



Sen. Omar Aquino

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10200HB3772sam002

LRB102 15143 HEP 38805 a

1 AMENDMENT TO HOUSE BILL 3772

2 AMENDMENT NO. _____. Amend House Bill 3772 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Vehicle Code is amended by
5 changing Sections 11-208.3, 11-208.6, 11-208.7, 11-208.8,
6 11-208.9, and 11-1201.1 as follows:

7 (625 ILCS 5/11-208.3) (from Ch. 95 1/2, par. 11-208.3)

8 Sec. 11-208.3. Administrative adjudication of violations
9 of traffic regulations concerning the standing, parking, or
10 condition of vehicles, automated traffic law violations, and
11 automated speed enforcement system violations.

12 (a) Any municipality or county may provide by ordinance
13 for a system of administrative adjudication of vehicular
14 standing and parking violations and vehicle compliance
15 violations as described in this subsection, automated traffic
16 law violations as defined in Section 11-208.6, 11-208.9, or

1 11-1201.1, and automated speed enforcement system violations
2 as defined in Section 11-208.8. The administrative system
3 shall have as its purpose the fair and efficient enforcement
4 of municipal or county regulations through the administrative
5 adjudication of automated speed enforcement system or
6 automated traffic law violations and violations of municipal
7 or county ordinances regulating the standing and parking of
8 vehicles, the condition and use of vehicle equipment, and the
9 display of municipal or county wheel tax licenses within the
10 municipality's or county's borders. The administrative system
11 shall only have authority to adjudicate civil offenses
12 carrying fines not in excess of \$500 or requiring the
13 completion of a traffic education program, or both, that occur
14 after the effective date of the ordinance adopting such a
15 system under this Section. For purposes of this Section,
16 "compliance violation" means a violation of a municipal or
17 county regulation governing the condition or use of equipment
18 on a vehicle or governing the display of a municipal or county
19 wheel tax license.

20 (b) Any ordinance establishing a system of administrative
21 adjudication under this Section shall provide for:

22 (1) A traffic compliance administrator authorized to
23 adopt, distribute, and process parking, compliance, and
24 automated speed enforcement system or automated traffic
25 law violation notices and other notices required by this
26 Section, collect money paid as fines and penalties for

1 violation of parking and compliance ordinances and
2 automated speed enforcement system or automated traffic
3 law violations, and operate an administrative adjudication
4 system.

5 (2) A parking, standing, compliance, automated speed
6 enforcement system, or automated traffic law violation
7 notice that shall specify or include the date, time, and
8 place of violation of a parking, standing, compliance,
9 automated speed enforcement system, or automated traffic
10 law regulation; the particular regulation violated; any
11 requirement to complete a traffic education program; the
12 fine and any penalty that may be assessed for late payment
13 or failure to complete a required traffic education
14 program, or both, when so provided by ordinance; the
15 vehicle make or a photograph of the vehicle; the state
16 registration number of the vehicle; and the identification
17 number of the person issuing the notice. With regard to
18 automated speed enforcement system or automated traffic
19 law violations, vehicle make shall be specified on the
20 automated speed enforcement system or automated traffic
21 law violation notice if the notice does not include a
22 photograph of the vehicle and the make is available and
23 readily discernible. With regard to municipalities or
24 counties with a population of 1 million or more, it shall
25 be grounds for dismissal of a parking violation if the
26 state registration number or vehicle make specified is

1 incorrect. The violation notice shall state that the
2 completion of any required traffic education program, the
3 payment of any indicated fine, and the payment of any
4 applicable penalty for late payment or failure to complete
5 a required traffic education program, or both, shall
6 operate as a final disposition of the violation. The
7 notice also shall contain information as to the
8 availability of a hearing in which the violation may be
9 contested on its merits. The violation notice shall
10 specify the time and manner in which a hearing may be had.

11 (3) Service of a parking, standing, or compliance
12 violation notice by: (i) affixing the original or a
13 facsimile of the notice to an unlawfully parked or
14 standing vehicle; (ii) handing the notice to the operator
15 of a vehicle if he or she is present; or (iii) mailing the
16 notice to the address of the registered owner or lessee of
17 the cited vehicle as recorded with the Secretary of State
18 or the lessor of the motor vehicle within 30 days after the
19 Secretary of State or the lessor of the motor vehicle
20 notifies the municipality or county of the identity of the
21 owner or lessee of the vehicle, but not later than 90 days
22 after the date of the violation, except that in the case of
23 a lessee of a motor vehicle, service of a parking,
24 standing, or compliance violation notice may occur no
25 later than 210 days after the violation; and service of an
26 automated speed enforcement system or automated traffic

1 law violation notice by mail to the address of the
2 registered owner or lessee of the cited vehicle as
3 recorded with the Secretary of State or the lessor of the
4 motor vehicle within 30 days after the Secretary of State
5 or the lessor of the motor vehicle notifies the
6 municipality or county of the identity of the owner or
7 lessee of the vehicle, but not later than 90 days after the
8 violation, except that in the case of a lessee of a motor
9 vehicle, service of an automated traffic law violation
10 notice may occur no later than 210 days after the
11 violation. A person authorized by ordinance to issue and
12 serve parking, standing, and compliance violation notices
13 shall certify as to the correctness of the facts entered
14 on the violation notice by signing his or her name to the
15 notice at the time of service or, in the case of a notice
16 produced by a computerized device, by signing a single
17 certificate to be kept by the traffic compliance
18 administrator attesting to the correctness of all notices
19 produced by the device while it was under his or her
20 control. In the case of an automated traffic law
21 violation, the ordinance shall require a determination by
22 a technician employed or contracted by the municipality or
23 county that, based on inspection of recorded images, the
24 motor vehicle was being operated in violation of Section
25 11-208.6, 11-208.9, or 11-1201.1 or a local ordinance. If
26 the technician determines that the vehicle entered the

1 intersection as part of a funeral procession or in order
2 to yield the right-of-way to an emergency vehicle, a
3 citation shall not be issued. In municipalities with a
4 population of less than 1,000,000 inhabitants and counties
5 with a population of less than 3,000,000 inhabitants, the
6 automated traffic law ordinance shall require that all
7 determinations by a technician that a motor vehicle was
8 being operated in violation of Section 11-208.6, 11-208.9,
9 or 11-1201.1 or a local ordinance must be reviewed and
10 approved by a law enforcement officer or retired law
11 enforcement officer of the municipality or county issuing
12 the violation. In municipalities with a population of
13 1,000,000 or more inhabitants and counties with a
14 population of 3,000,000 or more inhabitants, the automated
15 traffic law ordinance shall require that all
16 determinations by a technician that a motor vehicle was
17 being operated in violation of Section 11-208.6, 11-208.9,
18 or 11-1201.1 or a local ordinance must be reviewed and
19 approved by a law enforcement officer or retired law
20 enforcement officer of the municipality or county issuing
21 the violation or by an additional fully trained reviewing
22 technician who is not employed by the contractor who
23 employs the technician who made the initial determination.
24 In the case of an automated speed enforcement system
25 violation, the ordinance shall require a determination by
26 a technician employed by the municipality, based upon an

1 inspection of recorded images, video or other
2 documentation, including documentation of the speed limit
3 and automated speed enforcement signage, and documentation
4 of the inspection, calibration, and certification of the
5 speed equipment, that the vehicle was being operated in
6 violation of Article VI of Chapter 11 of this Code or a
7 similar local ordinance. If the technician determines that
8 the vehicle speed was not determined by a calibrated,
9 certified speed equipment device based upon the speed
10 equipment documentation, or if the vehicle was an
11 emergency vehicle, a citation may not be issued. The
12 automated speed enforcement ordinance shall require that
13 all determinations by a technician that a violation
14 occurred be reviewed and approved by a law enforcement
15 officer or retired law enforcement officer of the
16 municipality issuing the violation or by an additional
17 fully trained reviewing technician who is not employed by
18 the contractor who employs the technician who made the
19 initial determination. Routine and independent calibration
20 of the speeds produced by automated speed enforcement
21 systems and equipment shall be conducted annually by a
22 qualified technician. Speeds produced by an automated
23 speed enforcement system shall be compared with speeds
24 produced by lidar or other independent equipment. Radar or
25 lidar equipment shall undergo an internal validation test
26 no less frequently than once each week. Qualified

1 technicians shall test loop-based equipment no less
2 frequently than once a year. Radar equipment shall be
3 checked for accuracy by a qualified technician when the
4 unit is serviced, when unusual or suspect readings
5 persist, or when deemed necessary by a reviewing
6 technician. Radar equipment shall be checked with the
7 internal frequency generator and the internal circuit test
8 whenever the radar is turned on. Technicians must be alert
9 for any unusual or suspect readings, and if unusual or
10 suspect readings of a radar unit persist, that unit shall
11 immediately be removed from service and not returned to
12 service until it has been checked by a qualified
13 technician and determined to be functioning properly.
14 Documentation of the annual calibration results, including
15 the equipment tested, test date, technician performing the
16 test, and test results, shall be maintained and available
17 for use in the determination of an automated speed
18 enforcement system violation and issuance of a citation.
19 The technician performing the calibration and testing of
20 the automated speed enforcement equipment shall be trained
21 and certified in the use of equipment for speed
22 enforcement purposes. Training on the speed enforcement
23 equipment may be conducted by law enforcement, civilian,
24 or manufacturer's personnel and if applicable may be
25 equivalent to the equipment use and operations training
26 included in the Speed Measuring Device Operator Program

1 developed by the National Highway Traffic Safety
2 Administration (NHTSA). The vendor or technician who
3 performs the work shall keep accurate records on each
4 piece of equipment the technician calibrates and tests. As
5 used in this paragraph, "fully trained reviewing
6 technician" means a person who has received at least 40
7 hours of supervised training in subjects which shall
8 include image inspection and interpretation, the elements
9 necessary to prove a violation, license plate
10 identification, and traffic safety and management. In all
11 municipalities and counties, the automated speed
12 enforcement system or automated traffic law ordinance
13 shall require that no additional fee shall be charged to
14 the alleged violator for exercising his or her right to an
15 administrative hearing, and persons shall be given at
16 least 25 days following an administrative hearing to pay
17 any civil penalty imposed by a finding that Section
18 11-208.6, 11-208.8, 11-208.9, or 11-1201.1 or a similar
19 local ordinance has been violated. The original or a
20 facsimile of the violation notice or, in the case of a
21 notice produced by a computerized device, a printed record
22 generated by the device showing the facts entered on the
23 notice, shall be retained by the traffic compliance
24 administrator, and shall be a record kept in the ordinary
25 course of business. A parking, standing, compliance,
26 automated speed enforcement system, or automated traffic

1 law violation notice issued, signed, and served in
2 accordance with this Section, a copy of the notice, or the
3 computer-generated record shall be prima facie correct and
4 shall be prima facie evidence of the correctness of the
5 facts shown on the notice. The notice, copy, or
6 computer-generated record shall be admissible in any
7 subsequent administrative or legal proceedings.

8 (4) An opportunity for a hearing for the registered
9 owner of the vehicle cited in the parking, standing,
10 compliance, automated speed enforcement system, or
11 automated traffic law violation notice in which the owner
12 may contest the merits of the alleged violation, and
13 during which formal or technical rules of evidence shall
14 not apply; provided, however, that under Section 11-1306
15 of this Code the lessee of a vehicle cited in the violation
16 notice likewise shall be provided an opportunity for a
17 hearing of the same kind afforded the registered owner.
18 The hearings shall be recorded, and the person conducting
19 the hearing on behalf of the traffic compliance
20 administrator shall be empowered to administer oaths and
21 to secure by subpoena both the attendance and testimony of
22 witnesses and the production of relevant books and papers.
23 Persons appearing at a hearing under this Section may be
24 represented by counsel at their expense. The ordinance may
25 also provide for internal administrative review following
26 the decision of the hearing officer.

1 (5) Service of additional notices, sent by first class
2 United States mail, postage prepaid, to the address of the
3 registered owner of the cited vehicle as recorded with the
4 Secretary of State or, if any notice to that address is
5 returned as undeliverable, to the last known address
6 recorded in a United States Post Office approved database,
7 or, under Section 11-1306 or subsection (p) of Section
8 11-208.6 or 11-208.9, or subsection (p) of Section
9 11-208.8 of this Code, to the lessee of the cited vehicle
10 at the last address known to the lessor of the cited
11 vehicle at the time of lease or, if any notice to that
12 address is returned as undeliverable, to the last known
13 address recorded in a United States Post Office approved
14 database. The service shall be deemed complete as of the
15 date of deposit in the United States mail. The notices
16 shall be in the following sequence and shall include, but
17 not be limited to, the information specified herein:

18 (i) A second notice of parking, standing, or
19 compliance violation if the first notice of the
20 violation was issued by affixing the original or a
21 facsimile of the notice to the unlawfully parked
22 vehicle or by handing the notice to the operator. This
23 notice shall specify or include the date and location
24 of the violation cited in the parking, standing, or
25 compliance violation notice, the particular regulation
26 violated, the vehicle make or a photograph of the

1 vehicle, the state registration number of the vehicle,
2 any requirement to complete a traffic education
3 program, the fine and any penalty that may be assessed
4 for late payment or failure to complete a traffic
5 education program, or both, when so provided by
6 ordinance, the availability of a hearing in which the
7 violation may be contested on its merits, and the time
8 and manner in which the hearing may be had. The notice
9 of violation shall also state that failure to complete
10 a required traffic education program, to pay the
11 indicated fine and any applicable penalty, or to
12 appear at a hearing on the merits in the time and
13 manner specified, will result in a final determination
14 of violation liability for the cited violation in the
15 amount of the fine or penalty indicated, and that,
16 upon the occurrence of a final determination of
17 violation liability for the failure, and the
18 exhaustion of, or failure to exhaust, available
19 administrative or judicial procedures for review, any
20 incomplete traffic education program or any unpaid
21 fine or penalty, or both, will constitute a debt due
22 and owing the municipality or county.

23 (ii) A notice of final determination of parking,
24 standing, compliance, automated speed enforcement
25 system, or automated traffic law violation liability.
26 This notice shall be sent following a final

1 determination of parking, standing, compliance,
2 automated speed enforcement system, or automated
3 traffic law violation liability and the conclusion of
4 judicial review procedures taken under this Section.
5 The notice shall state that the incomplete traffic
6 education program or the unpaid fine or penalty, or
7 both, is a debt due and owing the municipality or
8 county. The notice shall contain warnings that failure
9 to complete any required traffic education program or
10 to pay any fine or penalty due and owing the
11 municipality or county, or both, within the time
12 specified may result in the municipality's or county's
13 filing of a petition in the Circuit Court to have the
14 incomplete traffic education program or unpaid fine or
15 penalty, or both, rendered a judgment as provided by
16 this Section, or, where applicable, may result in
17 suspension of the person's driver's license for
18 failure to complete a traffic education program.

19 (6) A notice of impending driver's license suspension.

20 This notice shall be sent to the person liable for failure
21 to complete a required traffic education program. The
22 notice shall state that failure to complete a required
23 traffic education program within 45 days of the notice's
24 date will result in the municipality or county notifying
25 the Secretary of State that the person is eligible for
26 initiation of suspension proceedings under Section 6-306.5

1 of this Code. The notice shall also state that the person
2 may obtain a photostatic copy of an original ticket
3 imposing a fine or penalty by sending a self-addressed,
4 stamped envelope to the municipality or county along with
5 a request for the photostatic copy. The notice of
6 impending driver's license suspension shall be sent by
7 first class United States mail, postage prepaid, to the
8 address recorded with the Secretary of State or, if any
9 notice to that address is returned as undeliverable, to
10 the last known address recorded in a United States Post
11 Office approved database.

12 (7) Final determinations of violation liability. A
13 final determination of violation liability shall occur
14 following failure to complete the required traffic
15 education program or to pay the fine or penalty, or both,
16 after a hearing officer's determination of violation
17 liability and the exhaustion of or failure to exhaust any
18 administrative review procedures provided by ordinance.
19 Where a person fails to appear at a hearing to contest the
20 alleged violation in the time and manner specified in a
21 prior mailed notice, the hearing officer's determination
22 of violation liability shall become final: (A) upon denial
23 of a timely petition to set aside that determination, or
24 (B) upon expiration of the period for filing the petition
25 without a filing having been made.

26 (8) A petition to set aside a determination of

1 parking, standing, compliance, automated speed enforcement
2 system, or automated traffic law violation liability that
3 may be filed by a person owing an unpaid fine or penalty. A
4 petition to set aside a determination of liability may
5 also be filed by a person required to complete a traffic
6 education program. The petition shall be filed with and
7 ruled upon by the traffic compliance administrator in the
8 manner and within the time specified by ordinance. The
9 grounds for the petition may be limited to: (A) the person
10 not having been the owner or lessee of the cited vehicle on
11 the date the violation notice was issued, (B) the person
12 having already completed the required traffic education
13 program or paid the fine or penalty, or both, for the
14 violation in question, and (C) excusable failure to appear
15 at or request a new date for a hearing. With regard to
16 municipalities or counties with a population of 1 million
17 or more, it shall be grounds for dismissal of a parking
18 violation if the state registration number or vehicle
19 make, only if specified in the violation notice, is
20 incorrect. After the determination of parking, standing,
21 compliance, automated speed enforcement system, or
22 automated traffic law violation liability has been set
23 aside upon a showing of just cause, the registered owner
24 shall be provided with a hearing on the merits for that
25 violation.

26 (9) Procedures for non-residents. Procedures by which

1 persons who are not residents of the municipality or
2 county may contest the merits of the alleged violation
3 without attending a hearing.

4 (10) A schedule of civil fines for violations of
5 vehicular standing, parking, compliance, automated speed
6 enforcement system, or automated traffic law regulations
7 enacted by ordinance pursuant to this Section, and a
8 schedule of penalties for late payment of the fines or
9 failure to complete required traffic education programs,
10 provided, however, that the total amount of the fine and
11 penalty for any one violation shall not exceed \$250,
12 except as provided in subsection (c) of Section 11-1301.3
13 of this Code.

14 (11) Other provisions as are necessary and proper to
15 carry into effect the powers granted and purposes stated
16 in this Section.

17 (c) Any municipality or county establishing vehicular
18 standing, parking, compliance, automated speed enforcement
19 system, or automated traffic law regulations under this
20 Section may also provide by ordinance for a program of vehicle
21 immobilization for the purpose of facilitating enforcement of
22 those regulations. The program of vehicle immobilization shall
23 provide for immobilizing any eligible vehicle upon the public
24 way by presence of a restraint in a manner to prevent operation
25 of the vehicle. Any ordinance establishing a program of
26 vehicle immobilization under this Section shall provide:

1 (1) Criteria for the designation of vehicles eligible
2 for immobilization. A vehicle shall be eligible for
3 immobilization when the registered owner of the vehicle
4 has accumulated the number of incomplete traffic education
5 programs or unpaid final determinations of parking,
6 standing, compliance, automated speed enforcement system,
7 or automated traffic law violation liability, or both, as
8 determined by ordinance.

9 (2) A notice of impending vehicle immobilization and a
10 right to a hearing to challenge the validity of the notice
11 by disproving liability for the incomplete traffic
12 education programs or unpaid final determinations of
13 parking, standing, compliance, automated speed enforcement
14 system, or automated traffic law violation liability, or
15 both, listed on the notice.

16 (3) The right to a prompt hearing after a vehicle has
17 been immobilized or subsequently towed without the
18 completion of the required traffic education program or
19 payment of the outstanding fines and penalties on parking,
20 standing, compliance, automated speed enforcement system,
21 or automated traffic law violations, or both, for which
22 final determinations have been issued. An order issued
23 after the hearing is a final administrative decision
24 within the meaning of Section 3-101 of the Code of Civil
25 Procedure.

26 (4) A post immobilization and post-towing notice

1 advising the registered owner of the vehicle of the right
2 to a hearing to challenge the validity of the impoundment.

3 (d) Judicial review of final determinations of parking,
4 standing, compliance, automated speed enforcement system, or
5 automated traffic law violations and final administrative
6 decisions issued after hearings regarding vehicle
7 immobilization and impoundment made under this Section shall
8 be subject to the provisions of the Administrative Review Law.

9 (e) Any fine, penalty, incomplete traffic education
10 program, or part of any fine or any penalty remaining unpaid
11 after the exhaustion of, or the failure to exhaust,
12 administrative remedies created under this Section and the
13 conclusion of any judicial review procedures shall be a debt
14 due and owing the municipality or county and, as such, may be
15 collected in accordance with applicable law. Completion of any
16 required traffic education program and payment in full of any
17 fine or penalty resulting from a standing, parking,
18 compliance, automated speed enforcement system, or automated
19 traffic law violation shall constitute a final disposition of
20 that violation.

21 (f) After the expiration of the period within which
22 judicial review may be sought for a final determination of
23 parking, standing, compliance, automated speed enforcement
24 system, or automated traffic law violation, the municipality
25 or county may commence a proceeding in the Circuit Court for
26 purposes of obtaining a judgment on the final determination of

1 violation. Nothing in this Section shall prevent a
2 municipality or county from consolidating multiple final
3 determinations of parking, standing, compliance, automated
4 speed enforcement system, or automated traffic law violations
5 against a person in a proceeding. Upon commencement of the
6 action, the municipality or county shall file a certified copy
7 or record of the final determination of parking, standing,
8 compliance, automated speed enforcement system, or automated
9 traffic law violation, which shall be accompanied by a
10 certification that recites facts sufficient to show that the
11 final determination of violation was issued in accordance with
12 this Section and the applicable municipal or county ordinance.
13 Service of the summons and a copy of the petition may be by any
14 method provided by Section 2-203 of the Code of Civil
15 Procedure or by certified mail, return receipt requested,
16 provided that the total amount of fines and penalties for
17 final determinations of parking, standing, compliance,
18 automated speed enforcement system, or automated traffic law
19 violations does not exceed \$2500. If the court is satisfied
20 that the final determination of parking, standing, compliance,
21 automated speed enforcement system, or automated traffic law
22 violation was entered in accordance with the requirements of
23 this Section and the applicable municipal or county ordinance,
24 and that the registered owner or the lessee, as the case may
25 be, had an opportunity for an administrative hearing and for
26 judicial review as provided in this Section, the court shall

1 render judgment in favor of the municipality or county and
2 against the registered owner or the lessee for the amount
3 indicated in the final determination of parking, standing,
4 compliance, automated speed enforcement system, or automated
5 traffic law violation, plus costs. The judgment shall have the
6 same effect and may be enforced in the same manner as other
7 judgments for the recovery of money.

8 (g) The fee for participating in a traffic education
9 program under this Section shall not exceed \$25.

10 A low-income individual required to complete a traffic
11 education program under this Section who provides proof of
12 eligibility for the federal earned income tax credit under
13 Section 32 of the Internal Revenue Code or the Illinois earned
14 income tax credit under Section 212 of the Illinois Income Tax
15 Act shall not be required to pay any fee for participating in a
16 required traffic education program.

17 (h) Notwithstanding any other provision of law to the
18 contrary, a person shall not be liable for violations, fees,
19 finer, or penalties under this Section during the period in
20 which the motor vehicle was stolen or hijacked, as indicated
21 in a report to the appropriate law enforcement agency filed in
22 a timely manner.

23 (Source: P.A. 101-32, eff. 6-28-19; 101-623, eff. 7-1-20;
24 101-652, eff. 7-1-21; 102-558, eff. 8-20-21.)

1 Sec. 11-208.6. Automated traffic law enforcement system.

2 (a) As used in this Section, "automated traffic law
3 enforcement system" means a device with one or more motor
4 vehicle sensors working in conjunction with a red light signal
5 to produce recorded images of motor vehicles entering an
6 intersection against a red signal indication in violation of
7 Section 11-306 of this Code or a similar provision of a local
8 ordinance.

9 An automated traffic law enforcement system is a system,
10 in a municipality or county operated by a governmental agency,
11 that produces a recorded image of a motor vehicle's violation
12 of a provision of this Code or a local ordinance and is
13 designed to obtain a clear recorded image of the vehicle and
14 the vehicle's license plate. The recorded image must also
15 display the time, date, and location of the violation.

16 (b) As used in this Section, "recorded images" means
17 images recorded by an automated traffic law enforcement system
18 on:

19 (1) 2 or more photographs;

20 (2) 2 or more microphotographs;

21 (3) 2 or more electronic images; or

22 (4) a video recording showing the motor vehicle and,
23 on at least one image or portion of the recording, clearly
24 identifying the registration plate or digital registration
25 plate number of the motor vehicle.

26 (b-5) A municipality or county that produces a recorded

1 image of a motor vehicle's violation of a provision of this
2 Code or a local ordinance must make the recorded images of a
3 violation accessible to the alleged violator by providing the
4 alleged violator with a website address, accessible through
5 the Internet.

6 (c) Except as provided under Section 11-208.8 of this
7 Code, a county or municipality, including a home rule county
8 or municipality, may not use an automated traffic law
9 enforcement system to provide recorded images of a motor
10 vehicle for the purpose of recording its speed. Except as
11 provided under Section 11-208.8 of this Code, the regulation
12 of the use of automated traffic law enforcement systems to
13 record vehicle speeds is an exclusive power and function of
14 the State. This subsection (c) is a denial and limitation of
15 home rule powers and functions under subsection (h) of Section
16 6 of Article VII of the Illinois Constitution.

17 (c-5) A county or municipality, including a home rule
18 county or municipality, may not use an automated traffic law
19 enforcement system to issue violations in instances where the
20 motor vehicle comes to a complete stop and does not enter the
21 intersection, as defined by Section 1-132 of this Code, during
22 the cycle of the red signal indication unless one or more
23 pedestrians or bicyclists are present, even if the motor
24 vehicle stops at a point past a stop line or crosswalk where a
25 driver is required to stop, as specified in subsection (c) of
26 Section 11-306 of this Code or a similar provision of a local

1 ordinance.

2 (c-6) A county, or a municipality with less than 2,000,000
3 inhabitants, including a home rule county or municipality, may
4 not use an automated traffic law enforcement system to issue
5 violations in instances where a motorcyclist enters an
6 intersection against a red signal indication when the red
7 signal fails to change to a green signal within a reasonable
8 period of time not less than 120 seconds because of a signal
9 malfunction or because the signal has failed to detect the
10 arrival of the motorcycle due to the motorcycle's size or
11 weight.

12 (d) For each violation of a provision of this Code or a
13 local ordinance recorded by an automatic traffic law
14 enforcement system, the county or municipality having
15 jurisdiction shall issue a written notice of the violation to
16 the registered owner of the vehicle as the alleged violator.
17 The notice shall be delivered to the registered owner of the
18 vehicle, by mail, within 30 days after the Secretary of State
19 notifies the municipality or county of the identity of the
20 owner of the vehicle, but in no event later than 90 days after
21 the violation.

22 The notice shall include:

23 (1) the name and address of the registered owner of
24 the vehicle;

25 (2) the registration number of the motor vehicle
26 involved in the violation;

- 1 (3) the violation charged;
- 2 (4) the location where the violation occurred;
- 3 (5) the date and time of the violation;
- 4 (6) a copy of the recorded images;
- 5 (7) the amount of the civil penalty imposed and the
6 requirements of any traffic education program imposed and
7 the date by which the civil penalty should be paid and the
8 traffic education program should be completed;
- 9 (8) a statement that recorded images are evidence of a
10 violation of a red light signal;
- 11 (9) a warning that failure to pay the civil penalty,
12 to complete a required traffic education program, or to
13 contest liability in a timely manner is an admission of
14 liability;
- 15 (10) a statement that the person may elect to proceed
16 by:
- 17 (A) paying the fine, completing a required traffic
18 education program, or both; or
- 19 (B) challenging the charge in court, by mail, or
20 by administrative hearing; and
- 21 (11) a website address, accessible through the
22 Internet, where the person may view the recorded images of
23 the violation.
- 24 (e) (Blank).
- 25 (f) Based on inspection of recorded images produced by an
26 automated traffic law enforcement system, a notice alleging

1 that the violation occurred shall be evidence of the facts
2 contained in the notice and admissible in any proceeding
3 alleging a violation under this Section.

4 (g) Recorded images made by an automatic traffic law
5 enforcement system are confidential and shall be made
6 available only to the alleged violator and governmental and
7 law enforcement agencies for purposes of adjudicating a
8 violation of this Section, for statistical purposes, or for
9 other governmental purposes. Any recorded image evidencing a
10 violation of this Section, however, may be admissible in any
11 proceeding resulting from the issuance of the citation.

12 (h) The court or hearing officer may consider in defense
13 of a violation:

14 (1) that the motor vehicle or registration plates or
15 digital registration plates of the motor vehicle were
16 stolen before the violation occurred and not under the
17 control of or in the possession of the owner or lessee at
18 the time of the violation;

19 (1.5) that the motor vehicle was hijacked before the
20 violation occurred and not under the control of or in the
21 possession of the owner or lessee at the time of the
22 violation;

23 (2) that the driver of the vehicle passed through the
24 intersection when the light was red either (i) in order to
25 yield the right-of-way to an emergency vehicle or (ii) as
26 part of a funeral procession; and

1 (3) any other evidence or issues provided by municipal
2 or county ordinance.

3 (i) To demonstrate that the motor vehicle was hijacked or
4 the motor vehicle or registration plates or digital
5 registration plates were stolen before the violation occurred
6 and were not under the control or possession of the owner or
7 lessee at the time of the violation, the owner or lessee must
8 submit proof that a report concerning the ~~stolen~~ motor vehicle
9 or registration plates was filed with a law enforcement agency
10 in a timely manner.

11 (j) Unless the driver of the motor vehicle received a
12 Uniform Traffic Citation from a police officer at the time of
13 the violation, the motor vehicle owner is subject to a civil
14 penalty not exceeding \$100 or the completion of a traffic
15 education program, or both, plus an additional penalty of not
16 more than \$100 for failure to pay the original penalty or to
17 complete a required traffic education program, or both, in a
18 timely manner, if the motor vehicle is recorded by an
19 automated traffic law enforcement system. A violation for
20 which a civil penalty is imposed under this Section is not a
21 violation of a traffic regulation governing the movement of
22 vehicles and may not be recorded on the driving record of the
23 owner of the vehicle.

24 (j-3) A registered owner who is a holder of a valid
25 commercial driver's license is not required to complete a
26 traffic education program.

1 (j-5) For purposes of the required traffic education
2 program only, a registered owner may submit an affidavit to
3 the court or hearing officer swearing that at the time of the
4 alleged violation, the vehicle was in the custody and control
5 of another person. The affidavit must identify the person in
6 custody and control of the vehicle, including the person's
7 name and current address. The person in custody and control of
8 the vehicle at the time of the violation is required to
9 complete the required traffic education program. If the person
10 in custody and control of the vehicle at the time of the
11 violation completes the required traffic education program,
12 the registered owner of the vehicle is not required to
13 complete a traffic education program.

14 (k) An intersection equipped with an automated traffic law
15 enforcement system must be posted with a sign visible to
16 approaching traffic indicating that the intersection is being
17 monitored by an automated traffic law enforcement system.

18 (k-3) A municipality or county that has one or more
19 intersections equipped with an automated traffic law
20 enforcement system must provide notice to drivers by posting
21 the locations of automated traffic law systems on the
22 municipality or county website.

23 (k-5) An intersection equipped with an automated traffic
24 law enforcement system must have a yellow change interval that
25 conforms with the Illinois Manual on Uniform Traffic Control
26 Devices (IMUTCD) published by the Illinois Department of

1 Transportation.

2 (k-7) A municipality or county operating an automated
3 traffic law enforcement system shall conduct a statistical
4 analysis to assess the safety impact of each automated traffic
5 law enforcement system at an intersection following
6 installation of the system. The statistical analysis shall be
7 based upon the best available crash, traffic, and other data,
8 and shall cover a period of time before and after installation
9 of the system sufficient to provide a statistically valid
10 comparison of safety impact. The statistical analysis shall be
11 consistent with professional judgment and acceptable industry
12 practice. The statistical analysis also shall be consistent
13 with the data required for valid comparisons of before and
14 after conditions and shall be conducted within a reasonable
15 period following the installation of the automated traffic law
16 enforcement system. The statistical analysis required by this
17 subsection (k-7) shall be made available to the public and
18 shall be published on the website of the municipality or
19 county. If the statistical analysis for the 36 month period
20 following installation of the system indicates that there has
21 been an increase in the rate of accidents at the approach to
22 the intersection monitored by the system, the municipality or
23 county shall undertake additional studies to determine the
24 cause and severity of the accidents, and may take any action
25 that it determines is necessary or appropriate to reduce the
26 number or severity of the accidents at that intersection.

1 (1) The compensation paid for an automated traffic law
2 enforcement system must be based on the value of the equipment
3 or the services provided and may not be based on the number of
4 traffic citations issued or the revenue generated by the
5 system.

6 (m) This Section applies only to the counties of Cook,
7 DuPage, Kane, Lake, Madison, McHenry, St. Clair, and Will and
8 to municipalities located within those counties.

9 (n) The fee for participating in a traffic education
10 program under this Section shall not exceed \$25.

11 A low-income individual required to complete a traffic
12 education program under this Section who provides proof of
13 eligibility for the federal earned income tax credit under
14 Section 32 of the Internal Revenue Code or the Illinois earned
15 income tax credit under Section 212 of the Illinois Income Tax
16 Act shall not be required to pay any fee for participating in a
17 required traffic education program.

18 (o) (Blank).

19 (p) No person who is the lessor of a motor vehicle pursuant
20 to a written lease agreement shall be liable for an automated
21 speed or traffic law enforcement system violation involving
22 such motor vehicle during the period of the lease; provided
23 that upon the request of the appropriate authority received
24 within 120 days after the violation occurred, the lessor
25 provides within 60 days after such receipt the name and
26 address of the lessee.

1 Upon the provision of information by the lessor pursuant
2 to this subsection, the county or municipality may issue the
3 violation to the lessee of the vehicle in the same manner as it
4 would issue a violation to a registered owner of a vehicle
5 pursuant to this Section, and the lessee may be held liable for
6 the violation.

7 (Source: P.A. 101-395, eff. 8-16-19; 101-652, eff. 7-1-21.)

8 (625 ILCS 5/11-208.7)

9 Sec. 11-208.7. Administrative fees and procedures for
10 impounding vehicles for specified violations.

11 (a) Any county or municipality may, consistent with this
12 Section, provide by ordinance procedures for the release of
13 properly impounded vehicles and for the imposition of a
14 reasonable administrative fee related to its administrative
15 and processing costs associated with the investigation,
16 arrest, and detention of an offender, or the removal,
17 impoundment, storage, and release of the vehicle. The
18 administrative fee imposed by the county or municipality may
19 be in addition to any fees charged for the towing and storage
20 of an impounded vehicle. The administrative fee shall be
21 waived by the county or municipality upon verifiable proof
22 that the vehicle was stolen or hijacked at the time the vehicle
23 was impounded.

24 (b) An ordinance establishing procedures for the release
25 of properly impounded vehicles under this Section may impose

1 fees only for the following violations:

2 (1) operation or use of a motor vehicle in the
3 commission of, or in the attempt to commit, an offense for
4 which a motor vehicle may be seized and forfeited pursuant
5 to Section 36-1 of the Criminal Code of 2012; or

6 (2) driving under the influence of alcohol, another
7 drug or drugs, an intoxicating compound or compounds, or
8 any combination thereof, in violation of Section 11-501 of
9 this Code; or

10 (3) operation or use of a motor vehicle in the
11 commission of, or in the attempt to commit, a felony or in
12 violation of the Cannabis Control Act; or

13 (4) operation or use of a motor vehicle in the
14 commission of, or in the attempt to commit, an offense in
15 violation of the Illinois Controlled Substances Act; or

16 (5) operation or use of a motor vehicle in the
17 commission of, or in the attempt to commit, an offense in
18 violation of Section 24-1, 24-1.5, or 24-3.1 of the
19 Criminal Code of 1961 or the Criminal Code of 2012; or

20 (6) driving while a driver's license, permit, or
21 privilege to operate a motor vehicle is suspended or
22 revoked pursuant to Section 6-303 of this Code; except
23 that vehicles shall not be subjected to seizure or
24 impoundment if the suspension is for an unpaid citation
25 (parking or moving) or due to failure to comply with
26 emission testing; or

1 (7) operation or use of a motor vehicle while
2 soliciting, possessing, or attempting to solicit or
3 possess cannabis or a controlled substance, as defined by
4 the Cannabis Control Act or the Illinois Controlled
5 Substances Act; or

6 (8) operation or use of a motor vehicle with an
7 expired driver's license, in violation of Section 6-101 of
8 this Code, if the period of expiration is greater than one
9 year; or

10 (9) operation or use of a motor vehicle without ever
11 having been issued a driver's license or permit, in
12 violation of Section 6-101 of this Code, or operating a
13 motor vehicle without ever having been issued a driver's
14 license or permit due to a person's age; or

15 (10) operation or use of a motor vehicle by a person
16 against whom a warrant has been issued by a circuit clerk
17 in Illinois for failing to answer charges that the driver
18 violated Section 6-101, 6-303, or 11-501 of this Code; or

19 (11) operation or use of a motor vehicle in the
20 commission of, or in the attempt to commit, an offense in
21 violation of Article 16 or 16A of the Criminal Code of 1961
22 or the Criminal Code of 2012; or

23 (12) operation or use of a motor vehicle in the
24 commission of, or in the attempt to commit, any other
25 misdemeanor or felony offense in violation of the Criminal
26 Code of 1961 or the Criminal Code of 2012, when so provided

1 by local ordinance; or

2 (13) operation or use of a motor vehicle in violation
3 of Section 11-503 of this Code:

4 (A) while the vehicle is part of a funeral
5 procession; or

6 (B) in a manner that interferes with a funeral
7 procession.

8 (c) The following shall apply to any fees imposed for
9 administrative and processing costs pursuant to subsection
10 (b):

11 (1) All administrative fees and towing and storage
12 charges shall be imposed on the registered owner of the
13 motor vehicle or the agents of that owner.

14 (1.5) No administrative fees shall be imposed on the
15 registered owner or the agents of that owner if the motor
16 vehicle was stolen or hijacked at the time the vehicle was
17 impounded. To demonstrate that the motor vehicle was
18 hijacked or stolen at the time the vehicle was impounded,
19 the owner or the agents of the owner must submit proof that
20 a report concerning the motor vehicle was filed with a law
21 enforcement agency in a timely manner.

22 (2) The fees shall be in addition to (i) any other
23 penalties that may be assessed by a court of law for the
24 underlying violations; and (ii) any towing or storage
25 fees, or both, charged by the towing company.

26 (3) The fees shall be uniform for all similarly

1 situated vehicles.

2 (4) The fees shall be collected by and paid to the
3 county or municipality imposing the fees.

4 (5) The towing or storage fees, or both, shall be
5 collected by and paid to the person, firm, or entity that
6 tows and stores the impounded vehicle.

7 (d) Any ordinance establishing procedures for the release
8 of properly impounded vehicles under this Section shall
9 provide for an opportunity for a hearing, as provided in
10 subdivision (b)(4) of Section 11-208.3 of this Code, and for
11 the release of the vehicle to the owner of record, lessee, or a
12 lienholder of record upon payment of all administrative fees
13 and towing and storage fees.

14 (e) Any ordinance establishing procedures for the
15 impoundment and release of vehicles under this Section shall
16 include the following provisions concerning notice of
17 impoundment:

18 (1) Whenever a police officer has cause to believe
19 that a motor vehicle is subject to impoundment, the
20 officer shall provide for the towing of the vehicle to a
21 facility authorized by the county or municipality.

22 (2) At the time the vehicle is towed, the county or
23 municipality shall notify or make a reasonable attempt to
24 notify the owner, lessee, or person identifying himself or
25 herself as the owner or lessee of the vehicle, or any
26 person who is found to be in control of the vehicle at the

1 time of the alleged offense, of the fact of the seizure,
2 and of the vehicle owner's or lessee's right to an
3 administrative hearing.

4 (3) The county or municipality shall also provide
5 notice that the motor vehicle will remain impounded
6 pending the completion of an administrative hearing,
7 unless the owner or lessee of the vehicle or a lienholder
8 posts with the county or municipality a bond equal to the
9 administrative fee as provided by ordinance and pays for
10 all towing and storage charges.

11 (f) Any ordinance establishing procedures for the
12 impoundment and release of vehicles under this Section shall
13 include a provision providing that the registered owner or
14 lessee of the vehicle and any lienholder of record shall be
15 provided with a notice of hearing. The notice shall:

16 (1) be served upon the owner, lessee, and any
17 lienholder of record either by personal service or by
18 first class mail to the interested party's address as
19 registered with the Secretary of State;

20 (2) be served upon interested parties within 10 days
21 after a vehicle is impounded by the municipality; and

22 (3) contain the date, time, and location of the
23 administrative hearing. An initial hearing shall be
24 scheduled and convened no later than 45 days after the
25 date of the mailing of the notice of hearing.

26 (g) In addition to the requirements contained in

1 subdivision (b) (4) of Section 11-208.3 of this Code relating
2 to administrative hearings, any ordinance providing for the
3 impoundment and release of vehicles under this Section shall
4 include the following requirements concerning administrative
5 hearings:

6 (1) administrative hearings shall be conducted by a
7 hearing officer who is an attorney licensed to practice
8 law in this State for a minimum of 3 years;

9 (1.5) the hearing officer shall consider as a defense
10 to the vehicle impoundment that the motor vehicle was
11 stolen or hijacked at the time the vehicle was impounded;
12 to demonstrate that the motor vehicle was hijacked or
13 stolen at the time the vehicle was impounded, the owner or
14 the agents of the owner or a lessee must submit proof that
15 a report concerning the motor vehicle was filed with a law
16 enforcement agency in a timely manner;

17 (2) at the conclusion of the administrative hearing,
18 the hearing officer shall issue a written decision either
19 sustaining or overruling the vehicle impoundment;

20 (3) if the basis for the vehicle impoundment is
21 sustained by the administrative hearing officer, any
22 administrative fee posted to secure the release of the
23 vehicle shall be forfeited to the county or municipality;

24 (4) all final decisions of the administrative hearing
25 officer shall be subject to review under the provisions of
26 the Administrative Review Law, unless the county or

1 municipality allows in the enabling ordinance for direct
2 appeal to the circuit court having jurisdiction over the
3 county or municipality;

4 (5) unless the administrative hearing officer
5 overturns the basis for the vehicle impoundment, no
6 vehicle shall be released to the owner, lessee, or
7 lienholder of record until all administrative fees and
8 towing and storage charges are paid; ~~and~~

9 (6) if the administrative hearing officer finds that a
10 county or municipality that impounds a vehicle exceeded
11 its authority under this Code, the county or municipality
12 shall be liable to the registered owner or lessee of the
13 vehicle for the cost of storage fees and reasonable
14 attorney's fees; and -

15 (7) notwithstanding any other provision of law to the
16 contrary, if the administrative hearing officer finds that
17 a county or municipality impounded a motor vehicle that
18 was stolen or hijacked at the time the vehicle was
19 impounded, the county or municipality shall refund any
20 administrative fees already paid by the registered owner
21 or lessee of the vehicle.

22 (h) Vehicles not retrieved from the towing facility or
23 storage facility within 35 days after the administrative
24 hearing officer issues a written decision shall be deemed
25 abandoned and disposed of in accordance with the provisions of
26 Article II of Chapter 4 of this Code.

1 (i) Unless stayed by a court of competent jurisdiction,
2 any fine, penalty, or administrative fee imposed under this
3 Section which remains unpaid in whole or in part after the
4 expiration of the deadline for seeking judicial review under
5 the Administrative Review Law may be enforced in the same
6 manner as a judgment entered by a court of competent
7 jurisdiction.

8 (j) The fee limits in subsection (b), the exceptions in
9 paragraph (6) of subsection (b), and all of paragraph (6) of
10 subsection (g) of this Section shall not apply to a home rule
11 unit that tows a vehicle on a public way if a circumstance
12 requires the towing of the vehicle or if the vehicle is towed
13 due to a violation of a statute or local ordinance, and the
14 home rule unit:

15 (1) owns and operates a towing facility within its
16 boundaries for the storage of towed vehicles; and

17 (2) owns and operates tow trucks or enters into a
18 contract with a third party vendor to operate tow trucks.

19 (Source: P.A. 98-518, eff. 8-22-13; 98-734, eff. 1-1-15;
20 98-756, eff. 7-16-14; 99-848, eff. 8-19-16.)

21 (625 ILCS 5/11-208.8)

22 Sec. 11-208.8. Automated speed enforcement systems in
23 safety zones.

24 (a) As used in this Section:

25 "Automated speed enforcement system" means a photographic

1 device, radar device, laser device, or other electrical or
2 mechanical device or devices installed or utilized in a safety
3 zone and designed to record the speed of a vehicle and obtain a
4 clear photograph or other recorded image of the vehicle and
5 the vehicle's registration plate or digital registration plate
6 while the driver is violating Article VI of Chapter 11 of this
7 Code or a similar provision of a local ordinance.

8 An automated speed enforcement system is a system, located
9 in a safety zone which is under the jurisdiction of a
10 municipality, that produces a recorded image of a motor
11 vehicle's violation of a provision of this Code or a local
12 ordinance and is designed to obtain a clear recorded image of
13 the vehicle and the vehicle's license plate. The recorded
14 image must also display the time, date, and location of the
15 violation.

16 "Owner" means the person or entity to whom the vehicle is
17 registered.

18 "Recorded image" means images recorded by an automated
19 speed enforcement system on:

20 (1) 2 or more photographs;

21 (2) 2 or more microphotographs;

22 (3) 2 or more electronic images; or

23 (4) a video recording showing the motor vehicle and,
24 on at least one image or portion of the recording, clearly
25 identifying the registration plate or digital registration
26 plate number of the motor vehicle.

1 "Safety zone" means an area that is within one-eighth of a
2 mile from the nearest property line of any public or private
3 elementary or secondary school, or from the nearest property
4 line of any facility, area, or land owned by a school district
5 that is used for educational purposes approved by the Illinois
6 State Board of Education, not including school district
7 headquarters or administrative buildings. A safety zone also
8 includes an area that is within one-eighth of a mile from the
9 nearest property line of any facility, area, or land owned by a
10 park district used for recreational purposes. However, if any
11 portion of a roadway is within either one-eighth mile radius,
12 the safety zone also shall include the roadway extended to the
13 furthest portion of the next furthest intersection. The term
14 "safety zone" does not include any portion of the roadway
15 known as Lake Shore Drive or any controlled access highway
16 with 8 or more lanes of traffic.

17 (a-5) The automated speed enforcement system shall be
18 operational and violations shall be recorded only at the
19 following times:

20 (i) if the safety zone is based upon the property line
21 of any facility, area, or land owned by a school district,
22 only on school days and no earlier than 6 a.m. and no later
23 than 8:30 p.m. if the school day is during the period of
24 Monday through Thursday, or 9 p.m. if the school day is a
25 Friday; and

26 (ii) if the safety zone is based upon the property

1 line of any facility, area, or land owned by a park
2 district, no earlier than one hour prior to the time that
3 the facility, area, or land is open to the public or other
4 patrons, and no later than one hour after the facility,
5 area, or land is closed to the public or other patrons.

6 (b) A municipality that produces a recorded image of a
7 motor vehicle's violation of a provision of this Code or a
8 local ordinance must make the recorded images of a violation
9 accessible to the alleged violator by providing the alleged
10 violator with a website address, accessible through the
11 Internet.

12 (c) Notwithstanding any penalties for any other violations
13 of this Code, the owner of a motor vehicle used in a traffic
14 violation recorded by an automated speed enforcement system
15 shall be subject to the following penalties:

16 (1) if the recorded speed is no less than 6 miles per
17 hour and no more than 10 miles per hour over the legal
18 speed limit, a civil penalty not exceeding \$50, plus an
19 additional penalty of not more than \$50 for failure to pay
20 the original penalty in a timely manner; or

21 (2) if the recorded speed is more than 10 miles per
22 hour over the legal speed limit, a civil penalty not
23 exceeding \$100, plus an additional penalty of not more
24 than \$100 for failure to pay the original penalty in a
25 timely manner.

26 A penalty may not be imposed under this Section if the

1 driver of the motor vehicle received a Uniform Traffic
2 Citation from a police officer for a speeding violation
3 occurring within one-eighth of a mile and 15 minutes of the
4 violation that was recorded by the system. A violation for
5 which a civil penalty is imposed under this Section is not a
6 violation of a traffic regulation governing the movement of
7 vehicles and may not be recorded on the driving record of the
8 owner of the vehicle. A law enforcement officer is not
9 required to be present or to witness the violation. No penalty
10 may be imposed under this Section if the recorded speed of a
11 vehicle is 5 miles per hour or less over the legal speed limit.
12 The municipality may send, in the same manner that notices are
13 sent under this Section, a speed violation warning notice
14 where the violation involves a speed of 5 miles per hour or
15 less above the legal speed limit.

16 (d) The net proceeds that a municipality receives from
17 civil penalties imposed under an automated speed enforcement
18 system, after deducting all non-personnel and personnel costs
19 associated with the operation and maintenance of such system,
20 shall be expended or obligated by the municipality for the
21 following purposes:

22 (i) public safety initiatives to ensure safe passage
23 around schools, and to provide police protection and
24 surveillance around schools and parks, including but not
25 limited to: (1) personnel costs; and (2) non-personnel
26 costs such as construction and maintenance of public

1 safety infrastructure and equipment;

2 (ii) initiatives to improve pedestrian and traffic
3 safety;

4 (iii) construction and maintenance of infrastructure
5 within the municipality, including but not limited to
6 roads and bridges; and

7 (iv) after school programs.

8 (e) For each violation of a provision of this Code or a
9 local ordinance recorded by an automated speed enforcement
10 system, the municipality having jurisdiction shall issue a
11 written notice of the violation to the registered owner of the
12 vehicle as the alleged violator. The notice shall be delivered
13 to the registered owner of the vehicle, by mail, within 30 days
14 after the Secretary of State notifies the municipality of the
15 identity of the owner of the vehicle, but in no event later
16 than 90 days after the violation.

17 (f) The notice required under subsection (e) of this
18 Section shall include:

19 (1) the name and address of the registered owner of
20 the vehicle;

21 (2) the registration number of the motor vehicle
22 involved in the violation;

23 (3) the violation charged;

24 (4) the date, time, and location where the violation
25 occurred;

26 (5) a copy of the recorded image or images;

1 (6) the amount of the civil penalty imposed and the
2 date by which the civil penalty should be paid;

3 (7) a statement that recorded images are evidence of a
4 violation of a speed restriction;

5 (8) a warning that failure to pay the civil penalty or
6 to contest liability in a timely manner is an admission of
7 liability;

8 (9) a statement that the person may elect to proceed
9 by:

10 (A) paying the fine; or

11 (B) challenging the charge in court, by mail, or
12 by administrative hearing; and

13 (10) a website address, accessible through the
14 Internet, where the person may view the recorded images of
15 the violation.

16 (g) (Blank).

17 (h) Based on inspection of recorded images produced by an
18 automated speed enforcement system, a notice alleging that the
19 violation occurred shall be evidence of the facts contained in
20 the notice and admissible in any proceeding alleging a
21 violation under this Section.

22 (i) Recorded images made by an automated speed enforcement
23 system are confidential and shall be made available only to
24 the alleged violator and governmental and law enforcement
25 agencies for purposes of adjudicating a violation of this
26 Section, for statistical purposes, or for other governmental

1 purposes. Any recorded image evidencing a violation of this
2 Section, however, may be admissible in any proceeding
3 resulting from the issuance of the citation.

4 (j) The court or hearing officer may consider in defense
5 of a violation:

6 (1) that the motor vehicle or registration plates or
7 digital registration plates of the motor vehicle were
8 stolen before the violation occurred and not under the
9 control or in the possession of the owner or lessee at the
10 time of the violation;

11 (1.5) that the motor vehicle was hijacked before the
12 violation occurred and not under the control of or in the
13 possession of the owner or lessee at the time of the
14 violation;

15 (2) that the driver of the motor vehicle received a
16 Uniform Traffic Citation from a police officer for a
17 speeding violation occurring within one-eighth of a mile
18 and 15 minutes of the violation that was recorded by the
19 system; and

20 (3) any other evidence or issues provided by municipal
21 ordinance.

22 (k) To demonstrate that the motor vehicle was hijacked or
23 the motor vehicle or registration plates or digital
24 registration plates were stolen before the violation occurred
25 and were not under the control or possession of the owner or
26 lessee at the time of the violation, the owner or lessee must

1 submit proof that a report concerning the ~~stolen~~ motor vehicle
2 or registration plates was filed with a law enforcement agency
3 in a timely manner.

4 (l) A roadway equipped with an automated speed enforcement
5 system shall be posted with a sign conforming to the national
6 Manual on Uniform Traffic Control Devices that is visible to
7 approaching traffic stating that vehicle speeds are being
8 photo-enforced and indicating the speed limit. The
9 municipality shall install such additional signage as it
10 determines is necessary to give reasonable notice to drivers
11 as to where automated speed enforcement systems are installed.

12 (m) A roadway where a new automated speed enforcement
13 system is installed shall be posted with signs providing 30
14 days notice of the use of a new automated speed enforcement
15 system prior to the issuance of any citations through the
16 automated speed enforcement system.

17 (n) The compensation paid for an automated speed
18 enforcement system must be based on the value of the equipment
19 or the services provided and may not be based on the number of
20 traffic citations issued or the revenue generated by the
21 system.

22 (o) (Blank).

23 (p) No person who is the lessor of a motor vehicle pursuant
24 to a written lease agreement shall be liable for an automated
25 speed or traffic law enforcement system violation involving
26 such motor vehicle during the period of the lease; provided

1 that upon the request of the appropriate authority received
2 within 120 days after the violation occurred, the lessor
3 provides within 60 days after such receipt the name and
4 address of the lessee. The drivers license number of a lessee
5 may be subsequently individually requested by the appropriate
6 authority if needed for enforcement of this Section.

7 Upon the provision of information by the lessor pursuant
8 to this subsection, the municipality may issue the violation
9 to the lessee of the vehicle in the same manner as it would
10 issue a violation to a registered owner of a vehicle pursuant
11 to this Section, and the lessee may be held liable for the
12 violation.

13 (q) A municipality using an automated speed enforcement
14 system must provide notice to drivers by publishing the
15 locations of all safety zones where system equipment is
16 installed on the website of the municipality.

17 (r) A municipality operating an automated speed
18 enforcement system shall conduct a statistical analysis to
19 assess the safety impact of the system. The statistical
20 analysis shall be based upon the best available crash,
21 traffic, and other data, and shall cover a period of time
22 before and after installation of the system sufficient to
23 provide a statistically valid comparison of safety impact. The
24 statistical analysis shall be consistent with professional
25 judgment and acceptable industry practice. The statistical
26 analysis also shall be consistent with the data required for

1 valid comparisons of before and after conditions and shall be
2 conducted within a reasonable period following the
3 installation of the automated traffic law enforcement system.
4 The statistical analysis required by this subsection shall be
5 made available to the public and shall be published on the
6 website of the municipality.

7 (s) This Section applies only to municipalities with a
8 population of 1,000,000 or more inhabitants.

9 (Source: P.A. 101-395, eff. 8-16-19; 101-652, eff. 7-1-21.)

10 (625 ILCS 5/11-208.9)

11 Sec. 11-208.9. Automated traffic law enforcement system;
12 approaching, overtaking, and passing a school bus.

13 (a) As used in this Section, "automated traffic law
14 enforcement system" means a device with one or more motor
15 vehicle sensors working in conjunction with the visual signals
16 on a school bus, as specified in Sections 12-803 and 12-805 of
17 this Code, to produce recorded images of motor vehicles that
18 fail to stop before meeting or overtaking, from either
19 direction, any school bus stopped at any location for the
20 purpose of receiving or discharging pupils in violation of
21 Section 11-1414 of this Code or a similar provision of a local
22 ordinance.

23 An automated traffic law enforcement system is a system,
24 in a municipality or county operated by a governmental agency,
25 that produces a recorded image of a motor vehicle's violation

1 of a provision of this Code or a local ordinance and is
2 designed to obtain a clear recorded image of the vehicle and
3 the vehicle's license plate. The recorded image must also
4 display the time, date, and location of the violation.

5 (b) As used in this Section, "recorded images" means
6 images recorded by an automated traffic law enforcement system
7 on:

8 (1) 2 or more photographs;

9 (2) 2 or more microphotographs;

10 (3) 2 or more electronic images; or

11 (4) a video recording showing the motor vehicle and,
12 on at least one image or portion of the recording, clearly
13 identifying the registration plate or digital registration
14 plate number of the motor vehicle.

15 (c) A municipality or county that produces a recorded
16 image of a motor vehicle's violation of a provision of this
17 Code or a local ordinance must make the recorded images of a
18 violation accessible to the alleged violator by providing the
19 alleged violator with a website address, accessible through
20 the Internet.

21 (d) For each violation of a provision of this Code or a
22 local ordinance recorded by an automated traffic law
23 enforcement system, the county or municipality having
24 jurisdiction shall issue a written notice of the violation to
25 the registered owner of the vehicle as the alleged violator.
26 The notice shall be delivered to the registered owner of the

1 vehicle, by mail, within 30 days after the Secretary of State
2 notifies the municipality or county of the identity of the
3 owner of the vehicle, but in no event later than 90 days after
4 the violation.

5 (e) The notice required under subsection (d) shall
6 include:

7 (1) the name and address of the registered owner of
8 the vehicle;

9 (2) the registration number of the motor vehicle
10 involved in the violation;

11 (3) the violation charged;

12 (4) the location where the violation occurred;

13 (5) the date and time of the violation;

14 (6) a copy of the recorded images;

15 (7) the amount of the civil penalty imposed and the
16 date by which the civil penalty should be paid;

17 (8) a statement that recorded images are evidence of a
18 violation of overtaking or passing a school bus stopped
19 for the purpose of receiving or discharging pupils;

20 (9) a warning that failure to pay the civil penalty or
21 to contest liability in a timely manner is an admission of
22 liability;

23 (10) a statement that the person may elect to proceed
24 by:

25 (A) paying the fine; or

26 (B) challenging the charge in court, by mail, or

1 by administrative hearing; and

2 (11) a website address, accessible through the
3 Internet, where the person may view the recorded images of
4 the violation.

5 (f) (Blank).

6 (g) Based on inspection of recorded images produced by an
7 automated traffic law enforcement system, a notice alleging
8 that the violation occurred shall be evidence of the facts
9 contained in the notice and admissible in any proceeding
10 alleging a violation under this Section.

11 (h) Recorded images made by an automated traffic law
12 enforcement system are confidential and shall be made
13 available only to the alleged violator and governmental and
14 law enforcement agencies for purposes of adjudicating a
15 violation of this Section, for statistical purposes, or for
16 other governmental purposes. Any recorded image evidencing a
17 violation of this Section, however, may be admissible in any
18 proceeding resulting from the issuance of the citation.

19 (i) The court or hearing officer may consider in defense
20 of a violation:

21 (1) that the motor vehicle or registration plates or
22 digital registration plates of the motor vehicle were
23 stolen before the violation occurred and not under the
24 control of or in the possession of the owner or lessee at
25 the time of the violation;

26 (1.5) that the motor vehicle was hijacked before the

1 violation occurred and not under the control of or in the
2 possession of the owner or lessee at the time of the
3 violation;

4 (2) that the driver of the motor vehicle received a
5 Uniform Traffic Citation from a police officer for a
6 violation of Section 11-1414 of this Code within
7 one-eighth of a mile and 15 minutes of the violation that
8 was recorded by the system;

9 (3) that the visual signals required by Sections
10 12-803 and 12-805 of this Code were damaged, not
11 activated, not present in violation of Sections 12-803 and
12 12-805, or inoperable; and

13 (4) any other evidence or issues provided by municipal
14 or county ordinance.

15 (j) To demonstrate that the motor vehicle was hijacked or
16 the motor vehicle or registration plates or digital
17 registration plates were stolen before the violation occurred
18 and were not under the control or possession of the owner or
19 lessee at the time of the violation, the owner or lessee must
20 submit proof that a report concerning the ~~stolen~~ motor vehicle
21 or registration plates was filed with a law enforcement agency
22 in a timely manner.

23 (k) Unless the driver of the motor vehicle received a
24 Uniform Traffic Citation from a police officer at the time of
25 the violation, the motor vehicle owner is subject to a civil
26 penalty not exceeding \$150 for a first time violation or \$500

1 for a second or subsequent violation, plus an additional
2 penalty of not more than \$100 for failure to pay the original
3 penalty in a timely manner, if the motor vehicle is recorded by
4 an automated traffic law enforcement system. A violation for
5 which a civil penalty is imposed under this Section is not a
6 violation of a traffic regulation governing the movement of
7 vehicles and may not be recorded on the driving record of the
8 owner of the vehicle, but may be recorded by the municipality
9 or county for the purpose of determining if a person is subject
10 to the higher fine for a second or subsequent offense.

11 (l) A school bus equipped with an automated traffic law
12 enforcement system must be posted with a sign indicating that
13 the school bus is being monitored by an automated traffic law
14 enforcement system.

15 (m) A municipality or county that has one or more school
16 buses equipped with an automated traffic law enforcement
17 system must provide notice to drivers by posting a list of
18 school districts using school buses equipped with an automated
19 traffic law enforcement system on the municipality or county
20 website. School districts that have one or more school buses
21 equipped with an automated traffic law enforcement system must
22 provide notice to drivers by posting that information on their
23 websites.

24 (n) A municipality or county operating an automated
25 traffic law enforcement system shall conduct a statistical
26 analysis to assess the safety impact in each school district

1 using school buses equipped with an automated traffic law
2 enforcement system following installation of the system. The
3 statistical analysis shall be based upon the best available
4 crash, traffic, and other data, and shall cover a period of
5 time before and after installation of the system sufficient to
6 provide a statistically valid comparison of safety impact. The
7 statistical analysis shall be consistent with professional
8 judgment and acceptable industry practice. The statistical
9 analysis also shall be consistent with the data required for
10 valid comparisons of before and after conditions and shall be
11 conducted within a reasonable period following the
12 installation of the automated traffic law enforcement system.
13 The statistical analysis required by this subsection shall be
14 made available to the public and shall be published on the
15 website of the municipality or county. If the statistical
16 analysis for the 36-month period following installation of the
17 system indicates that there has been an increase in the rate of
18 accidents at the approach to school buses monitored by the
19 system, the municipality or county shall undertake additional
20 studies to determine the cause and severity of the accidents,
21 and may take any action that it determines is necessary or
22 appropriate to reduce the number or severity of the accidents
23 involving school buses equipped with an automated traffic law
24 enforcement system.

25 (o) The compensation paid for an automated traffic law
26 enforcement system must be based on the value of the equipment

1 or the services provided and may not be based on the number of
2 traffic citations issued or the revenue generated by the
3 system.

4 (p) No person who is the lessor of a motor vehicle pursuant
5 to a written lease agreement shall be liable for an automated
6 speed or traffic law enforcement system violation involving
7 such motor vehicle during the period of the lease; provided
8 that upon the request of the appropriate authority received
9 within 120 days after the violation occurred, the lessor
10 provides within 60 days after such receipt the name and
11 address of the lessee.

12 Upon the provision of information by the lessor pursuant
13 to this subsection, the county or municipality may issue the
14 violation to the lessee of the vehicle in the same manner as it
15 would issue a violation to a registered owner of a vehicle
16 pursuant to this Section, and the lessee may be held liable for
17 the violation.

18 (q) (Blank).

19 (r) After a municipality or county enacts an ordinance
20 providing for automated traffic law enforcement systems under
21 this Section, each school district within that municipality or
22 county's jurisdiction may implement an automated traffic law
23 enforcement system under this Section. The elected school
24 board for that district must approve the implementation of an
25 automated traffic law enforcement system. The school district
26 shall be responsible for entering into a contract, approved by

1 the elected school board of that district, with vendors for
2 the installation, maintenance, and operation of the automated
3 traffic law enforcement system. The school district must enter
4 into an intergovernmental agreement, approved by the elected
5 school board of that district, with the municipality or county
6 with jurisdiction over that school district for the
7 administration of the automated traffic law enforcement
8 system. The proceeds from a school district's automated
9 traffic law enforcement system's fines shall be divided
10 equally between the school district and the municipality or
11 county administering the automated traffic law enforcement
12 system.

13 (Source: P.A. 101-395, eff. 8-16-19; 101-652, eff. 7-1-21.)

14 (625 ILCS 5/11-1201.1)

15 Sec. 11-1201.1. Automated railroad crossing enforcement
16 system.

17 (a) For the purposes of this Section, an automated
18 railroad grade crossing enforcement system is a system in a
19 municipality or county operated by a governmental agency that
20 produces a recorded image of a motor vehicle's violation of a
21 provision of this Code or local ordinance and is designed to
22 obtain a clear recorded image of the vehicle and vehicle's
23 license plate. The recorded image must also display the time,
24 date, and location of the violation.

25 As used in this Section, "recorded images" means images

1 recorded by an automated railroad grade crossing enforcement
2 system on:

3 (1) 2 or more photographs;

4 (2) 2 or more microphotographs;

5 (3) 2 or more electronic images; or

6 (4) a video recording showing the motor vehicle and,
7 on at least one image or portion of the recording, clearly
8 identifying the registration plate or digital registration
9 plate number of the motor vehicle.

10 (b) The Illinois Commerce Commission may, in cooperation
11 with a local law enforcement agency, establish in any county
12 or municipality an automated railroad grade crossing
13 enforcement system at any railroad grade crossing equipped
14 with a crossing gate designated by local authorities. Local
15 authorities desiring the establishment of an automated
16 railroad crossing enforcement system must initiate the process
17 by enacting a local ordinance requesting the creation of such
18 a system. After the ordinance has been enacted, and before any
19 additional steps toward the establishment of the system are
20 undertaken, the local authorities and the Commission must
21 agree to a plan for obtaining, from any combination of
22 federal, State, and local funding sources, the moneys required
23 for the purchase and installation of any necessary equipment.

24 (b-1) (Blank).→

25 (c) For each violation of Section 11-1201 of this Code or a
26 local ordinance recorded by an automated railroad grade

1 crossing enforcement system, the county or municipality having
2 jurisdiction shall issue a written notice of the violation to
3 the registered owner of the vehicle as the alleged violator.
4 The notice shall be delivered to the registered owner of the
5 vehicle, by mail, no later than 90 days after the violation.

6 The notice shall include:

7 (1) the name and address of the registered owner of
8 the vehicle;

9 (2) the registration number of the motor vehicle
10 involved in the violation;

11 (3) the violation charged;

12 (4) the location where the violation occurred;

13 (5) the date and time of the violation;

14 (6) a copy of the recorded images;

15 (7) the amount of the civil penalty imposed and the
16 date by which the civil penalty should be paid;

17 (8) a statement that recorded images are evidence of a
18 violation of a railroad grade crossing;

19 (9) a warning that failure to pay the civil penalty or
20 to contest liability in a timely manner is an admission of
21 liability; and

22 (10) a statement that the person may elect to proceed
23 by:

24 (A) paying the fine; or

25 (B) challenging the charge in court, by mail, or
26 by administrative hearing.

1 (d) (Blank).

2 (d-1) (Blank).~~†~~

3 (d-2) (Blank).~~†~~

4 (e) Based on inspection of recorded images produced by an
5 automated railroad grade crossing enforcement system, a notice
6 alleging that the violation occurred shall be evidence of the
7 facts contained in the notice and admissible in any proceeding
8 alleging a violation under this Section.

9 (e-1) Recorded images made by an automated railroad grade
10 crossing enforcement system are confidential and shall be made
11 available only to the alleged violator and governmental and
12 law enforcement agencies for purposes of adjudicating a
13 violation of this Section, for statistical purposes, or for
14 other governmental purposes. Any recorded image evidencing a
15 violation of this Section, however, may be admissible in any
16 proceeding resulting from the issuance of the citation.

17 (e-2) The court or hearing officer may consider the
18 following in the defense of a violation:

19 (1) that the motor vehicle or registration plates or
20 digital registration plates of the motor vehicle were
21 stolen before the violation occurred and not under the
22 control of or in the possession of the owner or lessee at
23 the time of the violation;

24 (1.5) that the motor vehicle was hijacked before the
25 violation occurred and not under the control of or in the
26 possession of the owner or lessee at the time of the

1 violation;

2 (2) that the driver of the motor vehicle received a
3 Uniform Traffic Citation from a police officer at the time
4 of the violation for the same offense;

5 (3) any other evidence or issues provided by municipal
6 or county ordinance.

7 (e-3) To demonstrate that the motor vehicle was hijacked
8 or the motor vehicle or registration plates or digital
9 registration plates were stolen before the violation occurred
10 and were not under the control or possession of the owner or
11 lessee at the time of the violation, the owner or lessee must
12 submit proof that a report concerning the ~~stolen~~ motor vehicle
13 or registration plates was filed with a law enforcement agency
14 in a timely manner.

15 (f) Rail crossings equipped with an automatic railroad
16 grade crossing enforcement system shall be posted with a sign
17 visible to approaching traffic stating that the railroad grade
18 crossing is being monitored, that citations will be issued,
19 and the amount of the fine for violation.

20 (g) The compensation paid for an automated railroad grade
21 crossing enforcement system must be based on the value of the
22 equipment or the services provided and may not be based on the
23 number of citations issued or the revenue generated by the
24 system.

25 (h) (Blank).➤

26 (i) If any part or parts of this Section are held by a

1 court of competent jurisdiction to be unconstitutional, the
2 unconstitutionality shall not affect the validity of the
3 remaining parts of this Section. The General Assembly hereby
4 declares that it would have passed the remaining parts of this
5 Section if it had known that the other part or parts of this
6 Section would be declared unconstitutional.

7 (j) Penalty. A civil fine of \$250 shall be imposed for a
8 first violation of this Section, and a civil fine of \$500 shall
9 be imposed for a second or subsequent violation of this
10 Section.

11 (Source: P.A. 101-395, eff. 8-16-19; 101-652, eff. 7-1-21;
12 revised 11-24-21.)

13 Section 10. The Crime Victims Compensation Act is amended
14 by changing Sections 2, 7.1, and 10.1 as follows:

15 (740 ILCS 45/2) (from Ch. 70, par. 72)

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

18 (a) "Applicant" means any person who applies for
19 compensation under this Act or any person the Court of Claims
20 or the Attorney General finds is entitled to compensation,
21 including the guardian of a minor or of a person under legal
22 disability. It includes any person who was a dependent of a
23 deceased victim of a crime of violence for his or her support
24 at the time of the death of that victim.

1 The changes made to this subsection by this amendatory Act
2 of the 101st General Assembly apply to actions commenced or
3 pending on or after January 1, 2022.

4 (b) "Court of Claims" means the Court of Claims created by
5 the Court of Claims Act.

6 (c) "Crime of violence" means and includes any offense
7 defined in Sections 9-1, 9-1.2, 9-2, 9-2.1, 9-3, 9-3.2, 10-1,
8 10-2, 10-9, 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60,
9 11-11, 11-19.2, 11-20.1, 11-20.1B, 11-20.3, 11-23, 11-23.5,
10 12-1, 12-2, 12-3, 12-3.1, 12-3.2, 12-3.3, 12-3.4, 12-4,
11 12-4.1, 12-4.2, 12-4.3, 12-5, 12-7.1, 12-7.3, 12-7.4, 12-13,
12 12-14, 12-14.1, 12-15, 12-16, 12-20.5, 12-30, 20-1 or 20-1.1,
13 or Section 12-3.05 except for subdivision (a)(4) or (g)(1), or
14 subdivision (a)(4) of Section 11-14.4, of the Criminal Code of
15 1961 or the Criminal Code of 2012, Sections 1(a) and 1(a-5) of
16 the Cemetery Protection Act, Section 125 of the Stalking No
17 Contact Order Act, Section 219 of the Civil No Contact Order
18 Act, driving under the influence as defined in Section 11-501
19 of the Illinois Vehicle Code, a violation of Section 11-401 of
20 the Illinois Vehicle Code, provided the victim was a
21 pedestrian or was operating a vehicle moved solely by human
22 power or a mobility device at the time of contact, and a
23 violation of Section 11-204.1 of the Illinois Vehicle Code; so
24 long as the offense did not occur during a civil riot,
25 insurrection or rebellion. "Crime of violence" does not
26 include any other offense or accident involving a motor

1 vehicle except those vehicle offenses specifically provided
2 for in this paragraph. "Crime of violence" does include all of
3 the offenses specifically provided for in this paragraph that
4 occur within this State but are subject to federal
5 jurisdiction and crimes involving terrorism as defined in 18
6 U.S.C. 2331.

7 (d) "Victim" means (1) a person killed or injured in this
8 State as a result of a crime of violence perpetrated or
9 attempted against him or her, (2) the spouse, parent, or child
10 of a person killed or injured in this State as a result of a
11 crime of violence perpetrated or attempted against the person,
12 or anyone living in the household of a person killed or injured
13 in a relationship that is substantially similar to that of a
14 parent, spouse, or child, (3) a person killed or injured in
15 this State while attempting to assist a person against whom a
16 crime of violence is being perpetrated or attempted, if that
17 attempt of assistance would be expected of a reasonable person
18 under the circumstances, (4) a person killed or injured in
19 this State while assisting a law enforcement official
20 apprehend a person who has perpetrated a crime of violence or
21 prevent the perpetration of any such crime if that assistance
22 was in response to the express request of the law enforcement
23 official, (5) a person who personally witnessed a violent
24 crime, (5.05) a person who will be called as a witness by the
25 prosecution to establish a necessary nexus between the
26 offender and the violent crime, (5.1) solely for the purpose

1 of compensating for pecuniary loss incurred for psychological
2 treatment of a mental or emotional condition caused or
3 aggravated by the crime, any other person under the age of 18
4 who is the brother, sister, half brother, or half sister of a
5 person killed or injured in this State as a result of a crime
6 of violence, (6) an Illinois resident who is a victim of a
7 "crime of violence" as defined in this Act except, if the crime
8 occurred outside this State, the resident has the same rights
9 under this Act as if the crime had occurred in this State upon
10 a showing that the state, territory, country, or political
11 subdivision of a country in which the crime occurred does not
12 have a compensation of victims of crimes law for which that
13 Illinois resident is eligible, (7) a deceased person whose
14 body is dismembered or whose remains are desecrated as the
15 result of a crime of violence, or (8) solely for the purpose of
16 compensating for pecuniary loss incurred for psychological
17 treatment of a mental or emotional condition caused or
18 aggravated by the crime, any parent, spouse, or child under
19 the age of 18 of a deceased person whose body is dismembered or
20 whose remains are desecrated as the result of a crime of
21 violence.

22 (e) "Dependent" means a relative of a deceased victim who
23 was wholly or partially dependent upon the victim's income at
24 the time of his or her death and shall include the child of a
25 victim born after his or her death.

26 (f) "Relative" means a spouse, parent, grandparent,

1 stepfather, stepmother, child, grandchild, brother,
2 brother-in-law, sister, sister-in-law, half brother, half
3 sister, spouse's parent, nephew, niece, uncle, aunt, or anyone
4 living in the household of a person killed or injured in a
5 relationship that is substantially similar to that of a
6 parent, spouse, or child.

7 (g) "Child" means a son or daughter and includes a
8 stepchild, an adopted child or a child born out of wedlock.

9 (h) "Pecuniary loss" means, in the case of injury,
10 appropriate medical expenses and hospital expenses including
11 expenses of medical examinations, rehabilitation, medically
12 required nursing care expenses, appropriate psychiatric care
13 or psychiatric counseling expenses, appropriate expenses for
14 care or counseling by a licensed clinical psychologist,
15 licensed clinical social worker, licensed professional
16 counselor, or licensed clinical professional counselor and
17 expenses for treatment by Christian Science practitioners and
18 nursing care appropriate thereto; transportation expenses to
19 and from medical and counseling treatment facilities;
20 prosthetic appliances, eyeglasses, and hearing aids necessary
21 or damaged as a result of the crime; expenses incurred for the
22 towing and storage of a victim's vehicle in connection with a
23 crime of violence, to a maximum of \$1,000; costs associated
24 with trafficking tattoo removal by a person authorized or
25 licensed to perform the specific removal procedure;
26 replacement costs for clothing and bedding used as evidence;

1 costs associated with temporary lodging or relocation
2 necessary as a result of the crime, including, but not limited
3 to, the first month's rent and security deposit of the
4 dwelling that the claimant relocated to and other reasonable
5 relocation expenses incurred as a result of the violent crime;
6 locks or windows necessary or damaged as a result of the crime;
7 the purchase, lease, or rental of equipment necessary to
8 create usability of and accessibility to the victim's real and
9 personal property, or the real and personal property which is
10 used by the victim, necessary as a result of the crime; the
11 costs of appropriate crime scene clean-up; replacement
12 services loss, to a maximum of \$1,250 per month; dependents
13 replacement services loss, to a maximum of \$1,250 per month;
14 loss of tuition paid to attend grammar school or high school
15 when the victim had been enrolled as a student prior to the
16 injury, or college or graduate school when the victim had been
17 enrolled as a day or night student prior to the injury when the
18 victim becomes unable to continue attendance at school as a
19 result of the crime of violence perpetrated against him or
20 her; loss of earnings, loss of future earnings because of
21 disability resulting from the injury, and, in addition, in the
22 case of death, expenses for funeral, burial, and travel and
23 transport for survivors of homicide victims to secure bodies
24 of deceased victims and to transport bodies for burial all of
25 which may be awarded up to a maximum of \$10,000 and loss of
26 support of the dependents of the victim; in the case of

1 dismemberment or desecration of a body, expenses for funeral
2 and burial, all of which may be awarded up to a maximum of
3 \$10,000. Loss of future earnings shall be reduced by any
4 income from substitute work actually performed by the victim
5 or by income he or she would have earned in available
6 appropriate substitute work he or she was capable of
7 performing but unreasonably failed to undertake. Loss of
8 earnings, loss of future earnings and loss of support shall be
9 determined on the basis of the victim's average net monthly
10 earnings for the 6 months immediately preceding the date of
11 the injury or on \$2,400 per month, whichever is less or, in
12 cases where the absences commenced more than 3 years from the
13 date of the crime, on the basis of the net monthly earnings for
14 the 6 months immediately preceding the date of the first
15 absence, not to exceed \$2,400 per month. If a divorced or
16 legally separated applicant is claiming loss of support for a
17 minor child of the deceased, the amount of support for each
18 child shall be based either on the amount of support pursuant
19 to the judgment prior to the date of the deceased victim's
20 injury or death, or, if the subject of pending litigation
21 filed by or on behalf of the divorced or legally separated
22 applicant prior to the injury or death, on the result of that
23 litigation. Real and personal property includes, but is not
24 limited to, vehicles, houses, apartments, town houses, or
25 condominiums. Pecuniary loss does not include pain and
26 suffering or property loss or damage.

1 The changes made to this subsection by this amendatory Act
2 of the 101st General Assembly apply to actions commenced or
3 pending on or after January 1, 2022.

4 (i) "Replacement services loss" means expenses reasonably
5 incurred in obtaining ordinary and necessary services in lieu
6 of those the injured person would have performed, not for
7 income, but for the benefit of himself or herself or his or her
8 family, if he or she had not been injured.

9 (j) "Dependents replacement services loss" means loss
10 reasonably incurred by dependents or private legal guardians
11 of minor dependents after a victim's death in obtaining
12 ordinary and necessary services in lieu of those the victim
13 would have performed, not for income, but for their benefit,
14 if he or she had not been fatally injured.

15 (k) "Survivor" means immediate family including a parent,
16 stepfather, stepmother, child, brother, sister, or spouse.

17 (l) "Parent" means a natural parent, adopted parent,
18 stepparent, or permanent legal guardian of another person.

19 (m) "Trafficking tattoo" is a tattoo which is applied to a
20 victim in connection with the commission of a violation of
21 Section 10-9 of the Criminal Code of 2012.

22 (Source: P.A. 101-81, eff. 7-12-19; 101-652, eff. 7-1-21;
23 102-27, eff. 6-25-21.)

24 (740 ILCS 45/7.1) (from Ch. 70, par. 77.1)
25 Sec. 7.1. (a) The application shall set out:

1 (1) the name and address of the victim;

2 (2) if the victim is deceased, the name and address of
3 the applicant and his or her relationship to the victim,
4 the names and addresses of other persons dependent on the
5 victim for their support and the extent to which each is so
6 dependent, and other persons who may be entitled to
7 compensation for a pecuniary loss;

8 (3) the date and nature of the crime on which the
9 application for compensation is based;

10 (4) the date and place where and the law enforcement
11 officials to whom notification of the crime was given;

12 (5) the nature and extent of the injuries sustained by
13 the victim, and the names and addresses of those giving
14 medical and hospitalization treatment to the victim;

15 (6) the pecuniary loss to the applicant and to such
16 other persons as are specified under item (2) resulting
17 from the injury or death;

18 (7) the amount of benefits, payments, or awards, if
19 any, payable under:

20 (a) the Workers' Compensation Act,

21 (b) the Dram Shop Act,

22 (c) any claim, demand, or cause of action based
23 upon the crime-related injury or death,

24 (d) the Federal Medicare program,

25 (e) the State Public Aid program,

26 (f) Social Security Administration burial

1 benefits,

2 (g) Veterans administration burial benefits,

3 (h) life, health, accident, vehicle, towing, or
4 liability insurance,

5 (i) the Criminal Victims' Escrow Account Act,

6 (j) the Sexual Assault Survivors Emergency
7 Treatment Act,

8 (k) restitution, or

9 (l) any other source;

10 (8) releases authorizing the surrender to the Court of
11 Claims or Attorney General of reports, documents and other
12 information relating to the matters specified under this
13 Act and rules promulgated in accordance with the Act;

14 (9) such other information as the Court of Claims or
15 the Attorney General reasonably requires.

16 (b) The Attorney General may require that materials
17 substantiating the facts stated in the application be
18 submitted with that application.

19 (c) An applicant, on his or her own motion, may file an
20 amended application or additional substantiating materials to
21 correct inadvertent errors or omissions at any time before the
22 original application has been disposed of by the Court of
23 Claims or the Attorney General. In either case, the filing of
24 additional information or of an amended application shall be
25 considered for the purpose of this Act to have been filed at
26 the same time as the original application.

1 For claims submitted on or after January 1, 2022, an
2 amended application or additional substantiating materials to
3 correct inadvertent errors or omissions may be filed at any
4 time before the original application is disposed of by the
5 Attorney General or the Court of Claims.

6 (d) Determinations submitted by the Attorney General to
7 the Court of Claims shall be available to the Court of Claims
8 for review. The Attorney General shall provide the sources and
9 evidence relied upon as a basis for a compensation
10 determination.

11 (e) The changes made to this Section by this amendatory
12 Act of the 101st General Assembly apply to actions commenced
13 or pending on or after January 1, 2022.

14 (Source: P.A. 101-652, eff. 7-1-21; 102-27, eff. 6-25-21.)

15 (740 ILCS 45/10.1) (from Ch. 70, par. 80.1)

16 Sec. 10.1. Amount of compensation. The amount of
17 compensation to which an applicant and other persons are
18 entitled shall be based on the following factors:

19 (a) A victim may be compensated for his or her pecuniary
20 loss.

21 (b) A dependent may be compensated for loss of support.

22 (c) Any person, even though not dependent upon the victim
23 for his or her support, may be compensated for reasonable
24 expenses of the victim to the extent to which he or she has
25 paid or become obligated to pay such expenses and only after

1 compensation for reasonable funeral, medical and hospital
2 expenses of the victim have been awarded may compensation be
3 made for reasonable expenses of the victim incurred for
4 psychological treatment of a mental or emotional condition
5 caused or aggravated by the crime.

6 (d) An award shall be reduced or denied according to the
7 extent to which the victim's injury or death was caused by
8 provocation or incitement by the victim or the victim
9 assisting, attempting, or committing a criminal act. A denial
10 or reduction shall not automatically bar the survivors of
11 homicide victims from receiving compensation for counseling,
12 crime scene cleanup, relocation, funeral or burial costs, and
13 loss of support if the survivor's actions have not initiated,
14 provoked, or aggravated the suspect into initiating the
15 qualifying crime.

16 (e) An award shall be reduced by the amount of benefits,
17 payments or awards payable under those sources which are
18 required to be listed under item (7) of Section 7.1(a) and any
19 other sources except annuities, pension plans, Federal Social
20 Security payments payable to dependents of the victim and the
21 net proceeds of the first \$25,000 of life insurance that would
22 inure to the benefit of the applicant, which the applicant or
23 any other person dependent for the support of a deceased
24 victim, as the case may be, has received or to which he or she
25 is entitled as a result of injury to or death of the victim.

26 (f) A final award shall not exceed \$10,000 for a crime

1 committed prior to September 22, 1979, \$15,000 for a crime
2 committed on or after September 22, 1979 and prior to January
3 1, 1986, \$25,000 for a crime committed on or after January 1,
4 1986 and prior to August 7, 1998, \$27,000 for a crime committed
5 on or after August 7, 1998 and prior to August 7, 2022, or
6 \$45,000 for a crime committed on or after August 7, 2022. If
7 the total pecuniary loss is greater than the maximum amount
8 allowed, the award shall be divided in proportion to the
9 amount of actual loss among those entitled to compensation.

10 (g) Compensation under this Act is a secondary source of
11 compensation and the applicant must show that he or she has
12 exhausted the benefits reasonably available under the Criminal
13 Victims' Escrow Account Act or any governmental or medical or
14 health insurance programs, including, but not limited to,
15 Workers' Compensation, the Federal Medicare program, the State
16 Public Aid program, Social Security Administration burial
17 benefits, and Veterans Administration burial benefits, and
18 life, health, accident, full vehicle coverage (including
19 towing insurance, if available), or liability insurance.

20 (Source: P.A. 102-27, eff. 1-1-22.)".