



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

SB1919

Introduced 2/26/2021, by Sen. Rachelle Crowe

SYNOPSIS AS INTRODUCED:

See Index

Amends the Adult Protective Services Act. Expands the scope of the Act to include reports of abandonment. Provides that if a mandated reporter has reason to believe an elderly person's death may be the result of abuse, abandonment, or neglect, the matter shall be reported for subsequent referral to the appropriate law enforcement agency and the coroner or medical examiner. Requires a mandated reporter to testify in any resulting administrative hearing. Requires the Department on Aging to offer an annual trauma-informed training program that includes instruction on how trauma impacts caseworkers and other employees who respond to and prevent adult abuse, neglect, exploitation, or abandonment. Requires the Department to implement a demonstration project to allow for the use of a risk assessment tool to assist in identifying elderly persons who may be experiencing elder abuse, abandonment, neglect, or exploitation. Amends the Criminal Code of 2012. Provides that a prosecution for theft by deception of a victim age 60 or older or a person with a disability may be commenced within 7 (rather than 3) years of the last act committed in furtherance of the crime. Concerning the offense of financial exploitation of an elderly person or a person with a disability, expands the scope of "person who stands in a position of trust and confidence" to include a friend or acquaintance of the elderly person or person with a disability who is in a position of trust. Amends the Home Repair Fraud Act. Provides that a person commits aggravated home repair fraud when he or she promises a performance that he or she knows will not be completed at any time during the performance of the service.

LRB102 17284 KTG 22761 b

CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning aging.

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

4 Section 5. The Adult Protective Services Act is amended by
5 changing Sections 2, 3, 3.5, 4, 4.1, 4.2, 5, 7.1, 7.5, 8, 9,
6 13, and 15 and by adding Sections 3.3 and 3.6 as follows:

7 (320 ILCS 20/2) (from Ch. 23, par. 6602)

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

10 (a) "Abandonment" means the desertion or willful forsaking
11 of an eligible adult by anyone having care or custody of that
12 eligible adult under circumstances in which a reasonable
13 person would continue to provide care and custody.

14 (a-1) ~~(a)~~ "Abuse" means causing any physical, mental or
15 sexual injury to an eligible adult, including exploitation of
16 such adult's financial resources, and abandonment.

17 Nothing in this Act shall be construed to mean that an
18 eligible adult is a victim of abuse, abandonment, neglect, or
19 self-neglect for the sole reason that he or she is being
20 furnished with or relies upon treatment by spiritual means
21 through prayer alone, in accordance with the tenets and
22 practices of a recognized church or religious denomination.

23 Nothing in this Act shall be construed to mean that an

1 eligible adult is a victim of abuse because of health care
2 services provided or not provided by licensed health care
3 professionals.

4 (a-5) "Abuser" means a person who abuses, abandons,
5 neglects, or financially exploits an eligible adult.

6 (a-6) "Adult with disabilities" means a person aged 18
7 through 59 who resides in a domestic living situation and
8 whose disability as defined in subsection (c-5) impairs his or
9 her ability to seek or obtain protection from abuse,
10 abandonment, neglect, or exploitation.

11 (a-7) "Caregiver" means a person who either as a result of
12 a family relationship, voluntarily, or in exchange for
13 compensation has assumed responsibility for all or a portion
14 of the care of an eligible adult who needs assistance with
15 activities of daily living or instrumental activities of daily
16 living.

17 (b) "Department" means the Department on Aging of the
18 State of Illinois.

19 (c) "Director" means the Director of the Department.

20 (c-5) "Disability" means a physical or mental disability,
21 including, but not limited to, a developmental disability, an
22 intellectual disability, a mental illness as defined under the
23 Mental Health and Developmental Disabilities Code, or dementia
24 as defined under the Alzheimer's Disease Assistance Act.

25 (d) "Domestic living situation" means a residence where
26 the eligible adult at the time of the report lives alone or

1 with his or her family or a caregiver, or others, or other
2 community-based unlicensed facility, but is not:

3 (1) A licensed facility as defined in Section 1-113 of
4 the Nursing Home Care Act;

5 (1.5) A facility licensed under the ID/DD Community
6 Care Act;

7 (1.6) A facility licensed under the MC/DD Act;

8 (1.7) A facility licensed under the Specialized Mental
9 Health Rehabilitation Act of 2013;

10 (2) A "life care facility" as defined in the Life Care
11 Facilities Act;

12 (3) A home, institution, or other place operated by
13 the federal government or agency thereof or by the State
14 of Illinois;

15 (4) A hospital, sanitarium, or other institution, the
16 principal activity or business of which is the diagnosis,
17 care, and treatment of human illness through the
18 maintenance and operation of organized facilities
19 therefor, which is required to be licensed under the
20 Hospital Licensing Act;

21 (5) A "community living facility" as defined in the
22 Community Living Facilities Licensing Act;

23 (6) (Blank);

24 (7) A "community-integrated living arrangement" as
25 defined in the Community-Integrated Living Arrangements
26 Licensure and Certification Act or a "community

1 residential alternative" as licensed under that Act;

2 (8) An assisted living or shared housing establishment
3 as defined in the Assisted Living and Shared Housing Act;
4 or

5 (9) A supportive living facility as described in
6 Section 5-5.01a of the Illinois Public Aid Code.

7 (e) "Eligible adult" means either an adult with
8 disabilities aged 18 through 59 or a person aged 60 or older
9 who resides in a domestic living situation and is, or is
10 alleged to be, abused, abandoned, neglected, or financially
11 exploited by another individual or who neglects himself or
12 herself. "Eligible adult" also includes an adult who resides
13 in any of the facilities that are excluded from the definition
14 of "domestic living situation" under paragraphs (1) through
15 (9) of subsection (d), if either: (i) the alleged abuse, abandonment, or neglect occurs outside of the facility and not
16 under facility supervision and the alleged abuser is a family
17 member, caregiver, or another person who has a continuing
18 relationship with the adult; or (ii) the alleged financial
19 exploitation is perpetrated by a family member, caregiver, or
20 another person who has a continuing relationship with the
21 adult, but who is not an employee of the facility where the
22 adult resides.
23

24 (f) "Emergency" means a situation in which an eligible
25 adult is living in conditions presenting a risk of death or
26 physical, mental or sexual injury and the provider agency has

1 reason to believe the eligible adult is unable to consent to
2 services which would alleviate that risk.

3 (f-1) "Financial exploitation" means the use of an
4 eligible adult's resources by another to the disadvantage of
5 that adult or the profit or advantage of a person other than
6 that adult.

7 (f-5) "Mandated reporter" means any of the following
8 persons while engaged in carrying out their professional
9 duties:

10 (1) a professional or professional's delegate while
11 engaged in: (i) social services, (ii) law enforcement,
12 (iii) education, (iv) the care of an eligible adult or
13 eligible adults, or (v) any of the occupations required to
14 be licensed under the Clinical Psychologist Licensing Act,
15 the Clinical Social Work and Social Work Practice Act, the
16 Illinois Dental Practice Act, the Dietitian Nutritionist
17 Practice Act, the Marriage and Family Therapy Licensing
18 Act, the Medical Practice Act of 1987, the Naprapathic
19 Practice Act, the Nurse Practice Act, the Nursing Home
20 Administrators Licensing and Disciplinary Act, the
21 Illinois Occupational Therapy Practice Act, the Illinois
22 Optometric Practice Act of 1987, the Pharmacy Practice
23 Act, the Illinois Physical Therapy Act, the Physician
24 Assistant Practice Act of 1987, the Podiatric Medical
25 Practice Act of 1987, the Respiratory Care Practice Act,
26 the Professional Counselor and Clinical Professional

1 Counselor Licensing and Practice Act, the Illinois
2 Speech-Language Pathology and Audiology Practice Act, the
3 Veterinary Medicine and Surgery Practice Act of 2004, and
4 the Illinois Public Accounting Act;

5 (1.5) an employee of an entity providing developmental
6 disabilities services or service coordination funded by
7 the Department of Human Services;

8 (2) an employee of a vocational rehabilitation
9 facility prescribed or supervised by the Department of
10 Human Services;

11 (3) an administrator, employee, or person providing
12 services in or through an unlicensed community based
13 facility;

14 (4) any religious practitioner who provides treatment
15 by prayer or spiritual means alone in accordance with the
16 tenets and practices of a recognized church or religious
17 denomination, except as to information received in any
18 confession or sacred communication enjoined by the
19 discipline of the religious denomination to be held
20 confidential;

21 (5) field personnel of the Department of Healthcare
22 and Family Services, Department of Public Health, and
23 Department of Human Services, and any county or municipal
24 health department;

25 (6) personnel of the Department of Human Services, the
26 Guardianship and Advocacy Commission, the State Fire

1 Marshal, local fire departments, the Department on Aging
2 and its subsidiary Area Agencies on Aging and provider
3 agencies, and the Office of State Long Term Care
4 Ombudsman;

5 (7) any employee of the State of Illinois not
6 otherwise specified herein who is involved in providing
7 services to eligible adults, including professionals
8 providing medical or rehabilitation services and all other
9 persons having direct contact with eligible adults;

10 (8) a person who performs the duties of a coroner or
11 medical examiner; or

12 (9) a person who performs the duties of a paramedic or
13 an emergency medical technician.

14 (g) "Neglect" means another individual's failure to
15 provide an eligible adult with or willful withholding from an
16 eligible adult the necessities of life including, but not
17 limited to, food, clothing, shelter or health care. This
18 subsection does not create any new affirmative duty to provide
19 support to eligible adults. Nothing in this Act shall be
20 construed to mean that an eligible adult is a victim of neglect
21 because of health care services provided or not provided by
22 licensed health care professionals.

23 (h) "Provider agency" means any public or nonprofit agency
24 in a planning and service area that is selected by the
25 Department or appointed by the regional administrative agency
26 with prior approval by the Department on Aging to receive and

1 assess reports of alleged or suspected abuse, abandonment,
2 neglect, or financial exploitation. A provider agency is also
3 referenced as a "designated agency" in this Act.

4 (i) "Regional administrative agency" means any public or
5 nonprofit agency in a planning and service area that provides
6 regional oversight and performs functions as set forth in
7 subsection (b) of Section 3 of this Act. The Department shall
8 designate an Area Agency on Aging as the regional
9 administrative agency or, in the event the Area Agency on
10 Aging in that planning and service area is deemed by the
11 Department to be unwilling or unable to provide those
12 functions, the Department may serve as the regional
13 administrative agency or designate another qualified entity to
14 serve as the regional administrative agency; any such
15 designation shall be subject to terms set forth by the
16 Department.

17 (i-5) "Self-neglect" means a condition that is the result
18 of an eligible adult's inability, due to physical or mental
19 impairments, or both, or a diminished capacity, to perform
20 essential self-care tasks that substantially threaten his or
21 her own health, including: providing essential food, clothing,
22 shelter, and health care; and obtaining goods and services
23 necessary to maintain physical health, mental health,
24 emotional well-being, and general safety. The term includes
25 compulsive hoarding, which is characterized by the acquisition
26 and retention of large quantities of items and materials that

1 produce an extensively cluttered living space, which
2 significantly impairs the performance of essential self-care
3 tasks or otherwise substantially threatens life or safety.

4 (j) "Substantiated case" means a reported case of alleged
5 or suspected abuse, abandonment, neglect, financial
6 exploitation, or self-neglect in which a provider agency,
7 after assessment, determines that there is reason to believe
8 abuse, abandonment, neglect, or financial exploitation has
9 occurred.

10 (k) "Verified" means a determination that there is "clear
11 and convincing evidence" that the specific injury or harm
12 alleged was the result of abuse, abandonment, neglect, or
13 financial exploitation.

14 (Source: P.A. 99-180, eff. 7-29-15; 100-641, eff. 1-1-19.)

15 (320 ILCS 20/3) (from Ch. 23, par. 6603)

16 Sec. 3. Responsibilities.

17 (a) The Department shall establish, design, and manage a
18 protective services program for eligible adults who have been,
19 or are alleged to be, victims of abuse, abandonment, neglect,
20 financial exploitation, or self-neglect. The Department shall
21 contract with or fund, or contract with and fund, regional
22 administrative agencies, provider agencies, or both, for the
23 provision of those functions, and, contingent on adequate
24 funding, with attorneys or legal services provider agencies
25 for the provision of legal assistance pursuant to this Act.

1 For self-neglect, the program shall include the following
2 services for eligible adults who have been removed from their
3 residences for the purpose of cleanup or repairs: temporary
4 housing; counseling; and caseworker services to try to ensure
5 that the conditions necessitating the removal do not reoccur.

6 (a-1) The Department shall by rule develop standards for
7 minimum staffing levels and staff qualifications. The
8 Department shall by rule establish mandatory standards for the
9 investigation of abuse, abandonment, neglect, financial
10 exploitation, or self-neglect of eligible adults and mandatory
11 procedures for linking eligible adults to appropriate services
12 and supports.

13 (a-5) A provider agency shall, in accordance with rules
14 promulgated by the Department, establish a multi-disciplinary
15 team to act in an advisory role for the purpose of providing
16 professional knowledge and expertise in the handling of
17 complex abuse cases involving eligible adults. Each
18 multi-disciplinary team shall consist of one volunteer
19 representative from the following professions: banking or
20 finance; disability care; health care; law; law enforcement;
21 mental health care; and clergy. A provider agency may also
22 choose to add representatives from the fields of substance
23 abuse, domestic violence, sexual assault, or other related
24 fields. To support multi-disciplinary teams in this role, law
25 enforcement agencies and coroners or medical examiners shall
26 supply records as may be requested in particular cases.

1 (b) Each regional administrative agency shall designate
2 provider agencies within its planning and service area with
3 prior approval by the Department on Aging, monitor the use of
4 services, provide technical assistance to the provider
5 agencies and be involved in program development activities.

6 (c) Provider agencies shall assist, to the extent
7 possible, eligible adults who need agency services to allow
8 them to continue to function independently. Such assistance
9 shall include, but not be limited to, receiving reports of
10 alleged or suspected abuse, abandonment, neglect, financial
11 exploitation, or self-neglect, conducting face-to-face
12 assessments of such reported cases, determination of
13 substantiated cases, referral of substantiated cases for
14 necessary support services, referral of criminal conduct to
15 law enforcement in accordance with Department guidelines, and
16 provision of case work and follow-up services on substantiated
17 cases. In the case of a report of alleged or suspected abuse,
18 abandonment, or neglect that places an eligible adult at risk
19 of injury or death, a provider agency shall respond to the
20 report on an emergency basis in accordance with guidelines
21 established by the Department by administrative rule and shall
22 ensure that it is capable of responding to such a report 24
23 hours per day, 7 days per week. A provider agency may use an
24 on-call system to respond to reports of alleged or suspected
25 abuse, abandonment, or neglect after hours and on weekends.

26 (c-5) Where a provider agency has reason to believe that

1 the death of an eligible adult may be the result of abuse,
2 abandonment, or neglect, including any reports made after
3 death, the agency shall immediately report the matter to both
4 the appropriate law enforcement agency and the coroner or
5 medical examiner. Between 30 and 45 days after making such a
6 report, the provider agency again shall contact the law
7 enforcement agency and coroner or medical examiner to
8 determine whether any further action was taken. Upon request
9 by a provider agency, a law enforcement agency and coroner or
10 medical examiner shall supply a summary of its action in
11 response to a reported death of an eligible adult. A copy of
12 the report shall be maintained and all subsequent follow-up
13 with the law enforcement agency and coroner or medical
14 examiner shall be documented in the case record of the
15 eligible adult. If the law enforcement agency, coroner, or
16 medical examiner determines the reported death was caused by
17 abuse, abandonment, or neglect by a caregiver, the law
18 enforcement agency, coroner, or medical examiner shall inform
19 the Department, and the Department shall report the
20 caregiver's identity on the Registry as described in Section
21 7.5 of this Act.

22 (d) Upon sufficient appropriations to implement a
23 statewide program, the Department shall implement a program,
24 based on the recommendations of the Self-Neglect Steering
25 Committee, for (i) responding to reports of possible
26 self-neglect, (ii) protecting the autonomy, rights, privacy,

1 and privileges of adults during investigations of possible
2 self-neglect and consequential judicial proceedings regarding
3 competency, (iii) collecting and sharing relevant information
4 and data among the Department, provider agencies, regional
5 administrative agencies, and relevant seniors, (iv) developing
6 working agreements between provider agencies and law
7 enforcement, where practicable, and (v) developing procedures
8 for collecting data regarding incidents of self-neglect.

9 (Source: P.A. 98-49, eff. 7-1-13; 98-1039, eff. 8-25-14.)

10 (320 ILCS 20/3.3 new)

11 Sec. 3.3. Adult protective services trauma-informed
12 training.

13 (a) This Section applies to any employee in the Office of
14 Adult Protective Services who works on the development and
15 implementation of social services to respond to and prevent
16 adult abuse, neglect, exploitation, or abandonment.

17 (b) Subject to appropriation, the Department shall offer
18 an annual trauma-informed training program that includes (i)
19 instruction on how trauma impacts caseworkers and other
20 employees who respond to and prevent adult abuse, neglect,
21 exploitation, or abandonment, (ii) a review of the meaning and
22 impact of secondary trauma, and (iii) information about
23 strategies to identify and address secondary trauma in
24 caseworkers and other employees who work with adults who may
25 have experienced abuse, neglect, exploitation, or abandonment.

1 (c) Any trauma-informed training offered by the Department
2 shall cover the following:

3 (1) The widespread impact of secondary trauma on
4 caseworkers and other employees who work with adults who
5 may have experienced abuse, neglect, exploitation, or
6 abandonment.

7 (2) An understanding of who is at risk for developing
8 secondary trauma.

9 (3) Relevant and realistic case studies involving
10 traumatic situations that other caseworkers and employees
11 who work with adults who may have experienced abuse,
12 neglect, exploitation, or abandonment have encountered in
13 their work.

14 (4) Symptoms and causes of secondary trauma in
15 caseworkers and other employees who work with adults who
16 may have experienced abuse, neglect, exploitation, or
17 abandonment.

18 (5) Strategies for prevention and intervention in
19 cases of secondary trauma involving caseworkers or other
20 employees who work with adults who may have experienced
21 abuse, neglect, exploitation, or abandonment, including
22 the development of a self-care plan.

23 (6) How to incorporate monitoring and support
24 techniques for employees experiencing secondary trauma
25 into departmental policies, guidelines, and protocols.

26 (d) This Section is designed to address gaps in current

1 trauma-informed training requirements for employees of the
2 Office of Adult Protective Services and to improve the quality
3 of training. If any law or rule existing on the effective date
4 of this amendatory Act of the 102nd General Assembly contains
5 more rigorous training requirements for employees of the
6 Office of Adult Protective Services, then that law or rule
7 shall apply. If there is overlap between this Section and
8 other laws and rules, the Department shall interpret this
9 Section to avoid duplication of requirements while ensuring
10 that the minimum requirements set in this Section are met.

11 (e) The Department may adopt rules to implement this
12 Section.

13 (320 ILCS 20/3.5)

14 Sec. 3.5. Other responsibilities. The Department shall
15 also be responsible for the following activities, contingent
16 upon adequate funding; implementation shall be expanded to
17 adults with disabilities upon the effective date of this
18 amendatory Act of the 98th General Assembly, except those
19 responsibilities under subsection (a), which shall be
20 undertaken as soon as practicable:

21 (a) promotion of a wide range of endeavors for the
22 purpose of preventing abuse, abandonment, neglect,
23 financial exploitation, and self-neglect, including, but
24 not limited to, promotion of public and professional
25 education to increase awareness of abuse, abandonment,

1 neglect, financial exploitation, and self-neglect; to
2 increase reports; to establish access to and use of the
3 Registry established under Section 7.5; and to improve
4 response by various legal, financial, social, and health
5 systems;

6 (b) coordination of efforts with other agencies,
7 councils, and like entities, to include but not be limited
8 to, the Administrative Office of the Illinois Courts, the
9 Office of the Attorney General, the State Police, the
10 Illinois Law Enforcement Training Standards Board, the
11 State Triad, the Illinois Criminal Justice Information
12 Authority, the Departments of Public Health, Healthcare
13 and Family Services, and Human Services, the Illinois
14 Guardianship and Advocacy Commission, the Family Violence
15 Coordinating Council, the Illinois Violence Prevention
16 Authority, and other entities which may impact awareness
17 of, and response to, abuse, abandonment, neglect,
18 financial exploitation, and self-neglect;

19 (c) collection and analysis of data;

20 (d) monitoring of the performance of regional
21 administrative agencies and adult protective services
22 agencies;

23 (e) promotion of prevention activities;

24 (f) establishing and coordinating an aggressive
25 training program on the unique nature of adult abuse cases
26 with other agencies, councils, and like entities, to

1 include but not be limited to the Office of the Attorney
2 General, the State Police, the Illinois Law Enforcement
3 Training Standards Board, the State Triad, the Illinois
4 Criminal Justice Information Authority, the State
5 Departments of Public Health, Healthcare and Family
6 Services, and Human Services, the Family Violence
7 Coordinating Council, the Illinois Violence Prevention
8 Authority, the agency designated by the Governor under
9 Section 1 of the Protection and Advocacy for Persons with
10 Developmental Disabilities Act, and other entities that
11 may impact awareness of and response to abuse,
12 abandonment, neglect, financial exploitation, and
13 self-neglect;

14 (g) solicitation of financial institutions for the
15 purpose of making information available to the general
16 public warning of financial exploitation of adults and
17 related financial fraud or abuse, including such
18 information and warnings available through signage or
19 other written materials provided by the Department on the
20 premises of such financial institutions, provided that the
21 manner of displaying or distributing such information is
22 subject to the sole discretion of each financial
23 institution;

24 (g-1) developing by joint rulemaking with the
25 Department of Financial and Professional Regulation
26 minimum training standards which shall be used by

1 financial institutions for their current and new employees
2 with direct customer contact; the Department of Financial
3 and Professional Regulation shall retain sole visitation
4 and enforcement authority under this subsection (g-1); the
5 Department of Financial and Professional Regulation shall
6 provide bi-annual reports to the Department setting forth
7 aggregate statistics on the training programs required
8 under this subsection (g-1); and

9 (h) coordinating efforts with utility and electric
10 companies to send notices in utility bills to explain to
11 persons 60 years of age or older their rights regarding
12 telemarketing and home repair fraud.

13 (Source: P.A. 98-49, eff. 7-1-13; 98-1039, eff. 8-25-14;
14 99-143, eff. 7-27-15.)

15 (320 ILCS 20/3.6 new)

16 Sec. 3.6. Elder abuse risk assessment tool.

17 (a) The Department shall develop and implement a
18 demonstration project to allow for the use of a risk
19 assessment tool to assist in identifying elderly persons,
20 including homebound persons, who may be experiencing elder
21 abuse, abandonment, neglect, or exploitation and providing the
22 necessary support to address elder abuse, abandonment,
23 neglect, or exploitation. The Department shall finalize
24 planning on the demonstration project by December 1, 2022 with
25 implementation beginning on January 1, 2023. The risk

1 assessment tool shall identify (i) the level of risk for elder
2 abuse, abandonment, neglect, or exploitation; (ii) risk
3 factors causing the abuse, abandonment, neglect, or
4 exploitation; and (iii) appropriate follow-up and action in
5 response to any suspected abuse, abandonment, neglect, or
6 exploitation. In identifying a risk assessment tool, the
7 Department shall coordinate with all of the following:

8 (1) The Department of Healthcare and Family Services.

9 (2) A hospital, hospital system, or a statewide
10 association representing hospitals.

11 (3) A managed care organization or a statewide
12 association representing managed care organizations.

13 (4) A Care Coordination Unit.

14 (5) An Area Agency on Aging or a statewide association
15 representing Area Agencies on Aging.

16 (6) Legal aid providers.

17 (7) A financial institution or a statewide association
18 representing financial institutions.

19 (8) Adult Protective Services providers.

20 (b) The risk assessment tool shall be comprehensive and
21 include all of the following components:

22 (1) Client demographics.

23 (2) Indicators of elder abuse, abandonment, neglect,
24 or exploitation.

25 (3) Contributing risk factors for abuse, abandonment,
26 neglect, or exploitation.

1 (4) Overall level of risk on a scale of low, medium,
2 and high-risk level.

3 (5) Appropriate follow-up and action.

4 (6) Client outcomes.

5 (c) If any hospital employee, social worker, or other
6 employee utilizing the risk assessment tool identifies that an
7 elderly person is at risk for elder abuse, abandonment,
8 neglect, or exploitation, the employee shall utilize the risk
9 assessment tool to refer the elderly person to a managed care
10 organization, legal aid service, Adult Protective Services
11 provider, or other needed services and supports.

12 (d) The Department may adopt rules to implement this
13 Section.

14 (320 ILCS 20/4) (from Ch. 23, par. 6604)

15 Sec. 4. Reports of abuse, abandonment, or neglect.

16 (a) Any person who suspects the abuse, abandonment,
17 neglect, financial exploitation, or self-neglect of an
18 eligible adult may report this suspicion or information about
19 the suspicious death of an eligible adult to an agency
20 designated to receive such reports under this Act or to the
21 Department.

22 (a-5) If any mandated reporter has reason to believe that
23 an eligible adult, who because of a disability or other
24 condition or impairment is unable to seek assistance for
25 himself or herself, has, within the previous 12 months, been

1 subjected to abuse, abandonment, neglect, or financial
2 exploitation, the mandated reporter shall, within 24 hours
3 after developing such belief, report this suspicion to an
4 agency designated to receive such reports under this Act or to
5 the Department. The agency designated to receive such reports
6 under this Act or the Department may establish a manner in
7 which a mandated reporter can make the required report through
8 an Internet reporting tool. Information sent and received
9 through the Internet reporting tool is subject to the same
10 rules in this Act as other types of confidential reporting
11 established by the designated agency or the Department.
12 Whenever a mandated reporter is required to report under this
13 Act in his or her capacity as a member of the staff of a
14 medical or other public or private institution, facility, or
15 agency, he or she shall make a report to an agency designated
16 to receive such reports under this Act or to the Department in
17 accordance with the provisions of this Act and may also notify
18 the person in charge of the institution, facility, or agency
19 or his or her designated agent that the report has been made.
20 Under no circumstances shall any person in charge of such
21 institution, facility, or agency, or his or her designated
22 agent to whom the notification has been made, exercise any
23 control, restraint, modification, or other change in the
24 report or the forwarding of the report to an agency designated
25 to receive such reports under this Act or to the Department.
26 The privileged quality of communication between any

1 professional person required to report and his or her patient
2 or client shall not apply to situations involving abused,
3 abandoned, neglected, or financially exploited eligible adults
4 and shall not constitute grounds for failure to report as
5 required by this Act.

6 (a-6) If a mandated reporter has reason to believe that
7 the death of an eligible adult may be the result of abuse,
8 abandonment, or neglect, the matter shall be reported to an
9 agency designated to receive such reports under this Act or to
10 the Department for subsequent referral to the appropriate law
11 enforcement agency and the coroner or medical examiner in
12 accordance with subsection (c-5) of Section 3.

13 (a-7) A person making a report under this Act in the belief
14 that it is in the alleged victim's best interest shall be
15 immune from criminal or civil liability or professional
16 disciplinary action on account of making the report,
17 notwithstanding any requirements concerning the
18 confidentiality of information with respect to such eligible
19 adult which might otherwise be applicable.

20 (a-9) Law enforcement officers shall continue to report
21 incidents of alleged abuse pursuant to the Illinois Domestic
22 Violence Act of 1986, notwithstanding any requirements under
23 this Act.

24 (b) Any person, institution or agency participating in the
25 making of a report, providing information or records related
26 to a report, assessment, or services, or participating in the

1 investigation of a report under this Act in good faith, or
2 taking photographs or x-rays as a result of an authorized
3 assessment, shall have immunity from any civil, criminal or
4 other liability in any civil, criminal or other proceeding
5 brought in consequence of making such report or assessment or
6 on account of submitting or otherwise disclosing such
7 photographs or x-rays to any agency designated to receive
8 reports of alleged or suspected abuse, abandonment, or
9 neglect. Any person, institution or agency authorized by the
10 Department to provide assessment, intervention, or
11 administrative services under this Act shall, in the good
12 faith performance of those services, have immunity from any
13 civil, criminal or other liability in any civil, criminal, or
14 other proceeding brought as a consequence of the performance
15 of those services. For the purposes of any civil, criminal, or
16 other proceeding, the good faith of any person required to
17 report, permitted to report, or participating in an
18 investigation of a report of alleged or suspected abuse,
19 abandonment, neglect, financial exploitation, or self-neglect
20 shall be presumed.

21 (c) The identity of a person making a report of alleged or
22 suspected abuse, abandonment, neglect, financial exploitation,
23 or self-neglect or a report concerning information about the
24 suspicious death of an eligible adult under this Act may be
25 disclosed by the Department or other agency provided for in
26 this Act only with such person's written consent or by court

1 order, but is otherwise confidential.

2 (d) The Department shall by rule establish a system for
3 filing and compiling reports made under this Act.

4 (e) Any physician who willfully fails to report as
5 required by this Act shall be referred to the Illinois State
6 Medical Disciplinary Board for action in accordance with
7 subdivision (A) (22) of Section 22 of the Medical Practice Act
8 of 1987. Any dentist or dental hygienist who willfully fails
9 to report as required by this Act shall be referred to the
10 Department of Professional Regulation for action in accordance
11 with paragraph 19 of Section 23 of the Illinois Dental
12 Practice Act. Any optometrist who willfully fails to report as
13 required by this Act shall be referred to the Department of
14 Financial and Professional Regulation for action in accordance
15 with paragraph (15) of subsection (a) of Section 24 of the
16 Illinois Optometric Practice Act of 1987. Any other mandated
17 reporter required by this Act to report suspected abuse,
18 abandonment, neglect, or financial exploitation who willfully
19 fails to report the same is guilty of a Class A misdemeanor.

20 (Source: P.A. 97-860, eff. 7-30-12; 98-49, eff. 7-1-13;
21 98-1039, eff. 8-25-14.)

22 (320 ILCS 20/4.1)

23 Sec. 4.1. Employer discrimination. No employer shall
24 discharge, demote or suspend, or threaten to discharge, demote
25 or suspend, or in any manner discriminate against any

1 employee: (i) who makes any good faith oral or written report
2 of suspected abuse, abandonment, neglect, or financial
3 exploitation; (ii) who makes any good faith oral or written
4 report concerning information about the suspicious death of an
5 eligible adult; or (iii) who is or will be a witness or testify
6 in any investigation or proceeding concerning a report of
7 suspected abuse, abandonment, neglect, or financial
8 exploitation.

9 (Source: P.A. 98-49, eff. 7-1-13.)

10 (320 ILCS 20/4.2)

11 Sec. 4.2. Testimony by mandated reporter and investigator.
12 Any mandated reporter who makes a report or any person who
13 investigates a report under this Act shall testify fully in
14 any judicial proceeding resulting from such report, as to any
15 evidence of abuse, abandonment, neglect, or financial
16 exploitation or the cause thereof. Any mandated reporter who
17 is required to report a suspected case of or a suspicious death
18 due to abuse, abandonment, neglect, or financial exploitation
19 under Section 4 of this Act shall testify fully in any
20 administrative hearing resulting from such report, as to any
21 evidence of abuse, abandonment, neglect, or financial
22 exploitation or the cause thereof. No evidence shall be
23 excluded by reason of any common law or statutory privilege
24 relating to communications between the alleged abuser or the
25 eligible adult subject of the report under this Act and the

1 person making or investigating the report.

2 (Source: P.A. 90-628, eff. 1-1-99.)

3 (320 ILCS 20/5) (from Ch. 23, par. 6605)

4 Sec. 5. Procedure.

5 (a) A provider agency designated to receive reports of
6 alleged or suspected abuse, abandonment, neglect, financial
7 exploitation, or self-neglect under this Act shall, upon
8 receiving such a report, conduct a face-to-face assessment
9 with respect to such report, in accord with established law
10 and Department protocols, procedures, and policies.
11 Face-to-face assessments, casework, and follow-up of reports
12 of self-neglect by the provider agencies designated to receive
13 reports of self-neglect shall be subject to sufficient
14 appropriation for statewide implementation of assessments,
15 casework, and follow-up of reports of self-neglect. In the
16 absence of sufficient appropriation for statewide
17 implementation of assessments, casework, and follow-up of
18 reports of self-neglect, the designated adult protective
19 services provider agency shall refer all reports of
20 self-neglect to the appropriate agency or agencies as
21 designated by the Department for any follow-up. The assessment
22 shall include, but not be limited to, a visit to the residence
23 of the eligible adult who is the subject of the report and
24 shall include interviews or consultations regarding the
25 allegations with service agencies, immediate family members,

1 and individuals who may have knowledge of the eligible adult's
2 circumstances based on the consent of the eligible adult in
3 all instances, except where the provider agency is acting in
4 the best interest of an eligible adult who is unable to seek
5 assistance for himself or herself and where there are
6 allegations against a caregiver who has assumed
7 responsibilities in exchange for compensation. If, after the
8 assessment, the provider agency determines that the case is
9 substantiated it shall develop a service care plan for the
10 eligible adult and may report its findings at any time during
11 the case to the appropriate law enforcement agency in accord
12 with established law and Department protocols, procedures, and
13 policies. In developing a case plan, the provider agency may
14 consult with any other appropriate provider of services, and
15 such providers shall be immune from civil or criminal
16 liability on account of such acts. The plan shall include
17 alternative suggested or recommended services which are
18 appropriate to the needs of the eligible adult and which
19 involve the least restriction of the eligible adult's
20 activities commensurate with his or her needs. Only those
21 services to which consent is provided in accordance with
22 Section 9 of this Act shall be provided, contingent upon the
23 availability of such services.

24 (b) A provider agency shall refer evidence of crimes
25 against an eligible adult to the appropriate law enforcement
26 agency according to Department policies. A referral to law

1 enforcement may be made at intake, at ~~or~~ any time during the
2 case, or after a report of a suspicious death, depending upon
3 the circumstances. Where a provider agency has reason to
4 believe the death of an eligible adult may be the result of
5 abuse, abandonment, or neglect, the agency shall immediately
6 report the matter to the coroner or medical examiner and shall
7 cooperate fully with any subsequent investigation.

8 (c) If any person other than the alleged victim refuses to
9 allow the provider agency to begin an investigation,
10 interferes with the provider agency's ability to conduct an
11 investigation, or refuses to give access to an eligible adult,
12 the appropriate law enforcement agency must be consulted
13 regarding the investigation.

14 (Source: P.A. 101-496, eff. 1-1-20.)

15 (320 ILCS 20/7.1)

16 Sec. 7.1. Final investigative report. A provider agency
17 shall prepare a final investigative report, upon the
18 completion or closure of an investigation, in all cases of
19 reported abuse, abandonment, neglect, financial exploitation,
20 or self-neglect of an eligible adult, whether or not there is a
21 substantiated finding.

22 (Source: P.A. 98-49, eff. 7-1-13.)

23 (320 ILCS 20/7.5)

24 Sec. 7.5. Registry.

1 (a) To protect individuals receiving in-home and
2 community-based services, the Department on Aging shall
3 establish an Adult Protective Service Registry that will be
4 hosted by the Department of Public Health on its website
5 effective January 1, 2015, and, if practicable, shall propose
6 rules for the Registry by January 1, 2015.

7 (a-5) The Registry shall identify caregivers against whom
8 a verified and substantiated finding was made under this Act
9 of abuse, abandonment, neglect, or financial exploitation.

10 The information in the Registry shall be confidential
11 except as specifically authorized in this Act and shall not be
12 deemed a public record.

13 (a-10) Reporting to the Registry. The Department on Aging
14 shall report to the Registry the identity of the caregiver
15 when a verified and substantiated finding of abuse,
16 abandonment, neglect, or financial exploitation of an eligible
17 adult under this Act is made against a caregiver, and all
18 appeals, challenges, and reviews, if any, have been completed
19 and a finding for placement on the Registry has been sustained
20 or upheld.

21 A finding against a caregiver that is placed in the
22 Registry shall preclude that caregiver from providing direct
23 care, as defined in this Section, in a position with or that is
24 regulated by or paid with public funds from the Department on
25 Aging, the Department of Healthcare and Family Services, the
26 Department of Human Services, or the Department of Public

1 Health or with an entity or provider licensed, certified, or
2 regulated by or paid with public funds from any of these State
3 agencies.

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

5 "Direct care" includes, but is not limited to, direct
6 access to a person aged 60 or older or to an adult with
7 disabilities aged 18 through 59, his or her living quarters,
8 or his or her personal, financial, or medical records for the
9 purpose of providing nursing care or assistance with feeding,
10 dressing, movement, bathing, toileting, other personal needs
11 and activities of daily living or instrumental activities of
12 daily living, or assistance with financial transactions.

13 "Participant" means an individual who uses the services of
14 an in-home care program funded through the Department on
15 Aging, the Department of Healthcare and Family Services, the
16 Department of Human Services, or the Department of Public
17 Health.

18 (c) Access to and use of the Registry. Access to the
19 Registry shall be limited to the Department on Aging, the
20 Department of Healthcare and Family Services, the Department
21 of Human Services, and the Department of Public Health and
22 providers of direct care as described in subsection (a-10) of
23 this Section. These State agencies and providers shall not
24 hire, compensate either directly or on behalf of a
25 participant, or utilize the services of any person seeking to
26 provide direct care without first conducting an online check

1 of whether the person has been placed on the Registry. These
2 State agencies and providers shall maintain a copy of the
3 results of the online check to demonstrate compliance with
4 this requirement. These State agencies and providers are
5 prohibited from retaining, hiring, compensating either
6 directly or on behalf of a participant, or utilizing the
7 services of a person to provide direct care if the online check
8 of the person reveals a verified and substantiated finding of
9 abuse, abandonment, neglect, or financial exploitation that
10 has been placed on the Registry or when the State agencies or
11 providers otherwise gain knowledge of such placement on the
12 Registry. Failure to comply with this requirement may subject
13 such a provider to corrective action by the appropriate
14 regulatory agency or other lawful remedies provided under the
15 applicable licensure, certification, or regulatory laws and
16 rules.

17 (d) Notice to caregiver. The Department on Aging shall
18 establish rules concerning notice to the caregiver in cases of
19 a verified and substantiated finding of abuse, abandonment,
20 neglect, or financial exploitation against him or her that may
21 make him or her eligible for placement on the Registry.

22 (e) Notification to eligible adults, guardians, or agents.
23 As part of its investigation, the Department on Aging shall
24 notify an eligible adult, or an eligible adult's guardian or
25 agent, that his or her caregiver's name may be placed on the
26 Registry based on a finding as described in subsection (a-10)

1 of this Section.

2 (f) Notification to employer. The Department on Aging
3 shall notify the appropriate State agency or provider of
4 direct care, as described in subsection (a-10), when there is
5 a verified and substantiated finding of abuse, abandonment,
6 neglect, or financial exploitation in a case under this Act
7 that is reported on the Registry and that involves one of its
8 caregivers. That State agency or provider is prohibited from
9 retaining or compensating that individual in a position that
10 involves direct care, and if there is an imminent risk of
11 danger to the victim or an imminent risk of misuse of personal,
12 medical, or financial information, that caregiver shall
13 immediately be barred from providing direct care to the victim
14 pending the outcome of any challenge, appeal, criminal
15 prosecution, or other type of collateral action.

16 (g) Challenges and appeals. The Department on Aging shall
17 establish, by rule, procedures concerning challenges and
18 appeals to placement on the Registry pursuant to legislative
19 intent. The Department shall not make any report to the
20 Registry pending challenges or appeals.

21 (h) Caregiver's rights to collateral action. The
22 Department on Aging shall not make any report to the Registry
23 if a caregiver notifies the Department in writing that he or
24 she is formally challenging an adverse employment action
25 resulting from a verified and substantiated finding of abuse,
26 abandonment, neglect, or financial exploitation by complaint

1 filed with the Illinois Civil Service Commission, or by
2 another means which seeks to enforce the caregiver's rights
3 pursuant to any applicable collective bargaining agreement. If
4 an action taken by an employer against a caregiver as a result
5 of such a finding is overturned through an action filed with
6 the Illinois Civil Service Commission or under any applicable
7 collective bargaining agreement after that caregiver's name
8 has already been sent to the Registry, the caregiver's name
9 shall be removed from the Registry.

10 (i) Removal from Registry. At any time after a report to
11 the Registry, but no more than once in each successive 3-year
12 period thereafter, for a maximum of 3 such requests, a
13 caregiver may request removal of his or her name from the
14 Registry in relationship to a single incident. The caregiver
15 shall bear the burden of establishing, by a preponderance of
16 the evidence, that removal of his or her name from the Registry
17 is in the public interest. Upon receiving such a request, the
18 Department on Aging shall conduct an investigation and
19 consider any evidentiary material provided. The Department
20 shall issue a decision either granting or denying removal to
21 the caregiver and report it to the Registry. The Department
22 shall, by rule, establish standards and a process for
23 requesting the removal of a name from the Registry.

24 (j) Referral of Registry reports to health care
25 facilities. In the event an eligible adult receiving services
26 from a provider agency changes his or her residence from a

1 domestic living situation to that of a health care or long term
2 care facility, the provider agency shall use reasonable
3 efforts to promptly inform the facility and the appropriate
4 Regional Long Term Care Ombudsman about any Registry reports
5 relating to the eligible adult. For purposes of this Section,
6 a health care or long term care facility includes, but is not
7 limited to, any residential facility licensed, certified, or
8 regulated by the Department of Public Health, Healthcare and
9 Family Services, or Human Services.

10 (k) The Department on Aging and its employees and agents
11 shall have immunity, except for intentional willful and wanton
12 misconduct, from any liability, civil, criminal, or otherwise,
13 for reporting information to and maintaining the Registry.

14 (Source: P.A. 98-49, eff. 1-1-14; 98-756, eff. 7-16-14;
15 98-1039, eff. 8-25-14; 99-78, eff. 7-20-15.)

16 (320 ILCS 20/8) (from Ch. 23, par. 6608)

17 Sec. 8. Access to records. All records concerning reports
18 of abuse, abandonment, neglect, financial exploitation, or
19 self-neglect or reports of suspicious deaths due to abuse,
20 abandonment, neglect, financial exploitation, or self-neglect
21 and all records generated as a result of such reports shall be
22 confidential and shall not be disclosed except as specifically
23 authorized by this Act or other applicable law. In accord with
24 established law and Department protocols, procedures, and
25 policies, access to such records, but not access to the

1 identity of the person or persons making a report of alleged
2 abuse, abandonment, neglect, financial exploitation, or
3 self-neglect as contained in such records, shall be provided,
4 upon request, to the following persons and for the following
5 persons:

6 (1) Department staff, provider agency staff, other
7 aging network staff, and regional administrative agency
8 staff, including staff of the Chicago Department on Aging
9 while that agency is designated as a regional
10 administrative agency, in the furtherance of their
11 responsibilities under this Act;

12 (1.5) A representative of the public guardian acting
13 in the course of investigating the appropriateness of
14 guardianship for the eligible adult or while pursuing a
15 petition for guardianship of the eligible adult pursuant
16 to the Probate Act of 1975;

17 (2) A law enforcement agency or State's Attorney's
18 office investigating known or suspected abuse,
19 abandonment, neglect, financial exploitation, or
20 self-neglect. Where a provider agency has reason to
21 believe that the death of an eligible adult may be the
22 result of abuse, abandonment, or neglect, including any
23 reports made after death, the agency shall immediately
24 provide the appropriate law enforcement agency with all
25 records pertaining to the eligible adult;

26 (2.5) A law enforcement agency, fire department

1 agency, or fire protection district having proper
2 jurisdiction pursuant to a written agreement between a
3 provider agency and the law enforcement agency, fire
4 department agency, or fire protection district under which
5 the provider agency may furnish to the law enforcement
6 agency, fire department agency, or fire protection
7 district a list of all eligible adults who may be at
8 imminent risk of abuse, abandonment, neglect, financial
9 exploitation, or self-neglect;

10 (3) A physician who has before him or her or who is
11 involved in the treatment of an eligible adult whom he or
12 she reasonably suspects may be abused, abandoned,
13 neglected, financially exploited, or self-neglected or who
14 has been referred to the Adult Protective Services
15 Program;

16 (4) An eligible adult reported to be abused,
17 abandoned, neglected, financially exploited, or
18 self-neglected, or such adult's authorized guardian or
19 agent, unless such guardian or agent is the abuser or the
20 alleged abuser;

21 (4.5) An executor or administrator of the estate of an
22 eligible adult who is deceased;

23 (5) In cases regarding abuse, abandonment, neglect, or
24 financial exploitation, a court or a guardian ad litem,
25 upon its or his or her finding that access to such records
26 may be necessary for the determination of an issue before

1 the court. However, such access shall be limited to an in
2 camera inspection of the records, unless the court
3 determines that disclosure of the information contained
4 therein is necessary for the resolution of an issue then
5 pending before it;

6 (5.5) In cases regarding self-neglect, a guardian ad
7 litem;

8 (6) A grand jury, upon its determination that access
9 to such records is necessary in the conduct of its
10 official business;

11 (7) Any person authorized by the Director, in writing,
12 for audit or bona fide research purposes;

13 (8) A coroner or medical examiner who has reason to
14 believe that an eligible adult has died as the result of
15 abuse, abandonment, neglect, financial exploitation, or
16 self-neglect. The provider agency shall immediately
17 provide the coroner or medical examiner with all records
18 pertaining to the eligible adult;

19 (8.5) A coroner or medical examiner having proper
20 jurisdiction, pursuant to a written agreement between a
21 provider agency and the coroner or medical examiner, under
22 which the provider agency may furnish to the office of the
23 coroner or medical examiner a list of all eligible adults
24 who may be at imminent risk of death as a result of abuse,
25 abandonment, neglect, financial exploitation, or
26 self-neglect;

1 (9) Department of Financial and Professional
2 Regulation staff and members of the Illinois Medical
3 Disciplinary Board or the Social Work Examining and
4 Disciplinary Board in the course of investigating alleged
5 violations of the Clinical Social Work and Social Work
6 Practice Act by provider agency staff or other licensing
7 bodies at the discretion of the Director of the Department
8 on Aging;

9 (9-a) Department of Healthcare and Family Services
10 staff and provider agency staff when that Department is
11 funding services to the eligible adult, including access
12 to the identity of the eligible adult;

13 (9-b) Department of Human Services staff and provider
14 agency staff when that Department is funding services to
15 the eligible adult or is providing reimbursement for
16 services provided by the abuser or alleged abuser,
17 including access to the identity of the eligible adult;

18 (10) Hearing officers in the course of conducting an
19 administrative hearing under this Act; parties to such
20 hearing shall be entitled to discovery as established by
21 rule;

22 (11) A caregiver who challenges placement on the
23 Registry shall be given the statement of allegations in
24 the abuse report and the substantiation decision in the
25 final investigative report; and

26 (12) The Illinois Guardianship and Advocacy Commission

1 and the agency designated by the Governor under Section 1
2 of the Protection and Advocacy for Persons with
3 Developmental Disabilities Act shall have access, through
4 the Department, to records, including the findings,
5 pertaining to a completed or closed investigation of a
6 report of suspected abuse, abandonment, neglect, financial
7 exploitation, or self-neglect of an eligible adult.

8 (Source: P.A. 98-49, eff. 7-1-13; 98-1039, eff. 8-25-14;
9 99-143, eff. 7-27-15; 99-287, eff. 1-1-16; 99-547, eff.
10 7-15-16; 99-642, eff. 7-28-16.)

11 (320 ILCS 20/9) (from Ch. 23, par. 6609)

12 Sec. 9. Authority to consent to services.

13 (a) If an eligible adult consents to an assessment of a
14 reported incident of suspected abuse, abandonment, neglect,
15 financial exploitation, or self-neglect and, following the
16 assessment of such report, consents to services being provided
17 according to the case plan, such services shall be arranged to
18 meet the adult's needs, based upon the availability of
19 resources to provide such services. If an adult withdraws his
20 or her consent for an assessment of the reported incident or
21 withdraws his or her consent for services and refuses to
22 accept such services, the services shall not be provided.

23 (b) If it reasonably appears to the Department or other
24 agency designated under this Act that a person is an eligible
25 adult and lacks the capacity to consent to an assessment of a

1 reported incident of suspected abuse, abandonment, neglect,
2 financial exploitation, or self-neglect or to necessary
3 services, the Department or other agency shall take
4 appropriate action necessary to ameliorate risk to the
5 eligible adult if there is a threat of ongoing harm or another
6 emergency exists. The Department or other agency shall be
7 authorized to seek the appointment of a temporary guardian as
8 provided in Article XIa of the Probate Act of 1975 for the
9 purpose of consenting to an assessment of the reported
10 incident and such services, together with an order for an
11 evaluation of the eligible adult's physical, psychological,
12 and medical condition and decisional capacity.

13 (c) A guardian of the person of an eligible adult may
14 consent to an assessment of the reported incident and to
15 services being provided according to the case plan. If an
16 eligible adult lacks capacity to consent, an agent having
17 authority under a power of attorney may consent to an
18 assessment of the reported incident and to services. If the
19 guardian or agent is the suspected abuser and he or she
20 withdraws consent for the assessment of the reported incident,
21 or refuses to allow services to be provided to the eligible
22 adult, the Department, an agency designated under this Act, or
23 the office of the Attorney General may request a court order
24 seeking appropriate remedies, and may in addition request
25 removal of the guardian and appointment of a successor
26 guardian or request removal of the agent and appointment of a

1 guardian.

2 (d) If an emergency exists and the Department or other
3 agency designated under this Act reasonably believes that a
4 person is an eligible adult and lacks the capacity to consent
5 to necessary services, the Department or other agency may
6 request an ex parte order from the circuit court of the county
7 in which the petitioner or respondent resides or in which the
8 alleged abuse, abandonment, neglect, financial exploitation,
9 or self-neglect occurred, authorizing an assessment of a
10 report of alleged or suspected abuse, abandonment, neglect,
11 financial exploitation, or self-neglect or the provision of
12 necessary services, or both, including relief available under
13 the Illinois Domestic Violence Act of 1986 in accord with
14 established law and Department protocols, procedures, and
15 policies. Petitions filed under this subsection shall be
16 treated as expedited proceedings. When an eligible adult is at
17 risk of serious injury or death and it reasonably appears that
18 the eligible adult lacks capacity to consent to necessary
19 services, the Department or other agency designated under this
20 Act may take action necessary to ameliorate the risk in
21 accordance with administrative rules promulgated by the
22 Department.

23 (d-5) For purposes of this Section, an eligible adult
24 "lacks the capacity to consent" if qualified staff of an
25 agency designated under this Act reasonably determine, in
26 accordance with administrative rules promulgated by the

1 Department, that he or she appears either (i) unable to
2 receive and evaluate information related to the assessment or
3 services or (ii) unable to communicate in any manner decisions
4 related to the assessment of the reported incident or
5 services.

6 (e) Within 15 days after the entry of the ex parte
7 emergency order, the order shall expire, or, if the need for
8 assessment of the reported incident or services continues, the
9 provider agency shall petition for the appointment of a
10 guardian as provided in Article XIa of the Probate Act of 1975
11 for the purpose of consenting to such assessment or services
12 or to protect the eligible adult from further harm.

13 (f) If the court enters an ex parte order under subsection
14 (d) for an assessment of a reported incident of alleged or
15 suspected abuse, abandonment, neglect, financial exploitation,
16 or self-neglect, or for the provision of necessary services in
17 connection with alleged or suspected self-neglect, or for
18 both, the court, as soon as is practicable thereafter, shall
19 appoint a guardian ad litem for the eligible adult who is the
20 subject of the order, for the purpose of reviewing the
21 reasonableness of the order. The guardian ad litem shall
22 review the order and, if the guardian ad litem reasonably
23 believes that the order is unreasonable, the guardian ad litem
24 shall file a petition with the court stating the guardian ad
25 litem's belief and requesting that the order be vacated.

26 (g) In all cases in which there is a substantiated finding

1 of abuse, abandonment, neglect, or financial exploitation by a
2 guardian, the Department shall, within 30 days after the
3 finding, notify the Probate Court with jurisdiction over the
4 guardianship.

5 (Source: P.A. 98-49, eff. 7-1-13; 98-1039, eff. 8-25-14.)

6 (320 ILCS 20/13)

7 Sec. 13. Access.

8 (a) In accord with established law and Department
9 protocols, procedures, and policies, the designated provider
10 agencies shall have access to eligible adults who have been
11 reported or found to be victims of abuse, abandonment,
12 neglect, financial exploitation, or self-neglect in order to
13 assess the validity of the report, assess other needs of the
14 eligible adult, and provide services in accordance with this
15 Act.

16 (a-5) A representative of the Department or a designated
17 provider agency that is actively involved in an abuse,
18 abandonment, neglect, financial exploitation, or self-neglect
19 investigation under this Act shall be allowed access to the
20 financial records, mental and physical health records, and
21 other relevant evaluative records of the eligible adult which
22 are in the possession of any individual, financial
23 institution, health care provider, mental health provider,
24 educational facility, or other facility if necessary to
25 complete the investigation mandated by this Act. The provider

1 or facility shall provide such records to the representative
2 upon receipt of a written request and certification from the
3 Department or designated provider agency that an investigation
4 is being conducted under this Act and the records are
5 pertinent to the investigation.

6 Any records received by such representative, the
7 confidentiality of which is protected by another law or rule,
8 shall be maintained as confidential, except for such use as
9 may be necessary for any administrative or other legal
10 proceeding.

11 (b) Where access to an eligible adult is denied, including
12 the refusal to provide requested records, the Office of the
13 Attorney General, the Department, or the provider agency may
14 petition the court for an order to require appropriate access
15 where:

16 (1) a caregiver or third party has interfered with the
17 assessment or service plan, or

18 (2) the agency has reason to believe that the eligible
19 adult is denying access because of coercion, extortion, or
20 justifiable fear of future abuse, abandonment, neglect, or
21 financial exploitation.

22 (c) The petition for an order requiring appropriate access
23 shall be afforded an expedited hearing in the circuit court.

24 (d) If the provider agency has substantiated financial
25 exploitation against an eligible adult, and has documented a
26 reasonable belief that the eligible adult will be irreparably

1 harmed as a result of the financial exploitation, the Office
2 of the Attorney General, the Department, or the provider
3 agency may petition for an order freezing the assets of the
4 eligible adult. The petition shall be filed in the county or
5 counties in which the assets are located. The court's order
6 shall prohibit the sale, gifting, transfer, or wasting of the
7 assets of the eligible adult, both real and personal, owned
8 by, or vested in, the eligible adult, without the express
9 permission of the court. The petition to freeze the assets of
10 the eligible adult shall be afforded an expedited hearing in
11 the circuit court.

12 (Source: P.A. 98-1039, eff. 8-25-14.)

13 (320 ILCS 20/15)

14 Sec. 15. Fatality review teams.

15 (a) State policy.

16 (1) Both the State and the community maintain a
17 commitment to preventing the abuse, abandonment, neglect,
18 and financial exploitation of at-risk adults. This
19 includes a charge to bring perpetrators of crimes against
20 at-risk adults to justice and prevent untimely deaths in
21 the community.

22 (2) When an at-risk adult dies, the response to the
23 death by the community, law enforcement, and the State
24 must include an accurate and complete determination of the
25 cause of death, and the development and implementation of

1 measures to prevent future deaths from similar causes.

2 (3) Multidisciplinary and multi-agency reviews of
3 deaths can assist the State and counties in developing a
4 greater understanding of the incidence and causes of
5 premature deaths and the methods for preventing those
6 deaths, improving methods for investigating deaths, and
7 identifying gaps in services to at-risk adults.

8 (4) Access to information regarding the deceased
9 person and his or her family by multidisciplinary and
10 multi-agency fatality review teams is necessary in order
11 to fulfill their purposes and duties.

12 (a-5) Definitions. As used in this Section:

13 "Advisory Council" means the Illinois Fatality Review
14 Team Advisory Council.

15 "Review Team" means a regional interagency fatality
16 review team.

17 (b) The Director, in consultation with the Advisory
18 Council, law enforcement, and other professionals who work in
19 the fields of investigating, treating, or preventing abuse,
20 abandonment, or neglect of at-risk adults, shall appoint
21 members to a minimum of one review team in each of the
22 Department's planning and service areas. Each member of a
23 review team shall be appointed for a 2-year term and shall be
24 eligible for reappointment upon the expiration of the term. A
25 review team's purpose in conducting review of at-risk adult
26 deaths is: (i) to assist local agencies in identifying and

1 reviewing suspicious deaths of adult victims of alleged,
2 suspected, or substantiated abuse, abandonment, or neglect in
3 domestic living situations; (ii) to facilitate communications
4 between officials responsible for autopsies and inquests and
5 persons involved in reporting or investigating alleged or
6 suspected cases of abuse, abandonment, neglect, or financial
7 exploitation of at-risk adults and persons involved in
8 providing services to at-risk adults; (iii) to evaluate means
9 by which the death might have been prevented; and (iv) to
10 report its findings to the appropriate agencies and the
11 Advisory Council and make recommendations that may help to
12 reduce the number of at-risk adult deaths caused by abuse, abandonment,
13 abandonment, and neglect and that may help to improve the
14 investigations of deaths of at-risk adults and increase
15 prosecutions, if appropriate.

16 (b-5) Each such team shall be composed of representatives
17 of entities and individuals including, but not limited to:

- 18 (1) the Department on Aging;
- 19 (2) coroners or medical examiners (or both);
- 20 (3) State's Attorneys;
- 21 (4) local police departments;
- 22 (5) forensic units;
- 23 (6) local health departments;
- 24 (7) a social service or health care agency that
25 provides services to persons with mental illness, in a
26 program whose accreditation to provide such services is

1 recognized by the Division of Mental Health within the
2 Department of Human Services;

3 (8) a social service or health care agency that
4 provides services to persons with developmental
5 disabilities, in a program whose accreditation to provide
6 such services is recognized by the Division of
7 Developmental Disabilities within the Department of Human
8 Services;

9 (9) a local hospital, trauma center, or provider of
10 emergency medicine;

11 (10) providers of services for eligible adults in
12 domestic living situations; and

13 (11) a physician, psychiatrist, or other health care
14 provider knowledgeable about abuse, abandonment, and
15 neglect of at-risk adults.

16 (c) A review team shall review cases of deaths of at-risk
17 adults occurring in its planning and service area (i)
18 involving blunt force trauma or an undetermined manner or
19 suspicious cause of death; (ii) if requested by the deceased's
20 attending physician or an emergency room physician; (iii) upon
21 referral by a health care provider; (iv) upon referral by a
22 coroner or medical examiner; (v) constituting an open or
23 closed case from an adult protective services agency, law
24 enforcement agency, State's Attorney's office, or the
25 Department of Human Services' Office of the Inspector General
26 that involves alleged or suspected abuse, abandonment,

1 neglect, or financial exploitation; or (vi) upon referral by a
2 law enforcement agency or State's Attorney's office. If such a
3 death occurs in a planning and service area where a review team
4 has not yet been established, the Director shall request that
5 the Advisory Council or another review team review that death.
6 A team may also review deaths of at-risk adults if the alleged
7 abuse, abandonment, or neglect occurred while the person was
8 residing in a domestic living situation.

9 A review team shall meet not less than 4 times a year to
10 discuss cases for its possible review. Each review team, with
11 the advice and consent of the Department, shall establish
12 criteria to be used in discussing cases of alleged, suspected,
13 or substantiated abuse, abandonment, or neglect for review and
14 shall conduct its activities in accordance with any applicable
15 policies and procedures established by the Department.

16 (c-5) The Illinois Fatality Review Team Advisory Council,
17 consisting of one member from each review team in Illinois,
18 shall be the coordinating and oversight body for review teams
19 and activities in Illinois. The Director may appoint to the
20 Advisory Council any ex-officio members deemed necessary.
21 Persons with expertise needed by the Advisory Council may be
22 invited to meetings. The Advisory Council must select from its
23 members a chairperson and a vice-chairperson, each to serve a
24 2-year term. The chairperson or vice-chairperson may be
25 selected to serve additional, subsequent terms. The Advisory
26 Council must meet at least 4 times during each calendar year.

1 The Department may provide or arrange for the staff
2 support necessary for the Advisory Council to carry out its
3 duties. The Director, in cooperation and consultation with the
4 Advisory Council, shall appoint, reappoint, and remove review
5 team members.

6 The Advisory Council has, but is not limited to, the
7 following duties:

8 (1) To serve as the voice of review teams in Illinois.

9 (2) To oversee the review teams in order to ensure
10 that the review teams' work is coordinated and in
11 compliance with State statutes and the operating protocol.

12 (3) To ensure that the data, results, findings, and
13 recommendations of the review teams are adequately used in
14 a timely manner to make any necessary changes to the
15 policies, procedures, and State statutes in order to
16 protect at-risk adults.

17 (4) To collaborate with the Department in order to
18 develop any legislation needed to prevent unnecessary
19 deaths of at-risk adults.

20 (5) To ensure that the review teams' review processes
21 are standardized in order to convey data, findings, and
22 recommendations in a usable format.

23 (6) To serve as a link with review teams throughout
24 the country and to participate in national review team
25 activities.

26 (7) To provide the review teams with the most current

1 information and practices concerning at-risk adult death
2 review and related topics.

3 (8) To perform any other functions necessary to
4 enhance the capability of the review teams to reduce and
5 prevent at-risk adult fatalities.

6 The Advisory Council may prepare an annual report, in
7 consultation with the Department, using aggregate data
8 gathered by review teams and using the review teams'
9 recommendations to develop education, prevention, prosecution,
10 or other strategies designed to improve the coordination of
11 services for at-risk adults and their families.

12 In any instance where a review team does not operate in
13 accordance with established protocol, the Director, in
14 consultation and cooperation with the Advisory Council, must
15 take any necessary actions to bring the review team into
16 compliance with the protocol.

17 (d) Any document or oral or written communication shared
18 within or produced by the review team relating to a case
19 discussed or reviewed by the review team is confidential and
20 is not admissible as evidence in any civil or criminal
21 proceeding, except for use by a State's Attorney's office in
22 prosecuting a criminal case against a caregiver. Those records
23 and information are, however, subject to discovery or
24 subpoena, and are admissible as evidence, to the extent they
25 are otherwise available to the public.

26 Any document or oral or written communication provided to

1 a review team by an individual or entity, and created by that
2 individual or entity solely for the use of the review team, is
3 confidential, is not subject to disclosure to or discoverable
4 by another party, and is not admissible as evidence in any
5 civil or criminal proceeding, except for use by a State's
6 Attorney's office in prosecuting a criminal case against a
7 caregiver. Those records and information are, however, subject
8 to discovery or subpoena, and are admissible as evidence, to
9 the extent they are otherwise available to the public.

10 Each entity or individual represented on the fatality
11 review team may share with other members of the team
12 information in the entity's or individual's possession
13 concerning the decedent who is the subject of the review or
14 concerning any person who was in contact with the decedent, as
15 well as any other information deemed by the entity or
16 individual to be pertinent to the review. Any such information
17 shared by an entity or individual with other members of the
18 review team is confidential. The intent of this paragraph is
19 to permit the disclosure to members of the review team of any
20 information deemed confidential or privileged or prohibited
21 from disclosure by any other provision of law. Release of
22 confidential communication between domestic violence advocates
23 and a domestic violence victim shall follow subsection (d) of
24 Section 227 of the Illinois Domestic Violence Act of 1986
25 which allows for the waiver of privilege afforded to
26 guardians, executors, or administrators of the estate of the

1 domestic violence victim. This provision relating to the
2 release of confidential communication between domestic
3 violence advocates and a domestic violence victim shall
4 exclude adult protective service providers.

5 A coroner's or medical examiner's office may share with
6 the review team medical records that have been made available
7 to the coroner's or medical examiner's office in connection
8 with that office's investigation of a death.

9 Members of a review team and the Advisory Council are not
10 subject to examination, in any civil or criminal proceeding,
11 concerning information presented to members of the review team
12 or the Advisory Council or opinions formed by members of the
13 review team or the Advisory Council based on that information.
14 A person may, however, be examined concerning information
15 provided to a review team or the Advisory Council.

16 (d-5) Meetings of the review teams and the Advisory
17 Council may be closed to the public under the Open Meetings
18 Act. Records and information provided to a review team and the
19 Advisory Council, and records maintained by a team or the
20 Advisory Council, are exempt from release under the Freedom of
21 Information Act.

22 (e) A review team's recommendation in relation to a case
23 discussed or reviewed by the review team, including, but not
24 limited to, a recommendation concerning an investigation or
25 prosecution, may be disclosed by the review team upon the
26 completion of its review and at the discretion of a majority of

1 its members who reviewed the case.

2 (e-5) The State shall indemnify and hold harmless members
3 of a review team and the Advisory Council for all their acts,
4 omissions, decisions, or other conduct arising out of the
5 scope of their service on the review team or Advisory Council,
6 except those involving willful or wanton misconduct. The
7 method of providing indemnification shall be as provided in
8 the State Employee Indemnification Act.

9 (f) The Department, in consultation with coroners, medical
10 examiners, and law enforcement agencies, shall use aggregate
11 data gathered by and recommendations from the Advisory Council
12 and the review teams to create an annual report and may use
13 those data and recommendations to develop education,
14 prevention, prosecution, or other strategies designed to
15 improve the coordination of services for at-risk adults and
16 their families. The Department or other State or county
17 agency, in consultation with coroners, medical examiners, and
18 law enforcement agencies, also may use aggregate data gathered
19 by the review teams to create a database of at-risk
20 individuals.

21 (g) The Department shall adopt such rules and regulations
22 as it deems necessary to implement this Section.

23 (Source: P.A. 98-49, eff. 7-1-13; 98-1039, eff. 8-25-14;
24 99-78, eff. 7-20-15; 99-530, eff. 1-1-17.)

25 Section 10. The Criminal Code of 2012 is amended by

1 changing Sections 3-5 and 17-56 as follows:

2 (720 ILCS 5/3-5) (from Ch. 38, par. 3-5)

3 Sec. 3-5. General limitations.

4 (a) A prosecution for: (1) first degree murder, attempt to
5 commit first degree murder, second degree murder, involuntary
6 manslaughter, reckless homicide, a violation of subparagraph
7 (F) of paragraph (1) of subsection (d) of Section 11-501 of the
8 Illinois Vehicle Code for the offense of aggravated driving
9 under the influence of alcohol, other drug or drugs, or
10 intoxicating compound or compounds, or any combination thereof
11 when the violation was a proximate cause of a death, leaving
12 the scene of a motor vehicle accident involving death or
13 personal injuries under Section 11-401 of the Illinois Vehicle
14 Code, failing to give information and render aid under Section
15 11-403 of the Illinois Vehicle Code, concealment of homicidal
16 death, treason, arson, residential arson, aggravated arson,
17 forgery, child pornography under paragraph (1) of subsection
18 (a) of Section 11-20.1, or aggravated child pornography under
19 paragraph (1) of subsection (a) of Section 11-20.1B, or (2)
20 any offense involving sexual conduct or sexual penetration, as
21 defined by Section 11-0.1 of this Code may be commenced at any
22 time.

23 (a-5) A prosecution for theft of property exceeding
24 \$100,000 in value under Section 16-1, identity theft under
25 subsection (a) of Section 16-30, aggravated identity theft

1 under subsection (b) of Section 16-30, financial exploitation
2 of an elderly person or a person with a disability under
3 Section 17-56; theft by deception of a victim 60 years of age
4 or older or a person with a disability under Section 16-1; or
5 any offense set forth in Article 16H or Section 17-10.6 may be
6 commenced within 7 years of the last act committed in
7 furtherance of the crime.

8 (b) Unless the statute describing the offense provides
9 otherwise, or the period of limitation is extended by Section
10 3-6, a prosecution for any offense not designated in
11 subsection (a) or (a-5) must be commenced within 3 years after
12 the commission of the offense if it is a felony, or within one
13 year and 6 months after its commission if it is a misdemeanor.

14 (Source: P.A. 100-149, eff. 1-1-18; 100-863, eff. 8-14-18;
15 101-130, eff. 1-1-20.)

16 (720 ILCS 5/17-56) (was 720 ILCS 5/16-1.3)

17 Sec. 17-56. Financial exploitation of an elderly person or
18 a person with a disability.

19 (a) A person commits financial exploitation of an elderly
20 person or a person with a disability when he or she stands in a
21 position of trust or confidence with the elderly person or a
22 person with a disability and he or she knowingly:

23 (1) by deception or intimidation obtains control over
24 the property of an elderly person or a person with a
25 disability; or

1 (2) illegally uses the assets or resources of an
2 elderly person or a person with a disability.

3 (b) Sentence. Financial exploitation of an elderly person
4 or a person with a disability is: (1) a Class 4 felony if the
5 value of the property is \$300 or less, (2) a Class 3 felony if
6 the value of the property is more than \$300 but less than
7 \$5,000, (3) a Class 2 felony if the value of the property is
8 \$5,000 or more but less than \$50,000, and (4) a Class 1 felony
9 if the value of the property is \$50,000 or more or if the
10 elderly person is over 70 years of age and the value of the
11 property is \$15,000 or more or if the elderly person is 80
12 years of age or older and the value of the property is \$5,000
13 or more.

14 (c) For purposes of this Section:

15 (1) "Elderly person" means a person 60 years of age or
16 older.

17 (2) "Person with a disability" means a person who
18 suffers from a physical or mental impairment resulting
19 from disease, injury, functional disorder or congenital
20 condition that impairs the individual's mental or physical
21 ability to independently manage his or her property or
22 financial resources, or both.

23 (3) "Intimidation" means the communication to an
24 elderly person or a person with a disability that he or she
25 shall be deprived of food and nutrition, shelter,
26 prescribed medication or medical care and treatment or

1 conduct as provided in Section 12-6 of this Code.

2 (4) "Deception" means, in addition to its meaning as
3 defined in Section 15-4 of this Code, a misrepresentation
4 or concealment of material fact relating to the terms of a
5 contract or agreement entered into with the elderly person
6 or person with a disability or to the existing or
7 pre-existing condition of any of the property involved in
8 such contract or agreement; or the use or employment of
9 any misrepresentation, false pretense or false promise in
10 order to induce, encourage or solicit the elderly person
11 or person with a disability to enter into a contract or
12 agreement.

13 The illegal use of the assets or resources of an elderly
14 person or a person with a disability includes, but is not
15 limited to, the misappropriation of those assets or resources
16 by undue influence, breach of a fiduciary relationship, fraud,
17 deception, extortion, or use of the assets or resources
18 contrary to law.

19 A person stands in a position of trust and confidence with
20 an elderly person or person with a disability when he (i) is a
21 parent, spouse, adult child or other relative by blood or
22 marriage of the elderly person or person with a disability,
23 (ii) is a joint tenant or tenant in common with the elderly
24 person or person with a disability, (iii) has a legal or
25 fiduciary relationship with the elderly person or person with
26 a disability, (iv) is a financial planning or investment

1 professional, ~~or~~ (v) is a paid or unpaid caregiver for the
2 elderly person or person with a disability, or (vi) is a friend
3 or acquaintance in a position of trust.

4 (d) Limitations. Nothing in this Section shall be
5 construed to limit the remedies available to the victim under
6 the Illinois Domestic Violence Act of 1986.

7 (e) Good faith efforts. Nothing in this Section shall be
8 construed to impose criminal liability on a person who has
9 made a good faith effort to assist the elderly person or person
10 with a disability in the management of his or her property, but
11 through no fault of his or her own has been unable to provide
12 such assistance.

13 (f) Not a defense. It shall not be a defense to financial
14 exploitation of an elderly person or person with a disability
15 that the accused reasonably believed that the victim was not
16 an elderly person or person with a disability. Consent is not a
17 defense to financial exploitation of an elderly person or a
18 person with a disability if the accused knew or had reason to
19 know that the elderly person or a person with a disability
20 lacked capacity to consent.

21 (g) Civil Liability. A civil cause of action exists for
22 financial exploitation of an elderly person or a person with a
23 disability as described in subsection (a) of this Section. A
24 person against whom a civil judgment has been entered for
25 financial exploitation of an elderly person or person with a
26 disability shall be liable to the victim or to the estate of

1 the victim in damages of treble the amount of the value of the
2 property obtained, plus reasonable attorney fees and court
3 costs. In a civil action under this subsection, the burden of
4 proof that the defendant committed financial exploitation of
5 an elderly person or a person with a disability as described in
6 subsection (a) of this Section shall be by a preponderance of
7 the evidence. This subsection shall be operative whether or
8 not the defendant has been charged or convicted of the
9 criminal offense as described in subsection (a) of this
10 Section. This subsection (g) shall not limit or affect the
11 right of any person to bring any cause of action or seek any
12 remedy available under the common law, or other applicable
13 law, arising out of the financial exploitation of an elderly
14 person or a person with a disability.

15 (h) If a person is charged with financial exploitation of
16 an elderly person or a person with a disability that involves
17 the taking or loss of property valued at more than \$5,000, a
18 prosecuting attorney may file a petition with the circuit
19 court of the county in which the defendant has been charged to
20 freeze the assets of the defendant in an amount equal to but
21 not greater than the alleged value of lost or stolen property
22 in the defendant's pending criminal proceeding for purposes of
23 restitution to the victim. The burden of proof required to
24 freeze the defendant's assets shall be by a preponderance of
25 the evidence.

26 (Source: P.A. 101-394, eff. 1-1-20.)

1 Section 15. The Home Repair Fraud Act is amended by
2 changing Section 5 as follows:

3 (815 ILCS 515/5) (from Ch. 121 1/2, par. 1605)

4 Sec. 5. Aggravated Home Repair Fraud. A person commits the
5 offense of aggravated home repair fraud when he commits home
6 repair fraud:

7 (i) against an elderly person or a person with a
8 disability as defined in Section 17-56 of the Criminal
9 Code of 2012; or

10 (ii) in connection with a home repair project intended
11 to assist a person with a disability.

12 A person commits aggravated home repair fraud when he or
13 she misrepresents a material fact to an elderly person or
14 person with a disability relating to the terms of a contract or
15 agreement or a preexisting or existing condition of any
16 portion of a property involved, or creates or confirms an
17 impression which is false and which he or she does not believe
18 to be true, or promises performance which he or she does not
19 intend to perform or knows will not be performed or completed
20 at any time during the performance of the service.

21 (a) Aggravated violation of paragraphs (1) or (2) of
22 subsection (a) of Section 3 of this Act shall be a Class 2
23 felony when the amount of the contract or agreement is more
24 than \$500, a Class 3 felony when the amount of the contract or

1 agreement is \$500 or less, and a Class 2 felony for a second or
2 subsequent offense when the amount of the contract or
3 agreement is \$500 or less. If 2 or more contracts or agreements
4 for home repair exceed an aggregate amount of \$500 or more and
5 such contracts or agreements are entered into with the same
6 victim by one or more of the defendants as part of or in
7 furtherance of a common fraudulent scheme, design or
8 intention, the violation shall be a Class 2 felony.

9 (b) Aggravated violation of paragraph (3) of subsection
10 (a) of Section 3 of this Act shall be a Class 2 felony when the
11 amount of the contract or agreement is more than \$5,000 and a
12 Class 3 felony when the amount of the contract or agreement is
13 \$5,000 or less.

14 (c) Aggravated violation of paragraph (4) of subsection
15 (a) of Section 3 of this Act shall be a Class 3 felony when the
16 amount of the contract or agreement is more than \$500, a Class
17 4 felony when the amount of the contract or agreement is \$500
18 or less and a Class 3 felony for a second or subsequent offense
19 when the amount of the contract or agreement is \$500 or less.

20 (d) Aggravated violation of paragraphs (1) or (2) of
21 subsection (b) of Section 3 of this Act shall be a Class 3
22 felony.

23 (e) If a person commits aggravated home repair fraud, then
24 any State or local license or permit held by that person that
25 relates to the business of home repair may be appropriately
26 suspended or revoked by the issuing authority, commensurate

1 with the severity of the offense.

2 (f) A defense to aggravated home repair fraud does not
3 exist merely because the accused reasonably believed the
4 victim to be a person less than 60 years of age.

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

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2		Statutes amended in order of appearance
3	320 ILCS 20/2	from Ch. 23, par. 6602
4	320 ILCS 20/3	from Ch. 23, par. 6603
5	320 ILCS 20/3.3 new	
6	320 ILCS 20/3.5	
7	320 ILCS 20/3.6 new	
8	320 ILCS 20/4	from Ch. 23, par. 6604
9	320 ILCS 20/4.1	
10	320 ILCS 20/4.2	
11	320 ILCS 20/5	from Ch. 23, par. 6605
12	320 ILCS 20/7.1	
13	320 ILCS 20/7.5	
14	320 ILCS 20/8	from Ch. 23, par. 6608
15	320 ILCS 20/9	from Ch. 23, par. 6609
16	320 ILCS 20/13	
17	320 ILCS 20/15	
18	720 ILCS 5/3-5	from Ch. 38, par. 3-5
19	720 ILCS 5/17-56	was 720 ILCS 5/16-1.3
20	815 ILCS 515/5	from Ch. 121 1/2, par. 1605