



Sen. Mattie Hunter

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10200HB2406sam002

LRB102 13035 BMS 41877 a

1 AMENDMENT TO HOUSE BILL 2406

2 AMENDMENT NO. _____. Amend House Bill 2406 by replacing
3 everything after the enacting clause with the following:

4 "Section 3. The Civil Administrative Code of Illinois is
5 amended by changing Section 5-565 as follows:

6 (20 ILCS 5/5-565) (was 20 ILCS 5/6.06)

7 Sec. 5-565. In the Department of Public Health.

8 (a) The General Assembly declares it to be the public
9 policy of this State that all residents of Illinois are
10 entitled to lead healthy lives. Governmental public health has
11 a specific responsibility to ensure that a public health
12 system is in place to allow the public health mission to be
13 achieved. The public health system is the collection of
14 public, private, and voluntary entities as well as individuals
15 and informal associations that contribute to the public's
16 health within the State. To develop a public health system

1 requires certain core functions to be performed by government.
2 The State Board of Health is to assume the leadership role in
3 advising the Director in meeting the following functions:

4 (1) Needs assessment.

5 (2) Statewide health objectives.

6 (3) Policy development.

7 (4) Assurance of access to necessary services.

8 There shall be a State Board of Health composed of 20
9 persons, all of whom shall be appointed by the Governor, with
10 the advice and consent of the Senate for those appointed by the
11 Governor on and after June 30, 1998, and one of whom shall be a
12 senior citizen age 60 or over. Five members shall be
13 physicians licensed to practice medicine in all its branches,
14 one representing a medical school faculty, one who is board
15 certified in preventive medicine, and one who is engaged in
16 private practice. One member shall be a chiropractic
17 physician. One member shall be a dentist; one an environmental
18 health practitioner; one a local public health administrator;
19 one a local board of health member; one a registered nurse; one
20 a physical therapist; one an optometrist; one a veterinarian;
21 one a public health academician; one a health care industry
22 representative; one a representative of the business
23 community; one a representative of the non-profit public
24 interest community; and 2 shall be citizens at large.

25 The terms of Board of Health members shall be 3 years,
26 except that members shall continue to serve on the Board of

1 Health until a replacement is appointed. Upon the effective
2 date of Public Act 93-975 (January 1, 2005), in the
3 appointment of the Board of Health members appointed to
4 vacancies or positions with terms expiring on or before
5 December 31, 2004, the Governor shall appoint up to 6 members
6 to serve for terms of 3 years; up to 6 members to serve for
7 terms of 2 years; and up to 5 members to serve for a term of
8 one year, so that the term of no more than 6 members expire in
9 the same year. All members shall be legal residents of the
10 State of Illinois. The duties of the Board shall include, but
11 not be limited to, the following:

12 (1) To advise the Department of ways to encourage
13 public understanding and support of the Department's
14 programs.

15 (2) To evaluate all boards, councils, committees,
16 authorities, and bodies advisory to, or an adjunct of, the
17 Department of Public Health or its Director for the
18 purpose of recommending to the Director one or more of the
19 following:

20 (i) The elimination of bodies whose activities are
21 not consistent with goals and objectives of the
22 Department.

23 (ii) The consolidation of bodies whose activities
24 encompass compatible programmatic subjects.

25 (iii) The restructuring of the relationship
26 between the various bodies and their integration

1 within the organizational structure of the Department.

2 (iv) The establishment of new bodies deemed
3 essential to the functioning of the Department.

4 (3) To serve as an advisory group to the Director for
5 public health emergencies and control of health hazards.

6 (4) To advise the Director regarding public health
7 policy, and to make health policy recommendations
8 regarding priorities to the Governor through the Director.

9 (5) To present public health issues to the Director
10 and to make recommendations for the resolution of those
11 issues.

12 (6) To recommend studies to delineate public health
13 problems.

14 (7) To make recommendations to the Governor through
15 the Director regarding the coordination of State public
16 health activities with other State and local public health
17 agencies and organizations.

18 (8) To report on or before February 1 of each year on
19 the health of the residents of Illinois to the Governor,
20 the General Assembly, and the public.

21 (9) To review the final draft of all proposed
22 administrative rules, other than emergency or peremptory
23 rules and those rules that another advisory body must
24 approve or review within a statutorily defined time
25 period, of the Department after September 19, 1991 (the
26 effective date of Public Act 87-633). The Board shall

1 review the proposed rules within 90 days of submission by
2 the Department. The Department shall take into
3 consideration any comments and recommendations of the
4 Board regarding the proposed rules prior to submission to
5 the Secretary of State for initial publication. If the
6 Department disagrees with the recommendations of the
7 Board, it shall submit a written response outlining the
8 reasons for not accepting the recommendations.

9 In the case of proposed administrative rules or
10 amendments to administrative rules regarding immunization
11 of children against preventable communicable diseases
12 designated by the Director under the Communicable Disease
13 Prevention Act, after the Immunization Advisory Committee
14 has made its recommendations, the Board shall conduct 3
15 public hearings, geographically distributed throughout the
16 State. At the conclusion of the hearings, the State Board
17 of Health shall issue a report, including its
18 recommendations, to the Director. The Director shall take
19 into consideration any comments or recommendations made by
20 the Board based on these hearings.

21 (10) To deliver to the Governor for presentation to
22 the General Assembly a State Health Assessment (SHA) and a
23 State Health Improvement Plan (SHIP). The first 5 such
24 plans shall be delivered to the Governor on January 1,
25 2006, January 1, 2009, January 1, 2016, January 1, 2021,
26 and December 31, 2023 ~~2022~~, and then every 5 years

1 thereafter.

2 The State Health Assessment and State Health
3 Improvement Plan shall assess and recommend priorities and
4 strategies to improve the public health system and, the
5 health status of Illinois residents, reduce health
6 disparities and inequities, and promote health equity. The
7 State Health Assessment and State Health Improvement Plan
8 development and implementation shall conform to national
9 Public Health Accreditation Board Standards. The State
10 Health Assessment and State Health Improvement Plan
11 development and implementation process shall be carried
12 out with the administrative and operational support of the
13 Department of Public Health.

14 The State Health Assessment shall include
15 comprehensive, broad-based data and information from a
16 variety of sources on health status and the public health
17 system including:

18 (i) quantitative data, if it is available, on the
19 demographics and health status of the population,
20 including data over time on health by gender identity,
21 sexual orientation, race, ethnicity, age,
22 socio-economic factors, geographic region, disability
23 status, and other indicators of disparity;

24 (ii) quantitative data on social and structural
25 issues affecting health (social and structural
26 determinants of health), including, but not limited

1 to, housing, transportation, educational attainment,
2 employment, and income inequality;

3 (iii) priorities and strategies developed at the
4 community level through the Illinois Project for Local
5 Assessment of Needs (IPLAN) and other local and
6 regional community health needs assessments;

7 (iv) qualitative data representing the
8 population's input on health concerns and well-being,
9 including the perceptions of people experiencing
10 disparities and health inequities;

11 (v) information on health disparities and health
12 inequities; and

13 (vi) information on public health system strengths
14 and areas for improvement.

15 The State Health Improvement Plan shall focus on
16 prevention, social determinants of health, and promoting
17 health equity as key strategies for long-term health
18 improvement in Illinois.

19 The State Health Improvement Plan shall identify
20 priority State health issues and social issues affecting
21 health, and shall examine and make recommendations on the
22 contributions and strategies of the public and private
23 sectors for improving health status and the public health
24 system in the State. In addition to recommendations on
25 health status improvement priorities and strategies for
26 the population of the State as a whole, the State Health

1 Improvement Plan shall make recommendations, provided that
2 data exists to support such recommendations, regarding
3 priorities and strategies for reducing and eliminating
4 health disparities and health inequities in Illinois;
5 including racial, ethnic, gender identification, sexual
6 orientation, age, disability, socio-economic, and
7 geographic disparities. The State Health Improvement Plan
8 shall make recommendations regarding social determinants
9 of health, such as housing, transportation, educational
10 attainment, employment, and income inequality.

11 The development and implementation of the State Health
12 Assessment and State Health Improvement Plan shall be a
13 collaborative public-private cross-agency effort overseen
14 by the SHA and SHIP Partnership. The Director of Public
15 Health shall consult with the Governor to ensure
16 participation by the head of State agencies with public
17 health responsibilities (or their designees) in the SHA
18 and SHIP Partnership, including, but not limited to, the
19 Department of Public Health, the Department of Human
20 Services, the Department of Healthcare and Family
21 Services, the Department of Children and Family Services,
22 the Environmental Protection Agency, the Illinois State
23 Board of Education, the Department on Aging, the Illinois
24 Housing Development Authority, the Illinois Criminal
25 Justice Information Authority, the Department of
26 Agriculture, the Department of Transportation, the

1 Department of Corrections, the Department of Commerce and
2 Economic Opportunity, and the Chair of the State Board of
3 Health to also serve on the Partnership. A member of the
4 Governor's staff shall participate in the Partnership and
5 serve as a liaison to the Governor's office.

6 The Director of Public Health shall appoint a minimum
7 of 15 other members of the SHA and SHIP Partnership
8 representing a range of public, private, and voluntary
9 sector stakeholders and participants in the public health
10 system. For the first SHA and SHIP Partnership after April
11 27, 2021 (the effective date of Public Act 102-4) ~~this~~
12 ~~amendatory Act of the 102nd General Assembly~~, one-half of
13 the members shall be appointed for a 3-year term, and
14 one-half of the members shall be appointed for a 5-year
15 term. Subsequently, members shall be appointed to 5-year
16 terms. Should any member not be able to fulfill his or her
17 term, the Director may appoint a replacement to complete
18 that term. The Director, in consultation with the SHA and
19 SHIP Partnership, may engage additional individuals and
20 organizations to serve on subcommittees and ad hoc efforts
21 to conduct the State Health Assessment and develop and
22 implement the State Health Improvement Plan. Members of
23 the SHA and SHIP Partnership shall receive no compensation
24 for serving as members, but may be reimbursed for their
25 necessary expenses if departmental resources allow.

26 The SHA and SHIP Partnership shall include+

1 representatives of local health departments and
2 individuals with expertise who represent an array of
3 organizations and constituencies engaged in public health
4 improvement and prevention, such as non-profit public
5 interest groups, groups serving populations that
6 experience health disparities and health inequities,
7 groups addressing social determinants of health, health
8 issue groups, faith community groups, health care
9 providers, businesses and employers, academic
10 institutions, and community-based organizations.

11 The Director shall endeavor to make the membership of
12 the Partnership diverse and inclusive of the racial,
13 ethnic, gender, socio-economic, and geographic diversity
14 of the State. The SHA and SHIP Partnership shall be
15 chaired by the Director of Public Health or his or her
16 designee.

17 The SHA and SHIP Partnership shall develop and
18 implement a community engagement process that facilitates
19 input into the development of the State Health Assessment
20 and State Health Improvement Plan. This engagement process
21 shall ensure that individuals with lived experience in the
22 issues addressed in the State Health Assessment and State
23 Health Improvement Plan are meaningfully engaged in the
24 development and implementation of the State Health
25 Assessment and State Health Improvement Plan.

26 The State Board of Health shall hold at least 3 public

1 hearings addressing a draft of the State Health
2 Improvement Plan in representative geographic areas of the
3 State.

4 Upon the delivery of each State Health Assessment and
5 State Health Improvement Plan, the SHA and SHIP
6 Partnership shall coordinate the efforts and engagement of
7 the public, private, and voluntary sector stakeholders and
8 participants in the public health system to implement each
9 SHIP. The Partnership shall serve as a forum for
10 collaborative action; coordinate existing and new
11 initiatives; develop detailed implementation steps, with
12 mechanisms for action; implement specific projects;
13 identify public and private funding sources at the local,
14 State and federal level; promote public awareness of the
15 SHIP; and advocate for the implementation of the SHIP. The
16 SHA and SHIP Partnership shall implement strategies to
17 ensure that individuals and communities affected by health
18 disparities and health inequities are engaged in the
19 process throughout the 5-year cycle. The SHA and SHIP
20 Partnership shall regularly evaluate and update the State
21 Health Assessment and track implementation of the State
22 Health Improvement Plan with revisions as necessary. The
23 SHA and SHIP Partnership shall not have the authority to
24 direct any public or private entity to take specific
25 action to implement the SHIP.

26 The State Board of Health shall submit a report by

1 January 31 of each year on the status of State Health
2 Improvement Plan implementation and community engagement
3 activities to the Governor, General Assembly, and public.
4 In the fifth year, the report may be consolidated into the
5 new State Health Assessment and State Health Improvement
6 Plan.

7 (11) Upon the request of the Governor, to recommend to
8 the Governor candidates for Director of Public Health when
9 vacancies occur in the position.

10 (12) To adopt bylaws for the conduct of its own
11 business, including the authority to establish ad hoc
12 committees to address specific public health programs
13 requiring resolution.

14 (13) (Blank).

15 Upon appointment, the Board shall elect a chairperson from
16 among its members.

17 Members of the Board shall receive compensation for their
18 services at the rate of \$150 per day, not to exceed \$10,000 per
19 year, as designated by the Director for each day required for
20 transacting the business of the Board and shall be reimbursed
21 for necessary expenses incurred in the performance of their
22 duties. The Board shall meet from time to time at the call of
23 the Department, at the call of the chairperson, or upon the
24 request of 3 of its members, but shall not meet less than 4
25 times per year.

26 (b) (Blank).

1 (c) An Advisory Board on Necropsy Service to Coroners~~7~~
2 ~~which~~ shall counsel and advise with the Director on the
3 administration of the Autopsy Act. The Advisory Board shall
4 consist of 11 members, including a senior citizen age 60 or
5 over, appointed by the Governor, one of whom shall be
6 designated as chairman by a majority of the members of the
7 Board. In the appointment of the first Board the Governor
8 shall appoint 3 members to serve for terms of one ± year, 3 for
9 terms of 2 years, and 3 for terms of 3 years. The members first
10 appointed under Public Act 83-1538 shall serve for a term of 3
11 years. All members appointed thereafter shall be appointed for
12 terms of 3 years, except that when an appointment is made to
13 fill a vacancy, the appointment shall be for the remaining
14 term of the position vacant. The members of the Board shall be
15 citizens of the State of Illinois. In the appointment of
16 members of the Advisory Board, the Governor shall appoint 3
17 members who shall be persons licensed to practice medicine and
18 surgery in the State of Illinois, at least 2 of whom shall have
19 received post-graduate training in the field of pathology; 3
20 members who are duly elected coroners in this State; and 5
21 members who shall have interest and abilities in the field of
22 forensic medicine but who shall be neither persons licensed to
23 practice any branch of medicine in this State nor coroners. In
24 the appointment of medical and coroner members of the Board,
25 the Governor shall invite nominations from recognized medical
26 and coroners organizations in this State respectively. Board

1 members, while serving on business of the Board, shall receive
2 actual necessary travel and subsistence expenses while so
3 serving away from their places of residence.

4 (Source: P.A. 102-4, eff. 4-27-21; 102-558, eff. 8-20-21;
5 102-674, eff. 11-30-21; revised 6-7-22.)

6 Section 5. The Department of Commerce and Economic
7 Opportunity Law of the Civil Administrative Code of Illinois
8 is amended by changing Section 605-1045.1 as follows:

9 (20 ILCS 605/605-1045.1)

10 (Section scheduled to be repealed on January 1, 2023)

11 Sec. 605-1045.1. Restore Illinois Collaborative
12 Commission. The General Assembly finds and declares that this
13 amendatory Act of the 102nd General Assembly manifests the
14 intention of the General Assembly to extend the repeal of
15 Section 605-1045. Section 605-1045 as enacted and reenacted in
16 this Section shall be deemed to have been in continuous effect
17 since June 12, 2020 and it shall continue to be in effect
18 henceforward until it is otherwise lawfully repealed. All
19 previously enacted amendments to this Section taking effect on
20 or after June 12, 2020, are hereby validated. All actions
21 taken in reliance on the continuing effect of Section 605-1045
22 by any person or entity are hereby validated. In order to
23 ensure the continuing effectiveness of this Section, it is set
24 forth in full and reenacted by this amendatory Act of the 102nd

1 General Assembly. This reenactment is intended as a
2 continuation of this Section. It is not intended to supersede
3 any amendment to this Section that is enacted by the 102nd
4 General Assembly.

5 (a) The General Assembly hereby finds and declares that
6 the State is confronted with a public health crisis that has
7 created unprecedented challenges for the State's diverse
8 economic base. In light of this crisis, and the heightened
9 need for collaboration between the legislative and executive
10 branches, the General Assembly hereby establishes the Restore
11 Illinois Collaborative Commission. The members of the
12 Commission will participate in and provide input on plans to
13 revive the various sectors of the State's economy in the wake
14 of the COVID-19 pandemic.

15 (b) The Department may request meetings be convened to
16 address revitalization efforts for the various sectors of the
17 State's economy. Such meetings may include public
18 participation as determined by the Commission.

19 (c) The Department shall provide a written report to the
20 Commission and the General Assembly not less than every 30
21 days regarding the status of current and proposed
22 revitalization efforts. The written report shall include
23 applicable metrics that demonstrate progress on recovery
24 efforts, as well as any additional information as requested by
25 the Commission. The first report shall be delivered by July 1,
26 2020. The reports to the General Assembly shall be delivered

1 to all members, in addition to complying with the requirements
2 of Section 3.1 of the General Assembly Organization Act.

3 (d) The Restore Illinois Collaborative Commission shall
4 consist of 14 members, appointed as follows:

5 (1) four members of the House of Representatives
6 appointed by the Speaker of the House of Representatives;

7 (2) four members of the Senate appointed by the Senate
8 President;

9 (3) three members of the House of Representatives
10 appointed by the Minority Leader of the House of
11 Representatives; and

12 (4) three members of the Senate appointed by the
13 Senate Minority Leader.

14 (e) The Speaker of the House of Representatives and the
15 Senate President shall each appoint one member of the
16 Commission to serve as a Co-Chair. The Co-Chairs may convene
17 meetings of the Commission. The members of the Commission
18 shall serve without compensation.

19 (f) This Section is repealed January 1, 2024 ~~2023~~.

20 (Source: P.A. 102-577, eff. 8-24-21.)

21 Section 10. The Illinois Power Agency Act is amended by
22 changing Section 1-130 as follows:

23 (20 ILCS 3855/1-130)

24 (Section scheduled to be repealed on January 1, 2023)

1 Sec. 1-130. Home rule preemption.

2 (a) The authorization to impose any new taxes or fees
3 specifically related to the generation of electricity by, the
4 capacity to generate electricity by, or the emissions into the
5 atmosphere by electric generating facilities after the
6 effective date of this Act is an exclusive power and function
7 of the State. A home rule unit may not levy any new taxes or
8 fees specifically related to the generation of electricity by,
9 the capacity to generate electricity by, or the emissions into
10 the atmosphere by electric generating facilities after the
11 effective date of this Act. This Section is a denial and
12 limitation on home rule powers and functions under subsection
13 (g) of Section 6 of Article VII of the Illinois Constitution.

14 (b) This Section is repealed on January 1, 2024 ~~2023~~.

15 (Source: P.A. 101-639, eff. 6-12-20; 102-671, eff. 11-30-21.)

16 Section 15. The Illinois Immigrant Impact Task Force Act
17 is amended by changing Sections 5 and 10 as follows:

18 (20 ILCS 5156/5)

19 (Section scheduled to be repealed on January 1, 2023)

20 Sec. 5. Illinois Immigrant Impact Task Force.

21 (a) There is hereby established the Illinois Immigrant
22 Impact Task Force.

23 (b) The Task Force shall consist of 27 members appointed
24 as follows:

1 (1) one member appointed by the President of the
2 Senate;

3 (2) one member appointed by the Speaker of the House
4 of Representatives;

5 (3) one member appointed by the Minority Leader of the
6 Senate;

7 (4) one member appointed by the Minority Leader of the
8 House of Representatives;

9 (5) one representative of the Governor's Office;

10 (6) one representative of the Governor's Office of
11 Management and Budget;

12 (7) one representative of the Lieutenant Governor's
13 Office;

14 (8) the Executive Director of the Illinois Housing
15 Development Authority or his or her designee;

16 (9) the Secretary of Human Services or his or her
17 designee;

18 (10) the Director on Aging or his or her designee;

19 (11) the Director of Commerce and Economic Opportunity
20 or his or her designee;

21 (12) the Director of Children and Family Services or
22 his or her designee;

23 (13) the Director of Public Health or his or her
24 designee;

25 (14) the Director of Healthcare and Family Services or
26 his or her designee;

1 (15) the Director of Human Rights or his or her
2 designee;

3 (16) the Director of Employment Security or his or her
4 designee;

5 (17) the Director of Juvenile Justice or his or her
6 designee;

7 (18) the Director of Corrections or his or her
8 designee;

9 (19) the Executive Director of the Illinois Criminal
10 Justice Information Authority or his or her designee;

11 (20) the Chairman of the State Board of Education or
12 his or her designee;

13 (21) the Chairman of the Board of Higher Education or
14 his or her designee;

15 (22) the Chairman of the Illinois Community College
16 Board or his or her designee; and

17 (23) five representatives from organizations offering
18 aid or services to immigrants, appointed by the Governor.

19 (c) The Task Force shall convene as soon as practicable
20 after the effective date of this Act, and shall hold at least 6
21 meetings. Members of the Task Force shall serve without
22 compensation. The Department of Human Services, in
23 consultation with any other State agency relevant to the issue
24 of immigration in this State, shall provide administrative and
25 other support to the Task Force.

26 (d) The Task Force shall examine the following issues:

1 (1) what the State of Illinois is currently doing to
2 proactively help immigrant communities in this State,
3 including whether such persons are receiving help to
4 become citizens, receiving help to become business owners,
5 and receiving aid for educational purposes;

6 (2) what can the State do going forward to improve
7 relations between the State and immigrant communities in
8 this State;

9 (3) what is the status of immigrant communities from
10 urban, suburban, and rural areas of this State, and
11 whether adequate support and resources have been provided
12 to these communities;

13 (4) the extent to which immigrants in this State are
14 being discriminated against;

15 (5) whether the laws specifically intended to benefit
16 immigrant populations in this State are actually having a
17 beneficial effect;

18 (6) the practices and procedures of the federal
19 Immigration and Customs Enforcement agency within this
20 State;

21 (7) the use and condition of detention centers in this
22 State;

23 (8) all contracts in Illinois entered into with United
24 States Immigration and Customs Enforcement, including
25 contracts with private detention centers, the Illinois
26 State Police, and the Secretary of State's Office,

1 Division of Motor Vehicles;

2 (9) the impact of the COVID-19 pandemic on immigrant
3 communities, including health impact rates, employment
4 rates, housing, small businesses, and community
5 development;

6 (10) the disbursement of funds received by different
7 agencies that went to immigrant communities;

8 (11) language access programs and their impact on
9 helping immigrant communities better interact with State
10 agencies, and whether existing language access programs
11 are effective in helping immigrant communities interact
12 with the State. The Task Force shall also examine whether
13 all State agencies provide language access for non-English
14 speakers, and which agencies and in what regions of the
15 State is there a lack of language access that creates
16 barriers for non-English dominant speakers from accessing
17 support from the State;

18 (12) the extent to which disparities in access to
19 technology exist in immigrant communities and whether they
20 lead to educational, financial, and other disadvantages;
21 and

22 (13) the extent to which State programs intended for
23 vulnerable populations such as victims of trafficking,
24 crime, and abuse are being implemented or need to be
25 implemented.

26 (e) The Task Force shall report its findings and

1 recommendations based upon its examination of issues under
2 subsection (d) to the Governor and the General Assembly on or
3 before April 30, 2023 ~~December 31, 2022~~.

4 (Source: P.A. 102-236, eff. 8-2-21; 102-1071, eff. 6-10-22.)

5 (20 ILCS 5156/10)

6 (Section scheduled to be repealed on January 1, 2023)

7 Sec. 10. Repeal. This Act is repealed on May 1 ~~January 1~~,
8 2023.

9 (Source: P.A. 102-236, eff. 8-2-21.)

10 Section 20. The Special Commission on Gynecologic Cancers
11 Act is amended by changing Section 100-90 as follows:

12 (20 ILCS 5170/100-90)

13 (Section scheduled to be repealed on January 1, 2023)

14 Sec. 100-90. Repeal. This Article is repealed on January
15 1, 2028 ~~2023~~.

16 (Source: P.A. 102-4, eff. 4-27-21.)

17 Section 25. The Community Emergency Services and Support
18 Act is amended by changing Section 65 as follows:

19 (50 ILCS 754/65)

20 Sec. 65. PSAP and emergency service dispatched through a
21 9-1-1 PSAP; coordination of activities with mobile and

1 behavioral health services. Each 9-1-1 PSAP and emergency
2 service dispatched through a 9-1-1 PSAP must begin
3 coordinating its activities with the mobile mental and
4 behavioral health services established by the Division of
5 Mental Health once all 3 of the following conditions are met,
6 but not later than July ~~January~~ 1, 2023:

7 (1) the Statewide Committee has negotiated useful
8 protocol and 9-1-1 operator script adjustments with the
9 contracted services providing these tools to 9-1-1 PSAPs
10 operating in Illinois;

11 (2) the appropriate Regional Advisory Committee has
12 completed design of the specific 9-1-1 PSAP's process for
13 coordinating activities with the mobile mental and
14 behavioral health service; and

15 (3) the mobile mental and behavioral health service is
16 available in their jurisdiction.

17 (Source: P.A. 102-580, eff. 1-1-22.)

18 Section 30. The Developmental Disability and Mental
19 Disability Services Act is amended by changing Section 7A-1 as
20 follows:

21 (405 ILCS 80/7A-1)

22 (Section scheduled to be repealed on January 1, 2023)

23 Sec. 7A-1. Diversion from Facility-based Care Pilot
24 Program.

1 (a) The purposes of this Article are to:

2 (1) decrease the number of admissions to
3 State-operated facilities;

4 (2) address the needs of individuals receiving Home
5 and Community Based Services (HCBS) with intellectual
6 disabilities or developmental disabilities who are at risk
7 of facility-based care due to significant behavioral
8 challenges, some with a dual diagnosis of mental illness,
9 by providing a community-based residential alternative to
10 facility-based care consistent with their individual
11 plans, and to transition these individuals back to a
12 traditional community-integrated living arrangement or
13 other HCBS community setting program;

14 (3) create greater capacity within the short-term
15 stabilization homes by allowing individuals who need an
16 extended period of treatment to transfer to a long-term
17 stabilization home;

18 (4) stabilize the existing community-integrated living
19 arrangement homes where the presence of individuals with
20 complex behavioral challenges is disruptive to their
21 housemates; and

22 (5) add support services to enhance community service
23 providers who serve individuals with significant
24 behavioral challenges.

25 (b) Subject to appropriation or the availability of other
26 funds for these purposes at the discretion of the Department,

1 the Department shall establish the Diversion from
2 Facility-based Care Pilot Program consisting of at least 6
3 homes in various locations in this State in accordance with
4 this Article and the following model:

5 (1) the Diversion from Facility-based Care Model shall
6 serve individuals with intellectual disabilities or
7 developmental disabilities who are currently receiving
8 HCBS services and are at risk of facility-based care due
9 to significant behavioral challenges, some with a dual
10 diagnosis of mental illness, for a period ranging from one
11 to 2 years, or longer if appropriate for the individual;

12 (2) the Program shall be regulated in accordance with
13 the community-integrated living arrangement guidelines;

14 (3) each home shall support no more than 4 residents,
15 each having his or her own bedroom;

16 (4) if, at any point, an individual, his or her
17 guardian, or family caregivers, in conjunction with the
18 provider and clinical staff, believe the individual is
19 capable of participating in a HCBS service, those
20 opportunities shall be offered as they become available;
21 and

22 (5) providers shall have adequate resources,
23 experience, and qualifications to serve the population
24 target by the Program, as determined by the Department;

25 (6) participating Program providers and the Department
26 shall participate in an ongoing collaborative whereby best

1 practices and treatment experiences would be shared and
2 utilized;

3 (7) home locations shall be proposed by the provider
4 in collaboration with other community stakeholders;

5 (8) The Department, in collaboration with
6 participating providers, by rule shall develop data
7 collection and reporting requirements for participating
8 community service providers. Beginning December 31, 2020
9 the Department shall submit an annual report
10 electronically to the General Assembly and Governor that
11 outlines the progress and effectiveness of the pilot
12 program. The report to the General Assembly shall be filed
13 with the Clerk of the House of Representatives and the
14 Secretary of the Senate in electronic form only, in the
15 manner that the Clerk and the Secretary shall direct;

16 (9) the staffing model shall allow for a high level of
17 community integration and engagement and family
18 involvement; and

19 (10) appropriate day services, staff training
20 priorities, and home modifications shall be incorporated
21 into the Program model, as allowed by HCBS authorization.

22 (c) This Section is repealed on January 1, 2025 ~~2023~~.

23 (Source: P.A. 100-924, eff. 7-1-19.)

24 Section 35. The Cannabis Regulation and Tax Act is amended
25 by changing Section 15-35.20 as follows:

1 (410 ILCS 705/15-35.20)

2 Sec. 15-35.20. Conditional Adult Use Dispensing
3 Organization Licenses on or after January 1, 2022.

4 (a) In addition to any of the licenses issued under
5 Section 15-15, Section 15-20, Section 15-25, Section 15-35, or
6 Section 15-35.10, by January 1, 2022, the Department may
7 publish an application to issue additional Conditional Adult
8 Use Dispensing Organization Licenses, pursuant to the
9 application process adopted under this Section. The Department
10 may adopt rules to issue any Conditional Adult Use Dispensing
11 Organization Licenses under this Section. Such rules may:

12 (1) Modify or change the BLS Regions as they apply to
13 this Article or modify or raise the number of Adult
14 Conditional Use Dispensing Organization Licenses assigned
15 to each BLS Region based on the following factors:

16 (A) Purchaser wait times.

17 (B) Travel time to the nearest dispensary for
18 potential purchasers.

19 (C) Percentage of cannabis sales occurring in
20 Illinois not in the regulated market using data from
21 the Substance Abuse and Mental Health Services
22 Administration, National Survey on Drug Use and
23 Health, Illinois Behavioral Risk Factor Surveillance
24 System, and tourism data from the Illinois Office of
25 Tourism to ascertain total cannabis consumption in

1 Illinois compared to the amount of sales in licensed
2 dispensing organizations.

3 (D) Whether there is an adequate supply of
4 cannabis and cannabis-infused products to serve
5 registered medical cannabis patients.

6 (E) Population increases or shifts.

7 (F) Density of dispensing organizations in a
8 region.

9 (G) The Department's capacity to appropriately
10 regulate additional licenses.

11 (H) The findings and recommendations from the
12 disparity and availability study commissioned by the
13 Illinois Cannabis Regulation Oversight Officer in
14 subsection (e) of Section 5-45 to reduce or eliminate
15 any identified barriers to entry in the cannabis
16 industry.

17 (I) Any other criteria the Department deems
18 relevant.

19 (2) Modify or change the licensing application process
20 to reduce or eliminate the barriers identified in the
21 disparity and availability study commissioned by the
22 Illinois Cannabis Regulation Oversight Officer and make
23 modifications to remedy evidence of discrimination.

24 (b) At no time shall the Department issue more than 500
25 Adult Use Dispensing Organization Licenses.

26 (c) The Department shall issue at least 50 additional

1 Conditional Adult Use Dispensing Organization Licenses on or
2 before July 1, 2023 ~~December 21, 2022~~.

3 (Source: P.A. 102-98, eff. 7-15-21.)

4 Section 40. The Transportation Network Providers Act is
5 amended by changing Section 34 as follows:

6 (625 ILCS 57/34)

7 (Section scheduled to be repealed on January 1, 2023)

8 Sec. 34. Repeal. This Act is repealed on September ~~January~~
9 1, 2023.

10 (Source: P.A. 101-639, eff. 6-12-20. Reenacted by P.A.
11 101-660, eff. 4-2-21. P.A. 102-7, eff. 5-28-21.)

12 Section 45. The Unified Code of Corrections is amended by
13 changing Sections 5-4.5-110 and 5-6-3.6 as follows:

14 (730 ILCS 5/5-4.5-110)

15 (Section scheduled to be repealed on January 1, 2023)

16 Sec. 5-4.5-110. SENTENCING GUIDELINES FOR INDIVIDUALS WITH
17 PRIOR FELONY FIREARM-RELATED OR OTHER SPECIFIED CONVICTIONS.

18 (a) DEFINITIONS. For the purposes of this Section:

19 "Firearm" has the meaning ascribed to it in Section
20 1.1 of the Firearm Owners Identification Card Act.

21 "Qualifying predicate offense" means the following
22 offenses under the Criminal Code of 2012:

1 (A) aggravated unlawful use of a weapon under
2 Section 24-1.6 or similar offense under the Criminal
3 Code of 1961, when the weapon is a firearm;

4 (B) unlawful use or possession of a weapon by a
5 felon under Section 24-1.1 or similar offense under
6 the Criminal Code of 1961, when the weapon is a
7 firearm;

8 (C) first degree murder under Section 9-1 or
9 similar offense under the Criminal Code of 1961;

10 (D) attempted first degree murder with a firearm
11 or similar offense under the Criminal Code of 1961;

12 (E) aggravated kidnapping with a firearm under
13 paragraph (6) or (7) of subsection (a) of Section 10-2
14 or similar offense under the Criminal Code of 1961;

15 (F) aggravated battery with a firearm under
16 subsection (e) of Section 12-3.05 or similar offense
17 under the Criminal Code of 1961;

18 (G) aggravated criminal sexual assault under
19 Section 11-1.30 or similar offense under the Criminal
20 Code of 1961;

21 (H) predatory criminal sexual assault of a child
22 under Section 11-1.40 or similar offense under the
23 Criminal Code of 1961;

24 (I) armed robbery under Section 18-2 or similar
25 offense under the Criminal Code of 1961;

26 (J) vehicular hijacking under Section 18-3 or

1 similar offense under the Criminal Code of 1961;

2 (K) aggravated vehicular hijacking under Section
3 18-4 or similar offense under the Criminal Code of
4 1961;

5 (L) home invasion with a firearm under paragraph
6 (3), (4), or (5) of subsection (a) of Section 19-6 or
7 similar offense under the Criminal Code of 1961;

8 (M) aggravated discharge of a firearm under
9 Section 24-1.2 or similar offense under the Criminal
10 Code of 1961;

11 (N) aggravated discharge of a machine gun or a
12 firearm equipped with a device designed or used for
13 silencing the report of a firearm under Section
14 24-1.2-5 or similar offense under the Criminal Code of
15 1961;

16 (O) unlawful use of firearm projectiles under
17 Section 24-2.1 or similar offense under the Criminal
18 Code of 1961;

19 (P) manufacture, sale, or transfer of bullets or
20 shells represented to be armor piercing bullets,
21 dragon's breath shotgun shells, bolo shells, or
22 flechette shells under Section 24-2.2 or similar
23 offense under the Criminal Code of 1961;

24 (Q) unlawful sale or delivery of firearms under
25 Section 24-3 or similar offense under the Criminal
26 Code of 1961;

1 (R) unlawful discharge of firearm projectiles
2 under Section 24-3.2 or similar offense under the
3 Criminal Code of 1961;

4 (S) unlawful sale or delivery of firearms on
5 school premises of any school under Section 24-3.3 or
6 similar offense under the Criminal Code of 1961;

7 (T) unlawful purchase of a firearm under Section
8 24-3.5 or similar offense under the Criminal Code of
9 1961;

10 (U) use of a stolen firearm in the commission of an
11 offense under Section 24-3.7 or similar offense under
12 the Criminal Code of 1961;

13 (V) possession of a stolen firearm under Section
14 24-3.8 or similar offense under the Criminal Code of
15 1961;

16 (W) aggravated possession of a stolen firearm
17 under Section 24-3.9 or similar offense under the
18 Criminal Code of 1961;

19 (X) gunrunning under Section 24-3A or similar
20 offense under the Criminal Code of 1961;

21 (Y) defacing identification marks of firearms
22 under Section 24-5 or similar offense under the
23 Criminal Code of 1961; and

24 (Z) armed violence under Section 33A-2 or similar
25 offense under the Criminal Code of 1961.

26 (b) APPLICABILITY. For an offense committed on or after

1 January 1, 2018 (the effective date of Public Act 100-3) ~~this~~
2 ~~amendatory Act of the 100th General Assembly~~ and before
3 January 1, 2024 ~~2023~~, when a person is convicted of unlawful
4 use or possession of a weapon by a felon, when the weapon is a
5 firearm, or aggravated unlawful use of a weapon, when the
6 weapon is a firearm, after being previously convicted of a
7 qualifying predicate offense the person shall be subject to
8 the sentencing guidelines under this Section.

9 (c) SENTENCING GUIDELINES.

10 (1) When a person is convicted of unlawful use or
11 possession of a weapon by a felon, when the weapon is a
12 firearm, and that person has been previously convicted of
13 a qualifying predicate offense, the person shall be
14 sentenced to a term of imprisonment within the sentencing
15 range of not less than 7 years and not more than 14 years,
16 unless the court finds that a departure from the
17 sentencing guidelines under this paragraph is warranted
18 under subsection (d) of this Section.

19 (2) When a person is convicted of aggravated unlawful
20 use of a weapon, when the weapon is a firearm, and that
21 person has been previously convicted of a qualifying
22 predicate offense, the person shall be sentenced to a term
23 of imprisonment within the sentencing range of not less
24 than 6 years and not more than 7 years, unless the court
25 finds that a departure from the sentencing guidelines
26 under this paragraph is warranted under subsection (d) of

1 this Section.

2 (3) The sentencing guidelines in paragraphs (1) and
3 (2) of this subsection (c) apply only to offenses
4 committed on and after January 1, 2018 (the effective date
5 of Public Act 100-3) ~~this amendatory Act of the 100th~~
6 ~~General Assembly~~ and before January 1, 2024 ~~2023~~.

7 (d) DEPARTURE FROM SENTENCING GUIDELINES.

8 (1) At the sentencing hearing conducted under Section
9 5-4-1 of this Code, the court may depart from the
10 sentencing guidelines provided in subsection (c) of this
11 Section and impose a sentence otherwise authorized by law
12 for the offense if the court, after considering any factor
13 under paragraph (2) of this subsection (d) relevant to the
14 nature and circumstances of the crime and to the history
15 and character of the defendant, finds on the record
16 substantial and compelling justification that the sentence
17 within the sentencing guidelines would be unduly harsh and
18 that a sentence otherwise authorized by law would be
19 consistent with public safety and does not deprecate the
20 seriousness of the offense.

21 (2) In deciding whether to depart from the sentencing
22 guidelines under this paragraph, the court shall consider:

23 (A) the age, immaturity, or limited mental
24 capacity of the defendant at the time of commission of
25 the qualifying predicate or current offense, including
26 whether the defendant was suffering from a mental or

1 physical condition insufficient to constitute a
2 defense but significantly reduced the defendant's
3 culpability;

4 (B) the nature and circumstances of the qualifying
5 predicate offense;

6 (C) the time elapsed since the qualifying
7 predicate offense;

8 (D) the nature and circumstances of the current
9 offense;

10 (E) the defendant's prior criminal history;

11 (F) whether the defendant committed the qualifying
12 predicate or current offense under specific and
13 credible duress, coercion, threat, or compulsion;

14 (G) whether the defendant aided in the
15 apprehension of another felon or testified truthfully
16 on behalf of another prosecution of a felony; and

17 (H) whether departure is in the interest of the
18 person's rehabilitation, including employment or
19 educational or vocational training, after taking into
20 account any past rehabilitation efforts or
21 dispositions of probation or supervision, and the
22 defendant's cooperation or response to rehabilitation.

23 (3) When departing from the sentencing guidelines
24 under this Section, the court shall specify on the record,
25 the particular evidence, information, factor or factors,
26 or other reasons which led to the departure from the

1 sentencing guidelines. When departing from the sentencing
2 range in accordance with this subsection (d), the court
3 shall indicate on the sentencing order which departure
4 factor or factors outlined in paragraph (2) of this
5 subsection (d) led to the sentence imposed. The sentencing
6 order shall be filed with the clerk of the court and shall
7 be a public record.

8 (e) This Section is repealed on January 1, 2024 ~~2023~~.

9 (Source: P.A. 100-3, eff. 1-1-18.)

10 (730 ILCS 5/5-6-3.6)

11 (Section scheduled to be repealed on January 1, 2023)

12 Sec. 5-6-3.6. First Time Weapon Offender Program.

13 (a) The General Assembly has sought to promote public
14 safety, reduce recidivism, and conserve valuable resources of
15 the criminal justice system through the creation of diversion
16 programs for non-violent offenders. This amendatory Act of the
17 100th General Assembly establishes a pilot program for
18 first-time, non-violent offenders charged with certain weapons
19 offenses. The General Assembly recognizes some persons,
20 particularly young adults in areas of high crime or poverty,
21 may have experienced trauma that contributes to poor decision
22 making skills, and the creation of a diversionary program
23 poses a greater benefit to the community and the person than
24 incarceration. Under this program, a court, with the consent
25 of the defendant and the State's Attorney, may sentence a

1 defendant charged with an unlawful use of weapons offense
2 under Section 24-1 of the Criminal Code of 2012 or aggravated
3 unlawful use of a weapon offense under Section 24-1.6 of the
4 Criminal Code of 2012, if punishable as a Class 4 felony or
5 lower, to a First Time Weapon Offender Program.

6 (b) A defendant is not eligible for this Program if:

7 (1) the offense was committed during the commission of
8 a violent offense as defined in subsection (h) of this
9 Section;

10 (2) he or she has previously been convicted or placed
11 on probation or conditional discharge for any violent
12 offense under the laws of this State, the laws of any other
13 state, or the laws of the United States;

14 (3) he or she had a prior successful completion of the
15 First Time Weapon Offender Program under this Section;

16 (4) he or she has previously been adjudicated a
17 delinquent minor for the commission of a violent offense;

18 (5) he or she is 21 years of age or older; or

19 (6) he or she has an existing order of protection
20 issued against him or her.

21 (b-5) In considering whether a defendant shall be
22 sentenced to the First Time Weapon Offender Program, the court
23 shall consider the following:

24 (1) the age, immaturity, or limited mental capacity of
25 the defendant;

26 (2) the nature and circumstances of the offense;

1 (3) whether participation in the Program is in the
2 interest of the defendant's rehabilitation, including any
3 employment or involvement in community, educational,
4 training, or vocational programs;

5 (4) whether the defendant suffers from trauma, as
6 supported by documentation or evaluation by a licensed
7 professional; and

8 (5) the potential risk to public safety.

9 (c) For an offense committed on or after January 1, 2018
10 (the effective date of Public Act 100-3) ~~this amendatory Act~~
11 ~~of the 100th General Assembly~~ and before January 1, 2024 ~~2023~~,
12 whenever an eligible person pleads guilty to an unlawful use
13 of weapons offense under Section 24-1 of the Criminal Code of
14 2012 or aggravated unlawful use of a weapon offense under
15 Section 24-1.6 of the Criminal Code of 2012, which is
16 punishable as a Class 4 felony or lower, the court, with the
17 consent of the defendant and the State's Attorney, may,
18 without entering a judgment, sentence the defendant to
19 complete the First Time Weapon Offender Program. When a
20 defendant is placed in the Program, the court shall defer
21 further proceedings in the case until the conclusion of the
22 period or until the filing of a petition alleging violation of
23 a term or condition of the Program. Upon violation of a term or
24 condition of the Program, the court may enter a judgment on its
25 original finding of guilt and proceed as otherwise provided by
26 law. Upon fulfillment of the terms and conditions of the

1 Program, the court shall discharge the person and dismiss the
2 proceedings against the person.

3 (d) The Program shall be at least 18 months and not to
4 exceed 24 months, as determined by the court at the
5 recommendation of the Program administrator and the State's
6 Attorney. The Program administrator may be appointed by the
7 Chief Judge of each Judicial Circuit.

8 (e) The conditions of the Program shall be that the
9 defendant:

10 (1) not violate any criminal statute of this State or
11 any other jurisdiction;

12 (2) refrain from possessing a firearm or other
13 dangerous weapon;

14 (3) obtain or attempt to obtain employment;

15 (4) attend educational courses designed to prepare the
16 defendant for obtaining a high school diploma or to work
17 toward passing high school equivalency testing or to work
18 toward completing a vocational training program;

19 (5) refrain from having in his or her body the
20 presence of any illicit drug prohibited by the
21 Methamphetamine Control and Community Protection Act, the
22 Cannabis Control Act, or the Illinois Controlled
23 Substances Act, unless prescribed by a physician, and
24 submit samples of his or her blood or urine or both for
25 tests to determine the presence of any illicit drug;

26 (6) perform a minimum of 50 hours of community

1 service;

2 (7) attend and participate in any Program activities
3 deemed required by the Program administrator, including
4 but not limited to: counseling sessions, in-person and
5 over the phone check-ins, and educational classes; and

6 (8) pay all fines, assessments, fees, and costs.

7 (f) The Program may, in addition to other conditions,
8 require that the defendant:

9 (1) wear an ankle bracelet with GPS tracking;

10 (2) undergo medical or psychiatric treatment, or
11 treatment or rehabilitation approved by the Department of
12 Human Services; and

13 (3) attend or reside in a facility established for the
14 instruction or residence of defendants on probation.

15 (g) There may be only one discharge and dismissal under
16 this Section. If a person is convicted of any offense which
17 occurred within 5 years subsequent to a discharge and
18 dismissal under this Section, the discharge and dismissal
19 under this Section shall be admissible in the sentencing
20 proceeding for that conviction as evidence in aggravation.

21 (h) For purposes of this Section, "violent offense" means
22 any offense in which bodily harm was inflicted or force was
23 used against any person or threatened against any person; any
24 offense involving the possession of a firearm or dangerous
25 weapon; any offense involving sexual conduct, sexual
26 penetration, or sexual exploitation; violation of an order of

1 protection, stalking, hate crime, domestic battery, or any
2 offense of domestic violence.

3 (i) This Section is repealed on January 1, 2024 ~~2023~~.

4 (Source: P.A. 102-245, eff. 8-3-21.)

5 Section 50. The Disposition of Remains of the Indigent Act
6 is amended by changing Section 35 as follows:

7 (755 ILCS 66/35)

8 (Section scheduled to be repealed on December 31, 2022)

9 Sec. 35. Repealer. This Act is repealed on December 31,
10 2027 ~~2022~~.

11 (Source: P.A. 100-526, eff. 6-1-18.)

12 Section 55. "An Act concerning criminal law", approved
13 August 20, 2021, Public Act 102-490, is amended by changing
14 Section 99 as follows:

15 (P.A. 102-490, Sec. 99)

16 Sec. 99. Effective date. This Act takes effect on January
17 1, 2024 ~~2023~~.

18 (Source: P.A. 102-490.)

19 Section 99. Effective date. This Act takes effect upon
20 becoming law."