust or used for the
4 support of the person making such designation. The written
5 receipt from the parent or other adult person shall constitute
6 an absolute discharge of the system's liability in respect of
7 the amounts paid by the system.

8 (Source: P.A. 87-1265.)

9 (40 ILCS 5/19-113) (from Ch. 108 1/2, par. 19-113)

10 Sec. 19-113. Retirement account of disability. Any person
11 who has contributed to said fund for a period of 3 years or
12 more may retire from the service of said house of correction on
13 account of serious disability rendering him or her unable to
14 properly discharge his or her duties. If such disability is
15 incurred as the result of the performance of any act or acts of
16 duty, such person with a disability ~~disabled person~~ shall be
17 entitled to receive an amount equal to 75% of salary as salary
18 is defined in Section 19-101 of this Division, until such
19 person shall recover from such disability or shall attain an
20 age of 65 years, at which time he shall retire from the service
21 and be entitled to receive a pension as provided for in Section
22 19-109 of this Division. If such disability shall not be the
23 result of the performance of an act or acts of duty, and is not
24 due to alcoholism or pregnancy, such person shall be entitled
25 to receive ordinary disability pension in the amount of 44% of

1 said contributor's salary per month for a period of time equal
2 to 1/2 of his period of service, but not to exceed 5 years.

3 Neither duty disability pension nor ordinary disability
4 pension shall be paid to any contributor to this fund after
5 such contributor has attained the age of 65 years; provided,
6 however, that any person in receipt of ordinary disability
7 pension or duty disability pension from this fund, if he shall
8 still be disabled upon attainment of age 65 and shall have a
9 period of service of 10 years or more (which period of service
10 shall consist of actual service plus the period of time such
11 person received disability pension,) shall be retired upon the
12 annuity provided for in Section 19-109 of this Division.

13 In the event any person receiving ordinary disability
14 pension shall continue to be disabled after the expiration of
15 the period of time for which he shall be entitled to receive
16 disability pension, and before the attainment by such person
17 of the age of 55 years, such person shall be entitled to retire
18 upon the annuity provided for in Section 19-109 of this
19 Division as though such person with a disability ~~disabled~~
20 ~~person~~ had attained 55 years of age; provided, if such annuity
21 shall be less than \$300 per year, the employee concerned may,
22 at his option, in lieu of such annuity, withdraw the
23 contributions he shall have made to the fund together with the
24 interest thereon. Such person with a disability ~~disabled~~
25 ~~person~~ must be found to be disabled and unable to discharge the
26 duties of his position upon an examination made by a physician

1 appointed by the board of trustees. During the period any
2 person is in receipt of ordinary disability pension, such
3 person shall continue to make the contributions provided under
4 Section 19-101 of this Division. When such person with a
5 disability ~~disabled person~~ shall have recovered from such
6 disability he or she shall be removed from the disability roll
7 and shall be restored to his or her position in the service.

8 (Source: Laws 1963, p. 161.)

9 Section 15. The Illinois Banking Act is amended by
10 changing Section 48.1 as follows:

11 (205 ILCS 5/48.1) (from Ch. 17, par. 360)

12 Sec. 48.1. Customer financial records; confidentiality.

13 (a) For the purpose of this Section, the term "financial
14 records" means any original, any copy, or any summary of:

15 (1) a document granting signature authority over a
16 deposit or account;

17 (2) a statement, ledger card or other record on any
18 deposit or account, which shows each transaction in or
19 with respect to that account;

20 (3) a check, draft or money order drawn on a bank or
21 issued and payable by a bank; or

22 (4) any other item containing information pertaining
23 to any relationship established in the ordinary course of
24 a bank's business between a bank and its customer,

1 including financial statements or other financial
2 information provided by the customer.

3 (b) This Section does not prohibit:

4 (1) The preparation, examination, handling or
5 maintenance of any financial records by any officer,
6 employee or agent of a bank having custody of the records,
7 or the examination of the records by a certified public
8 accountant engaged by the bank to perform an independent
9 audit.

10 (2) The examination of any financial records by, or
11 the furnishing of financial records by a bank to, any
12 officer, employee or agent of (i) the Commissioner of
13 Banks and Real Estate, (ii) after May 31, 1997, a state
14 regulatory authority authorized to examine a branch of a
15 State bank located in another state, (iii) the Comptroller
16 of the Currency, (iv) the Federal Reserve Board, or (v)
17 the Federal Deposit Insurance Corporation for use solely
18 in the exercise of his duties as an officer, employee, or
19 agent.

20 (3) The publication of data furnished from financial
21 records relating to customers where the data cannot be
22 identified to any particular customer or account.

23 (4) The making of reports or returns required under
24 Chapter 61 of the Internal Revenue Code of 1986.

25 (5) Furnishing information concerning the dishonor of
26 any negotiable instrument permitted to be disclosed under

1 the Uniform Commercial Code.

2 (6) The exchange in the regular course of business of

3 (i) credit information between a bank and other banks or

4 financial institutions or commercial enterprises, directly

5 or through a consumer reporting agency or (ii) financial

6 records or information derived from financial records

7 between a bank and other banks or financial institutions

8 or commercial enterprises for the purpose of conducting

9 due diligence pursuant to a purchase or sale involving the

10 bank or assets or liabilities of the bank.

11 (7) The furnishing of information to the appropriate

12 law enforcement authorities where the bank reasonably

13 believes it has been the victim of a crime.

14 (8) The furnishing of information under the Revised

15 Uniform Unclaimed Property Act.

16 (9) The furnishing of information under the Illinois

17 Income Tax Act and the Illinois Estate and

18 Generation-Skipping Transfer Tax Act.

19 (10) The furnishing of information under the federal

20 Currency and Foreign Transactions Reporting Act Title 31,

21 United States Code, Section 1051 et seq.

22 (11) The furnishing of information under any other

23 statute that by its terms or by regulations promulgated

24 thereunder requires the disclosure of financial records

25 other than by subpoena, summons, warrant, or court order.

26 (12) The furnishing of information about the existence

1 of an account of a person to a judgment creditor of that
2 person who has made a written request for that
3 information.

4 (13) The exchange in the regular course of business of
5 information between commonly owned banks in connection
6 with a transaction authorized under paragraph (23) of
7 Section 5 and conducted at an affiliate facility.

8 (14) The furnishing of information in accordance with
9 the federal Personal Responsibility and Work Opportunity
10 Reconciliation Act of 1996. Any bank governed by this Act
11 shall enter into an agreement for data exchanges with a
12 State agency provided the State agency pays to the bank a
13 reasonable fee not to exceed its actual cost incurred. A
14 bank providing information in accordance with this item
15 shall not be liable to any account holder or other person
16 for any disclosure of information to a State agency, for
17 encumbering or surrendering any assets held by the bank in
18 response to a lien or order to withhold and deliver issued
19 by a State agency, or for any other action taken pursuant
20 to this item, including individual or mechanical errors,
21 provided the action does not constitute gross negligence
22 or willful misconduct. A bank shall have no obligation to
23 hold, encumber, or surrender assets until it has been
24 served with a subpoena, summons, warrant, court or
25 administrative order, lien, or levy.

26 (15) The exchange in the regular course of business of

1 information between a bank and any commonly owned
2 affiliate of the bank, subject to the provisions of the
3 Financial Institutions Insurance Sales Law.

4 (16) The furnishing of information to law enforcement
5 authorities, the Illinois Department on Aging and its
6 regional administrative and provider agencies, the
7 Department of Human Services Office of Inspector General,
8 or public guardians: (i) upon subpoena by the
9 investigatory entity or the guardian, or (ii) if there is
10 suspicion by the bank that a customer who is an elderly
11 person or person with a disability has been or may become
12 the victim of financial exploitation. For the purposes of
13 this item (16), the term: (i) "elderly person" means a
14 person who is 60 or more years of age, (ii) "person with a
15 disability" ~~disabled person~~ means a person who has or
16 reasonably appears to the bank to have a physical or
17 mental disability that impairs his or her ability to seek
18 or obtain protection from or prevent financial
19 exploitation, and (iii) "financial exploitation" means
20 tortious or illegal use of the assets or resources of an
21 elderly person or person with a disability ~~or disabled~~
22 ~~person~~, and includes, without limitation, misappropriation
23 of the elderly person's or person with a disability's ~~or~~
24 ~~disabled person's~~ assets or resources by undue influence,
25 breach of fiduciary relationship, intimidation, fraud,
26 deception, extortion, or the use of assets or resources in

1 any manner contrary to law. A bank or person furnishing
2 information pursuant to this item (16) shall be entitled
3 to the same rights and protections as a person furnishing
4 information under the Adult Protective Services Act and
5 the Illinois Domestic Violence Act of 1986.

6 (17) The disclosure of financial records or
7 information as necessary to effect, administer, or enforce
8 a transaction requested or authorized by the customer, or
9 in connection with:

10 (A) servicing or processing a financial product or
11 service requested or authorized by the customer;

12 (B) maintaining or servicing a customer's account
13 with the bank; or

14 (C) a proposed or actual securitization or
15 secondary market sale (including sales of servicing
16 rights) related to a transaction of a customer.

17 Nothing in this item (17), however, authorizes the
18 sale of the financial records or information of a customer
19 without the consent of the customer.

20 (18) The disclosure of financial records or
21 information as necessary to protect against actual or
22 potential fraud, unauthorized transactions, claims, or
23 other liability.

24 (19) (A) The disclosure of financial records or
25 information related to a private label credit program
26 between a financial institution and a private label party

1 in connection with that private label credit program. Such
2 information is limited to outstanding balance, available
3 credit, payment and performance and account history,
4 product references, purchase information, and information
5 related to the identity of the customer.

6 (B) (1) For purposes of this paragraph (19) of
7 subsection (b) of Section 48.1, a "private label credit
8 program" means a credit program involving a financial
9 institution and a private label party that is used by a
10 customer of the financial institution and the private
11 label party primarily for payment for goods or services
12 sold, manufactured, or distributed by a private label
13 party.

14 (2) For purposes of this paragraph (19) of subsection
15 (b) of Section 48.1, a "private label party" means, with
16 respect to a private label credit program, any of the
17 following: a retailer, a merchant, a manufacturer, a trade
18 group, or any such person's affiliate, subsidiary, member,
19 agent, or service provider.

20 (20) (A) The furnishing of financial records of a
21 customer to the Department to aid the Department's initial
22 determination or subsequent re-determination of the
23 customer's eligibility for Medicaid and Medicaid long-term
24 care benefits for long-term care services, provided that
25 the bank receives the written consent and authorization of
26 the customer, which shall:

- 1 (1) have the customer's signature notarized;
- 2 (2) be signed by at least one witness who
- 3 certifies that he or she believes the customer to be of
- 4 sound mind and memory;
- 5 (3) be tendered to the bank at the earliest
- 6 practicable time following its execution,
- 7 certification, and notarization;
- 8 (4) specifically limit the disclosure of the
- 9 customer's financial records to the Department; and
- 10 (5) be in substantially the following form:

11 CUSTOMER CONSENT AND AUTHORIZATION
 12 FOR RELEASE OF FINANCIAL RECORDS

13 I, , hereby authorize

14 (Name of Customer)

15
 16 (Name of Financial Institution)

17
 18 (Address of Financial Institution)

19 to disclose the following financial records:

20 any and all information concerning my deposit, savings, money

1 market, certificate of deposit, individual retirement,
2 retirement plan, 401(k) plan, incentive plan, employee benefit
3 plan, mutual fund and loan accounts (including, but not
4 limited to, any indebtedness or obligation for which I am a
5 co-borrower, co-obligor, guarantor, or surety), and any and
6 all other accounts in which I have an interest and any other
7 information regarding me in the possession of the Financial
8 Institution,

9 to the Illinois Department of Human Services or the Illinois
10 Department of Healthcare and Family Services, or both ("the
11 Department"), for the following purpose(s):

12 to aid in the initial determination or re-determination by the
13 State of Illinois of my eligibility for Medicaid long-term
14 care benefits, pursuant to applicable law.

15 I understand that this Consent and Authorization may be
16 revoked by me in writing at any time before my financial
17 records, as described above, are disclosed, and that this
18 Consent and Authorization is valid until the Financial
19 Institution receives my written revocation. This Consent and
20 Authorization shall constitute valid authorization for the
21 Department identified above to inspect all such financial
22 records set forth above, and to request and receive copies of
23 such financial records from the Financial Institution (subject

1 to such records search and reproduction reimbursement policies
 2 as the Financial Institution may have in place). An executed
 3 copy of this Consent and Authorization shall be sufficient and
 4 as good as the original and permission is hereby granted to
 5 honor a photostatic or electronic copy of this Consent and
 6 Authorization. Disclosure is strictly limited to the
 7 Department identified above and no other person or entity
 8 shall receive my financial records pursuant to this Consent
 9 and Authorization. By signing this form, I agree to indemnify
 10 and hold the Financial Institution harmless from any and all
 11 claims, demands, and losses, including reasonable attorneys
 12 fees and expenses, arising from or incurred in its reliance on
 13 this Consent and Authorization. As used herein, "Customer"
 14 shall mean "Member" if the Financial Institution is a credit
 15 union.

16
 17

(Date)

(Signature of Customer)

18
 19

19
 20

(Address of Customer)

21
 22

(Customer's birth date)

23
 (month/day/year)

1 The undersigned witness certifies that,
 2 known to me to be the same person whose name is subscribed as
 3 the customer to the foregoing Consent and Authorization,
 4 appeared before me and the notary public and acknowledged
 5 signing and delivering the instrument as his or her free and
 6 voluntary act for the uses and purposes therein set forth. I
 7 believe him or her to be of sound mind and memory. The
 8 undersigned witness also certifies that the witness is not an
 9 owner, operator, or relative of an owner or operator of a
 10 long-term care facility in which the customer is a patient or
 11 resident.

12 Dated:

13 (Signature of Witness)

14

15 (Print Name of Witness)

16

17

18 (Address of Witness)

19 State of Illinois)

20) ss.

21 County of

1 The undersigned, a notary public in and for the above county
 2 and state, certifies that, known to me to be the
 3 same person whose name is subscribed as the customer to the
 4 foregoing Consent and Authorization, appeared before me
 5 together with the witness,, in person and
 6 acknowledged signing and delivering the instrument as the free
 7 and voluntary act of the customer for the uses and purposes
 8 therein set forth.

9 Dated:

10 Notary Public:

11 My commission expires:

12 (B) In no event shall the bank distribute the
 13 customer's financial records to the long-term care
 14 facility from which the customer seeks initial or
 15 continuing residency or long-term care services.

16 (C) A bank providing financial records of a customer
 17 in good faith relying on a consent and authorization
 18 executed and tendered in accordance with this paragraph
 19 (20) shall not be liable to the customer or any other
 20 person in relation to the bank's disclosure of the
 21 customer's financial records to the Department. The
 22 customer signing the consent and authorization shall
 23 indemnify and hold the bank harmless that relies in good

1 faith upon the consent and authorization and incurs a loss
2 because of such reliance. The bank recovering under this
3 indemnification provision shall also be entitled to
4 reasonable attorney's fees and the expenses of recovery.

5 (D) A bank shall be reimbursed by the customer for all
6 costs reasonably necessary and directly incurred in
7 searching for, reproducing, and disclosing a customer's
8 financial records required or requested to be produced
9 pursuant to any consent and authorization executed under
10 this paragraph (20). The requested financial records shall
11 be delivered to the Department within 10 days after
12 receiving a properly executed consent and authorization or
13 at the earliest practicable time thereafter if the
14 requested records cannot be delivered within 10 days, but
15 delivery may be delayed until the final reimbursement of
16 all costs is received by the bank. The bank may honor a
17 photostatic or electronic copy of a properly executed
18 consent and authorization.

19 (E) Nothing in this paragraph (20) shall impair,
20 abridge, or abrogate the right of a customer to:

21 (1) directly disclose his or her financial records
22 to the Department or any other person; or

23 (2) authorize his or her attorney or duly
24 appointed agent to request and obtain the customer's
25 financial records and disclose those financial records
26 to the Department.

1 (F) For purposes of this paragraph (20), "Department"
2 means the Department of Human Services and the Department
3 of Healthcare and Family Services or any successor
4 administrative agency of either agency.

5 (c) Except as otherwise provided by this Act, a bank may
6 not disclose to any person, except to the customer or his duly
7 authorized agent, any financial records or financial
8 information obtained from financial records relating to that
9 customer of that bank unless:

10 (1) the customer has authorized disclosure to the
11 person;

12 (2) the financial records are disclosed in response to
13 a lawful subpoena, summons, warrant, citation to discover
14 assets, or court order which meets the requirements of
15 subsection (d) of this Section; or

16 (3) the bank is attempting to collect an obligation
17 owed to the bank and the bank complies with the provisions
18 of Section 2I of the Consumer Fraud and Deceptive Business
19 Practices Act.

20 (d) A bank shall disclose financial records under
21 paragraph (2) of subsection (c) of this Section under a lawful
22 subpoena, summons, warrant, citation to discover assets, or
23 court order only after the bank sends a copy of the subpoena,
24 summons, warrant, citation to discover assets, or court order
25 to the person establishing the relationship with the bank, if
26 living, and, otherwise the person's personal representative,

1 if known, at the person's last known address by first class
2 mail, postage prepaid, through a third-party commercial
3 carrier or courier with delivery charge fully prepaid, by hand
4 delivery, or by electronic delivery at an email address on
5 file with the bank (if the person establishing the
6 relationship with the bank has consented to receive electronic
7 delivery and, if the person establishing the relationship with
8 the bank is a consumer, the person has consented under the
9 consumer consent provisions set forth in Section 7001 of Title
10 15 of the United States Code), unless the bank is specifically
11 prohibited from notifying the person by order of court or by
12 applicable State or federal law. A bank shall not mail a copy
13 of a subpoena to any person pursuant to this subsection if the
14 subpoena was issued by a grand jury under the Statewide Grand
15 Jury Act.

16 (e) Any officer or employee of a bank who knowingly and
17 willfully furnishes financial records in violation of this
18 Section is guilty of a business offense and, upon conviction,
19 shall be fined not more than \$1,000.

20 (f) Any person who knowingly and willfully induces or
21 attempts to induce any officer or employee of a bank to
22 disclose financial records in violation of this Section is
23 guilty of a business offense and, upon conviction, shall be
24 fined not more than \$1,000.

25 (g) A bank shall be reimbursed for costs that are
26 reasonably necessary and that have been directly incurred in

1 searching for, reproducing, or transporting books, papers,
2 records, or other data required or requested to be produced
3 pursuant to a lawful subpoena, summons, warrant, citation to
4 discover assets, or court order. The Commissioner shall
5 determine the rates and conditions under which payment may be
6 made.

7 (Source: P.A. 101-81, eff. 7-12-19; 102-873, eff. 5-13-22.)

8 Section 20. The MC/DD Act is amended by changing Section
9 2-202 as follows:

10 (210 ILCS 46/2-202)

11 Sec. 2-202. Contract required.

12 (a) Before a person is admitted to a facility, or at the
13 expiration of the period of previous contract, or when the
14 source of payment for the resident's care changes from private
15 to public funds or from public to private funds, a written
16 contract shall be executed between a licensee and the
17 following in order of priority:

18 (1) the person, or if the person is a minor, his parent
19 or guardian; or

20 (2) the person's guardian, if any, or agent, if any,
21 as defined in Section 2-3 of the Illinois Power of
22 Attorney Act; or

23 (3) a member of the person's immediate family.

24 An adult person shall be presumed to have the capacity to

1 contract for admission to a facility unless he or she has been
2 adjudicated a "person with a disability" ~~disabled person~~
3 within the meaning of Section 11a-2 of the Probate Act of 1975,
4 or unless a petition for such an adjudication is pending in a
5 circuit court of Illinois.

6 If there is no guardian, agent or member of the person's
7 immediate family available, able or willing to execute the
8 contract required by this Section and a physician determines
9 that a person is so disabled as to be unable to consent to
10 placement in a facility, or if a person has already been found
11 to be a "person with a disability" ~~disabled person~~, but no
12 order has been entered allowing residential placement of the
13 person, that person may be admitted to a facility before the
14 execution of a contract required by this Section; provided
15 that a petition for guardianship or for modification of
16 guardianship is filed within 15 days of the person's admission
17 to a facility, and provided further that such a contract is
18 executed within 10 days of the disposition of the petition.

19 No adult shall be admitted to a facility if he or she
20 objects, orally or in writing, to such admission, except as
21 otherwise provided in Chapters III and IV of the Mental Health
22 and Developmental Disabilities Code or Section 11a-14.1 of the
23 Probate Act of 1975.

24 Before a licensee enters a contract under this Section, it
25 shall provide the prospective resident and his or her
26 guardian, if any, with written notice of the licensee's policy

1 regarding discharge of a resident whose private funds for
2 payment of care are exhausted.

3 (b) A resident shall not be discharged or transferred at
4 the expiration of the term of a contract, except as provided in
5 Sections 3-401 through 3-423.

6 (c) At the time of the resident's admission to the
7 facility, a copy of the contract shall be given to the
8 resident, his or her guardian, if any, and any other person who
9 executed the contract.

10 (d) A copy of the contract for a resident who is supported
11 by nonpublic funds other than the resident's own funds shall
12 be made available to the person providing the funds for the
13 resident's support.

14 (e) The original or a copy of the contract shall be
15 maintained in the facility and be made available upon request
16 to representatives of the Department and the Department of
17 Healthcare and Family Services.

18 (f) The contract shall be written in clear and unambiguous
19 language and shall be printed in not less than 12-point type.
20 The general form of the contract shall be prescribed by the
21 Department.

22 (g) The contract shall specify:

23 (1) the term of the contract;

24 (2) the services to be provided under the contract and
25 the charges for the services;

26 (3) the services that may be provided to supplement

1 the contract and the charges for the services;

2 (4) the sources liable for payments due under the
3 contract;

4 (5) the amount of deposit paid; and

5 (6) the rights, duties and obligations of the
6 resident, except that the specification of a resident's
7 rights may be furnished on a separate document which
8 complies with the requirements of Section 2-211.

9 (h) The contract shall designate the name of the
10 resident's representative, if any. The resident shall provide
11 the facility with a copy of the written agreement between the
12 resident and the resident's representative which authorizes
13 the resident's representative to inspect and copy the
14 resident's records and authorizes the resident's
15 representative to execute the contract on behalf of the
16 resident required by this Section.

17 (i) The contract shall provide that if the resident is
18 compelled by a change in physical or mental health to leave the
19 facility, the contract and all obligations under it shall
20 terminate on 7 days' notice. No prior notice of termination of
21 the contract shall be required, however, in the case of a
22 resident's death. The contract shall also provide that in all
23 other situations, a resident may terminate the contract and
24 all obligations under it with 30 days' notice. All charges
25 shall be prorated as of the date on which the contract
26 terminates, and, if any payments have been made in advance,

1 the excess shall be refunded to the resident. This provision
2 shall not apply to life care contracts through which a
3 facility agrees to provide maintenance and care for a resident
4 throughout the remainder of his life nor to continuing care
5 contracts through which a facility agrees to supplement all
6 available forms of financial support in providing maintenance
7 and care for a resident throughout the remainder of his or her
8 life.

9 (j) In addition to all other contract specifications
10 contained in this Section admission contracts shall also
11 specify:

12 (1) whether the facility accepts Medicaid clients;

13 (2) whether the facility requires a deposit of the
14 resident or his or her family prior to the establishment
15 of Medicaid eligibility;

16 (3) in the event that a deposit is required, a clear
17 and concise statement of the procedure to be followed for
18 the return of such deposit to the resident or the
19 appropriate family member or guardian of the person; and

20 (4) that all deposits made to a facility by a
21 resident, or on behalf of a resident, shall be returned by
22 the facility within 30 days of the establishment of
23 Medicaid eligibility, unless such deposits must be drawn
24 upon or encumbered in accordance with Medicaid eligibility
25 requirements established by the Department of Healthcare
26 and Family Services.

1 (k) It shall be a business offense for a facility to
2 knowingly and intentionally both retain a resident's deposit
3 and accept Medicaid payments on behalf of that resident.

4 (Source: P.A. 99-180, eff. 7-29-15.)

5 Section 25. The Illinois Public Aid Code is amended by
6 changing the heading of Article III and by changing Sections
7 1-6, 3-1, 3-5, 3-13, 8A-18, 11-5.1, 11-6, and 12-4.13a as
8 follows:

9 (305 ILCS 5/1-6) (from Ch. 23, par. 1-6)

10 Sec. 1-6. Notwithstanding any provisions of this Code to
11 the contrary, a person, if eligible, shall be required to file
12 for unemployment compensation benefits as a condition for
13 qualifying for public assistance benefits under programs of
14 aid to the aged, blind, or persons with disabilities ~~disabled~~,
15 aid to families with dependent children, and aid to families
16 with dependent children-- unemployed, which are administered
17 by the Illinois Department, or general assistance programs
18 administered by some other public agency.

19 (Source: P.A. 89-507, eff. 7-1-97.)

20 (305 ILCS 5/Art. III heading)

21 ARTICLE III. AID TO THE AGED, BLIND

22 OR PERSONS WITH DISABILITIES ~~DISABLED~~

1 (305 ILCS 5/3-1) (from Ch. 23, par. 3-1)

2 Sec. 3-1. Eligibility Requirements. Financial aid in
3 meeting basic maintenance requirements for a livelihood
4 compatible with health and well-being shall be given under
5 this Article to or in behalf of aged, blind, or persons with
6 disabilities ~~disabled persons~~ who meet the eligibility
7 conditions of Sections 3-1.1 through 3-1.7. Financial aid
8 under this Article shall be available only for persons who are
9 receiving Supplemental Security Income (SSI) or who have been
10 found ineligible for SSI (i) on the basis of income or (ii) due
11 to expiration of the period of eligibility for refugees and
12 asylees pursuant to 8 U.S.C. 1612(a)(2).

13 "Aged person" means a person who has attained age 65, as
14 demonstrated by such evidence of age as the Illinois
15 Department may by rule prescribe.

16 "Blind person" means a person who has no vision or whose
17 vision with corrective glasses is so defective as to prevent
18 the performance of ordinary duties or tasks for which eyesight
19 is essential. The Illinois Department shall define blindness
20 in terms of ophthalmic measurements or ocular conditions. For
21 purposes of this Act, an Illinois Person with a Disability
22 Identification Card issued pursuant to the Illinois
23 Identification Card Act, indicating that the person thereon
24 named has a Type 3 disability shall be evidence that such
25 person is a blind person within the meaning of this Section;
26 however, such a card shall not qualify such person for aid as a

1 blind person under this Act, and eligibility for aid as a blind
2 person shall be determined as provided in this Act.

3 "Person with a disability" ~~Disabled person~~ means a person
4 age 18 or over who has a physical or mental impairment,
5 disease, or loss which is of a permanent nature and which
6 substantially impairs his or her ability to perform labor or
7 services or to engage in useful occupations for which he or she
8 is qualified, as determined by rule and regulation of the
9 Illinois Department. For purposes of this Act, an Illinois
10 Person with a Disability Identification Card issued pursuant
11 to the Illinois Identification Card Act, indicating that the
12 person thereon named has a Type 1 or 2, Class 2 disability
13 shall be evidence that such person is a person with a
14 disability ~~disabled person~~ under this Section; however, such a
15 card shall not qualify such person for aid as a person with a
16 disability ~~disabled person~~ under this Act, and eligibility for
17 aid as a person with a disability ~~disabled person~~ shall be
18 determined as provided in this Act. If federal law or
19 regulation permit or require the inclusion of blind persons or
20 persons with disabilities ~~or disabled persons~~ whose blindness
21 or disability is not of the degree specified in the foregoing
22 definitions, or permit or require the inclusion of persons
23 with disabilities ~~disabled persons~~ under age 18 or aged
24 persons under age 65, the Illinois Department, upon written
25 approval of the Governor, may provide by rule that all aged,
26 blind persons or persons with disabilities ~~or disabled persons~~

1 toward whose aid federal funds are available be eligible for
2 assistance under this Article as is given to those who meet the
3 foregoing definitions of blind person and person with a
4 disability ~~disabled person~~ or aged person.

5 (Source: P.A. 96-22, eff. 6-30-09; 97-1064, eff. 1-1-13.)

6 (305 ILCS 5/3-5) (from Ch. 23, par. 3-5)

7 Sec. 3-5. Amount of aid. The amount and nature of
8 financial aid granted to or in behalf of aged, blind, or
9 persons with disabilities ~~disabled persons~~ shall be determined
10 in accordance with the standards, grant amounts, rules and
11 regulations of the Illinois Department. Due regard shall be
12 given to the requirements and conditions existing in each
13 case, and to the amount of property owned and the income, money
14 contributions, and other support, and resources received or
15 obtainable by the person, from whatever source. However, the
16 amount and nature of any financial aid is not affected by the
17 payment of any grant under the "Senior Citizens and Disabled
18 Persons Property Tax Relief Act" or any distributions or items
19 of income described under subparagraph (X) of paragraph (2) of
20 subsection (a) of Section 203 of the Illinois Income Tax Act.
21 The aid shall be sufficient, when added to all other income,
22 money contributions and support, to provide the person with a
23 grant in the amount established by Department regulation for
24 such a person, based upon standards providing a livelihood
25 compatible with health and well-being. Financial aid under

1 this Article granted to persons who have been found ineligible
2 for Supplemental Security Income (SSI) due to expiration of
3 the period of eligibility for refugees and asylees pursuant to
4 8 U.S.C. 1612(a) (2) shall equal 90% of the current maximum SSI
5 payment amount per month.

6 (Source: P.A. 97-689, eff. 6-14-12; 98-674, eff. 6-30-14.)

7 (305 ILCS 5/3-13) (from Ch. 23, par. 3-13)

8 Sec. 3-13. Federal program - Declaration of
9 responsibilities: It is the position of this State that the
10 Federal Government should meet its obligation to provide
11 financial aid to those persons who are aged, blind, or persons
12 with disabilities ~~disabled persons~~ eligible under Article III
13 hereof so as to assure those persons a standard of living
14 compatible with health and well-being, including any
15 supplementary aid program provided to meet special or
16 emergency needs, and it is the position of this State that the
17 Federal Government should meet its obligation to provide
18 continuing supplemental nutritional aid for such persons
19 through the Federal Food Stamp Program or through full
20 reimbursement for expenditures made in lieu of such Food Stamp
21 Program.

22 (a) The Illinois Department may, from federal
23 reimbursements received under this Section, make disbursements
24 to any attorney, or advocate working under the supervision of
25 an attorney, who represents a recipient of assistance under

1 Article VI of this Code in a program administered by the
2 Illinois Department, in an appeal of any claim for federal
3 Supplemental Security Income benefits before an administrative
4 law judge which is decided in favor of such recipient. The
5 amount of such disbursement shall be equal to 25% of the
6 maximum federal Supplemental Security Income grant payable to
7 an individual for a period of one year. No such disbursement
8 shall be made unless a petition and a copy of the favorable
9 decision is submitted by such attorney or advocate to the
10 Illinois Department within 60 days of the date of such
11 decision. The disbursement shall be made within 30 days after
12 the petition is received. The Illinois Department shall
13 promulgate rules and regulations necessary to implement this
14 subsection.

15 (b) The Illinois Department shall institute a State
16 program to fully supplement the federal Supplemental Security
17 Income grants of all persons in the aged, blind, or disability
18 ~~disabled~~ categories who meet the eligibility and need
19 requirements of this Code. The amount or amounts of such
20 supplementary payments shall be established by the Director of
21 the Illinois Department in a manner consistent with the other
22 provisions of this Article III.

23 (c) The Illinois Department, the Comptroller and the
24 Treasurer, are authorized to disburse to the Federal
25 Government amounts appropriated to the Illinois Department for
26 use in furnishing aid to persons eligible under Article III of

1 this Code, to receive reimbursements from the Federal
2 Government therefor, and to establish administrative
3 procedures necessary for the accomplishment of such a payment
4 system.

5 (Source: P.A. 93-632, eff. 2-1-04.)

6 (305 ILCS 5/8A-18)

7 Sec. 8A-18. Application assistance fraud; SNAP; AABD;
8 TANF. It is a Class C misdemeanor for any person, including an
9 individual, firm, corporation, association, partnership, or
10 joint venture, or any employee or agent of any of those, to
11 assist or represent another person in completing or submitting
12 an application for benefits under the federal Supplemental
13 Nutrition Assistance Program (SNAP), the State's Aid to the
14 Aged, Blind, or Persons with Disabilities ~~Disabled~~ (AABD)
15 program, or the State's Temporary Assistance for Needy
16 Families (TANF) program, in exchange for a portion of the
17 applicant's SNAP, AABD, or TANF benefits or cash or any other
18 form of payment from any other source. An applicant who
19 receives such assistance or representation is not in violation
20 of this Section. Nothing in this Section shall be construed as
21 prohibiting an applicant from receiving such assistance or
22 representation when appealing a denial of an application for
23 SNAP, AABD, or TANF benefits.

24 (Source: P.A. 98-931, eff. 8-15-14.)

1 (305 ILCS 5/11-5.1)

2 Sec. 11-5.1. Eligibility verification. Notwithstanding any
3 other provision of this Code, with respect to applications for
4 medical assistance provided under Article V of this Code,
5 eligibility shall be determined in a manner that ensures
6 program integrity and complies with federal laws and
7 regulations while minimizing unnecessary barriers to
8 enrollment. To this end, as soon as practicable, and unless
9 the Department receives written denial from the federal
10 government, this Section shall be implemented:

11 (a) The Department of Healthcare and Family Services or
12 its designees shall:

13 (1) By no later than July 1, 2011, require
14 verification of, at a minimum, one month's income from all
15 sources required for determining the eligibility of
16 applicants for medical assistance under this Code. Such
17 verification shall take the form of pay stubs, business or
18 income and expense records for self-employed persons,
19 letters from employers, and any other valid documentation
20 of income including data obtained electronically by the
21 Department or its designees from other sources as
22 described in subsection (b) of this Section. A month's
23 income may be verified by a single pay stub with the
24 monthly income extrapolated from the time period covered
25 by the pay stub.

26 (2) By no later than October 1, 2011, require

1 verification of, at a minimum, one month's income from all
2 sources required for determining the continued eligibility
3 of recipients at their annual review of eligibility for
4 medical assistance under this Code. Information the
5 Department receives prior to the annual review, including
6 information available to the Department as a result of the
7 recipient's application for other non-Medicaid benefits,
8 that is sufficient to make a determination of continued
9 Medicaid eligibility may be reviewed and verified, and
10 subsequent action taken including client notification of
11 continued Medicaid eligibility. The date of client
12 notification establishes the date for subsequent annual
13 Medicaid eligibility reviews. Such verification shall take
14 the form of pay stubs, business or income and expense
15 records for self-employed persons, letters from employers,
16 and any other valid documentation of income including data
17 obtained electronically by the Department or its designees
18 from other sources as described in subsection (b) of this
19 Section. A month's income may be verified by a single pay
20 stub with the monthly income extrapolated from the time
21 period covered by the pay stub. The Department shall send
22 a notice to recipients at least 60 days prior to the end of
23 their period of eligibility that informs them of the
24 requirements for continued eligibility. If a recipient
25 does not fulfill the requirements for continued
26 eligibility by the deadline established in the notice a

1 notice of cancellation shall be issued to the recipient
2 and coverage shall end no later than the last day of the
3 month following the last day of the eligibility period. A
4 recipient's eligibility may be reinstated without
5 requiring a new application if the recipient fulfills the
6 requirements for continued eligibility prior to the end of
7 the third month following the last date of coverage (or
8 longer period if required by federal regulations). Nothing
9 in this Section shall prevent an individual whose coverage
10 has been cancelled from reapplying for health benefits at
11 any time.

12 (3) By no later than July 1, 2011, require
13 verification of Illinois residency.

14 The Department, with federal approval, may choose to adopt
15 continuous financial eligibility for a full 12 months for
16 adults on Medicaid.

17 (b) The Department shall establish or continue cooperative
18 arrangements with the Social Security Administration, the
19 Illinois Secretary of State, the Department of Human Services,
20 the Department of Revenue, the Department of Employment
21 Security, and any other appropriate entity to gain electronic
22 access, to the extent allowed by law, to information available
23 to those entities that may be appropriate for electronically
24 verifying any factor of eligibility for benefits under the
25 Program. Data relevant to eligibility shall be provided for no
26 other purpose than to verify the eligibility of new applicants

1 or current recipients of health benefits under the Program.
2 Data shall be requested or provided for any new applicant or
3 current recipient only insofar as that individual's
4 circumstances are relevant to that individual's or another
5 individual's eligibility.

6 (c) Within 90 days of the effective date of this
7 amendatory Act of the 96th General Assembly, the Department of
8 Healthcare and Family Services shall send notice to current
9 recipients informing them of the changes regarding their
10 eligibility verification.

11 (d) As soon as practical if the data is reasonably
12 available, but no later than January 1, 2017, the Department
13 shall compile on a monthly basis data on eligibility
14 redeterminations of beneficiaries of medical assistance
15 provided under Article V of this Code. In addition to the other
16 data required under this subsection, the Department shall
17 compile on a monthly basis data on the percentage of
18 beneficiaries whose eligibility is renewed through ex parte
19 redeterminations as described in subsection (b) of Section
20 5-1.6 of this Code, subject to federal approval of the changes
21 made in subsection (b) of Section 5-1.6 by this amendatory Act
22 of the 102nd General Assembly. This data shall be posted on the
23 Department's website, and data from prior months shall be
24 retained and available on the Department's website. The data
25 compiled and reported shall include the following:

26 (1) The total number of redetermination decisions made

1 in a month and, of that total number, the number of
2 decisions to continue or change benefits and the number of
3 decisions to cancel benefits.

4 (2) A breakdown of enrollee language preference for
5 the total number of redetermination decisions made in a
6 month and, of that total number, a breakdown of enrollee
7 language preference for the number of decisions to
8 continue or change benefits, and a breakdown of enrollee
9 language preference for the number of decisions to cancel
10 benefits. The language breakdown shall include, at a
11 minimum, English, Spanish, and the next 4 most commonly
12 used languages.

13 (3) The percentage of cancellation decisions made in a
14 month due to each of the following:

15 (A) The beneficiary's ineligibility due to excess
16 income.

17 (B) The beneficiary's ineligibility due to not
18 being an Illinois resident.

19 (C) The beneficiary's ineligibility due to being
20 deceased.

21 (D) The beneficiary's request to cancel benefits.

22 (E) The beneficiary's lack of response after
23 notices mailed to the beneficiary are returned to the
24 Department as undeliverable by the United States
25 Postal Service.

26 (F) The beneficiary's lack of response to a

1 request for additional information when reliable
2 information in the beneficiary's account, or other
3 more current information, is unavailable to the
4 Department to make a decision on whether to continue
5 benefits.

6 (G) Other reasons tracked by the Department for
7 the purpose of ensuring program integrity.

8 (4) If a vendor is utilized to provide services in
9 support of the Department's redetermination decision
10 process, the total number of redetermination decisions
11 made in a month and, of that total number, the number of
12 decisions to continue or change benefits, and the number
13 of decisions to cancel benefits (i) with the involvement
14 of the vendor and (ii) without the involvement of the
15 vendor.

16 (5) Of the total number of benefit cancellations in a
17 month, the number of beneficiaries who return from
18 cancellation within one month, the number of beneficiaries
19 who return from cancellation within 2 months, and the
20 number of beneficiaries who return from cancellation
21 within 3 months. Of the number of beneficiaries who return
22 from cancellation within 3 months, the percentage of those
23 cancellations due to each of the reasons listed under
24 paragraph (3) of this subsection.

25 (e) The Department shall conduct a complete review of the
26 Medicaid redetermination process in order to identify changes

1 that can increase the use of ex parte redetermination
2 processing. This review shall be completed within 90 days
3 after the effective date of this amendatory Act of the 101st
4 General Assembly. Within 90 days of completion of the review,
5 the Department shall seek written federal approval of policy
6 changes the review recommended and implement once approved.
7 The review shall specifically include, but not be limited to,
8 use of ex parte redeterminations of the following populations:

9 (1) Recipients of developmental disabilities services.

10 (2) Recipients of benefits under the State's Aid to
11 the Aged, Blind, or Persons with Disabilities ~~Disabled~~
12 program.

13 (3) Recipients of Medicaid long-term care services and
14 supports, including waiver services.

15 (4) All Modified Adjusted Gross Income (MAGI)
16 populations.

17 (5) Populations with no verifiable income.

18 (6) Self-employed people.

19 The report shall also outline populations and
20 circumstances in which an ex parte redetermination is not a
21 recommended option.

22 (f) The Department shall explore and implement, as
23 practical and technologically possible, roles that
24 stakeholders outside State agencies can play to assist in
25 expediting eligibility determinations and redeterminations
26 within 24 months after the effective date of this amendatory

1 Act of the 101st General Assembly. Such practical roles to be
2 explored to expedite the eligibility determination processes
3 shall include the implementation of hospital presumptive
4 eligibility, as authorized by the Patient Protection and
5 Affordable Care Act.

6 (g) The Department or its designee shall seek federal
7 approval to enhance the reasonable compatibility standard from
8 5% to 10%.

9 (h) Reporting. The Department of Healthcare and Family
10 Services and the Department of Human Services shall publish
11 quarterly reports on their progress in implementing policies
12 and practices pursuant to this Section as modified by this
13 amendatory Act of the 101st General Assembly.

14 (1) The reports shall include, but not be limited to,
15 the following:

16 (A) Medical application processing, including a
17 breakdown of the number of MAGI, non-MAGI, long-term
18 care, and other medical cases pending for various
19 incremental time frames between 0 to 181 or more days.

20 (B) Medical redeterminations completed, including:
21 (i) a breakdown of the number of households that were
22 redetermined ex parte and those that were not; (ii)
23 the reasons households were not redetermined ex parte;
24 and (iii) the relative percentages of these reasons.

25 (C) A narrative discussion on issues identified in
26 the functioning of the State's Integrated Eligibility

1 System and progress on addressing those issues, as
2 well as progress on implementing strategies to address
3 eligibility backlogs, including expanding ex parte
4 determinations to ensure timely eligibility
5 determinations and renewals.

6 (2) Initial reports shall be issued within 90 days
7 after the effective date of this amendatory Act of the
8 101st General Assembly.

9 (3) All reports shall be published on the Department's
10 website.

11 (i) It is the determination of the General Assembly that
12 the Department must include seniors and persons with
13 disabilities in ex parte renewals. It is the determination of
14 the General Assembly that the Department must use its asset
15 verification system to assist in the determination of whether
16 an individual's coverage can be renewed using the ex parte
17 process. If a State Plan amendment is required, the Department
18 shall pursue such State Plan amendment by July 1, 2022. Within
19 60 days after receiving federal approval or guidance, the
20 Department of Healthcare and Family Services and the
21 Department of Human Services shall make necessary technical
22 and rule changes to implement these changes to the
23 redetermination process.

24 (Source: P.A. 101-209, eff. 8-5-19; 101-649, eff. 7-7-20;
25 102-1037, eff. 6-2-22.)

1 (305 ILCS 5/11-6) (from Ch. 23, par. 11-6)

2 Sec. 11-6. Decisions on applications. Within 10 days after
3 a decision is reached on an application, the applicant shall
4 be notified in writing of the decision. If the applicant
5 resides in a facility licensed under the Nursing Home Care Act
6 or a supportive living facility authorized under Section
7 5-5.01a, the facility shall also receive written notice of the
8 decision, provided that the notification is related to a
9 Department payment for services received by the applicant in
10 the facility. Only facilities enrolled in and subject to a
11 provider agreement under the medical assistance program under
12 Article V may receive such notices of decisions. The
13 Department shall consider eligibility for, and the notice
14 shall contain a decision on, each of the following assistance
15 programs for which the client may be eligible based on the
16 information contained in the application: Temporary Assistance
17 for Needy Families, Medical Assistance, Aid to the Aged, Blind
18 and Persons with Disabilities ~~Disabled~~, General Assistance (in
19 the City of Chicago), and food stamps. No decision shall be
20 required for any assistance program for which the applicant
21 has expressly declined in writing to apply. If the applicant
22 is determined to be eligible, the notice shall include a
23 statement of the amount of financial aid to be provided and a
24 statement of the reasons for any partial grant amounts. If the
25 applicant is determined ineligible for any public assistance
26 the notice shall include the reason why the applicant is

1 ineligible. If the application for any public assistance is
2 denied, the notice shall include a statement defining the
3 applicant's right to appeal the decision. The Illinois
4 Department, by rule, shall determine the date on which
5 assistance shall begin for applicants determined eligible.
6 That date may be no later than 30 days after the date of the
7 application.

8 Under no circumstances may any application be denied
9 solely to meet an application-processing deadline. As used in
10 this Section, "application" also refers to requests for
11 admission approval to facilities licensed under the Nursing
12 Home Care Act or to supportive living facilities authorized
13 under Section 5-5.01a.

14 (Source: P.A. 100-665, eff. 8-2-18; 100-863, eff. 8-14-18.)

15 (305 ILCS 5/12-4.13a)

16 (Text of Section before amendment by P.A. 104-67)

17 Sec. 12-4.13a. Gross income eligibility standard; SNAP.
18 Subject to federal approval if required, a household that
19 includes an elderly or ~~τ~~ blind person or a person with a
20 disability ~~τ or disabled person~~ shall be considered
21 categorically eligible for Supplemental Nutrition Assistance
22 Program (SNAP) benefits if the gross income of such household
23 is at or below 200% of the nonfarm income poverty guidelines
24 updated periodically in the Federal Register by the U.S.
25 Department of Health and Human Services under the authority of

1 42 U.S.C. 9902(2); and a household that does not include an
2 elderly or ~~7~~ blind person or a person with a disability, ~~or~~
3 ~~disabled person~~ shall be considered categorically eligible for
4 Supplemental Nutrition Assistance Program (SNAP) benefits if
5 the gross income of such household is at or below 165% of those
6 nonfarm income poverty guidelines.

7 (Source: P.A. 99-170, eff. 1-1-16.)

8 (Text of Section after amendment by P.A. 104-67)

9 Sec. 12-4.13a. Gross income eligibility standard; SNAP.

10 (a) Subject to federal approval if required, a household
11 that includes an elderly or ~~7~~ blind person or a person with a
12 disability ~~7~~ ~~or~~ ~~disabled~~ ~~person~~ shall be considered
13 categorically eligible for Supplemental Nutrition Assistance
14 Program (SNAP) benefits if the gross income of such household
15 is at or below 200% of the nonfarm income poverty guidelines
16 updated periodically in the Federal Register by the U.S.
17 Department of Health and Human Services under the authority of
18 42 U.S.C. 9902(2); and a household that does not include an
19 elderly or ~~7~~ blind person or a person with a disability ~~or~~
20 ~~disabled person~~ shall be considered categorically eligible for
21 Supplemental Nutrition Assistance Program (SNAP) benefits if
22 the gross income of such household is at or below 165% of those
23 nonfarm income poverty guidelines.

24 (b) Subject to federal approval, if required, and federal
25 funding, a household that includes one or more veterans or

1 members of the armed forces shall be considered categorically
2 eligible for Supplemental Nutrition Assistance Program (SNAP)
3 benefits if the gross income of such a household is at or below
4 200% of the nonfarm income poverty guidelines. Nothing in this
5 subsection shall be construed to create an obligation on the
6 part of the Department of Human Services to allocate or
7 provide SNAP benefits through the use of State funds.

8 As used in this subsection:

9 "Armed forces" means any of the Armed Forces of the United
10 States, including a member of any reserve component or
11 National Guard unit.

12 "Veteran" means a person who has served in the armed
13 forces and was discharged or separated under honorable
14 conditions.

15 (Source: P.A. 104-67, eff. 1-1-26.)

16 Section 26. The Senior Pharmaceutical Assistance Act is
17 amended by changing Section 5 as follows:

18 (320 ILCS 50/5)

19 Sec. 5. Findings. The General Assembly finds:

20 (1) Senior citizens identify pharmaceutical assistance as
21 the single most critical factor to their health, well-being,
22 and continued independence.

23 (2) The State of Illinois currently operates 2
24 pharmaceutical assistance programs that benefit seniors: (i)

1 the program of pharmaceutical assistance under the Senior
2 Citizens and Persons with Disabilities Property Tax Relief Act
3 and (ii) the Aid to the Aged, Blind, or Persons with
4 Disabilities ~~Disabled~~ program under the Illinois Public Aid
5 Code. The State has been given authority to establish a third
6 program, SeniorRx Care, through a federal Medicaid waiver.

7 (3) Each year, numerous pieces of legislation are filed
8 seeking to establish additional pharmaceutical assistance
9 benefits for seniors or to make changes to the existing
10 programs.

11 (4) Establishment of a pharmaceutical assistance review
12 committee will ensure proper coordination of benefits,
13 diminish the likelihood of duplicative benefits, and ensure
14 that the best interests of seniors are served.

15 (5) In addition to the State pharmaceutical assistance
16 programs, several private entities, such as drug manufacturers
17 and pharmacies, also offer prescription drug discount or
18 coverage programs.

19 (6) Many seniors are unaware of the myriad of public and
20 private programs available to them.

21 (7) Establishing a pharmaceutical clearinghouse with a
22 toll-free hot-line and local outreach workers will educate
23 seniors about the vast array of options available to them and
24 enable seniors to make an educated and informed choice that is
25 best for them.

26 (8) Estimates indicate that almost one-third of senior

1 citizens lack prescription drug coverage. The federal
2 government, states, and the pharmaceutical industry each have
3 a role in helping these uninsured seniors gain access to
4 life-saving medications.

5 (9) The State of Illinois has recognized its obligation to
6 assist Illinois' neediest seniors in purchasing prescription
7 medications, and it is now time for pharmaceutical
8 manufacturers to recognize their obligation to make their
9 medications affordable to seniors.

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

11 Section 28. Senior Citizens and Persons with Disabilities
12 Property Tax Relief Act is amended by changing Section 3.14 as
13 follows:

14 (320 ILCS 25/3.14) (from Ch. 67 1/2, par. 403.14)

15 Sec. 3.14. "Person with a disability" means a person
16 unable to engage in any substantial gainful activity by reason
17 of a medically determinable physical or mental impairment
18 which can be expected to result in death or has lasted or can
19 be expected to last for a continuous period of not less than 12
20 months. Persons with disabilities filing claims under this Act
21 shall submit proof of the disability in such form and manner as
22 the Department shall by rule and regulation prescribe. Proof
23 that a claimant is eligible to receive disability benefits
24 under the Federal Social Security Act shall constitute proof

1 of the disability for purposes of this Act. Issuance of an
2 Illinois Person with a Disability Identification Card stating
3 that the claimant is under a Class 2 disability, as defined in
4 Section 4A of the Illinois Identification Card Act, shall
5 constitute proof that the person named thereon is a person
6 with a disability for purposes of this Act. A person with a
7 disability not covered under the Federal Social Security Act
8 and not presenting an Illinois Person with a Disability ~~a~~
9 ~~Disabled Person~~ Identification Card stating that the claimant
10 is under a Class 2 disability shall be examined by a physician
11 designated by the Department, and his or her status as a person
12 with a disability determined using the same standards as used
13 by the Social Security Administration. The costs of any
14 required examination shall be borne by the claimant.

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

16 Section 30. The Viet Nam Veterans Compensation Act is
17 amended by changing Section 5 as follows:

18 (330 ILCS 30/5) (from Ch. 126 1/2, par. 57.55)

19 Sec. 5. The Department of Veterans Affairs has complete
20 charge and control of the general scheme of payments
21 authorized by this Act and shall adopt general rules for the
22 making of such payments, the ascertainment and selection of
23 proper beneficiaries and the amount to which such
24 beneficiaries are entitled, and for procedure.

1 If the person to whom compensation is payable under this
2 Act is under legal disability, it shall be paid to the person
3 legally vested with the care of the person under legal
4 disability ~~such legally disabled person~~ under the laws of his
5 State of residence. If no such person has been so designated
6 for the person under legal disability ~~legally disabled person~~,
7 payment shall be made to the chief officer of any hospital or
8 institution under the supervision or control of any State or
9 of the Veterans Administration of the United States in which
10 such person under legal disability ~~legally disabled person~~ is
11 placed, if such officer is authorized to accept moneys for the
12 benefit of the incompetent. Any payments so made shall be held
13 or used solely for the benefit of the person under legal
14 disability ~~legally disabled person~~.

15 As used in this Section, "person ~~a person~~ under legal
16 disability" means any person found to be so disabled by a court
17 of competent jurisdiction of any State or the District of
18 Columbia or by any adjudication officer of the Veterans
19 Administration of the United States.

20 (Source: P.A. 104-234, eff. 8-15-25.)

21 Section 35. The Survivors Compensation Act is amended by
22 changing Section 4 as follows:

23 (330 ILCS 100/4)

24 Sec. 4. Compensation in connection with deceased veterans

1 of the Global War on Terrorism.

2 (a) The widow or widower, child or children, mother,
3 father, persons standing in loco parentis, brothers and
4 sisters, in the order named, of any deceased person if (i) that
5 person was a resident of Illinois for at least 12 months
6 immediately preceding entry into military service and (ii)
7 that person's death was service-connected as a result of
8 hostile action on or after September 11, 2001 and prior to such
9 time as Congress declares such persons ineligible for the
10 Global War on Terrorism Expeditionary Medal or the Global War
11 on Terrorism Service Medal shall be paid \$3,000.

12 (b) If a preceding beneficiary fails to file a claim of
13 compensation after the official notice of death, the
14 Department of Veterans Affairs may accept applications from
15 succeeding beneficiaries, and such beneficiaries may then
16 proceed to qualify upon submission of satisfactory proof of
17 eligibility.

18 (c) No right or claim to compensation under this Section
19 may be assigned.

20 (d) The Illinois Department of Veterans Affairs has
21 complete charge and control of the general scheme of payments
22 authorized by this Section and shall adopt general rules for
23 the making of those payments, for the ascertainment and
24 selection of proper beneficiaries and the amount to which
25 those beneficiaries are entitled, and for procedure.

26 (e) If the person to whom compensation is payable under

1 this Section is under legal disability, the compensation shall
2 be paid to the person legally vested with the care of the
3 person under legal disability ~~legally disabled person~~ under
4 the laws of his or her state of residence. If no such person
5 has been so designated for the person under legal disability
6 ~~legally disabled person~~, payment shall be made to the chief
7 officer of any hospital or institution under the supervision
8 or control of any state or of the Veterans Administration of
9 the United States in which the person under legal disability
10 ~~legally disabled person~~ is placed, if the officer is
11 authorized to accept moneys for the benefit of the
12 incompetent. Any payments so made shall be held or used solely
13 for the benefit of the person under legal disability ~~legally~~
14 ~~disabled person~~.

15 As used in this Section, "person ~~a person~~" under legal
16 disability" means any person found to be so disabled by a court
17 of competent jurisdiction of any state or the District of
18 Columbia or by any adjudication officer of the Veterans
19 Administration of the United States.

20 (Source: P.A. 104-234, eff. 8-15-25.)

21 Section 37. The Elevator Tactile Identification Act is
22 amended by changing the title of the Act as follows:

23 (410 ILCS 30/Act title)

24 An Act to require tactile identification for the visually

1 ~~impaired~~ ~~handicapped~~ on certain unsupervised automatic
2 passenger elevator installations, and to repeal an Act therein
3 named.

4 Section 38. The Clerks of Courts Act is amended by
5 changing Section 27.3f as follows:

6 (705 ILCS 105/27.3f)

7 Sec. 27.3f. Guardianship and advocacy operations fee.

8 (a) As used in this Section, "guardianship and advocacy"
9 means the guardianship and advocacy services provided by the
10 Guardianship and Advocacy Commission and defined in the
11 Guardianship and Advocacy Act. Viable public guardianship and
12 advocacy programs, including the public guardianship programs
13 created and supervised in probate proceedings in the Illinois
14 courts, are essential to the administration of justice and
15 ensure that incapacitated persons and their estates are
16 protected. To defray the expense of maintaining and operating
17 the divisions and programs of the Guardianship and Advocacy
18 Commission and to support viable guardianship and advocacy
19 programs throughout Illinois, each circuit court clerk shall
20 charge and collect a fee on all matters filed in probate cases
21 in accordance with this Section, but no fees shall be assessed
22 against the State Guardian, any State agency under the
23 jurisdiction of the Governor, any public guardian, or any
24 State's Attorney.

1 (b) No fee specified in this Section shall be imposed in
2 any minor guardianship established under Article XI of the
3 Probate Act of 1975, or against an indigent person. An
4 indigent person shall include any person who meets one or more
5 of the following criteria:

6 (1) He or she is receiving assistance under one or
7 more of the following public benefits programs:
8 Supplemental Security Income (SSI), Aid to the Aged,
9 Blind, and Persons with Disabilities ~~Disabled~~ (AABD),
10 Temporary Assistance for Needy Families (TANF),
11 Supplemental Nutrition Assistance Program (SNAP) (formerly
12 Food Stamps), General Assistance, State Transitional
13 Assistance, or State Children and Family Assistance.

14 (2) His or her available income is 125% or less of the
15 current poverty level as established by the United States
16 Department of Health and Human Services, unless the
17 applicant's assets that are not exempt under Part 9 or 10
18 of Article XII of the Code of Civil Procedure are of a
19 nature and value that the court determines that the
20 applicant is able to pay the fees, costs, and charges.

21 (3) He or she is, in the discretion of the court,
22 unable to proceed in an action without payment of fees,
23 costs, and charges and whose payment of those fees, costs,
24 and charges would result in substantial hardship to the
25 person or his or her family.

26 (4) He or she is an indigent person pursuant to

1 Section 5-105.5 of the Code of Civil Procedure, providing
2 that an "indigent person" means a person whose income is
3 125% or less of the current official federal poverty
4 guidelines or who is otherwise eligible to receive civil
5 legal services under the Legal Services Corporation Act of
6 1974.

7 (c) The clerk is entitled to receive the fee specified in
8 this Section, which shall be paid in advance, and managed by
9 the clerk as set out in paragraph (2), except that, for good
10 cause shown, the court may suspend, reduce, or release the
11 costs payable under this Section:

12 (1) For administration of the estate of a decedent
13 (whether testate or intestate) or of a missing person, a
14 fee of \$100.

15 (2) The guardianship and advocacy operations fee, as
16 outlined in this Section, shall be in addition to all
17 other fees and charges and assessable as costs. Five
18 percent of the fee shall be retained by the clerk for
19 deposit into the Circuit Court Clerk Operation and
20 Administrative Fund to defray costs of collection and 95%
21 of the fee shall be disbursed within 60 days after receipt
22 by the circuit clerk to the State Treasurer for deposit by
23 the State Treasurer into the Guardianship and Advocacy
24 Fund.

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

1 Section 40. The Code of Criminal Procedure of 1963 is
2 amended by changing Sections 106B-10 and 124A-20 as follows:

3 (725 ILCS 5/106B-10)

4 (Text of Section before amendment by P.A. 104-245)

5 Sec. 106B-10. Conditions for testimony by a victim who is
6 a child or a person with a moderate, severe, or profound
7 intellectual disability ~~moderately, severely, or profoundly~~
8 ~~intellectually disabled person~~ or a person affected by a
9 developmental disability. In a prosecution of criminal sexual
10 assault, predatory criminal sexual assault of a child,
11 aggravated criminal sexual assault, criminal sexual abuse,
12 aggravated criminal sexual abuse, or any violent crime as
13 defined in subsection (c) of Section 3 of the Rights of Crime
14 Victims and Witnesses Act, the court may set any conditions it
15 finds just and appropriate on the taking of testimony of a
16 victim who is a child under the age of 18 years or a person
17 with a moderate, severe, or profound intellectual disability
18 ~~moderately, severely, or profoundly intellectually disabled~~
19 ~~person~~ or a person affected by a developmental disability,
20 involving the use of a facility dog in any proceeding
21 involving that offense. When deciding whether to permit the
22 child or person to testify with the assistance of a facility
23 dog, the court shall take into consideration the age of the
24 child or person, the rights of the parties to the litigation,
25 and any other relevant factor that would facilitate the

1 testimony by the child or the person. As used in this Section,
2 "facility dog" means a dog that is a graduate of an assistance
3 dog organization that is a member of Assistance Dogs
4 International.

5 (Source: P.A. 102-22, eff. 6-25-21.)

6 (Text of Section after amendment by P.A. 104-245)

7 Sec. 106B-10. Conditions for testimony by a victim or
8 witness who is under 18 years of age or a person with an
9 intellectual disability ~~an intellectually disabled person~~ or a
10 person affected by a developmental disability. The court may
11 set any conditions it finds just and appropriate on the taking
12 of testimony of a victim or witness who is under 18 years of
13 age or a person with an intellectual disability ~~an~~
14 ~~intellectually disabled person~~ or a person affected by a
15 developmental disability involving the use of a facility dog
16 in any criminal proceeding. When deciding whether to permit
17 the child or person to testify with the assistance of a
18 facility dog, the court shall take into consideration the age
19 of the child or person, the rights of the parties to the
20 litigation, and any other relevant factor that would
21 facilitate the giving of testimony. As used in this Section,
22 "facility dog" means a dog that is a graduate of an assistance
23 dog organization that is a member of Assistance Dogs
24 International.

25 (Source: P.A. 104-245, eff. 1-1-26.)

1 (725 ILCS 5/124A-20)

2 Sec. 124A-20. Assessment waiver.

3 (a) As used in this Section:

4 "Assessments" means any costs imposed on a criminal
5 defendant under Article 15 of the Criminal and Traffic
6 Assessment Act, but does not include violation of the Illinois
7 Vehicle Code assessments except in a county having a
8 population of more than 3,000,000.

9 "Indigent person" means any person who meets one or more
10 of the following criteria:

11 (1) He or she is receiving assistance under one or
12 more of the following means-based governmental public
13 benefits programs: Supplemental Security Income; Aid to
14 the Aged, Blind and Persons with Disabilities ~~Disabled~~;
15 Temporary Assistance for Needy Families; Supplemental
16 Nutrition Assistance Program; General Assistance;
17 Transitional Assistance; or State Children and Family
18 Assistance.

19 (2) His or her available personal income is 200% or
20 less of the current poverty level, unless the applicant's
21 assets that are not exempt under Part 9 or 10 of Article
22 XII of the Code of Civil Procedure are of a nature and
23 value that the court determines that the applicant is able
24 to pay the assessments.

25 (3) He or she is, in the discretion of the court,

1 unable to proceed in an action with payment of assessments
2 and whose payment of those assessments would result in
3 substantial hardship to the person or his or her family.

4 "Poverty level" means the current poverty level as
5 established by the United States Department of Health and
6 Human Services.

7 (a-5) (Blank).

8 (b) For criminal offenses reflected in Schedules 1, 3, 4,
9 5, 7, and 8 of Article 15 of the Criminal and Traffic
10 Assessment Act, upon the application of any defendant, after
11 the commencement of an action, but no later than 30 days after
12 sentencing:

13 (1) If the court finds that the applicant is an
14 indigent person, the court shall grant the applicant a
15 full assessment waiver exempting him or her from the
16 payment of any assessments.

17 (2) The court shall grant the applicant a partial
18 assessment as follows:

19 (A) 75% of all assessments shall be waived if the
20 applicant's available income is greater than 200% but
21 no more than 250% of the poverty level, unless the
22 applicant's assets that are not exempt under Part 9 or
23 10 of Article XII of the Code of Civil Procedure are
24 such that the applicant is able, without undue
25 hardship, to pay the total assessments.

26 (B) 50% of all assessments shall be waived if the

1 applicant's available income is greater than 250% but
2 no more than 300% of the poverty level, unless the
3 applicant's assets that are not exempt under Part 9 or
4 10 of Article XII of the Code of Civil Procedure are
5 such that the court determines that the applicant is
6 able, without undue hardship, to pay a greater portion
7 of the assessments.

8 (C) 25% of all assessments shall be waived if the
9 applicant's available income is greater than 300% but
10 no more than 400% of the poverty level, unless the
11 applicant's assets that are not exempt under Part 9 or
12 10 of Article XII of the Code of Civil Procedure are
13 such that the court determines that the applicant is
14 able, without undue hardship, to pay a greater portion
15 of the assessments.

16 (b-5) For traffic and petty offenses reflected in
17 Schedules 2, 6, 9, 10, and 13 of Article 15 of the Criminal and
18 Traffic Assessment Act, upon the application of any defendant,
19 after the commencement of an action, but no later than 30 days
20 after sentencing, the court shall grant the applicant a
21 partial assessment as follows:

22 (1) 50% of all assessments shall be waived if the
23 court finds that the applicant is an indigent person or if
24 the applicant's available income is not greater than 200%
25 of the poverty level, unless the applicant's assets that
26 are not exempt under Part 9 or 10 of Article XII of the

1 Code of Civil Procedure are such that the applicant is
2 able, without undue hardship, to pay the total
3 assessments.

4 (2) 37.5% of all assessments shall be waived if the
5 applicant's available income is greater than 200% but no
6 more than 250% of the poverty level, unless the
7 applicant's assets that are not exempt under Part 9 or 10
8 of Article XII of the Code of Civil Procedure are such that
9 the applicant is able, without undue hardship, to pay the
10 total assessments.

11 (3) 25% of all assessments shall be waived if the
12 applicant's available income is greater than 250% but no
13 more than 300% of the poverty level, 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 such that
16 the court determines that the applicant is able, without
17 undue hardship, to pay a greater portion of the
18 assessments.

19 (4) 12.5% of all assessments shall be waived if the
20 applicant's available income is greater than 300% but no
21 more than 400% of the poverty level, unless the
22 applicant's assets that are not exempt under Part 9 or 10
23 of Article XII of the Code of Civil Procedure are such that
24 the court determines that the applicant is able, without
25 undue hardship, to pay a greater portion of the
26 assessments.

1 (c) An application for a waiver of assessments shall be in
2 writing, signed by the defendant or, if the defendant is a
3 minor, by another person having knowledge of the facts, and
4 filed no later than 30 days after sentencing. The contents of
5 the application for a waiver of assessments, and the procedure
6 for deciding the applications, shall be established by Supreme
7 Court Rule. Factors to consider in evaluating an application
8 shall include:

9 (1) the applicant's receipt of needs based
10 governmental public benefits, including Supplemental
11 Security Income (SSI); Aid to the Aged, Blind and Persons
12 with Disabilities ~~Disabled~~ (AABD); Temporary Assistance
13 for Needy Families (TANF); Supplemental Nutrition
14 Assistance Program (SNAP or "food stamps"); General
15 Assistance; Transitional Assistance; or State Children and
16 Family Assistance;

17 (2) the employment status of the applicant and amount
18 of monthly income, if any;

19 (3) income received from the applicant's pension,
20 Social Security benefits, unemployment benefits, and other
21 sources;

22 (4) income received by the applicant from other
23 household members;

24 (5) the applicant's monthly expenses, including rent,
25 home mortgage, other mortgage, utilities, food, medical,
26 vehicle, childcare, debts, child support, and other

1 expenses; and

2 (6) financial affidavits or other similar supporting
3 documentation provided by the applicant showing that
4 payment of the imposed assessments would result in
5 substantial hardship to the applicant or the applicant's
6 family.

7 (d) The clerk of court shall provide the application for a
8 waiver of assessments to any defendant who indicates an
9 inability to pay the assessments. The clerk of the court shall
10 post in a conspicuous place in the courthouse a notice, no
11 smaller than 8.5 x 11 inches and using no smaller than 30-point
12 typeface printed in English and in Spanish, advising criminal
13 defendants they may ask the court for a waiver of any court
14 ordered assessments. The notice shall be substantially as
15 follows:

16 "If you are unable to pay the required assessments,
17 you may ask the court to waive payment of them. Ask the
18 clerk of the court for forms."

19 (e) For good cause shown, the court may allow an applicant
20 whose application is denied or who receives a partial
21 assessment waiver to defer payment of the assessments, make
22 installment payments, or make payment upon reasonable terms
23 and conditions stated in the order.

24 (f) Nothing in this Section shall be construed to affect
25 the right of a party to court-appointed counsel, as authorized
26 by any other provision of law or by the rules of the Illinois

1 Supreme Court.

2 (g) The provisions of this Section are severable under
3 Section 1.31 of the Statute on Statutes.

4 (Source: P.A. 103-1059, eff. 12-20-24; 104-21, eff. 6-30-25.)

5 Section 42. The Code of Civil Procedure is amended by
6 changing Sections 5-105 and 8-2001 as follows:

7 (735 ILCS 5/5-105) (from Ch. 110, par. 5-105)

8 Sec. 5-105. Waiver of court fees, costs, and charges.

9 (a) As used in this Section:

10 (1) "Fees, costs, and charges" means payments imposed
11 on a party in connection with the prosecution or defense
12 of a civil action, including, but not limited to: fees set
13 forth in Section 27.1b of the Clerks of Courts Act; fees
14 for service of process and other papers served either
15 within or outside this State, including service by
16 publication pursuant to Section 2-206 of this Code and
17 publication of necessary legal notices; motion fees;
18 charges for participation in, or attendance at, any
19 mandatory process or procedure including, but not limited
20 to, conciliation, mediation, arbitration, counseling,
21 evaluation, "Children First", "Focus on Children" or
22 similar programs; fees for supplementary proceedings;
23 charges for translation services; guardian ad litem fees;
24 and all other processes and procedures deemed by the court

1 to be necessary to commence, prosecute, defend, or enforce
2 relief in a civil action.

3 (2) "Indigent person" means any person who meets one
4 or more of the following criteria:

5 (i) He or she is receiving assistance under one or
6 more of the following means-based governmental public
7 benefits programs: Supplemental Security Income (SSI),
8 Aid to the Aged, Blind and Persons with Disabilities
9 ~~Disabled~~ (AABD), Temporary Assistance for Needy
10 Families (TANF), Supplemental Nutrition Assistance
11 Program (SNAP), General Assistance, Transitional
12 Assistance, or State Children and Family Assistance.

13 (ii) His or her available personal income is 125%
14 or less of the current poverty level, unless the
15 applicant's assets that are not exempt under Part 9 or
16 10 of Article XII of this Code are of a nature and
17 value that the court determines that the applicant is
18 able to pay the fees, costs, and charges.

19 (iii) He or she is, in the discretion of the court,
20 unable to proceed in an action without payment of
21 fees, costs, and charges and whose payment of those
22 fees, costs, and charges would result in substantial
23 hardship to the person or his or her family.

24 (iv) He or she is an indigent person pursuant to
25 Section 5-105.5 of this Code.

26 (3) "Poverty level" means the current poverty level as

1 established by the United States Department of Health and
2 Human Services.

3 (b) On the application of any person, before or after the
4 commencement of an action:

5 (1) If the court finds that the applicant is an
6 indigent person, the court shall grant the applicant a
7 full fees, costs, and charges waiver entitling him or her
8 to sue or defend the action without payment of any of the
9 fees, costs, and charges.

10 (2) If the court finds that the applicant satisfies
11 any of the criteria contained in items (i), (ii), or (iii)
12 of this subdivision (b)(2), the court shall grant the
13 applicant a partial fees, costs, and charges waiver
14 entitling him or her to sue or defend the action upon
15 payment of the applicable percentage of the assessments,
16 costs, and charges of the action, as follows:

17 (i) the court shall waive 75% of all fees, costs,
18 and charges if the available income of the applicant
19 is greater than 125% but does not exceed 150% of the
20 poverty level, unless the assets of the applicant that
21 are not exempt under Part 9 or 10 of Article XII of
22 this Code are such that the applicant is able, without
23 undue hardship, to pay a greater portion of the fees,
24 costs, and charges;

25 (ii) the court shall waive 50% of all fees, costs,
26 and charges if the available income is greater than

1 150% but does not exceed 175% of the poverty level,
2 unless the assets of the applicant that are not exempt
3 under Part 9 or 10 of Article XII of this Code are such
4 that the applicant is able, without undue hardship, to
5 pay a greater portion of the fees, costs, and charges;
6 and

7 (iii) the court shall waive 25% of all fees,
8 costs, and charges if the available income of the
9 applicant is greater than 175% but does not exceed
10 200% of the current poverty level, unless the assets
11 of the applicant that are not exempt under Part 9 or 10
12 of Article XII of this Code are such that the applicant
13 is able, without undue hardship, to pay a greater
14 portion of the fees, costs, and charges.

15 (c) An application for waiver of court fees, costs, and
16 charges shall be in writing and signed by the applicant, or, if
17 the applicant is a minor or an incompetent adult, by another
18 person having knowledge of the facts. The contents of the
19 application for waiver of court fees, costs, and charges, and
20 the procedure for the decision of the applications, shall be
21 established by Supreme Court Rule. Factors to consider in
22 evaluating an application shall include:

23 (1) the applicant's receipt of needs based
24 governmental public benefits, including Supplemental
25 Security Income (SSI); Aid to the Aged, Blind and Persons
26 with Disabilities ~~Disabled~~ (AABD); Temporary Assistance

1 for Needy Families (TANF); Supplemental Nutrition
2 Assistance Program (SNAP or "food stamps"); General
3 Assistance; Transitional Assistance; or State Children and
4 Family Assistance;

5 (2) the employment status of the applicant and amount
6 of monthly income, if any;

7 (3) income received from the applicant's pension,
8 Social Security benefits, unemployment benefits, and other
9 sources;

10 (4) income received by the applicant from other
11 household members;

12 (5) the applicant's monthly expenses, including rent,
13 home mortgage, other mortgage, utilities, food, medical,
14 vehicle, childcare, debts, child support, and other
15 expenses; and

16 (6) financial affidavits or other similar supporting
17 documentation provided by the applicant showing that
18 payment of the imposed fees, costs, and charges would
19 result in substantial hardship to the applicant or the
20 applicant's family.

21 (c-5) The court shall provide, through the office of the
22 clerk of the court, the application for waiver of court fees,
23 costs, and charges to any person seeking to sue or defend an
24 action who indicates an inability to pay the fees, costs, and
25 charges of the action. The clerk of the court shall post in a
26 conspicuous place in the courthouse a notice no smaller than

1 8.5 x 11 inches, using no smaller than 30-point typeface
2 printed in English and in Spanish, advising the public that
3 they may ask the court for permission to sue or defend a civil
4 action without payment of fees, costs, and charges. The notice
5 shall be substantially as follows:

6 "If you are unable to pay the fees, costs, and charges
7 of an action you may ask the court to allow you to proceed
8 without paying them. Ask the clerk of the court for
9 forms."

10 (d) (Blank).

11 (e) The clerk of the court shall not refuse to accept and
12 file any complaint, appearance, or other paper presented by
13 the applicant if accompanied by an application for waiver of
14 court fees, costs, and charges, and those papers shall be
15 considered filed on the date the application is presented. If
16 the application is denied or a partial fees, costs, and
17 charges waiver is granted, the order shall state a date
18 certain by which the necessary fees, costs, and charges must
19 be paid. For good cause shown, the court may allow an applicant
20 who receives a partial fees, costs, and charges waiver to
21 defer payment of fees, costs, and charges, make installment
22 payments, or make payment upon reasonable terms and conditions
23 stated in the order. The court may dismiss the claims or strike
24 the defenses of any party failing to pay the fees, costs, and
25 charges within the time and in the manner ordered by the court.
26 A judicial ruling on an application for waiver of court

1 assessments does not constitute a decision of a substantial
2 issue in the case under Section 2-1001 of this Code.

3 (f) The order granting a full or partial fees, costs, and
4 charges waiver shall expire after one year. Upon expiration of
5 the waiver, or a reasonable period of time before expiration,
6 the party whose fees, costs, and charges were waived may file
7 another application for waiver and the court shall consider
8 the application in accordance with the applicable Supreme
9 Court Rule.

10 (f-5) If, before or at the time of final disposition of the
11 case, the court obtains information, including information
12 from the court file, suggesting that a person whose fees,
13 costs, and charges were initially waived was not entitled to a
14 full or partial waiver at the time of application, the court
15 may require the person to appear at a court hearing by giving
16 the applicant no less than 10 days' written notice of the
17 hearing and the specific reasons why the initial waiver might
18 be reconsidered. The court may require the applicant to
19 provide reasonably available evidence, including financial
20 information, to support his or her eligibility for the waiver,
21 but the court shall not require submission of information that
22 is unrelated to the criteria for eligibility and application
23 requirements set forth in subdivision (b) (1) or (b) (2) of this
24 Section. If the court finds that the person was not initially
25 entitled to any waiver, the person shall pay all fees, costs,
26 and charges relating to the civil action, including any

1 previously waived fees, costs, and charges. The order may
2 state terms of payment in accordance with subsection (e). The
3 court shall not conduct a hearing under this subsection more
4 often than once every 6 months.

5 (f-10) If, before or at the time of final disposition of
6 the case, the court obtains information, including information
7 from the court file, suggesting that a person who received a
8 full or partial waiver has experienced a change in financial
9 condition so that he or she is no longer eligible for that
10 waiver, the court may require the person to appear at a court
11 hearing by giving the applicant no less than 10 days' written
12 notice of the hearing and the specific reasons why the waiver
13 might be reconsidered. The court may require the person to
14 provide reasonably available evidence, including financial
15 information, to support his or her continued eligibility for
16 the waiver, but shall not require submission of information
17 that is unrelated to the criteria for eligibility and
18 application requirements set forth in subdivisions (b)(1) and
19 (b)(2) of this Section. If the court enters an order finding
20 that the person is no longer entitled to a waiver, or is
21 entitled to a partial waiver different than that which the
22 person had previously received, the person shall pay the
23 requisite fees, costs, and charges from the date of the order
24 going forward. The order may state terms of payment in
25 accordance with subsection (e) of this Section. The court
26 shall not conduct a hearing under this subsection more often

1 than once every 6 months.

2 (g) A court, in its discretion, may appoint counsel to
3 represent an indigent person, and that counsel shall perform
4 his or her duties without fees, charges, or reward.

5 (h) Nothing in this Section shall be construed to affect
6 the right of a party to sue or defend an action in forma
7 pauperis without the payment of fees, costs, charges, or the
8 right of a party to court-appointed counsel, as authorized by
9 any other provision of law or by the rules of the Illinois
10 Supreme Court. Nothing in this Section shall be construed to
11 limit the authority of a court to order another party to the
12 action to pay the fees, costs, and charges of the action.

13 (h-5) If a party is represented by a civil legal services
14 provider or an attorney in a court-sponsored pro bono program
15 as defined in Section 5-105.5 of this Code, the attorney
16 representing that party shall file a certification with the
17 court in accordance with Supreme Court Rule 298 and that party
18 shall be allowed to sue or defend without payment of fees,
19 costs, and charges without filing an application under this
20 Section.

21 (h-10) (Blank).

22 (i) The provisions of this Section are severable under
23 Section 1.31 of the Statute on Statutes.

24 (Source: P.A. 101-36, eff. 6-28-19; 102-558, eff. 8-20-21.)

25 (735 ILCS 5/8-2001) (from Ch. 110, par. 8-2001)

1 Sec. 8-2001. Examination of health care records.

2 (a) In this Section:

3 "Health care facility" or "facility" means a public or
4 private hospital, ambulatory surgical treatment center,
5 nursing home, independent practice association, or physician
6 hospital organization, or any other entity where health care
7 services are provided to any person. The term does not include
8 a health care practitioner.

9 "Health care practitioner" means any health care
10 practitioner, including a physician, dentist, podiatric
11 physician, advanced practice registered nurse, registered
12 nurse, licensed practical nurse, physician assistant, clinical
13 psychologist, clinical social worker, therapist, or counselor.
14 The term includes a medical office, health care clinic, health
15 department, group practice, and any other organizational
16 structure for a licensed professional to provide health care
17 services. The term does not include a health care facility.

18 (b) Every private and public health care facility shall,
19 upon the request of any patient who has been treated in such
20 health care facility, or any person, entity, or organization
21 presenting a valid authorization for the release of records
22 signed by the patient or the patient's legally authorized
23 representative, or as authorized by Section 8-2001.5, permit
24 the patient, his or her health care practitioner, authorized
25 attorney, or any person, entity, or organization presenting a
26 valid authorization for the release of records signed by the

1 patient or the patient's legally authorized representative to
2 examine the health care facility patient care records,
3 including but not limited to the history, bedside notes,
4 charts, pictures and plates, kept in connection with the
5 treatment of such patient, and permit copies of such records
6 to be made by him or her or his or her health care practitioner
7 or authorized attorney.

8 (c) Every health care practitioner shall, upon the request
9 of any patient who has been treated by the health care
10 practitioner, or any person, entity, or organization
11 presenting a valid authorization for the release of records
12 signed by the patient or the patient's legally authorized
13 representative, permit the patient and the patient's health
14 care practitioner or authorized attorney, or any person,
15 entity, or organization presenting a valid authorization for
16 the release of records signed by the patient or the patient's
17 legally authorized representative, to examine and copy the
18 patient's records, including but not limited to those relating
19 to the diagnosis, treatment, prognosis, history, charts,
20 pictures and plates, kept in connection with the treatment of
21 such patient.

22 (d) A request for copies of the records shall be in writing
23 and shall be delivered to the administrator or manager of such
24 health care facility or to the health care practitioner. The
25 person (including patients, health care practitioners and
26 attorneys) requesting copies of records shall reimburse the

1 facility or the health care practitioner at the time of such
2 copying for all reasonable expenses, including the costs of
3 independent copy service companies, incurred in connection
4 with such copying not to exceed a \$20 handling charge for
5 processing the request and the actual postage or shipping
6 charge, if any, plus: (1) for paper copies 75 cents per page
7 for the first through 25th pages, 50 cents per page for the
8 26th through 50th pages, and 25 cents per page for all pages in
9 excess of 50 (except that the charge shall not exceed \$1.25 per
10 page for any copies made from microfiche or microfilm; records
11 retrieved from scanning, digital imaging, electronic
12 information or other digital format do not qualify as
13 microfiche or microfilm retrieval for purposes of calculating
14 charges); and (2) for electronic records, retrieved from a
15 scanning, digital imaging, electronic information or other
16 digital format in an electronic document, a charge of 50% of
17 the per page charge for paper copies under subdivision (d)(1).
18 This per page charge includes the cost of each CD Rom, DVD, or
19 other storage media. Records already maintained in an
20 electronic or digital format shall be provided in an
21 electronic format when so requested. If the records system
22 does not allow for the creation or transmission of an
23 electronic or digital record, then the facility or
24 practitioner shall inform the requester in writing of the
25 reason the records can not be provided electronically. The
26 written explanation may be included with the production of

1 paper copies, if the requester chooses to order paper copies.
2 These rates shall be automatically adjusted as set forth in
3 Section 8-2006. The facility or health care practitioner may,
4 however, charge for the reasonable cost of all duplication of
5 record material or information that cannot routinely be copied
6 or duplicated on a standard commercial photocopy machine such
7 as x-ray films or pictures.

8 (d-5) The handling fee shall not be collected from the
9 patient or the patient's personal representative who obtains
10 copies of records under Section 8-2001.5.

11 (e) The requirements of this Section shall be satisfied
12 within 30 days of the receipt of a written request by a patient
13 or by his or her legally authorized representative, health
14 care practitioner, authorized attorney, or any person, entity,
15 or organization presenting a valid authorization for the
16 release of records signed by the patient or the patient's
17 legally authorized representative. If the facility or health
18 care practitioner needs more time to comply with the request,
19 then within 30 days after receiving the request, the facility
20 or health care practitioner must provide the requesting party
21 with a written statement of the reasons for the delay and the
22 date by which the requested information will be provided. In
23 any event, the facility or health care practitioner must
24 provide the requested information no later than 60 days after
25 receiving the request.

26 (f) A health care facility or health care practitioner

1 must provide the public with at least 30 days prior notice of
2 the closure of the facility or the health care practitioner's
3 practice. The notice must include an explanation of how copies
4 of the facility's records may be accessed by patients. The
5 notice may be given by publication in a newspaper of general
6 circulation in the area in which the health care facility or
7 health care practitioner is located.

8 (g) Failure to comply with the time limit requirement of
9 this Section shall subject the denying party to expenses and
10 reasonable attorneys' fees incurred in connection with any
11 court ordered enforcement of the provisions of this Section.

12 (h) Notwithstanding any other provision of the law, a
13 health care facility or health care practitioner shall provide
14 without charge one complete copy of a patient's records if the
15 records are being requested by the patient or a person,
16 entity, attorney, registered representative, or organization
17 presenting a valid authorization for the release of records
18 signed by the patient or the patient's legally authorized
19 representative who has provided documentation of authority to
20 act for the patient, or by such other requester as is
21 authorized by statute if the patient is deceased, for the
22 purpose of supporting a claim for: (1) federal veterans'
23 disability benefits; (2) federal Social Security or
24 Supplemental Security Income benefits, or both, under any
25 title of the Social Security Act; or (3) Aid to the Aged,
26 Blind, or Persons with Disabilities ~~Disabled~~ benefits. Upon

1 request, and if the records are for at least one of the
2 approved purposes, the requester may obtain updated medical
3 records not included in the original medical record free of
4 charge if the request is accompanied by a valid authorization
5 for the release of records signed by the patient, the
6 patient's legally authorized representative who has provided
7 documentation of authority to act for the patient, or such
8 other requester as is authorized by statute if the patient is
9 deceased.

10 (Source: P.A. 102-183, eff. 1-1-22.)

11 Section 45. The Condominium Property Act is amended by
12 changing Section 18.12 as follows:

13 (765 ILCS 605/18.12)

14 Sec. 18.12. Accessible parking.

15 (a) The board of managers shall adopt a policy to
16 reasonably accommodate a unit owner who is a person with a
17 disability who requires accessible parking. Such a policy
18 shall include, without limitation, the procedure for
19 submitting a request for an accessible parking space and the
20 time in which the board shall review the request. The time for
21 review shall not be more than 45 days from the date the request
22 is submitted. The board must review and make a decision on the
23 request within a reasonable period of time. A copy of such
24 policy shall be given to any unit owner upon request. The board

1 of managers shall adopt such policy no later than 90 days after
2 the effective date of this amendatory Act of the 103rd General
3 Assembly for condominiums existing on said effective date or
4 90 days after the date of the election of the initial board of
5 managers pursuant to Section 18.2 of this Act.

6 (b) The board of managers shall make reasonable efforts to
7 facilitate a resolution between unit owners to provide for
8 accessible parking when the association does not own or
9 otherwise control parking that meets the accessible parking
10 needs of a unit owner who is a person with a disability who
11 requires accessible parking.

12 (c) For all new construction condominiums and conversion
13 condominiums submitted to the provisions of this Act after the
14 effective date of this amendatory Act of the 103rd General
15 Assembly, all accessible parking spaces constructed or created
16 in accordance with applicable federal, State, and local
17 building and accessibility statutes, codes, and ordinances
18 must remain part of the common elements. No developer or
19 declarant shall construct, create, or otherwise make parking
20 units (a unit as defined in Section 2 of this Act that is a
21 parking space) or limited common elements of such accessible
22 parking spaces. The board of managers has the authority to
23 establish rules and regulations for the use of such common
24 element accessible parking spaces, including, but not limited
25 to, renting or licensing such common element accessible
26 parking spaces to non-disabled unit owners, provided that the

1 rules and regulations must provide that a unit owner who is a
2 person with a disability who requires accessible parking has
3 priority over non-disabled unit owners, and that non-disabled
4 unit owners must immediately stop using such common element
5 accessible parking space when a request by a unit owner who is
6 a person with a disability for accessible parking is approved
7 by the board.

8 Nothing in this subsection (c) shall preclude a person
9 with a disability ~~disabled person~~ from purchasing a parking
10 unit or a residential unit to which a limited common element
11 parking space is assigned, and no developer or declarant shall
12 refuse to sell a parking unit to a person with a disability
13 ~~disabled person~~ or assign a limited common element parking
14 space to a residential unit purchased by a person with a
15 disability ~~disabled person~~. If a person with a disability
16 ~~disabled person~~ purchases a parking unit or a residential unit
17 to which a limited common element parking space is assigned,
18 that unit owner who is a person with a disability who requires
19 accessible parking may request use of a common element
20 accessible parking space in exchange for permitting the
21 association use of that disabled unit owner's parking unit or
22 limited common element parking space.

23 (d) Subsections (a) and (b) apply to all condominiums that
24 have parking, regardless of whether the parking comprises
25 parking units, limited common elements, common elements, or
26 parking rights.

1 (e) An aggrieved unit owner, an aggrieved prospective unit
2 owner, or the board of managers may commence a civil action in
3 State court against a developer or declarant who fails to
4 comply with its requirements under subsection (c). If the
5 court finds that the developer or declarant failed to comply
6 with these requirements, it may award declaratory relief,
7 actual damages, punitive damages and, if appropriate,
8 equitable relief.

9 The condominium association shall not be held liable for
10 the failure of the developer or declarant to comply with its
11 requirements under subsection (c).

12 (Source: P.A. 103-916, eff. 1-1-25.)

13 Section 95. No acceleration or delay. Where this Act makes
14 changes in a statute that is represented in this Act by text
15 that is not yet or no longer in effect (for example, a Section
16 represented by multiple versions), the use of that text does
17 not accelerate or delay the taking effect of (i) the changes
18 made by this Act or (ii) provisions derived from any other
19 Public Act.

20 Section 99. Effective date. This Act takes effect January
21 1, 2027.

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