



Rep. Carol Ammons

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1 AMENDMENT TO HOUSE BILL 1063

2 AMENDMENT NO. _____. Amend House Bill 1063 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The AIDS Confidentiality Act is amended by
5 changing Section 9 as follows:

6 (410 ILCS 305/9) (from Ch. 111 1/2, par. 7309)

7 Sec. 9. (1) No person may disclose or be compelled to
8 disclose HIV-related information, except to the following
9 persons:

10 (a) The subject of an HIV test or the subject's
11 legally authorized representative. A physician may notify
12 the spouse or civil union partner of the test subject, if
13 the test result is positive and has been confirmed
14 pursuant to rules adopted by the Department, provided that
15 the physician has first sought unsuccessfully to persuade
16 the patient to notify the spouse or civil union partner or

1 that, a reasonable time after the patient has agreed to
2 make the notification, the physician has reason to believe
3 that the patient has not provided the notification. This
4 paragraph shall not create a duty or obligation under
5 which a physician must notify the spouse or civil union
6 partner of the test results, nor shall such duty or
7 obligation be implied. No civil liability or criminal
8 sanction under this Act shall be imposed for any
9 disclosure or non-disclosure of a test result to a spouse
10 or civil union partner by a physician acting in good faith
11 under this paragraph. For the purpose of any proceedings,
12 civil or criminal, the good faith of any physician acting
13 under this paragraph shall be presumed.

14 (b) Any person designated in a legally effective
15 authorization for release of the HIV-related information
16 executed by the subject of the HIV-related information or
17 the subject's legally authorized representative.

18 (c) An authorized agent or employee of a health
19 facility or health care provider if the health facility or
20 health care provider itself is authorized to obtain the
21 test results, the agent or employee provides patient care
22 or handles or processes specimens of body fluids or
23 tissues, and the agent or employee has a need to know such
24 information.

25 (d) The Department and local health authorities
26 serving a population of over 1,000,000 residents or other

1 local health authorities as designated by the Department,
2 in accordance with rules for reporting, preventing, and
3 controlling the spread of disease and the conduct of
4 public health surveillance, public health investigations,
5 and public health interventions, as otherwise provided by
6 State law. The Department, local health authorities, and
7 authorized representatives shall not disclose HIV test
8 results and HIV-related information, publicly or in any
9 action of any kind in any court or before any tribunal,
10 board, or agency. HIV test results and HIV-related
11 information shall be protected from disclosure in
12 accordance with the provisions of Sections 8-2101 through
13 8-2105 of the Code of Civil Procedure.

14 (e) A health facility, health care provider, or health
15 care professional which procures, processes, distributes
16 or uses: (i) a human body part from a deceased person with
17 respect to medical information regarding that person; or
18 (ii) semen provided prior to the effective date of this
19 Act for the purpose of artificial insemination.

20 (f) Health facility staff committees for the purposes
21 of conducting program monitoring, program evaluation or
22 service reviews.

23 (f-5) (Blank). ~~A court in accordance with the~~
24 ~~provisions of Section 12-5.01 of the Criminal Code of~~
25 ~~2012.~~

26 (g) (Blank).

1 (h) Any health care provider, health care
2 professional, or employee of a health facility, and any
3 firefighter or EMR, EMT, A-EMT, paramedic, PHRN, or EMT-I,
4 involved in an accidental direct skin or mucous membrane
5 contact with the blood or bodily fluids of an individual
6 which is of a nature that may transmit HIV, as determined
7 by a physician in his medical judgment.

8 (i) Any law enforcement officer, as defined in
9 subsection (c) of Section 7, involved in the line of duty
10 in a direct skin or mucous membrane contact with the blood
11 or bodily fluids of an individual which is of a nature that
12 may transmit HIV, as determined by a physician in his
13 medical judgment.

14 (j) A temporary caretaker of a child taken into
15 temporary protective custody by the Department of Children
16 and Family Services pursuant to Section 5 of the Abused
17 and Neglected Child Reporting Act, as now or hereafter
18 amended.

19 (k) In the case of a minor under 18 years of age whose
20 test result is positive and has been confirmed pursuant to
21 rules adopted by the Department, the health care
22 professional who ordered the test shall make a reasonable
23 effort to notify the minor's parent or legal guardian if,
24 in the professional judgment of the health care
25 professional, notification would be in the best interest
26 of the child and the health care professional has first

1 sought unsuccessfully to persuade the minor to notify the
2 parent or legal guardian or a reasonable time after the
3 minor has agreed to notify the parent or legal guardian,
4 the health care professional has reason to believe that
5 the minor has not made the notification. This subsection
6 shall not create a duty or obligation under which a health
7 care professional must notify the minor's parent or legal
8 guardian of the test results, nor shall a duty or
9 obligation be implied. No civil liability or criminal
10 sanction under this Act shall be imposed for any
11 notification or non-notification of a minor's test result
12 by a health care professional acting in good faith under
13 this subsection. For the purpose of any proceeding, civil
14 or criminal, the good faith of any health care
15 professional acting under this subsection shall be
16 presumed.

17 (2) All information and records held by a State agency,
18 local health authority, or health oversight agency pertaining
19 to HIV-related information shall be strictly confidential and
20 exempt from copying and inspection under the Freedom of
21 Information Act. The information and records shall not be
22 released or made public by the State agency, local health
23 authority, or health oversight agency, shall not be admissible
24 as evidence nor discoverable in any action of any kind in any
25 court or before any tribunal, board, agency, or person, and
26 shall be treated in the same manner as the information and

1 those records subject to the provisions of Part 21 of Article
2 VIII of the Code of Civil Procedure, except under the
3 following circumstances:

4 (A) when made with the written consent of all persons
5 to whom the information pertains; or

6 (B) when authorized by Section 5-4-3 of the Unified
7 Code of Corrections.

8 Disclosure shall be limited to those who have a need to
9 know the information, and no additional disclosures may be
10 made.

11 (Source: P.A. 98-973, eff. 8-15-14; 98-1046, eff. 1-1-15;
12 99-54, eff. 1-1-16; 99-78, eff. 7-20-15.)

13 Section 10. The Illinois Sexually Transmissible Disease
14 Control Act is amended by changing Section 5.5 as follows:

15 (410 ILCS 325/5.5) (from Ch. 111 1/2, par. 7405.5)

16 Sec. 5.5. Risk assessment.

17 (a) Whenever the Department receives a report of HIV
18 infection or AIDS pursuant to this Act and the Department
19 determines that the subject of the report may present or may
20 have presented a possible risk of HIV transmission, the
21 Department shall, when medically appropriate, investigate the
22 subject of the report and that person's contacts as defined in
23 subsection (c), to assess the potential risks of transmission.
24 Any investigation and action shall be conducted in a timely

1 fashion. All contacts other than those defined in subsection
2 (c) shall be investigated in accordance with Section 5 of this
3 Act.

4 (b) If the Department determines that there is or may have
5 been potential risks of HIV transmission from the subject of
6 the report to other persons, the Department shall afford the
7 subject the opportunity to submit any information and comment
8 on proposed actions the Department intends to take with
9 respect to the subject's contacts who are at potential risk of
10 transmission of HIV prior to notification of the subject's
11 contacts. The Department shall also afford the subject of the
12 report the opportunity to notify the subject's contacts in a
13 timely fashion who are at potential risk of transmission of
14 HIV prior to the Department taking any steps to notify such
15 contacts. If the subject declines to notify such contacts or
16 if the Department determines the notices to be inadequate or
17 incomplete, the Department shall endeavor to notify such other
18 persons of the potential risk, and offer testing and
19 counseling services to these individuals. When the contacts
20 are notified, they shall be informed of the disclosure
21 provisions of the AIDS Confidentiality Act and the penalties
22 therein and this Section.

23 (c) Contacts investigated under this Section shall in the
24 case of HIV infection include (i) individuals who have
25 undergone invasive procedures performed by an HIV infected
26 health care provider and (ii) health care providers who have

1 performed invasive procedures for persons infected with HIV,
2 provided the Department has determined that there is or may
3 have been potential risk of HIV transmission from the health
4 care provider to those individuals or from infected persons to
5 health care providers. The Department shall have access to the
6 subject's records to review for the identity of contacts. The
7 subject's records shall not be copied or seized by the
8 Department.

9 For purposes of this subsection, the term "invasive
10 procedures" means those procedures termed invasive by the
11 Centers for Disease Control in current guidelines or
12 recommendations for the prevention of HIV transmission in
13 health care settings, and the term "health care provider"
14 means any physician, dentist, podiatric physician, advanced
15 practice registered nurse, physician assistant, nurse, or
16 other person providing health care services of any kind.

17 (d) All information and records held by the Department and
18 local health authorities pertaining to activities conducted
19 pursuant to this Section shall be strictly confidential and
20 exempt from copying and inspection under the Freedom of
21 Information Act. Such information and records shall not be
22 released or made public by the Department or local health
23 authorities, and shall not be admissible as evidence, nor
24 discoverable in any action of any kind in any court or before
25 any tribunal, board, agency or person and shall be treated in
26 the same manner as the information and those records subject

1 to the provisions of Part 21 of Article VIII of the Code of
2 Civil Procedure except under the following circumstances:

3 (1) When made with the written consent of all persons
4 to whom this information pertains;

5 (2) (Blank) ~~When authorized under Section 8 to be~~
6 ~~released under court order or subpoena pursuant to Section~~
7 ~~12-5.01 or 12-16.2 of the Criminal Code of 1961 or the~~
8 ~~Criminal Code of 2012; or~~

9 (3) When made by the Department for the purpose of
10 seeking a warrant authorized by Sections 6 and 7 of this
11 Act. Such disclosure shall conform to the requirements of
12 subsection (a) of Section 8 of this Act.

13 (e) Any person who knowingly or maliciously disseminates
14 any information or report concerning the existence of any
15 disease under this Section is guilty of a Class A misdemeanor.

16 (Source: P.A. 99-642, eff. 7-28-16; 100-513, eff. 1-1-18.)

17 Section 15. The Illinois Vehicle Code is amended by
18 changing Sections 6-106.1 and 6-508 as follows:

19 (625 ILCS 5/6-106.1) (from Ch. 95 1/2, par. 6-106.1)

20 Sec. 6-106.1. School bus driver permit.

21 (a) The Secretary of State shall issue a school bus driver
22 permit to those applicants who have met all the requirements
23 of the application and screening process under this Section to
24 insure the welfare and safety of children who are transported

1 on school buses throughout the State of Illinois. Applicants
2 shall obtain the proper application required by the Secretary
3 of State from their prospective or current employer and submit
4 the completed application to the prospective or current
5 employer along with the necessary fingerprint submission as
6 required by the Department of State Police to conduct
7 fingerprint based criminal background checks on current and
8 future information available in the state system and current
9 information available through the Federal Bureau of
10 Investigation's system. Applicants who have completed the
11 fingerprinting requirements shall not be subjected to the
12 fingerprinting process when applying for subsequent permits or
13 submitting proof of successful completion of the annual
14 refresher course. Individuals who on July 1, 1995 (the
15 effective date of Public Act 88-612) possess a valid school
16 bus driver permit that has been previously issued by the
17 appropriate Regional School Superintendent are not subject to
18 the fingerprinting provisions of this Section as long as the
19 permit remains valid and does not lapse. The applicant shall
20 be required to pay all related application and fingerprinting
21 fees as established by rule including, but not limited to, the
22 amounts established by the Department of State Police and the
23 Federal Bureau of Investigation to process fingerprint based
24 criminal background investigations. All fees paid for
25 fingerprint processing services under this Section shall be
26 deposited into the State Police Services Fund for the cost

1 incurred in processing the fingerprint based criminal
2 background investigations. All other fees paid under this
3 Section shall be deposited into the Road Fund for the purpose
4 of defraying the costs of the Secretary of State in
5 administering this Section. All applicants must:

6 1. be 21 years of age or older;

7 2. possess a valid and properly classified driver's
8 license issued by the Secretary of State;

9 3. possess a valid driver's license, which has not
10 been revoked, suspended, or canceled for 3 years
11 immediately prior to the date of application, or have not
12 had his or her commercial motor vehicle driving privileges
13 disqualified within the 3 years immediately prior to the
14 date of application;

15 4. successfully pass a written test, administered by
16 the Secretary of State, on school bus operation, school
17 bus safety, and special traffic laws relating to school
18 buses and submit to a review of the applicant's driving
19 habits by the Secretary of State at the time the written
20 test is given;

21 5. demonstrate ability to exercise reasonable care in
22 the operation of school buses in accordance with rules
23 promulgated by the Secretary of State;

24 6. demonstrate physical fitness to operate school
25 buses by submitting the results of a medical examination,
26 including tests for drug use for each applicant not

1 subject to such testing pursuant to federal law, conducted
2 by a licensed physician, a licensed advanced practice
3 registered nurse, or a licensed physician assistant within
4 90 days of the date of application according to standards
5 promulgated by the Secretary of State;

6 7. affirm under penalties of perjury that he or she
7 has not made a false statement or knowingly concealed a
8 material fact in any application for permit;

9 8. have completed an initial classroom course,
10 including first aid procedures, in school bus driver
11 safety as promulgated by the Secretary of State; and after
12 satisfactory completion of said initial course an annual
13 refresher course; such courses and the agency or
14 organization conducting such courses shall be approved by
15 the Secretary of State; failure to complete the annual
16 refresher course, shall result in cancellation of the
17 permit until such course is completed;

18 9. not have been under an order of court supervision
19 for or convicted of 2 or more serious traffic offenses, as
20 defined by rule, within one year prior to the date of
21 application that may endanger the life or safety of any of
22 the driver's passengers within the duration of the permit
23 period;

24 10. not have been under an order of court supervision
25 for or convicted of reckless driving, aggravated reckless
26 driving, driving while under the influence of alcohol,

1 other drug or drugs, intoxicating compound or compounds or
2 any combination thereof, or reckless homicide resulting
3 from the operation of a motor vehicle within 3 years of the
4 date of application;

5 11. not have been convicted of committing or
6 attempting to commit any one or more of the following
7 offenses: (i) those offenses defined in Sections 8-1,
8 8-1.2, 9-1, 9-1.2, 9-2, 9-2.1, 9-3, 9-3.2, 9-3.3, 10-1,
9 10-2, 10-3.1, 10-4, 10-5, 10-5.1, 10-6, 10-7, 10-9,
10 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6, 11-6.5,
11 11-6.6, 11-9, 11-9.1, 11-9.1A, 11-9.3, 11-9.4, 11-9.4-1,
12 11-14, 11-14.1, 11-14.3, 11-14.4, 11-15, 11-15.1, 11-16,
13 11-17, 11-17.1, 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2,
14 11-20, 11-20.1, 11-20.1B, 11-20.3, 11-21, 11-22, 11-23,
15 11-24, 11-25, 11-26, 11-30, 12-2.6, 12-3.05, 12-3.1, 12-4,
16 12-4.1, 12-4.2, 12-4.2-5, 12-4.3, 12-4.4, 12-4.5, 12-4.6,
17 12-4.7, 12-4.9, ~~12-5.01~~, 12-5.3, 12-6, 12-6.2, 12-7.1,
18 12-7.3, 12-7.4, 12-7.5, 12-11, 12-13, 12-14, 12-14.1,
19 12-15, 12-16, ~~12-16.2~~, 12-21.5, 12-21.6, 12-33, 12C-5,
20 12C-10, 12C-20, 12C-30, 12C-45, 16-16, 16-16.1, 18-1,
21 18-2, 18-3, 18-4, 18-5, 19-6, 20-1, 20-1.1, 20-1.2,
22 20-1.3, 20-2, 24-1, 24-1.1, 24-1.2, 24-1.2-5, 24-1.6,
23 24-1.7, 24-2.1, 24-3.3, 24-3.5, 24-3.8, 24-3.9, 31A-1.1,
24 33A-2, and 33D-1, in subsection (A), clauses (a) and (b),
25 of Section 24-3, and those offenses contained in Article
26 29D of the Criminal Code of 1961 or the Criminal Code of

1 2012; (ii) those offenses defined in the Cannabis Control
2 Act except those offenses defined in subsections (a) and
3 (b) of Section 4, and subsection (a) of Section 5 of the
4 Cannabis Control Act; (iii) those offenses defined in the
5 Illinois Controlled Substances Act; (iv) those offenses
6 defined in the Methamphetamine Control and Community
7 Protection Act; and (v) any offense committed or attempted
8 in any other state or against the laws of the United
9 States, which if committed or attempted in this State
10 would be punishable as one or more of the foregoing
11 offenses; (vi) the offenses defined in Section 4.1 and 5.1
12 of the Wrongs to Children Act or Section 11-9.1A of the
13 Criminal Code of 1961 or the Criminal Code of 2012; (vii)
14 those offenses defined in Section 6-16 of the Liquor
15 Control Act of 1934; and (viii) those offenses defined in
16 the Methamphetamine Precursor Control Act;

17 12. not have been repeatedly involved as a driver in
18 motor vehicle collisions or been repeatedly convicted of
19 offenses against laws and ordinances regulating the
20 movement of traffic, to a degree which indicates lack of
21 ability to exercise ordinary and reasonable care in the
22 safe operation of a motor vehicle or disrespect for the
23 traffic laws and the safety of other persons upon the
24 highway;

25 13. not have, through the unlawful operation of a
26 motor vehicle, caused an accident resulting in the death

1 of any person;

2 14. not have, within the last 5 years, been adjudged
3 to be afflicted with or suffering from any mental
4 disability or disease;

5 15. consent, in writing, to the release of results of
6 reasonable suspicion drug and alcohol testing under
7 Section 6-106.1c of this Code by the employer of the
8 applicant to the Secretary of State; and

9 16. not have been convicted of committing or
10 attempting to commit within the last 20 years: (i) an
11 offense defined in subsection (c) of Section 4, subsection
12 (b) of Section 5, and subsection (a) of Section 8 of the
13 Cannabis Control Act; or (ii) any offenses in any other
14 state or against the laws of the United States that, if
15 committed or attempted in this State, would be punishable
16 as one or more of the foregoing offenses.

17 (b) A school bus driver permit shall be valid for a period
18 specified by the Secretary of State as set forth by rule. It
19 shall be renewable upon compliance with subsection (a) of this
20 Section.

21 (c) A school bus driver permit shall contain the holder's
22 driver's license number, legal name, residence address, zip
23 code, and date of birth, a brief description of the holder and
24 a space for signature. The Secretary of State may require a
25 suitable photograph of the holder.

26 (d) The employer shall be responsible for conducting a

1 pre-employment interview with prospective school bus driver
2 candidates, distributing school bus driver applications and
3 medical forms to be completed by the applicant, and submitting
4 the applicant's fingerprint cards to the Department of State
5 Police that are required for the criminal background
6 investigations. The employer shall certify in writing to the
7 Secretary of State that all pre-employment conditions have
8 been successfully completed including the successful
9 completion of an Illinois specific criminal background
10 investigation through the Department of State Police and the
11 submission of necessary fingerprints to the Federal Bureau of
12 Investigation for criminal history information available
13 through the Federal Bureau of Investigation system. The
14 applicant shall present the certification to the Secretary of
15 State at the time of submitting the school bus driver permit
16 application.

17 (e) Permits shall initially be provisional upon receiving
18 certification from the employer that all pre-employment
19 conditions have been successfully completed, and upon
20 successful completion of all training and examination
21 requirements for the classification of the vehicle to be
22 operated, the Secretary of State shall provisionally issue a
23 School Bus Driver Permit. The permit shall remain in a
24 provisional status pending the completion of the Federal
25 Bureau of Investigation's criminal background investigation
26 based upon fingerprinting specimens submitted to the Federal

1 Bureau of Investigation by the Department of State Police. The
2 Federal Bureau of Investigation shall report the findings
3 directly to the Secretary of State. The Secretary of State
4 shall remove the bus driver permit from provisional status
5 upon the applicant's successful completion of the Federal
6 Bureau of Investigation's criminal background investigation.

7 (f) A school bus driver permit holder shall notify the
8 employer and the Secretary of State if he or she is issued an
9 order of court supervision for or convicted in another state
10 of an offense that would make him or her ineligible for a
11 permit under subsection (a) of this Section. The written
12 notification shall be made within 5 days of the entry of the
13 order of court supervision or conviction. Failure of the
14 permit holder to provide the notification is punishable as a
15 petty offense for a first violation and a Class B misdemeanor
16 for a second or subsequent violation.

17 (g) Cancellation; suspension; notice and procedure.

18 (1) The Secretary of State shall cancel a school bus
19 driver permit of an applicant whose criminal background
20 investigation discloses that he or she is not in
21 compliance with the provisions of subsection (a) of this
22 Section.

23 (2) The Secretary of State shall cancel a school bus
24 driver permit when he or she receives notice that the
25 permit holder fails to comply with any provision of this
26 Section or any rule promulgated for the administration of

1 this Section.

2 (3) The Secretary of State shall cancel a school bus
3 driver permit if the permit holder's restricted commercial
4 or commercial driving privileges are withdrawn or
5 otherwise invalidated.

6 (4) The Secretary of State may not issue a school bus
7 driver permit for a period of 3 years to an applicant who
8 fails to obtain a negative result on a drug test as
9 required in item 6 of subsection (a) of this Section or
10 under federal law.

11 (5) The Secretary of State shall forthwith suspend a
12 school bus driver permit for a period of 3 years upon
13 receiving notice that the holder has failed to obtain a
14 negative result on a drug test as required in item 6 of
15 subsection (a) of this Section or under federal law.

16 (6) The Secretary of State shall suspend a school bus
17 driver permit for a period of 3 years upon receiving
18 notice from the employer that the holder failed to perform
19 the inspection procedure set forth in subsection (a) or
20 (b) of Section 12-816 of this Code.

21 (7) The Secretary of State shall suspend a school bus
22 driver permit for a period of 3 years upon receiving
23 notice from the employer that the holder refused to submit
24 to an alcohol or drug test as required by Section 6-106.1c
25 or has submitted to a test required by that Section which
26 disclosed an alcohol concentration of more than 0.00 or

1 disclosed a positive result on a National Institute on
2 Drug Abuse five-drug panel, utilizing federal standards
3 set forth in 49 CFR 40.87.

4 The Secretary of State shall notify the State
5 Superintendent of Education and the permit holder's
6 prospective or current employer that the applicant has (1) has
7 failed a criminal background investigation or (2) is no longer
8 eligible for a school bus driver permit; and of the related
9 cancellation of the applicant's provisional school bus driver
10 permit. The cancellation shall remain in effect pending the
11 outcome of a hearing pursuant to Section 2-118 of this Code.
12 The scope of the hearing shall be limited to the issuance
13 criteria contained in subsection (a) of this Section. A
14 petition requesting a hearing shall be submitted to the
15 Secretary of State and shall contain the reason the individual
16 feels he or she is entitled to a school bus driver permit. The
17 permit holder's employer shall notify in writing to the
18 Secretary of State that the employer has certified the removal
19 of the offending school bus driver from service prior to the
20 start of that school bus driver's next workshift. An employing
21 school board that fails to remove the offending school bus
22 driver from service is subject to the penalties defined in
23 Section 3-14.23 of the School Code. A school bus contractor
24 who violates a provision of this Section is subject to the
25 penalties defined in Section 6-106.11.

26 All valid school bus driver permits issued under this

1 Section prior to January 1, 1995, shall remain effective until
2 their expiration date unless otherwise invalidated.

3 (h) When a school bus driver permit holder who is a service
4 member is called to active duty, the employer of the permit
5 holder shall notify the Secretary of State, within 30 days of
6 notification from the permit holder, that the permit holder
7 has been called to active duty. Upon notification pursuant to
8 this subsection, (i) the Secretary of State shall characterize
9 the permit as inactive until a permit holder renews the permit
10 as provided in subsection (i) of this Section, and (ii) if a
11 permit holder fails to comply with the requirements of this
12 Section while called to active duty, the Secretary of State
13 shall not characterize the permit as invalid.

14 (i) A school bus driver permit holder who is a service
15 member returning from active duty must, within 90 days, renew
16 a permit characterized as inactive pursuant to subsection (h)
17 of this Section by complying with the renewal requirements of
18 subsection (b) of this Section.

19 (j) For purposes of subsections (h) and (i) of this
20 Section:

21 "Active duty" means active duty pursuant to an executive
22 order of the President of the United States, an act of the
23 Congress of the United States, or an order of the Governor.

24 "Service member" means a member of the Armed Services or
25 reserve forces of the United States or a member of the Illinois
26 National Guard.

1 (k) A private carrier employer of a school bus driver
2 permit holder, having satisfied the employer requirements of
3 this Section, shall be held to a standard of ordinary care for
4 intentional acts committed in the course of employment by the
5 bus driver permit holder. This subsection (k) shall in no way
6 limit the liability of the private carrier employer for
7 violation of any provision of this Section or for the
8 negligent hiring or retention of a school bus driver permit
9 holder.

10 (Source: P.A. 100-513, eff. 1-1-18; 101-458, eff. 1-1-20.)

11 (625 ILCS 5/6-508) (from Ch. 95 1/2, par. 6-508)

12 Sec. 6-508. Commercial Driver's License (CDL) -
13 qualification standards.

14 (a) Testing.

15 (1) General. No person shall be issued an original or
16 renewal CDL unless that person is domiciled in this State
17 or is applying for a non-domiciled CDL under Sections
18 6-509 and 6-510 of this Code. The Secretary shall cause to
19 be administered such tests as the Secretary deems
20 necessary to meet the requirements of 49 C.F.R. Part 383,
21 subparts F, G, H, and J.

22 (1.5) Effective July 1, 2014, no person shall be
23 issued an original CDL or an upgraded CDL that requires a
24 skills test unless that person has held a CLP, for a
25 minimum of 14 calendar days, for the classification of

1 vehicle and endorsement, if any, for which the person is
2 seeking a CDL.

3 (2) Third party testing. The Secretary of State may
4 authorize a "third party tester", pursuant to 49 C.F.R.
5 383.75 and 49 C.F.R. 384.228 and 384.229, to administer
6 the skills test or tests specified by the Federal Motor
7 Carrier Safety Administration pursuant to the Commercial
8 Motor Vehicle Safety Act of 1986 and any appropriate
9 federal rule.

10 (3) (i) Effective February 7, 2020, unless the person
11 is exempted by 49 CFR 380.603, no person shall be issued an
12 original (first time issuance) CDL, an upgraded CDL or a
13 school bus (S), passenger (P), or hazardous Materials (H)
14 endorsement unless the person has successfully completed
15 entry-level driver training (ELDT) taught by a training
16 provider listed on the federal Training Provider Registry.

17 (ii) Persons who obtain a CLP before February 7, 2020
18 are not required to complete ELDT if the person obtains a
19 CDL before the CLP or renewed CLP expires.

20 (iii) Except for persons seeking the H endorsement,
21 persons must complete the theory and behind-the-wheel
22 (range and public road) portions of ELDT within one year
23 of completing the first portion.

24 (iv) The Secretary shall adopt rules to implement this
25 subsection.

26 (b) Waiver of Skills Test. The Secretary of State may

1 waive the skills test specified in this Section for a driver
2 applicant for a commercial driver license who meets the
3 requirements of 49 C.F.R. 383.77. The Secretary of State shall
4 waive the skills tests specified in this Section for a driver
5 applicant who has military commercial motor vehicle
6 experience, subject to the requirements of 49 C.F.R. 383.77.

7 (b-1) No person shall be issued a CDL unless the person
8 certifies to the Secretary one of the following types of
9 driving operations in which he or she will be engaged:

10 (1) non-excepted interstate;

11 (2) non-excepted intrastate;

12 (3) excepted interstate; or

13 (4) excepted intrastate.

14 (b-2) (Blank).

15 (c) Limitations on issuance of a CDL. A CDL shall not be
16 issued to a person while the person is subject to a
17 disqualification from driving a commercial motor vehicle, or
18 unless otherwise permitted by this Code, while the person's
19 driver's license is suspended, revoked or cancelled in any
20 state, or any territory or province of Canada; nor may a CLP or
21 CDL be issued to a person who has a CLP or CDL issued by any
22 other state, or foreign jurisdiction, nor may a CDL be issued
23 to a person who has an Illinois CLP unless the person first
24 surrenders all of these licenses or permits. However, a person
25 may hold an Illinois CLP and an Illinois CDL providing the CLP
26 is necessary to train or practice for an endorsement or

1 vehicle classification not present on the current CDL. No CDL
2 shall be issued to or renewed for a person who does not meet
3 the requirement of 49 CFR 391.41(b)(11). The requirement may
4 be met with the aid of a hearing aid.

5 (c-1) The Secretary may issue a CDL with a school bus
6 driver endorsement to allow a person to drive the type of bus
7 described in subsection (d-5) of Section 6-104 of this Code.
8 The CDL with a school bus driver endorsement may be issued only
9 to a person meeting the following requirements:

10 (1) the person has submitted his or her fingerprints
11 to the Department of State Police in the form and manner
12 prescribed by the Department of State Police. These
13 fingerprints shall be checked against the fingerprint
14 records now and hereafter filed in the Department of State
15 Police and Federal Bureau of Investigation criminal
16 history records databases;

17 (2) the person has passed a written test, administered
18 by the Secretary of State, on charter bus operation,
19 charter bus safety, and certain special traffic laws
20 relating to school buses determined by the Secretary of
21 State to be relevant to charter buses, and submitted to a
22 review of the driver applicant's driving habits by the
23 Secretary of State at the time the written test is given;

24 (3) the person has demonstrated physical fitness to
25 operate school buses by submitting the results of a
26 medical examination, including tests for drug use; and

1 (4) the person has not been convicted of committing or
2 attempting to commit any one or more of the following
3 offenses: (i) those offenses defined in Sections 8-1.2,
4 9-1, 9-1.2, 9-2, 9-2.1, 9-3, 9-3.2, 9-3.3, 10-1, 10-2,
5 10-3.1, 10-4, 10-5, 10-5.1, 10-6, 10-7, 10-9, 11-1.20,
6 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6, 11-6.5, 11-6.6,
7 11-9, 11-9.1, 11-9.3, 11-9.4, 11-14, 11-14.1, 11-14.3,
8 11-14.4, 11-15, 11-15.1, 11-16, 11-17, 11-17.1, 11-18,
9 11-18.1, 11-19, 11-19.1, 11-19.2, 11-20, 11-20.1,
10 11-20.1B, 11-20.3, 11-21, 11-22, 11-23, 11-24, 11-25,
11 11-26, 11-30, 12-2.6, 12-3.1, 12-4, 12-4.1, 12-4.2,
12 12-4.2-5, 12-4.3, 12-4.4, 12-4.5, 12-4.6, 12-4.7, 12-4.9,
13 ~~12-5.01~~, 12-6, 12-6.2, 12-7.1, 12-7.3, 12-7.4, 12-7.5,
14 12-11, 12-13, 12-14, 12-14.1, 12-15, 12-16, ~~12-16.2~~,
15 12-21.5, 12-21.6, 12-33, 12C-5, 12C-10, 12C-20, 12C-30,
16 12C-45, 16-16, 16-16.1, 18-1, 18-2, 18-3, 18-4, 18-5,
17 19-6, 20-1, 20-1.1, 20-1.2, 20-1.3, 20-2, 24-1, 24-1.1,
18 24-1.2, 24-1.2-5, 24-1.6, 24-1.7, 24-2.1, 24-3.3, 24-3.5,
19 24-3.8, 24-3.9, 31A-1, 31A-1.1, 33A-2, and 33D-1, and in
20 subsection (b) of Section 8-1, and in subdivisions (a)(1),
21 (a)(2), (b)(1), (e)(1), (e)(2), (e)(3), (e)(4), and (f)(1)
22 of Section 12-3.05, and in subsection (a) and subsection
23 (b), clause (1), of Section 12-4, and in subsection (A),
24 clauses (a) and (b), of Section 24-3, and those offenses
25 contained in Article 29D of the Criminal Code of 1961 or
26 the Criminal Code of 2012; (ii) those offenses defined in

1 the Cannabis Control Act except those offenses defined in
2 subsections (a) and (b) of Section 4, and subsection (a)
3 of Section 5 of the Cannabis Control Act; (iii) those
4 offenses defined in the Illinois Controlled Substances
5 Act; (iv) those offenses defined in the Methamphetamine
6 Control and Community Protection Act; (v) any offense
7 committed or attempted in any other state or against the
8 laws of the United States, which if committed or attempted
9 in this State would be punishable as one or more of the
10 foregoing offenses; (vi) the offenses defined in Sections
11 4.1 and 5.1 of the Wrongs to Children Act or Section
12 11-9.1A of the Criminal Code of 1961 or the Criminal Code
13 of 2012; (vii) those offenses defined in Section 6-16 of
14 the Liquor Control Act of 1934; and (viii) those offenses
15 defined in the Methamphetamine Precursor Control Act.

16 The Department of State Police shall charge a fee for
17 conducting the criminal history records check, which shall be
18 deposited into the State Police Services Fund and may not
19 exceed the actual cost of the records check.

20 (c-2) The Secretary shall issue a CDL with a school bus
21 endorsement to allow a person to drive a school bus as defined
22 in this Section. The CDL shall be issued according to the
23 requirements outlined in 49 C.F.R. 383. A person may not
24 operate a school bus as defined in this Section without a
25 school bus endorsement. The Secretary of State may adopt rules
26 consistent with Federal guidelines to implement this

1 subsection (c-2).

2 (d) (Blank).

3 (Source: P.A. 101-185, eff. 1-1-20.)

4 Section 20. The Criminal Code of 2012 is amended by
5 changing Section 11-9.1 as follows:

6 (720 ILCS 5/11-9.1) (from Ch. 38, par. 11-9.1)

7 Sec. 11-9.1. Sexual exploitation of a child.

8 (a) A person commits sexual exploitation of a child if in
9 the presence or virtual presence, or both, of a child and with
10 knowledge that a child or one whom he or she believes to be a
11 child would view his or her acts, that person:

12 (1) engages in a sexual act; or

13 (2) exposes his or her sex organs, anus or breast for
14 the purpose of sexual arousal or gratification of such
15 person or the child or one whom he or she believes to be a
16 child.

17 (a-5) A person commits sexual exploitation of a child who
18 knowingly entices, coerces, or persuades a child to remove the
19 child's clothing for the purpose of sexual arousal or
20 gratification of the person or the child, or both.

21 (b) Definitions. As used in this Section:

22 "Sexual act" means masturbation, sexual conduct or sexual
23 penetration as defined in Section 11-0.1 of this Code.

24 "Sex offense" means any violation of Article 11 of this

1 Code ~~or Section 12-5.01 of this Code.~~

2 "Child" means a person under 17 years of age.

3 "Virtual presence" means an environment that is created
4 with software and presented to the user and or receiver via the
5 Internet, in such a way that the user appears in front of the
6 receiver on the computer monitor or screen or hand-held
7 portable electronic device, usually through a web camming
8 program. "Virtual presence" includes primarily experiencing
9 through sight or sound, or both, a video image that can be
10 explored interactively at a personal computer or hand-held
11 communication device, or both.

12 "Webcam" means a video capturing device connected to a
13 computer or computer network that is designed to take digital
14 photographs or live or recorded video which allows for the
15 live transmission to an end user over the Internet.

16 (c) Sentence.

17 (1) Sexual exploitation of a child is a Class A
18 misdemeanor. A second or subsequent violation of this
19 Section or a substantially similar law of another state is
20 a Class 4 felony.

21 (2) Sexual exploitation of a child is a Class 4 felony
22 if the person has been previously convicted of a sex
23 offense.

24 (3) Sexual exploitation of a child is a Class 4 felony
25 if the victim was under 13 years of age at the time of the
26 commission of the offense.

1 (4) Sexual exploitation of a child is a Class 4 felony
2 if committed by a person 18 years of age or older who is on
3 or within 500 feet of elementary or secondary school
4 grounds when children are present on the grounds.

5 (Source: P.A. 100-863, eff. 8-14-18.)

6 Section 25. The Unified Code of Corrections is amended by
7 changing Section 5-5-3 as follows:

8 (730 ILCS 5/5-5-3)

9 Sec. 5-5-3. Disposition.

10 (a) (Blank).

11 (b) (Blank).

12 (c) (1) (Blank).

13 (2) A period of probation, a term of periodic imprisonment
14 or conditional discharge shall not be imposed for the
15 following offenses. The court shall sentence the offender to
16 not less than the minimum term of imprisonment set forth in
17 this Code for the following offenses, and may order a fine or
18 restitution or both in conjunction with such term of
19 imprisonment:

20 (A) First degree murder where the death penalty is not
21 imposed.

22 (B) Attempted first degree murder.

23 (C) A Class X felony.

24 (D) A violation of Section 401.1 or 407 of the

1 Illinois Controlled Substances Act, or a violation of
2 subdivision (c)(1.5) of Section 401 of that Act which
3 relates to more than 5 grams of a substance containing
4 fentanyl or an analog thereof.

5 (D-5) A violation of subdivision (c)(1) of Section 401
6 of the Illinois Controlled Substances Act which relates to
7 3 or more grams of a substance containing heroin or an
8 analog thereof.

9 (E) (Blank).

10 (F) A Class 1 or greater felony if the offender had
11 been convicted of a Class 1 or greater felony, including
12 any state or federal conviction for an offense that
13 contained, at the time it was committed, the same elements
14 as an offense now (the date of the offense committed after
15 the prior Class 1 or greater felony) classified as a Class
16 1 or greater felony, within 10 years of the date on which
17 the offender committed the offense for which he or she is
18 being sentenced, except as otherwise provided in Section
19 40-10 of the Substance Use Disorder Act.

20 (F-3) A Class 2 or greater felony sex offense or
21 felony firearm offense if the offender had been convicted
22 of a Class 2 or greater felony, including any state or
23 federal conviction for an offense that contained, at the
24 time it was committed, the same elements as an offense now
25 (the date of the offense committed after the prior Class 2
26 or greater felony) classified as a Class 2 or greater

1 felony, within 10 years of the date on which the offender
2 committed the offense for which he or she is being
3 sentenced, except as otherwise provided in Section 40-10
4 of the Substance Use Disorder Act.

5 (F-5) A violation of Section 24-1, 24-1.1, or 24-1.6
6 of the Criminal Code of 1961 or the Criminal Code of 2012
7 for which imprisonment is prescribed in those Sections.

8 (G) Residential burglary, except as otherwise provided
9 in Section 40-10 of the Substance Use Disorder Act.

10 (H) Criminal sexual assault.

11 (I) Aggravated battery of a senior citizen as
12 described in Section 12-4.6 or subdivision (a)(4) of
13 Section 12-3.05 of the Criminal Code of 1961 or the
14 Criminal Code of 2012.

15 (J) A forcible felony if the offense was related to
16 the activities of an organized gang.

17 Before July 1, 1994, for the purposes of this
18 paragraph, "organized gang" means an association of 5 or
19 more persons, with an established hierarchy, that
20 encourages members of the association to perpetrate crimes
21 or provides support to the members of the association who
22 do commit crimes.

23 Beginning July 1, 1994, for the purposes of this
24 paragraph, "organized gang" has the meaning ascribed to it
25 in Section 10 of the Illinois Streetgang Terrorism Omnibus
26 Prevention Act.

1 (K) Vehicular hijacking.

2 (L) A second or subsequent conviction for the offense
3 of hate crime when the underlying offense upon which the
4 hate crime is based is felony aggravated assault or felony
5 mob action.

6 (M) A second or subsequent conviction for the offense
7 of institutional vandalism if the damage to the property
8 exceeds \$300.

9 (N) A Class 3 felony violation of paragraph (1) of
10 subsection (a) of Section 2 of the Firearm Owners
11 Identification Card Act.

12 (O) A violation of Section 12-6.1 or 12-6.5 of the
13 Criminal Code of 1961 or the Criminal Code of 2012.

14 (P) A violation of paragraph (1), (2), (3), (4), (5),
15 or (7) of subsection (a) of Section 11-20.1 of the
16 Criminal Code of 1961 or the Criminal Code of 2012.

17 (Q) A violation of subsection (b) or (b-5) of Section
18 20-1, Section 20-1.2, or Section 20-1.3 of the Criminal
19 Code of 1961 or the Criminal Code of 2012.

20 (R) A violation of Section 24-3A of the Criminal Code
21 of 1961 or the Criminal Code of 2012.

22 (S) (Blank).

23 (T) (Blank).

24 (U) A second or subsequent violation of Section 6-303
25 of the Illinois Vehicle Code committed while his or her
26 driver's license, permit, or privilege was revoked because

1 of a violation of Section 9-3 of the Criminal Code of 1961
2 or the Criminal Code of 2012, relating to the offense of
3 reckless homicide, or a similar provision of a law of
4 another state.

5 (V) A violation of paragraph (4) of subsection (c) of
6 Section 11-20.1B or paragraph (4) of subsection (c) of
7 Section 11-20.3 of the Criminal Code of 1961, or paragraph
8 (6) of subsection (a) of Section 11-20.1 of the Criminal
9 Code of 2012 when the victim is under 13 years of age and
10 the defendant has previously been convicted under the laws
11 of this State or any other state of the offense of child
12 pornography, aggravated child pornography, aggravated
13 criminal sexual abuse, aggravated criminal sexual assault,
14 predatory criminal sexual assault of a child, or any of
15 the offenses formerly known as rape, deviate sexual
16 assault, indecent liberties with a child, or aggravated
17 indecent liberties with a child where the victim was under
18 the age of 18 years or an offense that is substantially
19 equivalent to those offenses.

20 (W) A violation of Section 24-3.5 of the Criminal Code
21 of 1961 or the Criminal Code of 2012.

22 (X) A violation of subsection (a) of Section 31-1a of
23 the Criminal Code of 1961 or the Criminal Code of 2012.

24 (Y) A conviction for unlawful possession of a firearm
25 by a street gang member when the firearm was loaded or
26 contained firearm ammunition.

1 (Z) A Class 1 felony committed while he or she was
2 serving a term of probation or conditional discharge for a
3 felony.

4 (AA) Theft of property exceeding \$500,000 and not
5 exceeding \$1,000,000 in value.

6 (BB) Laundering of criminally derived property of a
7 value exceeding \$500,000.

8 (CC) Knowingly selling, offering for sale, holding for
9 sale, or using 2,000 or more counterfeit items or
10 counterfeit items having a retail value in the aggregate
11 of \$500,000 or more.

12 (DD) A conviction for aggravated assault under
13 paragraph (6) of subsection (c) of Section 12-2 of the
14 Criminal Code of 1961 or the Criminal Code of 2012 if the
15 firearm is aimed toward the person against whom the
16 firearm is being used.

17 (EE) A conviction for a violation of paragraph (2) of
18 subsection (a) of Section 24-3B of the Criminal Code of
19 2012.

20 (3) (Blank).

21 (4) A minimum term of imprisonment of not less than 10
22 consecutive days or 30 days of community service shall be
23 imposed for a violation of paragraph (c) of Section 6-303 of
24 the Illinois Vehicle Code.

25 (4.1) (Blank).

26 (4.2) Except as provided in paragraphs (4.3) and (4.8) of

1 this subsection (c), a minimum of 100 hours of community
2 service shall be imposed for a second violation of Section
3 6-303 of the Illinois Vehicle Code.

4 (4.3) A minimum term of imprisonment of 30 days or 300
5 hours of community service, as determined by the court, shall
6 be imposed for a second violation of subsection (c) of Section
7 6-303 of the Illinois Vehicle Code.

8 (4.4) Except as provided in paragraphs (4.5), (4.6), and
9 (4.9) of this subsection (c), a minimum term of imprisonment
10 of 30 days or 300 hours of community service, as determined by
11 the court, shall be imposed for a third or subsequent
12 violation of Section 6-303 of the Illinois Vehicle Code. The
13 court may give credit toward the fulfillment of community
14 service hours for participation in activities and treatment as
15 determined by court services.

16 (4.5) A minimum term of imprisonment of 30 days shall be
17 imposed for a third violation of subsection (c) of Section
18 6-303 of the Illinois Vehicle Code.

19 (4.6) Except as provided in paragraph (4.10) of this
20 subsection (c), a minimum term of imprisonment of 180 days
21 shall be imposed for a fourth or subsequent violation of
22 subsection (c) of Section 6-303 of the Illinois Vehicle Code.

23 (4.7) A minimum term of imprisonment of not less than 30
24 consecutive days, or 300 hours of community service, shall be
25 imposed for a violation of subsection (a-5) of Section 6-303
26 of the Illinois Vehicle Code, as provided in subsection (b-5)

1 of that Section.

2 (4.8) A mandatory prison sentence shall be imposed for a
3 second violation of subsection (a-5) of Section 6-303 of the
4 Illinois Vehicle Code, as provided in subsection (c-5) of that
5 Section. The person's driving privileges shall be revoked for
6 a period of not less than 5 years from the date of his or her
7 release from prison.

8 (4.9) A mandatory prison sentence of not less than 4 and
9 not more than 15 years shall be imposed for a third violation
10 of subsection (a-5) of Section 6-303 of the Illinois Vehicle
11 Code, as provided in subsection (d-2.5) of that Section. The
12 person's driving privileges shall be revoked for the remainder
13 of his or her life.

14 (4.10) A mandatory prison sentence for a Class 1 felony
15 shall be imposed, and the person shall be eligible for an
16 extended term sentence, for a fourth or subsequent violation
17 of subsection (a-5) of Section 6-303 of the Illinois Vehicle
18 Code, as provided in subsection (d-3.5) of that Section. The
19 person's driving privileges shall be revoked for the remainder
20 of his or her life.

21 (5) The court may sentence a corporation or unincorporated
22 association convicted of any offense to:

23 (A) a period of conditional discharge;

24 (B) a fine;

25 (C) make restitution to the victim under Section 5-5-6
26 of this Code.

1 (5.1) In addition to any other penalties imposed, and
2 except as provided in paragraph (5.2) or (5.3), a person
3 convicted of violating subsection (c) of Section 11-907 of the
4 Illinois Vehicle Code shall have his or her driver's license,
5 permit, or privileges suspended for at least 90 days but not
6 more than one year, if the violation resulted in damage to the
7 property of another person.

8 (5.2) In addition to any other penalties imposed, and
9 except as provided in paragraph (5.3), a person convicted of
10 violating subsection (c) of Section 11-907 of the Illinois
11 Vehicle Code shall have his or her driver's license, permit,
12 or privileges suspended for at least 180 days but not more than
13 2 years, if the violation resulted in injury to another
14 person.

15 (5.3) In addition to any other penalties imposed, a person
16 convicted of violating subsection (c) of Section 11-907 of the
17 Illinois Vehicle Code shall have his or her driver's license,
18 permit, or privileges suspended for 2 years, if the violation
19 resulted in the death of another person.

20 (5.4) In addition to any other penalties imposed, a person
21 convicted of violating Section 3-707 of the Illinois Vehicle
22 Code shall have his or her driver's license, permit, or
23 privileges suspended for 3 months and until he or she has paid
24 a reinstatement fee of \$100.

25 (5.5) In addition to any other penalties imposed, a person
26 convicted of violating Section 3-707 of the Illinois Vehicle

1 Code during a period in which his or her driver's license,
2 permit, or privileges were suspended for a previous violation
3 of that Section shall have his or her driver's license,
4 permit, or privileges suspended for an additional 6 months
5 after the expiration of the original 3-month suspension and
6 until he or she has paid a reinstatement fee of \$100.

7 (6) (Blank).

8 (7) (Blank).

9 (8) (Blank).

10 (9) A defendant convicted of a second or subsequent
11 offense of ritualized abuse of a child may be sentenced to a
12 term of natural life imprisonment.

13 (10) (Blank).

14 (11) The court shall impose a minimum fine of \$1,000 for a
15 first offense and \$2,000 for a second or subsequent offense
16 upon a person convicted of or placed on supervision for
17 battery when the individual harmed was a sports official or
18 coach at any level of competition and the act causing harm to
19 the sports official or coach occurred within an athletic
20 facility or within the immediate vicinity of the athletic
21 facility at which the sports official or coach was an active
22 participant of the athletic contest held at the athletic
23 facility. For the purposes of this paragraph (11), "sports
24 official" means a person at an athletic contest who enforces
25 the rules of the contest, such as an umpire or referee;
26 "athletic facility" means an indoor or outdoor playing field

1 or recreational area where sports activities are conducted;
2 and "coach" means a person recognized as a coach by the
3 sanctioning authority that conducted the sporting event.

4 (12) A person may not receive a disposition of court
5 supervision for a violation of Section 5-16 of the Boat
6 Registration and Safety Act if that person has previously
7 received a disposition of court supervision for a violation of
8 that Section.

9 (13) A person convicted of or placed on court supervision
10 for an assault or aggravated assault when the victim and the
11 offender are family or household members as defined in Section
12 103 of the Illinois Domestic Violence Act of 1986 or convicted
13 of domestic battery or aggravated domestic battery may be
14 required to attend a Partner Abuse Intervention Program under
15 protocols set forth by the Illinois Department of Human
16 Services under such terms and conditions imposed by the court.
17 The costs of such classes shall be paid by the offender.

18 (d) In any case in which a sentence originally imposed is
19 vacated, the case shall be remanded to the trial court. The
20 trial court shall hold a hearing under Section 5-4-1 of this
21 Code which may include evidence of the defendant's life, moral
22 character and occupation during the time since the original
23 sentence was passed. The trial court shall then impose
24 sentence upon the defendant. The trial court may impose any
25 sentence which could have been imposed at the original trial
26 subject to Section 5-5-4 of this Code. If a sentence is vacated

1 on appeal or on collateral attack due to the failure of the
2 trier of fact at trial to determine beyond a reasonable doubt
3 the existence of a fact (other than a prior conviction)
4 necessary to increase the punishment for the offense beyond
5 the statutory maximum otherwise applicable, either the
6 defendant may be re-sentenced to a term within the range
7 otherwise provided or, if the State files notice of its
8 intention to again seek the extended sentence, the defendant
9 shall be afforded a new trial.

10 (e) In cases where prosecution for aggravated criminal
11 sexual abuse under Section 11-1.60 or 12-16 of the Criminal
12 Code of 1961 or the Criminal Code of 2012 results in conviction
13 of a defendant who was a family member of the victim at the
14 time of the commission of the offense, the court shall
15 consider the safety and welfare of the victim and may impose a
16 sentence of probation only where:

17 (1) the court finds (A) or (B) or both are
18 appropriate:

19 (A) the defendant is willing to undergo a court
20 approved counseling program for a minimum duration of
21 2 years; or

22 (B) the defendant is willing to participate in a
23 court approved plan including but not limited to the
24 defendant's:

25 (i) removal from the household;

26 (ii) restricted contact with the victim;

1 (iii) continued financial support of the
2 family;

3 (iv) restitution for harm done to the victim;
4 and

5 (v) compliance with any other measures that
6 the court may deem appropriate; and

7 (2) the court orders the defendant to pay for the
8 victim's counseling services, to the extent that the court
9 finds, after considering the defendant's income and
10 assets, that the defendant is financially capable of
11 paying for such services, if the victim was under 18 years
12 of age at the time the offense was committed and requires
13 counseling as a result of the offense.

14 Probation may be revoked or modified pursuant to Section
15 5-6-4; except where the court determines at the hearing that
16 the defendant violated a condition of his or her probation
17 restricting contact with the victim or other family members or
18 commits another offense with the victim or other family
19 members, the court shall revoke the defendant's probation and
20 impose a term of imprisonment.

21 For the purposes of this Section, "family member" and
22 "victim" shall have the meanings ascribed to them in Section
23 11-0.1 of the Criminal Code of 2012.

24 (f) (Blank).

25 (g) Whenever a defendant is convicted of an offense under
26 Sections 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-14,

1 11-14.3, 11-14.4 except for an offense that involves keeping a
2 place of juvenile prostitution, 11-15, 11-15.1, 11-16, 11-17,
3 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 12-13, 12-14,
4 12-14.1, 12-15 or 12-16 of the Criminal Code of 1961 or the
5 Criminal Code of 2012, the defendant shall undergo medical
6 testing to determine whether the defendant has any sexually
7 transmissible disease, including a test for infection with
8 human immunodeficiency virus (HIV) or any other identified
9 causative agent of acquired immunodeficiency syndrome (AIDS).
10 Any such medical test shall be performed only by appropriately
11 licensed medical practitioners and may include an analysis of
12 any bodily fluids as well as an examination of the defendant's
13 person. Except as otherwise provided by law, the results of
14 such test shall be kept strictly confidential by all medical
15 personnel involved in the testing and must be personally
16 delivered in a sealed envelope to the judge of the court in
17 which the conviction was entered for the judge's inspection in
18 camera. Acting in accordance with the best interests of the
19 victim and the public, the judge shall have the discretion to
20 determine to whom, if anyone, the results of the testing may be
21 revealed. The court shall notify the defendant of the test
22 results. The court shall also notify the victim if requested
23 by the victim, and if the victim is under the age of 15 and if
24 requested by the victim's parents or legal guardian, the court
25 shall notify the victim's parents or legal guardian of the
26 test results. The court shall provide information on the

1 availability of HIV testing and counseling at Department of
2 Public Health facilities to all parties to whom the results of
3 the testing are revealed and shall direct the State's Attorney
4 to provide the information to the victim when possible. ~~A~~
5 ~~State's Attorney may petition the court to obtain the results~~
6 ~~of any HIV test administered under this Section, and the court~~
7 ~~shall grant the disclosure if the State's Attorney shows it is~~
8 ~~relevant in order to prosecute a charge of criminal~~
9 ~~transmission of HIV under Section 12-5.01 or 12-16.2 of the~~
10 ~~Criminal Code of 1961 or the Criminal Code of 2012 against the~~
11 ~~defendant.~~ The court shall order that the cost of any such test
12 shall be paid by the county and may be taxed as costs against
13 the convicted defendant.

14 (g-5) When an inmate is tested for an airborne
15 communicable disease, as determined by the Illinois Department
16 of Public Health including but not limited to tuberculosis,
17 the results of the test shall be personally delivered by the
18 warden or his or her designee in a sealed envelope to the judge
19 of the court in which the inmate must appear for the judge's
20 inspection in camera if requested by the judge. Acting in
21 accordance with the best interests of those in the courtroom,
22 the judge shall have the discretion to determine what if any
23 precautions need to be taken to prevent transmission of the
24 disease in the courtroom.

25 (h) Whenever a defendant is convicted of an offense under
26 Section 1 or 2 of the Hypodermic Syringes and Needles Act, the

1 defendant shall undergo medical testing to determine whether
2 the defendant has been exposed to human immunodeficiency virus
3 (HIV) or any other identified causative agent of acquired
4 immunodeficiency syndrome (AIDS). Except as otherwise provided
5 by law, the results of such test shall be kept strictly
6 confidential by all medical personnel involved in the testing
7 and must be personally delivered in a sealed envelope to the
8 judge of the court in which the conviction was entered for the
9 judge's inspection in camera. Acting in accordance with the
10 best interests of the public, the judge shall have the
11 discretion to determine to whom, if anyone, the results of the
12 testing may be revealed. The court shall notify the defendant
13 of a positive test showing an infection with the human
14 immunodeficiency virus (HIV). The court shall provide
15 information on the availability of HIV testing and counseling
16 at Department of Public Health facilities to all parties to
17 whom the results of the testing are revealed and shall direct
18 the State's Attorney to provide the information to the victim
19 when possible. ~~A State's Attorney may petition the court to
20 obtain the results of any HIV test administered under this
21 Section, and the court shall grant the disclosure if the
22 State's Attorney shows it is relevant in order to prosecute a
23 charge of criminal transmission of HIV under Section 12-5.01
24 or 12-16.2 of the Criminal Code of 1961 or the Criminal Code of
25 2012 against the defendant.~~ The court shall order that the
26 cost of any such test shall be paid by the county and may be

1 taxed as costs against the convicted defendant.

2 (i) All fines and penalties imposed under this Section for
3 any violation of Chapters 3, 4, 6, and 11 of the Illinois
4 Vehicle Code, or a similar provision of a local ordinance, and
5 any violation of the Child Passenger Protection Act, or a
6 similar provision of a local ordinance, shall be collected and
7 disbursed by the circuit clerk as provided under the Criminal
8 and Traffic Assessment Act.

9 (j) In cases when prosecution for any violation of Section
10 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6, 11-8, 11-9,
11 11-11, 11-14, 11-14.3, 11-14.4, 11-15, 11-15.1, 11-16, 11-17,
12 11-17.1, 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 11-20.1,
13 11-20.1B, 11-20.3, 11-21, 11-30, 11-40, 12-13, 12-14, 12-14.1,
14 12-15, or 12-16 of the Criminal Code of 1961 or the Criminal
15 Code of 2012, any violation of the Illinois Controlled
16 Substances Act, any violation of the Cannabis Control Act, or
17 any violation of the Methamphetamine Control and Community
18 Protection Act results in conviction, a disposition of court
19 supervision, or an order of probation granted under Section 10
20 of the Cannabis Control Act, Section 410 of the Illinois
21 Controlled Substances Act, or Section 70 of the
22 Methamphetamine Control and Community Protection Act of a
23 defendant, the court shall determine whether the defendant is
24 employed by a facility or center as defined under the Child
25 Care Act of 1969, a public or private elementary or secondary
26 school, or otherwise works with children under 18 years of age

1 on a daily basis. When a defendant is so employed, the court
2 shall order the Clerk of the Court to send a copy of the
3 judgment of conviction or order of supervision or probation to
4 the defendant's employer by certified mail. If the employer of
5 the defendant is a school, the Clerk of the Court shall direct
6 the mailing of a copy of the judgment of conviction or order of
7 supervision or probation to the appropriate regional
8 superintendent of schools. The regional superintendent of
9 schools shall notify the State Board of Education of any
10 notification under this subsection.

11 (j-5) A defendant at least 17 years of age who is convicted
12 of a felony and who has not been previously convicted of a
13 misdemeanor or felony and who is sentenced to a term of
14 imprisonment in the Illinois Department of Corrections shall
15 as a condition of his or her sentence be required by the court
16 to attend educational courses designed to prepare the
17 defendant for a high school diploma and to work toward a high
18 school diploma or to work toward passing high school
19 equivalency testing or to work toward completing a vocational
20 training program offered by the Department of Corrections. If
21 a defendant fails to complete the educational training
22 required by his or her sentence during the term of
23 incarceration, the Prisoner Review Board shall, as a condition
24 of mandatory supervised release, require the defendant, at his
25 or her own expense, to pursue a course of study toward a high
26 school diploma or passage of high school equivalency testing.

1 The Prisoner Review Board shall revoke the mandatory
2 supervised release of a defendant who wilfully fails to comply
3 with this subsection (j-5) upon his or her release from
4 confinement in a penal institution while serving a mandatory
5 supervised release term; however, the inability of the
6 defendant after making a good faith effort to obtain financial
7 aid or pay for the educational training shall not be deemed a
8 wilful failure to comply. The Prisoner Review Board shall
9 recommit the defendant whose mandatory supervised release term
10 has been revoked under this subsection (j-5) as provided in
11 Section 3-3-9. This subsection (j-5) does not apply to a
12 defendant who has a high school diploma or has successfully
13 passed high school equivalency testing. This subsection (j-5)
14 does not apply to a defendant who is determined by the court to
15 be a person with a developmental disability or otherwise
16 mentally incapable of completing the educational or vocational
17 program.

18 (k) (Blank).

19 (l) (A) Except as provided in paragraph (C) of subsection
20 (l), whenever a defendant, who is an alien as defined by the
21 Immigration and Nationality Act, is convicted of any felony or
22 misdemeanor offense, the court after sentencing the defendant
23 may, upon motion of the State's Attorney, hold sentence in
24 abeyance and remand the defendant to the custody of the
25 Attorney General of the United States or his or her designated
26 agent to be deported when:

1 (1) a final order of deportation has been issued
2 against the defendant pursuant to proceedings under the
3 Immigration and Nationality Act, and

4 (2) the deportation of the defendant would not
5 deprecate the seriousness of the defendant's conduct and
6 would not be inconsistent with the ends of justice.

7 Otherwise, the defendant shall be sentenced as provided in
8 this Chapter V.

9 (B) If the defendant has already been sentenced for a
10 felony or misdemeanor offense, or has been placed on probation
11 under Section 10 of the Cannabis Control Act, Section 410 of
12 the Illinois Controlled Substances Act, or Section 70 of the
13 Methamphetamine Control and Community Protection Act, the
14 court may, upon motion of the State's Attorney to suspend the
15 sentence imposed, commit the defendant to the custody of the
16 Attorney General of the United States or his or her designated
17 agent when:

18 (1) a final order of deportation has been issued
19 against the defendant pursuant to proceedings under the
20 Immigration and Nationality Act, and

21 (2) the deportation of the defendant would not
22 deprecate the seriousness of the defendant's conduct and
23 would not be inconsistent with the ends of justice.

24 (C) This subsection (1) does not apply to offenders who
25 are subject to the provisions of paragraph (2) of subsection
26 (a) of Section 3-6-3.

1 (D) Upon motion of the State's Attorney, if a defendant
2 sentenced under this Section returns to the jurisdiction of
3 the United States, the defendant shall be recommitted to the
4 custody of the county from which he or she was sentenced.
5 Thereafter, the defendant shall be brought before the
6 sentencing court, which may impose any sentence that was
7 available under Section 5-5-3 at the time of initial
8 sentencing. In addition, the defendant shall not be eligible
9 for additional earned sentence credit as provided under
10 Section 3-6-3.

11 (m) A person convicted of criminal defacement of property
12 under Section 21-1.3 of the Criminal Code of 1961 or the
13 Criminal Code of 2012, in which the property damage exceeds
14 \$300 and the property damaged is a school building, shall be
15 ordered to perform community service that may include cleanup,
16 removal, or painting over the defacement.

17 (n) The court may sentence a person convicted of a
18 violation of Section 12-19, 12-21, 16-1.3, or 17-56, or
19 subsection (a) or (b) of Section 12-4.4a, of the Criminal Code
20 of 1961 or the Criminal Code of 2012 (i) to an impact
21 incarceration program if the person is otherwise eligible for
22 that program under Section 5-8-1.1, (ii) to community service,
23 or (iii) if the person has a substance use disorder, as defined
24 in the Substance Use Disorder Act, to a treatment program
25 licensed under that Act.

26 (o) Whenever a person is convicted of a sex offense as

1 defined in Section 2 of the Sex Offender Registration Act, the
2 defendant's driver's license or permit shall be subject to
3 renewal on an annual basis in accordance with the provisions
4 of license renewal established by the Secretary of State.

5 (Source: P.A. 100-575, eff. 1-8-18; 100-759, eff. 1-1-19;
6 100-987, eff. 7-1-19; 101-81, eff. 7-12-19.)

7 (720 ILCS 5/12-5.01 rep.)

8 Section 30. The Criminal Code of 2012 is amended by
9 repealing Section 12-5.01.

10 Section 99. Effective date. This Act takes effect upon
11 becoming law."