

SB2037



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

SB2037

Introduced 2/26/2021, by Sen. Antonio Muñoz

SYNOPSIS AS INTRODUCED:

See Index

Amends various Acts to revise statutory law to conform the statutes to the reorganization of the executive branch taking effect under Executive Order 2019-12. Makes other changes concerning the Illinois State Police and makes technical and stylistic changes. Effective immediately.

LRB102 17120 WGH 22551 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning the Illinois State Police.

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

4 Section 5. This Act revises statutory law to conform the
5 statutes to the reorganization of the executive branch taking
6 effect under Executive Order 2019-12. This Act also makes
7 other changes concerning the Illinois State Police and makes
8 technical and stylistic changes.

9 Section 10. The Consular Identification Document Act is
10 amended by changing Section 5 as follows:

11 (5 ILCS 230/5)

12 Sec. 5. Definition. As used in this Act, "consular
13 identification document" means an official identification card
14 issued by a foreign government that meets all of the following
15 requirements:

16 (1) The consular identification document is issued
17 through the foreign government's consular offices for the
18 purpose of identifying a foreign national who is living
19 outside of that nation.

20 (2) The foreign government requires an individual to
21 provide the following to obtain the consular
22 identification document: (A) proof of nationality; (B)

1 proof of identity; and (C) proof of residence in the
2 consular district.

3 (3) The foreign government includes the following
4 security features in the consular identification document:
5 (A) a unique identification number; (B) an optically
6 variable feature such as a hologram or color-shifting
7 inks; (C) an ultraviolet image; (D) encoded information;
8 (E) machine readable technology; (F) micro printing; (G)
9 secure laminate; and (H) integrated photograph and
10 signature.

11 (4) The consular identification document includes the
12 following data: (A) the name and address of the individual
13 to whom it is issued; (B) the date of issuance; (C) the
14 date of expiration; (D) the name of the issuing consulate;
15 and (E) an identification number. The consular
16 identification document must include an English
17 translation of the data fields.

18 (5) The issuing consulate has filed with the Illinois
19 ~~Department of~~ State Police a copy of the issuing
20 consulate's consular identification document and a
21 certification of the procedures that are used to satisfy
22 the requirements of paragraphs (2) and (3).

23 (Source: P.A. 94-389, eff. 1-1-06.)

24 Section 15. The Public Corruption Profit Forfeiture Act is
25 amended by changing Sections 10 and 25 as follows:

1 (5 ILCS 283/10)

2 Sec. 10. Penalties.

3 (a) A person who is convicted of a violation of any of the
4 following Sections, subsections, and clauses of the Criminal
5 Code of 1961 or the Criminal Code of 2012:

6 (1) clause (a) (6) of Section 12-6 (intimidation by a
7 public official),

8 (2) Section 33-1 (bribery),

9 (3) subsection (a) of Section 33E-7 (kickbacks), or

10 (4) Section 33C-4 or subsection (d) of Section 17-10.3
11 (fraudulently obtaining public moneys reserved for
12 disadvantaged business enterprises),

13 shall forfeit to the State of Illinois:

14 (A) any profits or proceeds and any property or
15 property interest he or she has acquired or maintained in
16 violation of any of the offenses listed in clauses (1)
17 through (4) of this subsection (a) that the court
18 determines, after a forfeiture hearing under subsection
19 (b) of this Section, to have been acquired or maintained
20 as a result of violating any of the offenses listed in
21 clauses (1) through (4) of this subsection (a); and

22 (B) any interest in, security of, claim against, or
23 property or contractual right of any kind affording a
24 source of influence over, any enterprise which he or she
25 has established, operated, controlled, conducted, or

1 participated in the conduct of, in violation of any of the
2 offenses listed in clauses (1) through (4) of this
3 subsection (a) that the court determines, after a
4 forfeiture hearing under subsection (b) of this Section,
5 to have been acquired or maintained as a result of
6 violating any of the offenses listed in clauses (1)
7 through (4) of this subsection (a) or used to facilitate a
8 violation of one of the offenses listed in clauses (1)
9 through (4) of this subsection (a).

10 (b) The court shall, upon petition by the Attorney General
11 or State's Attorney, at any time after the filing of an
12 information or return of an indictment, conduct a hearing to
13 determine whether any property or property interest is subject
14 to forfeiture under this Act. At the forfeiture hearing the
15 people shall have the burden of establishing, by a
16 preponderance of the evidence, that property or property
17 interests are subject to forfeiture under this Act. There is a
18 rebuttable presumption at such hearing that any property or
19 property interest of a person charged by information or
20 indictment with a violation of any of the offenses listed in
21 clauses (1) through (4) of subsection (a) of this Section or
22 who is convicted of a violation of any of the offenses listed
23 in clauses (1) through (4) of subsection (a) of this Section is
24 subject to forfeiture under this Section if the State
25 establishes by a preponderance of the evidence that:

26 (1) such property or property interest was acquired by

1 such person during the period of the violation of any of
2 the offenses listed in clauses (1) through (4) of
3 subsection (a) of this Section or within a reasonable time
4 after such period; and

5 (2) there was no likely source for such property or
6 property interest other than the violation of any of the
7 offenses listed in clauses (1) through (4) of subsection
8 (a) of this Section.

9 (c) In an action brought by the People of the State of
10 Illinois under this Act, wherein any restraining order,
11 injunction or prohibition or any other action in connection
12 with any property or property interest subject to forfeiture
13 under this Act is sought, the circuit court which shall
14 preside over the trial of the person or persons charged with
15 any of the offenses listed in clauses (1) through (4) of
16 subsection (a) of this Section shall first determine whether
17 there is probable cause to believe that the person or persons
18 so charged have committed a violation of any of the offenses
19 listed in clauses (1) through (4) of subsection (a) of this
20 Section and whether the property or property interest is
21 subject to forfeiture pursuant to this Act.

22 In order to make such a determination, prior to entering
23 any such order, the court shall conduct a hearing without a
24 jury, wherein the People shall establish that there is: (i)
25 probable cause that the person or persons so charged have
26 committed one of the offenses listed in clauses (1) through

1 (4) of subsection (a) of this Section and (ii) probable cause
2 that any property or property interest may be subject to
3 forfeiture pursuant to this Act. Such hearing may be conducted
4 simultaneously with a preliminary hearing, if the prosecution
5 is commenced by information or complaint, or by motion of the
6 People, at any stage in the proceedings. The court may accept a
7 finding of probable cause at a preliminary hearing following
8 the filing of a charge for violating one of the offenses listed
9 in clauses (1) through (4) of subsection (a) of this Section or
10 the return of an indictment by a grand jury charging one of the
11 offenses listed in clauses (1) through (4) of subsection (a)
12 of this Section as sufficient evidence of probable cause as
13 provided in item (i) above.

14 Upon such a finding, the circuit court shall enter such
15 restraining order, injunction or prohibition, or shall take
16 such other action in connection with any such property or
17 property interest subject to forfeiture under this Act, as is
18 necessary to insure that such property is not removed from the
19 jurisdiction of the court, concealed, destroyed or otherwise
20 disposed of by the owner of that property or property interest
21 prior to a forfeiture hearing under subsection (b) of this
22 Section. The Attorney General or State's Attorney shall file a
23 certified copy of such restraining order, injunction or other
24 prohibition with the recorder of deeds or registrar of titles
25 of each county where any such property of the defendant may be
26 located. No such injunction, restraining order or other

1 prohibition shall affect the rights of any bona fide
2 purchaser, mortgagee, judgment creditor or other lien holder
3 arising prior to the date of such filing.

4 The court may, at any time, upon verified petition by the
5 defendant, conduct a hearing to release all or portions of any
6 such property or interest which the court previously
7 determined to be subject to forfeiture or subject to any
8 restraining order, injunction, or prohibition or other action.
9 The court may release such property to the defendant for good
10 cause shown and within the sound discretion of the court.

11 (d) Prosecution under this Act may be commenced by the
12 Attorney General or a State's Attorney.

13 (e) Upon an order of forfeiture being entered pursuant to
14 subsection (b) of this Section, the court shall authorize the
15 Attorney General to seize any property or property interest
16 declared forfeited under this Act and under such terms and
17 conditions as the court shall deem proper. Any property or
18 property interest that has been the subject of an entered
19 restraining order, injunction or prohibition or any other
20 action filed under subsection (c) shall be forfeited unless
21 the claimant can show by a preponderance of the evidence that
22 the property or property interest has not been acquired or
23 maintained as a result of a violation of any of the offenses
24 listed in clauses (1) through (4) of subsection (a) of this
25 Section or has not been used to facilitate a violation of any
26 of the offenses listed in clauses (1) through (4) of

1 subsection (a) of this Section.

2 (f) The Attorney General or his or her designee is
3 authorized to sell all property forfeited and seized pursuant
4 to this Act, unless such property is required by law to be
5 destroyed or is harmful to the public, and, after the
6 deduction of all requisite expenses of administration and
7 sale, shall distribute the proceeds of such sale, along with
8 any moneys forfeited or seized, in accordance with subsection
9 (g).

10 (g) All monies and the sale proceeds of all other property
11 forfeited and seized pursuant to this Act shall be distributed
12 as follows:

13 (1) An amount equal to 50% shall be distributed to the
14 unit of local government or other law enforcement agency
15 whose officers or employees conducted the investigation
16 into a violation of any of the offenses listed in clauses
17 (1) through (4) of subsection (a) of this Section and
18 caused the arrest or arrests and prosecution leading to
19 the forfeiture. Amounts distributed to units of local
20 government and law enforcement agencies shall be used for
21 enforcement of laws governing public corruption, or for
22 other law enforcement purposes. In the event, however,
23 that the investigation, arrest or arrests and prosecution
24 leading to the forfeiture were undertaken solely by a
25 State agency, the portion provided hereunder shall be paid
26 into the State Asset Forfeiture Fund in the State treasury

1 to be used by that State agency in accordance with law. If
2 the investigation, arrest or arrests and prosecution
3 leading to the forfeiture were undertaken by the Attorney
4 General, the portion provided hereunder shall be paid into
5 the Attorney General Whistleblower Reward and Protection
6 Fund in the State treasury to be used by the Attorney
7 General in accordance with law.

8 (2) An amount equal to 12.5% shall be distributed to
9 the county in which the prosecution resulting in the
10 forfeiture was instituted, deposited in a special fund in
11 the county treasury and appropriated to the State's
12 Attorney for use in accordance with law. If the
13 prosecution was conducted by the Attorney General, then
14 the amount provided under this subsection shall be paid
15 into the Attorney General Whistleblower Reward and
16 Protection Fund in the State treasury to be used by the
17 Attorney General in accordance with law.

18 (3) An amount equal to 12.5% shall be distributed to
19 the Office of the State's Attorneys Appellate Prosecutor
20 and deposited in the State's Attorneys Appellate
21 Prosecutor Anti-Corruption Fund, to be used by the Office
22 of the State's Attorneys Appellate Prosecutor for
23 additional expenses incurred in prosecuting appeals
24 arising under this Act. Any amounts remaining in the Fund
25 after all additional expenses have been paid shall be used
26 by the Office to reduce the participating county

1 contributions to the Office on a prorated basis as
2 determined by the board of governors of the Office of the
3 State's Attorneys Appellate Prosecutor based on the
4 populations of the participating counties. If the appeal
5 is to be conducted by the Attorney General, then the
6 amount provided under this subsection shall be paid into
7 the Attorney General Whistleblower Reward and Protection
8 Fund in the State treasury to be used by the Attorney
9 General in accordance with law.

10 (4) An amount equal to 25% shall be paid into the State
11 Asset Forfeiture Fund in the State treasury to be used by
12 the Illinois Department of State Police for the funding of
13 the investigation of public corruption activities. Any
14 amounts remaining in the Fund after full funding of such
15 investigations shall be used by the Illinois State Police
16 ~~Department~~ in accordance with law to fund its other
17 enforcement activities.

18 (h) All moneys deposited pursuant to this Act in the State
19 Asset Forfeiture Fund shall, subject to appropriation, be used
20 by the Illinois Department of State Police in the manner set
21 forth in this Section. All moneys deposited pursuant to this
22 Act in the Attorney General Whistleblower Reward and
23 Protection Fund shall, subject to appropriation, be used by
24 the Attorney General for State law enforcement purposes and
25 for the performance of the duties of that office. All moneys
26 deposited pursuant to this Act in the State's Attorneys

1 Appellate Prosecutor Anti-Corruption Fund shall, subject to
2 appropriation, be used by the Office of the State's Attorneys
3 Appellate Prosecutor in the manner set forth in this Section.
4 (Source: P.A. 101-148, eff. 7-26-19.)

5 (5 ILCS 283/25)

6 Sec. 25. Distribution of proceeds of fines.

7 (a) The proceeds of all fines received under the
8 provisions of this Act shall be transmitted to and deposited
9 in the treasurer's office at the level of government as
10 follows:

11 (1) If the seizure was made by a combination of law
12 enforcement personnel representing differing units of
13 local government, the court levying the fine shall
14 equitably allocate 50% of the fine among these units of
15 local government and shall allocate 50% to the county
16 general corporate fund. In the event that the seizure was
17 made by law enforcement personnel representing a unit of
18 local government from a municipality where the number of
19 inhabitants exceeds 2 million, the court levying the fine
20 shall allocate 100% of the fine to that unit of local
21 government. If the seizure was made by a combination of
22 law enforcement personnel representing differing units of
23 local government, and at least one of those units
24 represents a municipality where the number of inhabitants
25 exceeds 2 million, the court shall equitably allocate 100%

1 of the proceeds of the fines received among the differing
2 units of local government.

3 (2) If such seizure was made by State law enforcement
4 personnel, then the court shall allocate 50% to the State
5 treasury and 50% to the county general corporate fund.

6 (3) If a State law enforcement agency in combination
7 with a law enforcement agency or agencies of a unit or
8 units of local government conducted the seizure, the court
9 shall equitably allocate 50% of the fines to or among the
10 law enforcement agency or agencies of the unit or units of
11 local government which conducted the seizure and shall
12 allocate 50% to the county general corporate fund.

13 (b) The proceeds of all fines allocated to the law
14 enforcement agency or agencies of the unit or units of local
15 government pursuant to subsection (a) shall be made available
16 to that law enforcement agency as expendable receipts for use
17 in the enforcement of laws regulating public corruption and
18 other laws. The proceeds of fines awarded to the State
19 treasury shall be deposited in the State Asset Forfeiture
20 Fund. Monies from this Fund may be used by the Illinois
21 ~~Department of~~ State Police in the enforcement of laws
22 regulating public corruption and other laws; and all other
23 monies shall be paid into the General Revenue Fund in the State
24 treasury.

25 (Source: P.A. 96-1019, eff. 1-1-11.)

1 Section 20. The Illinois Public Labor Relations Act is
2 amended by changing Sections 3, 6.1, and 9 as follows:

3 (5 ILCS 315/3) (from Ch. 48, par. 1603)

4 Sec. 3. Definitions. As used in this Act, unless the
5 context otherwise requires:

6 (a) "Board" means the Illinois Labor Relations Board or,
7 with respect to a matter over which the jurisdiction of the
8 Board is assigned to the State Panel or the Local Panel under
9 Section 5, the panel having jurisdiction over the matter.

10 (b) "Collective bargaining" means bargaining over terms
11 and conditions of employment, including hours, wages, and
12 other conditions of employment, as detailed in Section 7 and
13 which are not excluded by Section 4.

14 (c) "Confidential employee" means an employee who, in the
15 regular course of his or her duties, assists and acts in a
16 confidential capacity to persons who formulate, determine, and
17 effectuate management policies with regard to labor relations
18 or who, in the regular course of his or her duties, has
19 authorized access to information relating to the effectuation
20 or review of the employer's collective bargaining policies.

21 (d) "Craft employees" means skilled journeymen, crafts
22 persons, and their apprentices and helpers.

23 (e) "Essential services employees" means those public
24 employees performing functions so essential that the
25 interruption or termination of the function will constitute a

1 clear and present danger to the health and safety of the
2 persons in the affected community.

3 (f) "Exclusive representative", except with respect to
4 non-State fire fighters and paramedics employed by fire
5 departments and fire protection districts, non-State peace
6 officers, and peace officers in the Illinois ~~Department of~~
7 State Police, means the labor organization that has been (i)
8 designated by the Board as the representative of a majority of
9 public employees in an appropriate bargaining unit in
10 accordance with the procedures contained in this Act, (ii)
11 historically recognized by the State of Illinois or any
12 political subdivision of the State before July 1, 1984 (the
13 effective date of this Act) as the exclusive representative of
14 the employees in an appropriate bargaining unit, (iii) after
15 July 1, 1984 (the effective date of this Act) recognized by an
16 employer upon evidence, acceptable to the Board, that the
17 labor organization has been designated as the exclusive
18 representative by a majority of the employees in an
19 appropriate bargaining unit; (iv) recognized as the exclusive
20 representative of personal assistants under Executive Order
21 2003-8 prior to the effective date of this amendatory Act of
22 the 93rd General Assembly, and the organization shall be
23 considered to be the exclusive representative of the personal
24 assistants as defined in this Section; or (v) recognized as
25 the exclusive representative of child and day care home
26 providers, including licensed and license exempt providers,

1 pursuant to an election held under Executive Order 2005-1
2 prior to the effective date of this amendatory Act of the 94th
3 General Assembly, and the organization shall be considered to
4 be the exclusive representative of the child and day care home
5 providers as defined in this Section.

6 With respect to non-State fire fighters and paramedics
7 employed by fire departments and fire protection districts,
8 non-State peace officers, and peace officers in the Illinois
9 ~~Department of State Police~~, "exclusive representative" means
10 the labor organization that has been (i) designated by the
11 Board as the representative of a majority of peace officers or
12 fire fighters in an appropriate bargaining unit in accordance
13 with the procedures contained in this Act, (ii) historically
14 recognized by the State of Illinois or any political
15 subdivision of the State before January 1, 1986 (the effective
16 date of this amendatory Act of 1985) as the exclusive
17 representative by a majority of the peace officers or fire
18 fighters in an appropriate bargaining unit, or (iii) after
19 January 1, 1986 (the effective date of this amendatory Act of
20 1985) recognized by an employer upon evidence, acceptable to
21 the Board, that the labor organization has been designated as
22 the exclusive representative by a majority of the peace
23 officers or fire fighters in an appropriate bargaining unit.

24 Where a historical pattern of representation exists for
25 the workers of a water system that was owned by a public
26 utility, as defined in Section 3-105 of the Public Utilities

1 Act, prior to becoming certified employees of a municipality
2 or municipalities once the municipality or municipalities have
3 acquired the water system as authorized in Section 11-124-5 of
4 the Illinois Municipal Code, the Board shall find the labor
5 organization that has historically represented the workers to
6 be the exclusive representative under this Act, and shall find
7 the unit represented by the exclusive representative to be the
8 appropriate unit.

9 (g) "Fair share agreement" means an agreement between the
10 employer and an employee organization under which all or any
11 of the employees in a collective bargaining unit are required
12 to pay their proportionate share of the costs of the
13 collective bargaining process, contract administration, and
14 pursuing matters affecting wages, hours, and other conditions
15 of employment, but not to exceed the amount of dues uniformly
16 required of members. The amount certified by the exclusive
17 representative shall not include any fees for contributions
18 related to the election or support of any candidate for
19 political office. Nothing in this subsection (g) shall
20 preclude an employee from making voluntary political
21 contributions in conjunction with his or her fair share
22 payment.

23 (g-1) "Fire fighter" means, for the purposes of this Act
24 only, any person who has been or is hereafter appointed to a
25 fire department or fire protection district or employed by a
26 state university and sworn or commissioned to perform fire

1 fighter duties or paramedic duties, including paramedics
2 employed by a unit of local government, except that the
3 following persons are not included: part-time fire fighters,
4 auxiliary, reserve or voluntary fire fighters, including paid
5 on-call fire fighters, clerks and dispatchers or other
6 civilian employees of a fire department or fire protection
7 district who are not routinely expected to perform fire
8 fighter duties, or elected officials.

9 (g-2) "General Assembly of the State of Illinois" means
10 the legislative branch of the government of the State of
11 Illinois, as provided for under Article IV of the Constitution
12 of the State of Illinois, and includes but is not limited to
13 the House of Representatives, the Senate, the Speaker of the
14 House of Representatives, the Minority Leader of the House of
15 Representatives, the President of the Senate, the Minority
16 Leader of the Senate, the Joint Committee on Legislative
17 Support Services and any legislative support services agency
18 listed in the Legislative Commission Reorganization Act of
19 1984.

20 (h) "Governing body" means, in the case of the State, the
21 State Panel of the Illinois Labor Relations Board, the
22 Director of the Department of Central Management Services, and
23 the Director of the Department of Labor; the county board in
24 the case of a county; the corporate authorities in the case of
25 a municipality; and the appropriate body authorized to provide
26 for expenditures of its funds in the case of any other unit of

1 government.

2 (i) "Labor organization" means any organization in which
3 public employees participate and that exists for the purpose,
4 in whole or in part, of dealing with a public employer
5 concerning wages, hours, and other terms and conditions of
6 employment, including the settlement of grievances.

7 (i-5) "Legislative liaison" means a person who is an
8 employee of a State agency, the Attorney General, the
9 Secretary of State, the Comptroller, or the Treasurer, as the
10 case may be, and whose job duties require the person to
11 regularly communicate in the course of his or her employment
12 with any official or staff of the General Assembly of the State
13 of Illinois for the purpose of influencing any legislative
14 action.

15 (j) "Managerial employee" means an individual who is
16 engaged predominantly in executive and management functions
17 and is charged with the responsibility of directing the
18 effectuation of management policies and practices. With
19 respect only to State employees in positions under the
20 jurisdiction of the Attorney General, Secretary of State,
21 Comptroller, or Treasurer (i) that were certified in a
22 bargaining unit on or after December 2, 2008, (ii) for which a
23 petition is filed with the Illinois Public Labor Relations
24 Board on or after April 5, 2013 (the effective date of Public
25 Act 97-1172), or (iii) for which a petition is pending before
26 the Illinois Public Labor Relations Board on that date,

1 "managerial employee" means an individual who is engaged in
2 executive and management functions or who is charged with the
3 effectuation of management policies and practices or who
4 represents management interests by taking or recommending
5 discretionary actions that effectively control or implement
6 policy. Nothing in this definition prohibits an individual
7 from also meeting the definition of "supervisor" under
8 subsection (r) of this Section.

9 (k) "Peace officer" means, for the purposes of this Act
10 only, any persons who have been or are hereafter appointed to a
11 police force, department, or agency and sworn or commissioned
12 to perform police duties, except that the following persons
13 are not included: part-time police officers, special police
14 officers, auxiliary police as defined by Section 3.1-30-20 of
15 the Illinois Municipal Code, night watchmen, "merchant
16 police", court security officers as defined by Section
17 3-6012.1 of the Counties Code, temporary employees, traffic
18 guards or wardens, civilian parking meter and parking
19 facilities personnel or other individuals specially appointed
20 to aid or direct traffic at or near schools or public functions
21 or to aid in civil defense or disaster, parking enforcement
22 employees who are not commissioned as peace officers and who
23 are not armed and who are not routinely expected to effect
24 arrests, parking lot attendants, clerks and dispatchers or
25 other civilian employees of a police department who are not
26 routinely expected to effect arrests, or elected officials.

1 (1) "Person" includes one or more individuals, labor
2 organizations, public employees, associations, corporations,
3 legal representatives, trustees, trustees in bankruptcy,
4 receivers, or the State of Illinois or any political
5 subdivision of the State or governing body, but does not
6 include the General Assembly of the State of Illinois or any
7 individual employed by the General Assembly of the State of
8 Illinois.

9 (m) "Professional employee" means any employee engaged in
10 work predominantly intellectual and varied in character rather
11 than routine mental, manual, mechanical or physical work;
12 involving the consistent exercise of discretion and adjustment
13 in its performance; of such a character that the output
14 produced or the result accomplished cannot be standardized in
15 relation to a given period of time; and requiring advanced
16 knowledge in a field of science or learning customarily
17 acquired by a prolonged course of specialized intellectual
18 instruction and study in an institution of higher learning or
19 a hospital, as distinguished from a general academic education
20 or from apprenticeship or from training in the performance of
21 routine mental, manual, or physical processes; or any employee
22 who has completed the courses of specialized intellectual
23 instruction and study prescribed in this subsection (m) and is
24 performing related work under the supervision of a
25 professional person to qualify to become a professional
26 employee as defined in this subsection (m).

1 (n) "Public employee" or "employee", for the purposes of
2 this Act, means any individual employed by a public employer,
3 including (i) interns and residents at public hospitals, (ii)
4 as of the effective date of this amendatory Act of the 93rd
5 General Assembly, but not before, personal assistants working
6 under the Home Services Program under Section 3 of the
7 Rehabilitation of Persons with Disabilities Act, subject to
8 the limitations set forth in this Act and in the
9 Rehabilitation of Persons with Disabilities Act, (iii) as of
10 the effective date of this amendatory Act of the 94th General
11 Assembly, but not before, child and day care home providers
12 participating in the child care assistance program under
13 Section 9A-11 of the Illinois Public Aid Code, subject to the
14 limitations set forth in this Act and in Section 9A-11 of the
15 Illinois Public Aid Code, (iv) as of January 29, 2013 (the
16 effective date of Public Act 97-1158), but not before except
17 as otherwise provided in this subsection (n), home care and
18 home health workers who function as personal assistants and
19 individual maintenance home health workers and who also work
20 under the Home Services Program under Section 3 of the
21 Rehabilitation of Persons with Disabilities Act, no matter
22 whether the State provides those services through direct
23 fee-for-service arrangements, with the assistance of a managed
24 care organization or other intermediary, or otherwise, (v)
25 beginning on the effective date of this amendatory Act of the
26 98th General Assembly and notwithstanding any other provision

1 of this Act, any person employed by a public employer and who
2 is classified as or who holds the employment title of Chief
3 Stationary Engineer, Assistant Chief Stationary Engineer,
4 Sewage Plant Operator, Water Plant Operator, Stationary
5 Engineer, Plant Operating Engineer, and any other employee who
6 holds the position of: Civil Engineer V, Civil Engineer VI,
7 Civil Engineer VII, Technical Manager I, Technical Manager II,
8 Technical Manager III, Technical Manager IV, Technical Manager
9 V, Technical Manager VI, Realty Specialist III, Realty
10 Specialist IV, Realty Specialist V, Technical Advisor I,
11 Technical Advisor II, Technical Advisor III, Technical Advisor
12 IV, or Technical Advisor V employed by the Department of
13 Transportation who is in a position which is certified in a
14 bargaining unit on or before the effective date of this
15 amendatory Act of the 98th General Assembly, and (vi)
16 beginning on the effective date of this amendatory Act of the
17 98th General Assembly and notwithstanding any other provision
18 of this Act, any mental health administrator in the Department
19 of Corrections who is classified as or who holds the position
20 of Public Service Administrator (Option 8K), any employee of
21 the Office of the Inspector General in the Department of Human
22 Services who is classified as or who holds the position of
23 Public Service Administrator (Option 7), any Deputy of
24 Intelligence in the Department of Corrections who is
25 classified as or who holds the position of Public Service
26 Administrator (Option 7), and any employee of the Illinois

1 ~~Department of~~ State Police who handles issues concerning the
2 Illinois State Police Sex Offender Registry and who is
3 classified as or holds the position of Public Service
4 Administrator (Option 7), but excluding all of the following:
5 employees of the General Assembly of the State of Illinois;
6 elected officials; executive heads of a department; members of
7 boards or commissions; the Executive Inspectors General; any
8 special Executive Inspectors General; employees of each Office
9 of an Executive Inspector General; commissioners and employees
10 of the Executive Ethics Commission; the Auditor General's
11 Inspector General; employees of the Office of the Auditor
12 General's Inspector General; the Legislative Inspector
13 General; any special Legislative Inspectors General; employees
14 of the Office of the Legislative Inspector General;
15 commissioners and employees of the Legislative Ethics
16 Commission; employees of any agency, board or commission
17 created by this Act; employees appointed to State positions of
18 a temporary or emergency nature; all employees of school
19 districts and higher education institutions except
20 firefighters and peace officers employed by a state university
21 and except peace officers employed by a school district in its
22 own police department in existence on the effective date of
23 this amendatory Act of the 96th General Assembly; managerial
24 employees; short-term employees; legislative liaisons; a
25 person who is a State employee under the jurisdiction of the
26 Office of the Attorney General who is licensed to practice law

1 or whose position authorizes, either directly or indirectly,
2 meaningful input into government decision-making on issues
3 where there is room for principled disagreement on goals or
4 their implementation; a person who is a State employee under
5 the jurisdiction of the Office of the Comptroller who holds
6 the position of Public Service Administrator or whose position
7 is otherwise exempt under the Comptroller Merit Employment
8 Code; a person who is a State employee under the jurisdiction
9 of the Secretary of State who holds the position
10 classification of Executive I or higher, whose position
11 authorizes, either directly or indirectly, meaningful input
12 into government decision-making on issues where there is room
13 for principled disagreement on goals or their implementation,
14 or who is otherwise exempt under the Secretary of State Merit
15 Employment Code; employees in the Office of the Secretary of
16 State who are completely exempt from jurisdiction B of the
17 Secretary of State Merit Employment Code and who are in
18 Rutan-exempt positions on or after April 5, 2013 (the
19 effective date of Public Act 97-1172); a person who is a State
20 employee under the jurisdiction of the Treasurer who holds a
21 position that is exempt from the State Treasurer Employment
22 Code; any employee of a State agency who (i) holds the title or
23 position of, or exercises substantially similar duties as a
24 legislative liaison, Agency General Counsel, Agency Chief of
25 Staff, Agency Executive Director, Agency Deputy Director,
26 Agency Chief Fiscal Officer, Agency Human Resources Director,

1 Public Information Officer, or Chief Information Officer and
2 (ii) was neither included in a bargaining unit nor subject to
3 an active petition for certification in a bargaining unit; any
4 employee of a State agency who (i) is in a position that is
5 Rutan-exempt, as designated by the employer, and completely
6 exempt from jurisdiction B of the Personnel Code and (ii) was
7 neither included in a bargaining unit nor subject to an active
8 petition for certification in a bargaining unit; any term
9 appointed employee of a State agency pursuant to Section 8b.18
10 or 8b.19 of the Personnel Code who was neither included in a
11 bargaining unit nor subject to an active petition for
12 certification in a bargaining unit; any employment position
13 properly designated pursuant to Section 6.1 of this Act;
14 confidential employees; independent contractors; and
15 supervisors except as provided in this Act.

16 Home care and home health workers who function as personal
17 assistants and individual maintenance home health workers and
18 who also work under the Home Services Program under Section 3
19 of the Rehabilitation of Persons with Disabilities Act shall
20 not be considered public employees for any purposes not
21 specifically provided for in Public Act 93-204 or Public Act
22 97-1158, including but not limited to, purposes of vicarious
23 liability in tort and purposes of statutory retirement or
24 health insurance benefits. Home care and home health workers
25 who function as personal assistants and individual maintenance
26 home health workers and who also work under the Home Services

1 Program under Section 3 of the Rehabilitation of Persons with
2 Disabilities Act shall not be covered by the State Employees
3 Group Insurance Act of 1971 ~~(5 ILCS 375/)~~.

4 Child and day care home providers shall not be considered
5 public employees for any purposes not specifically provided
6 for in this amendatory Act of the 94th General Assembly,
7 including but not limited to, purposes of vicarious liability
8 in tort and purposes of statutory retirement or health
9 insurance benefits. Child and day care home providers shall
10 not be covered by the State Employees Group Insurance Act of
11 1971.

12 Notwithstanding Section 9, subsection (c), or any other
13 provisions of this Act, all peace officers above the rank of
14 captain in municipalities with more than 1,000,000 inhabitants
15 shall be excluded from this Act.

16 (o) Except as otherwise in subsection (o-5), "public
17 employer" or "employer" means the State of Illinois; any
18 political subdivision of the State, unit of local government
19 or school district; authorities including departments,
20 divisions, bureaus, boards, commissions, or other agencies of
21 the foregoing entities; and any person acting within the scope
22 of his or her authority, express or implied, on behalf of those
23 entities in dealing with its employees. As of the effective
24 date of the amendatory Act of the 93rd General Assembly, but
25 not before, the State of Illinois shall be considered the
26 employer of the personal assistants working under the Home

1 Services Program under Section 3 of the Rehabilitation of
2 Persons with Disabilities Act, subject to the limitations set
3 forth in this Act and in the Rehabilitation of Persons with
4 Disabilities Act. As of January 29, 2013 (the effective date
5 of Public Act 97-1158), but not before except as otherwise
6 provided in this subsection (o), the State shall be considered
7 the employer of home care and home health workers who function
8 as personal assistants and individual maintenance home health
9 workers and who also work under the Home Services Program
10 under Section 3 of the Rehabilitation of Persons with
11 Disabilities Act, no matter whether the State provides those
12 services through direct fee-for-service arrangements, with the
13 assistance of a managed care organization or other
14 intermediary, or otherwise, but subject to the limitations set
15 forth in this Act and the Rehabilitation of Persons with
16 Disabilities Act. The State shall not be considered to be the
17 employer of home care and home health workers who function as
18 personal assistants and individual maintenance home health
19 workers and who also work under the Home Services Program
20 under Section 3 of the Rehabilitation of Persons with
21 Disabilities Act, for any purposes not specifically provided
22 for in Public Act 93-204 or Public Act 97-1158, including but
23 not limited to, purposes of vicarious liability in tort and
24 purposes of statutory retirement or health insurance benefits.
25 Home care and home health workers who function as personal
26 assistants and individual maintenance home health workers and

1 who also work under the Home Services Program under Section 3
2 of the Rehabilitation of Persons with Disabilities Act shall
3 not be covered by the State Employees Group Insurance Act of
4 1971 ~~(5 ILCS 375/)~~. As of the effective date of this amendatory
5 Act of the 94th General Assembly but not before, the State of
6 Illinois shall be considered the employer of the day and child
7 care home providers participating in the child care assistance
8 program under Section 9A-11 of the Illinois Public Aid Code,
9 subject to the limitations set forth in this Act and in Section
10 9A-11 of the Illinois Public Aid Code. The State shall not be
11 considered to be the employer of child and day care home
12 providers for any purposes not specifically provided for in
13 this amendatory Act of the 94th General Assembly, including
14 but not limited to, purposes of vicarious liability in tort
15 and purposes of statutory retirement or health insurance
16 benefits. Child and day care home providers shall not be
17 covered by the State Employees Group Insurance Act of 1971.

18 "Public employer" or "employer" as used in this Act,
19 however, does not mean and shall not include the General
20 Assembly of the State of Illinois, the Executive Ethics
21 Commission, the Offices of the Executive Inspectors General,
22 the Legislative Ethics Commission, the Office of the
23 Legislative Inspector General, the Office of the Auditor
24 General's Inspector General, the Office of the Governor, the
25 Governor's Office of Management and Budget, the Illinois
26 Finance Authority, the Office of the Lieutenant Governor, the

1 State Board of Elections, and educational employers or
2 employers as defined in the Illinois Educational Labor
3 Relations Act, except with respect to a state university in
4 its employment of firefighters and peace officers and except
5 with respect to a school district in the employment of peace
6 officers in its own police department in existence on the
7 effective date of this amendatory Act of the 96th General
8 Assembly. County boards and county sheriffs shall be
9 designated as joint or co-employers of county peace officers
10 appointed under the authority of a county sheriff. Nothing in
11 this subsection (o) shall be construed to prevent the State
12 Panel or the Local Panel from determining that employers are
13 joint or co-employers.

14 (o-5) With respect to wages, fringe benefits, hours,
15 holidays, vacations, proficiency examinations, sick leave, and
16 other conditions of employment, the public employer of public
17 employees who are court reporters, as defined in the Court
18 Reporters Act, shall be determined as follows:

19 (1) For court reporters employed by the Cook County
20 Judicial Circuit, the chief judge of the Cook County
21 Circuit Court is the public employer and employer
22 representative.

23 (2) For court reporters employed by the 12th, 18th,
24 19th, and, on and after December 4, 2006, the 22nd
25 judicial circuits, a group consisting of the chief judges
26 of those circuits, acting jointly by majority vote, is the

1 public employer and employer representative.

2 (3) For court reporters employed by all other judicial
3 circuits, a group consisting of the chief judges of those
4 circuits, acting jointly by majority vote, is the public
5 employer and employer representative.

6 (p) "Security employee" means an employee who is
7 responsible for the supervision and control of inmates at
8 correctional facilities. The term also includes other
9 non-security employees in bargaining units having the majority
10 of employees being responsible for the supervision and control
11 of inmates at correctional facilities.

12 (q) "Short-term employee" means an employee who is
13 employed for less than 2 consecutive calendar quarters during
14 a calendar year and who does not have a reasonable assurance
15 that he or she will be rehired by the same employer for the
16 same service in a subsequent calendar year.

17 (q-5) "State agency" means an agency directly responsible
18 to the Governor, as defined in Section 3.1 of the Executive
19 Reorganization Implementation Act, and the Illinois Commerce
20 Commission, the Illinois Workers' Compensation Commission, the
21 Civil Service Commission, the Pollution Control Board, the
22 Illinois Racing Board, and the Illinois ~~Department of~~ State
23 Police Merit Board.

24 (r) "Supervisor" is:

25 (1) An employee whose principal work is substantially
26 different from that of his or her subordinates and who has

1 authority, in the interest of the employer, to hire,
2 transfer, suspend, lay off, recall, promote, discharge,
3 direct, reward, or discipline employees, to adjust their
4 grievances, or to effectively recommend any of those
5 actions, if the exercise of that authority is not of a
6 merely routine or clerical nature, but requires the
7 consistent use of independent judgment. Except with
8 respect to police employment, the term "supervisor"
9 includes only those individuals who devote a preponderance
10 of their employment time to exercising that authority,
11 State supervisors notwithstanding. Nothing in this
12 definition prohibits an individual from also meeting the
13 definition of "managerial employee" under subsection (j)
14 of this Section. In addition, in determining supervisory
15 status in police employment, rank shall not be
16 determinative. The Board shall consider, as evidence of
17 bargaining unit inclusion or exclusion, the common law
18 enforcement policies and relationships between police
19 officer ranks and certification under applicable civil
20 service law, ordinances, personnel codes, or Division 2.1
21 of Article 10 of the Illinois Municipal Code, but these
22 factors shall not be the sole or predominant factors
23 considered by the Board in determining police supervisory
24 status.

25 Notwithstanding the provisions of the preceding
26 paragraph, in determining supervisory status in fire

1 fighter employment, no fire fighter shall be excluded as a
2 supervisor who has established representation rights under
3 Section 9 of this Act. Further, in new fire fighter units,
4 employees shall consist of fire fighters of the rank of
5 company officer and below. If a company officer otherwise
6 qualifies as a supervisor under the preceding paragraph,
7 however, he or she shall not be included in the fire
8 fighter unit. If there is no rank between that of chief and
9 the highest company officer, the employer may designate a
10 position on each shift as a Shift Commander, and the
11 persons occupying those positions shall be supervisors.
12 All other ranks above that of company officer shall be
13 supervisors.

14 (2) With respect only to State employees in positions
15 under the jurisdiction of the Attorney General, Secretary
16 of State, Comptroller, or Treasurer (i) that were
17 certified in a bargaining unit on or after December 2,
18 2008, (ii) for which a petition is filed with the Illinois
19 Public Labor Relations Board on or after April 5, 2013
20 (the effective date of Public Act 97-1172), or (iii) for
21 which a petition is pending before the Illinois Public
22 Labor Relations Board on that date, an employee who
23 qualifies as a supervisor under (A) Section 152 of the
24 National Labor Relations Act and (B) orders of the
25 National Labor Relations Board interpreting that provision
26 or decisions of courts reviewing decisions of the National

1 Labor Relations Board.

2 (s) (1) "Unit" means a class of jobs or positions that are
3 held by employees whose collective interests may suitably be
4 represented by a labor organization for collective bargaining.
5 Except with respect to non-State fire fighters and paramedics
6 employed by fire departments and fire protection districts,
7 non-State peace officers, and peace officers in the Illinois
8 ~~Department of~~ State Police, a bargaining unit determined by
9 the Board shall not include both employees and supervisors, or
10 supervisors only, except as provided in paragraph (2) of this
11 subsection (s) and except for bargaining units in existence on
12 July 1, 1984 (the effective date of this Act). With respect to
13 non-State fire fighters and paramedics employed by fire
14 departments and fire protection districts, non-State peace
15 officers, and peace officers in the Illinois ~~Department of~~
16 State Police, a bargaining unit determined by the Board shall
17 not include both supervisors and nonsupervisors, or
18 supervisors only, except as provided in paragraph (2) of this
19 subsection (s) and except for bargaining units in existence on
20 January 1, 1986 (the effective date of this amendatory Act of
21 1985). A bargaining unit determined by the Board to contain
22 peace officers shall contain no employees other than peace
23 officers unless otherwise agreed to by the employer and the
24 labor organization or labor organizations involved.
25 Notwithstanding any other provision of this Act, a bargaining
26 unit, including a historical bargaining unit, containing sworn

1 peace officers of the Department of Natural Resources
2 (formerly designated the Department of Conservation) shall
3 contain no employees other than such sworn peace officers upon
4 the effective date of this amendatory Act of 1990 or upon the
5 expiration date of any collective bargaining agreement in
6 effect upon the effective date of this amendatory Act of 1990
7 covering both such sworn peace officers and other employees.

8 (2) Notwithstanding the exclusion of supervisors from
9 bargaining units as provided in paragraph (1) of this
10 subsection (s), a public employer may agree to permit its
11 supervisory employees to form bargaining units and may bargain
12 with those units. This Act shall apply if the public employer
13 chooses to bargain under this subsection.

14 (3) Public employees who are court reporters, as defined
15 in the Court Reporters Act, shall be divided into 3 units for
16 collective bargaining purposes. One unit shall be court
17 reporters employed by the Cook County Judicial Circuit; one
18 unit shall be court reporters employed by the 12th, 18th,
19 19th, and, on and after December 4, 2006, the 22nd judicial
20 circuits; and one unit shall be court reporters employed by
21 all other judicial circuits.

22 (t) "Active petition for certification in a bargaining
23 unit" means a petition for certification filed with the Board
24 under one of the following case numbers: S-RC-11-110;
25 S-RC-11-098; S-UC-11-080; S-RC-11-086; S-RC-11-074;
26 S-RC-11-076; S-RC-11-078; S-UC-11-052; S-UC-11-054;

1 S-RC-11-062; S-RC-11-060; S-RC-11-042; S-RC-11-014;
2 S-RC-11-016; S-RC-11-020; S-RC-11-030; S-RC-11-004;
3 S-RC-10-244; S-RC-10-228; S-RC-10-222; S-RC-10-220;
4 S-RC-10-214; S-RC-10-196; S-RC-10-194; S-RC-10-178;
5 S-RC-10-176; S-RC-10-162; S-RC-10-156; S-RC-10-088;
6 S-RC-10-074; S-RC-10-076; S-RC-10-078; S-RC-10-060;
7 S-RC-10-070; S-RC-10-044; S-RC-10-038; S-RC-10-040;
8 S-RC-10-042; S-RC-10-018; S-RC-10-024; S-RC-10-004;
9 S-RC-10-006; S-RC-10-008; S-RC-10-010; S-RC-10-012;
10 S-RC-09-202; S-RC-09-182; S-RC-09-180; S-RC-09-156;
11 S-UC-09-196; S-UC-09-182; S-RC-08-130; S-RC-07-110; or
12 S-RC-07-100.

13 (Source: P.A. 99-143, eff. 7-27-15; 100-1131, eff. 11-28-18.)

14 (5 ILCS 315/6.1)

15 Sec. 6.1. Gubernatorial designation of certain public
16 employment positions as excluded from collective bargaining.

17 (a) Notwithstanding any provision of this Act to the
18 contrary, except subsections (e) and (f) of this Section, the
19 Governor is authorized to designate up to 3,580 State
20 employment positions collectively within State agencies
21 directly responsible to the Governor, and, upon designation,
22 those positions and employees in those positions, if any, are
23 hereby excluded from the self-organization and collective
24 bargaining provisions of Section 6 of this Act. Only those
25 employment positions that have been certified in a bargaining

1 unit on or after December 2, 2008, that have a pending petition
2 for certification in a bargaining unit on April 5, 2013 (the
3 effective date of Public Act 97-1172), or that neither have
4 been certified in a bargaining unit on or after December 2,
5 2008 nor have a pending petition for certification in a
6 bargaining unit on the effective date of this amendatory Act
7 of the 97th General Assembly are eligible to be designated by
8 the Governor under this Section. The Governor may not
9 designate under this Section, however, more than 1,900
10 employment positions that have been certified in a bargaining
11 unit on or after December 2, 2008.

12 (b) In order to properly designate a State employment
13 position under this Section, the Governor shall provide in
14 writing to the Board: the job title and job duties of the
15 employment position; the name of the State employee currently
16 in the employment position, if any; the name of the State
17 agency employing the public employee; and the category under
18 which the position qualifies for designation under this
19 Section.

20 To qualify for designation under this Section, the
21 employment position must meet one or more of the following
22 requirements:

23 (1) it must authorize an employee in that position to
24 act as a legislative liaison;

25 (2) it must have a title of, or authorize a person who
26 holds that position to exercise substantially similar

1 duties as an, Agency General Counsel, Agency Chief of
2 Staff, Agency Executive Director, Agency Deputy Director,
3 Agency Chief Fiscal Officer, Agency Human Resources
4 Director, Senior Public Service Administrator, Public
5 Information Officer, or Chief Information Officer;

6 (3) it must be a Rutan-exempt, as designated by the
7 employer, position and completely exempt from jurisdiction
8 B of the Personnel Code;

9 (4) it must be a term appointed position pursuant to
10 Section 8b.18 or 8b.19 of the Personnel Code; or

11 (5) it must authorize an employee in that position to
12 have significant and independent discretionary authority
13 as an employee.

14 Within 60 days after the Governor makes a designation
15 under this Section, the Board shall determine, in a manner
16 that is consistent with the requirements of due process,
17 whether the designation comports with the requirements of this
18 Section.

19 (c) For the purposes of this Section, a person has
20 significant and independent discretionary authority as an
21 employee if he or she (i) is engaged in executive and
22 management functions of a State agency and charged with the
23 effectuation of management policies and practices of a State
24 agency or represents management interests by taking or
25 recommending discretionary actions that effectively control or
26 implement the policy of a State agency or (ii) qualifies as a

1 supervisor of a State agency as that term is defined under
2 Section 152 of the National Labor Relations Act or any orders
3 of the National Labor Relations Board interpreting that
4 provision or decisions of courts reviewing decisions of the
5 National Labor Relations Board.

6 (d) The Governor must exercise the authority afforded
7 under this Section within 365 calendar days after April 5,
8 2013 (the effective date of Public Act 97-1172). Any
9 designation made by the Governor under this Section shall be
10 presumed to have been properly made.

11 If the Governor chooses not to designate a position under
12 this Section, then that decision does not preclude a State
13 agency from otherwise challenging the certification of that
14 position under this Act.

15 The qualifying categories set forth in paragraphs (1)
16 through (5) of subsection (b) of this Section are operative
17 and function solely within this Section and do not expand or
18 restrict the scope of any other provision contained in this
19 Act.

20 (e) The provisions of this Section do not apply to any
21 employee who is employed by a public employer and who is
22 classified as, or holds the employment title of, Chief
23 Stationary Engineer, Assistant Chief Stationary Engineer,
24 Sewage Plant Operator, Water Plant Operator, Stationary
25 Engineer, Plant Operating Engineer, and any employee who holds
26 the position of: Civil Engineer V, Civil Engineer VI, Civil

1 Engineer VII, Technical Manager I, Technical Manager II,
2 Technical Manager III, Technical Manager IV, Technical Manager
3 V, Technical Manager VI, Realty Specialist III, Realty
4 Specialist IV, Realty Specialist V, Technical Advisor I,
5 Technical Advisor II, Technical Advisor III, Technical Advisor
6 IV, or Technical Advisor V employed by the Department of
7 Transportation who is in a position which is certified in a
8 bargaining unit on or before the effective date of this
9 amendatory Act of the 98th General Assembly.

10 (f) The provisions of this Section also do not apply to any
11 mental health administrator in the Department of Corrections
12 who is classified as or who holds the position of Public
13 Service Administrator (Option 8K), any employee of the Office
14 of the Inspector General in the Department of Human Services
15 who is classified as or who holds the position of Public
16 Service Administrator (Option 7), any Deputy of Intelligence
17 in the Department of Corrections who is classified as or who
18 holds the position of Public Service Administrator (Option 7),
19 or any employee of the Illinois ~~Department of~~ State Police who
20 handles issues concerning the Illinois State Police Sex
21 Offender Registry and who is classified as or holds the
22 position of Public Service Administrator (Option 7).

23 (Source: P.A. 97-1172, eff. 4-5-13; 98-100, eff. 7-19-13.)

24 (5 ILCS 315/9) (from Ch. 48, par. 1609)

25 Sec. 9. Elections; recognition.

1 (a) Whenever in accordance with such regulations as may be
2 prescribed by the Board a petition has been filed:

3 (1) by a public employee or group of public employees
4 or any labor organization acting in their behalf
5 demonstrating that 30% of the public employees in an
6 appropriate unit (A) wish to be represented for the
7 purposes of collective bargaining by a labor organization
8 as exclusive representative, or (B) asserting that the
9 labor organization which has been certified or is
10 currently recognized by the public employer as bargaining
11 representative is no longer the representative of the
12 majority of public employees in the unit; or

13 (2) by a public employer alleging that one or more
14 labor organizations have presented to it a claim that they
15 be recognized as the representative of a majority of the
16 public employees in an appropriate unit,

17 the Board shall investigate such petition, and if it has
18 reasonable cause to believe that a question of representation
19 exists, shall provide for an appropriate hearing upon due
20 notice. Such hearing shall be held at the offices of the Board
21 or such other location as the Board deems appropriate. If it
22 finds upon the record of the hearing that a question of
23 representation exists, it shall direct an election in
24 accordance with subsection (d) of this Section, which election
25 shall be held not later than 120 days after the date the
26 petition was filed regardless of whether that petition was

1 filed before or after the effective date of this amendatory
2 Act of 1987; provided, however, the Board may extend the time
3 for holding an election by an additional 60 days if, upon
4 motion by a person who has filed a petition under this Section
5 or is the subject of a petition filed under this Section and is
6 a party to such hearing, or upon the Board's own motion, the
7 Board finds that good cause has been shown for extending the
8 election date; provided further, that nothing in this Section
9 shall prohibit the Board, in its discretion, from extending
10 the time for holding an election for so long as may be
11 necessary under the circumstances, where the purpose for such
12 extension is to permit resolution by the Board of an unfair
13 labor practice charge filed by one of the parties to a
14 representational proceeding against the other based upon
15 conduct which may either affect the existence of a question
16 concerning representation or have a tendency to interfere with
17 a fair and free election, where the party filing the charge has
18 not filed a request to proceed with the election; and provided
19 further that prior to the expiration of the total time
20 allotted for holding an election, a person who has filed a
21 petition under this Section or is the subject of a petition
22 filed under this Section and is a party to such hearing or the
23 Board, may move for and obtain the entry of an order in the
24 circuit court of the county in which the majority of the public
25 employees sought to be represented by such person reside, such
26 order extending the date upon which the election shall be

1 held. Such order shall be issued by the circuit court only upon
2 a judicial finding that there has been a sufficient showing
3 that there is good cause to extend the election date beyond
4 such period and shall require the Board to hold the election as
5 soon as is feasible given the totality of the circumstances.
6 Such 120 day period may be extended one or more times by the
7 agreement of all parties to the hearing to a date certain
8 without the necessity of obtaining a court order. Nothing in
9 this Section prohibits the waiving of hearings by stipulation
10 for the purpose of a consent election in conformity with the
11 rules and regulations of the Board or an election in a unit
12 agreed upon by the parties. Other interested employee
13 organizations may intervene in the proceedings in the manner
14 and within the time period specified by rules and regulations
15 of the Board. Interested parties who are necessary to the
16 proceedings may also intervene in the proceedings in the
17 manner and within the time period specified by the rules and
18 regulations of the Board.

19 (a-5) The Board shall designate an exclusive
20 representative for purposes of collective bargaining when the
21 representative demonstrates a showing of majority interest by
22 employees in the unit. If the parties to a dispute are without
23 agreement on the means to ascertain the choice, if any, of
24 employee organization as their representative, the Board shall
25 ascertain the employees' choice of employee organization, on
26 the basis of dues deduction authorization or other evidence,

1 or, if necessary, by conducting an election. All evidence
2 submitted by an employee organization to the Board to
3 ascertain an employee's choice of an employee organization is
4 confidential and shall not be submitted to the employer for
5 review. The Board shall ascertain the employee's choice of
6 employee organization within 120 days after the filing of the
7 majority interest petition; however, the Board may extend time
8 by an additional 60 days, upon its own motion or upon the
9 motion of a party to the proceeding. If either party provides
10 to the Board, before the designation of a representative,
11 clear and convincing evidence that the dues deduction
12 authorizations, and other evidence upon which the Board would
13 otherwise rely to ascertain the employees' choice of
14 representative, are fraudulent or were obtained through
15 coercion, the Board shall promptly thereafter conduct an
16 election. The Board shall also investigate and consider a
17 party's allegations that the dues deduction authorizations and
18 other evidence submitted in support of a designation of
19 representative without an election were subsequently changed,
20 altered, withdrawn, or withheld as a result of employer fraud,
21 coercion, or any other unfair labor practice by the employer.
22 If the Board determines that a labor organization would have
23 had a majority interest but for an employer's fraud, coercion,
24 or unfair labor practice, it shall designate the labor
25 organization as an exclusive representative without conducting
26 an election. If a hearing is necessary to resolve any issues of

1 representation under this Section, the Board shall conclude
2 its hearing process and issue a certification of the entire
3 appropriate unit not later than 120 days after the date the
4 petition was filed. The 120-day period may be extended one or
5 more times by the agreement of all parties to a hearing to a
6 date certain.

7 (a-6) A labor organization or an employer may file a unit
8 clarification petition seeking to clarify an existing
9 bargaining unit. The Board shall conclude its investigation,
10 including any hearing process deemed necessary, and issue a
11 certification of clarified unit or dismiss the petition not
12 later than 120 days after the date the petition was filed. The
13 120-day period may be extended one or more times by the
14 agreement of all parties to a hearing to a date certain.

15 (b) The Board shall decide in each case, in order to assure
16 public employees the fullest freedom in exercising the rights
17 guaranteed by this Act, a unit appropriate for the purpose of
18 collective bargaining, based upon but not limited to such
19 factors as: historical pattern of recognition; community of
20 interest including employee skills and functions; degree of
21 functional integration; interchangeability and contact among
22 employees; fragmentation of employee groups; common
23 supervision, wages, hours and other working conditions of the
24 employees involved; and the desires of the employees. For
25 purposes of this subsection, fragmentation shall not be the
26 sole or predominant factor used by the Board in determining an

1 appropriate bargaining unit. Except with respect to non-State
2 fire fighters and paramedics employed by fire departments and
3 fire protection districts, non-State peace officers and peace
4 officers in the Illinois ~~State Department of~~ State Police, a
5 single bargaining unit determined by the Board may not include
6 both supervisors and nonsupervisors, except for bargaining
7 units in existence on the effective date of this Act. With
8 respect to non-State fire fighters and paramedics employed by
9 fire departments and fire protection districts, non-State
10 peace officers and peace officers in the Illinois ~~State~~
11 ~~Department of~~ State Police, a single bargaining unit
12 determined by the Board may not include both supervisors and
13 nonsupervisors, except for bargaining units in existence on
14 the effective date of this amendatory Act of 1985.

15 In cases involving an historical pattern of recognition,
16 and in cases where the employer has recognized the union as the
17 sole and exclusive bargaining agent for a specified existing
18 unit, the Board shall find the employees in the unit then
19 represented by the union pursuant to the recognition to be the
20 appropriate unit.

21 Notwithstanding the above factors, where the majority of
22 public employees of a craft so decide, the Board shall
23 designate such craft as a unit appropriate for the purposes of
24 collective bargaining.

25 The Board shall not decide that any unit is appropriate if
26 such unit includes both professional and nonprofessional

1 employees, unless a majority of each group votes for inclusion
2 in such unit.

3 (c) Nothing in this Act shall interfere with or negate the
4 current representation rights or patterns and practices of
5 labor organizations which have historically represented public
6 employees for the purpose of collective bargaining, including
7 but not limited to the negotiations of wages, hours and
8 working conditions, discussions of employees' grievances,
9 resolution of jurisdictional disputes, or the establishment
10 and maintenance of prevailing wage rates, unless a majority of
11 employees so represented express a contrary desire pursuant to
12 the procedures set forth in this Act.

13 (d) In instances where the employer does not voluntarily
14 recognize a labor organization as the exclusive bargaining
15 representative for a unit of employees, the Board shall
16 determine the majority representative of the public employees
17 in an appropriate collective bargaining unit by conducting a
18 secret ballot election, except as otherwise provided in
19 subsection (a-5). Within 7 days after the Board issues its
20 bargaining unit determination and direction of election or the
21 execution of a stipulation for the purpose of a consent
22 election, the public employer shall submit to the labor
23 organization the complete names and addresses of those
24 employees who are determined by the Board to be eligible to
25 participate in the election. When the Board has determined
26 that a labor organization has been fairly and freely chosen by

1 a majority of employees in an appropriate unit, it shall
2 certify such organization as the exclusive representative. If
3 the Board determines that a majority of employees in an
4 appropriate unit has fairly and freely chosen not to be
5 represented by a labor organization, it shall so certify. The
6 Board may also revoke the certification of the public employee
7 organizations as exclusive bargaining representatives which
8 have been found by a secret ballot election to be no longer the
9 majority representative.

10 (e) The Board shall not conduct an election in any
11 bargaining unit or any subdivision thereof within which a
12 valid election has been held in the preceding 12-month period.
13 The Board shall determine who is eligible to vote in an
14 election and shall establish rules governing the conduct of
15 the election or conduct affecting the results of the election.
16 The Board shall include on a ballot in a representation
17 election a choice of "no representation". A labor organization
18 currently representing the bargaining unit of employees shall
19 be placed on the ballot in any representation election. In any
20 election where none of the choices on the ballot receives a
21 majority, a runoff election shall be conducted between the 2
22 choices receiving the largest number of valid votes cast in
23 the election. A labor organization which receives a majority
24 of the votes cast in an election shall be certified by the
25 Board as exclusive representative of all public employees in
26 the unit.

1 (f) A labor organization shall be designated as the
2 exclusive representative by a public employer, provided that
3 the labor organization represents a majority of the public
4 employees in an appropriate unit. Any employee organization
5 which is designated or selected by the majority of public
6 employees, in a unit of the public employer having no other
7 recognized or certified representative, as their
8 representative for purposes of collective bargaining may
9 request recognition by the public employer in writing. The
10 public employer shall post such request for a period of at
11 least 20 days following its receipt thereof on bulletin boards
12 or other places used or reserved for employee notices.

13 (g) Within the 20-day period any other interested employee
14 organization may petition the Board in the manner specified by
15 rules and regulations of the Board, provided that such
16 interested employee organization has been designated by at
17 least 10% of the employees in an appropriate bargaining unit
18 which includes all or some of the employees in the unit
19 recognized by the employer. In such event, the Board shall
20 proceed with the petition in the same manner as provided by
21 paragraph (1) of subsection (a) of this Section.

22 (h) No election shall be directed by the Board in any
23 bargaining unit where there is in force a valid collective
24 bargaining agreement. The Board, however, may process an
25 election petition filed between 90 and 60 days prior to the
26 expiration of the date of an agreement, and may further

1 refine, by rule or decision, the implementation of this
2 provision. Where more than 4 years have elapsed since the
3 effective date of the agreement, the agreement shall continue
4 to bar an election, except that the Board may process an
5 election petition filed between 90 and 60 days prior to the end
6 of the fifth year of such an agreement, and between 90 and 60
7 days prior to the end of each successive year of such
8 agreement.

9 (i) An order of the Board dismissing a representation
10 petition, determining and certifying that a labor organization
11 has been fairly and freely chosen by a majority of employees in
12 an appropriate bargaining unit, determining and certifying
13 that a labor organization has not been fairly and freely
14 chosen by a majority of employees in the bargaining unit or
15 certifying a labor organization as the exclusive
16 representative of employees in an appropriate bargaining unit
17 because of a determination by the Board that the labor
18 organization is the historical bargaining representative of
19 employees in the bargaining unit, is a final order. Any person
20 aggrieved by any such order issued on or after the effective
21 date of this amendatory Act of 1987 may apply for and obtain
22 judicial review in accordance with provisions of the
23 Administrative Review Law, as now or hereafter amended, except
24 that such review shall be afforded directly in the Appellate
25 Court for the district in which the aggrieved party resides or
26 transacts business. Any direct appeal to the Appellate Court

1 shall be filed within 35 days from the date that a copy of the
2 decision sought to be reviewed was served upon the party
3 affected by the decision.

4 (Source: P.A. 95-331, eff. 8-21-07; 96-813, eff. 10-30-09.)

5 Section 25. The State Employee Indemnification Act is
6 amended by changing Section 1 as follows:

7 (5 ILCS 350/1) (from Ch. 127, par. 1301)

8 Sec. 1. Definitions. For the purpose of this Act:

9 (a) The term "State" means the State of Illinois, the
10 General Assembly, the court, or any State office, department,
11 division, bureau, board, commission, or committee, the
12 governing boards of the public institutions of higher
13 education created by the State, the Illinois National Guard,
14 the Illinois State Guard, the Comprehensive Health Insurance
15 Board, any poison control center designated under the Poison
16 Control System Act that receives State funding, or any other
17 agency or instrumentality of the State. It does not mean any
18 local public entity as that term is defined in Section 1-206 of
19 the Local Governmental and Governmental Employees Tort
20 Immunity Act or a pension fund.

21 (b) The term "employee" means: any present or former
22 elected or appointed officer, trustee or employee of the
23 State, or of a pension fund; any present or former
24 commissioner or employee of the Executive Ethics Commission or

1 of the Legislative Ethics Commission; any present or former
2 Executive, Legislative, or Auditor General's Inspector
3 General; any present or former employee of an Office of an
4 Executive, Legislative, or Auditor General's Inspector
5 General; any present or former member of the Illinois National
6 Guard while on active duty; any present or former member of the
7 Illinois State Guard while on State active duty; individuals
8 or organizations who contract with the Department of
9 Corrections, the Department of Juvenile Justice, the
10 Comprehensive Health Insurance Board, or the Department of
11 Veterans' Affairs to provide services; individuals or
12 organizations who contract with the Department of Human
13 Services (as successor to the Department of Mental Health and
14 Developmental Disabilities) to provide services including but
15 not limited to treatment and other services for sexually
16 violent persons; individuals or organizations who contract
17 with the Department of Military Affairs for youth programs;
18 individuals or organizations who contract to perform carnival
19 and amusement ride safety inspections for the Department of
20 Labor; individuals who contract with the Office of the State's
21 Attorneys Appellate Prosecutor to provide legal services, but
22 only when performing duties within the scope of the Office's
23 prosecutorial activities; individual representatives of or
24 designated organizations authorized to represent the Office of
25 State Long-Term Ombudsman for the Department on Aging;
26 individual representatives of or organizations designated by

1 the Department on Aging in the performance of their duties as
2 adult protective services agencies or regional administrative
3 agencies under the Adult Protective Services Act; individuals
4 or organizations appointed as members of a review team or the
5 Advisory Council under the Adult Protective Services Act;
6 individuals or organizations who perform volunteer services
7 for the State where such volunteer relationship is reduced to
8 writing; individuals who serve on any public entity (whether
9 created by law or administrative action) described in
10 paragraph (a) of this Section; individuals or not for profit
11 organizations who, either as volunteers, where such volunteer
12 relationship is reduced to writing, or pursuant to contract,
13 furnish professional advice or consultation to any agency or
14 instrumentality of the State; individuals who serve as foster
15 parents for the Department of Children and Family Services
16 when caring for youth in care as defined in Section 4d of the
17 Children and Family Services Act; individuals who serve as
18 members of an independent team of experts under the
19 Developmental Disability and Mental Health Safety Act (also
20 known as Brian's Law); and individuals who serve as
21 arbitrators pursuant to Part 10A of Article II of the Code of
22 Civil Procedure and the rules of the Supreme Court
23 implementing Part 10A, each as now or hereafter amended; the
24 term "employee" does not mean an independent contractor except
25 as provided in this Section. The term includes an individual
26 appointed as an inspector by the Director of the Illinois

1 State Police when performing duties within the scope of the
2 activities of a Metropolitan Enforcement Group or a law
3 enforcement organization established under the
4 Intergovernmental Cooperation Act. An individual who renders
5 professional advice and consultation to the State through an
6 organization which qualifies as an "employee" under the Act is
7 also an employee. The term includes the estate or personal
8 representative of an employee.

9 (c) The term "pension fund" means a retirement system or
10 pension fund created under the Illinois Pension Code.

11 (Source: P.A. 100-159, eff. 8-18-17; 100-1030, eff. 8-22-18;
12 101-81, eff. 7-12-19.)

13 Section 30. The State Services Assurance Act for FY2008 is
14 amended by changing Section 3-15 as follows:

15 (5 ILCS 382/3-15)

16 Sec. 3-15. Staffing standards. On or before July 1, 2008
17 each named agency shall increase and maintain the number of
18 bilingual on-board frontline staff over the levels that it
19 maintained on June 30, 2007 as follows:

20 (1) The Department of Corrections shall have at least
21 40 additional bilingual on-board frontline staff.

22 (2) Mental health and developmental centers operated
23 by the Department of Human Services shall have at least 20
24 additional bilingual on-board frontline staff.

1 (3) Family and Community Resource Centers operated by
2 the Department of Human Services shall have at least 100
3 additional bilingual on-board frontline staff.

4 (4) The Department of Children and Family Services
5 shall have at least 40 additional bilingual on-board
6 frontline staff.

7 (5) The Department of Veterans' ~~Veterans~~ Affairs shall
8 have at least 5 additional bilingual on-board frontline
9 staff.

10 (6) The Environmental Protection Agency shall have at
11 least 5 additional bilingual on-board frontline staff.

12 (7) The Department of Employment Security shall have
13 at least 10 additional bilingual on-board frontline staff.

14 (8) The Department of Natural Resources shall have at
15 least 5 additional bilingual on-board frontline staff.

16 (9) The Department of Public Health shall have at
17 least 5 additional bilingual on-board frontline staff.

18 (10) The Illinois ~~Department of~~ State Police shall
19 have at least 5 additional bilingual on-board frontline
20 staff.

21 (11) The Department of Juvenile Justice shall have at
22 least 25 additional bilingual on-board frontline staff.

23 (Source: P.A. 95-707, eff. 1-11-08; revised 9-19-16.)

24 Section 35. The State Officials and Employees Ethics Act
25 is amended by changing Sections 5-50 and 50-5 as follows:

1 (5 ILCS 430/5-50)

2 Sec. 5-50. Ex parte communications; special government
3 agents.

4 (a) This Section applies to ex parte communications made
5 to any agency listed in subsection (e).

6 (b) "Ex parte communication" means any written or oral
7 communication by any person that imparts or requests material
8 information or makes a material argument regarding potential
9 action concerning regulatory, quasi-adjudicatory, investment,
10 or licensing matters pending before or under consideration by
11 the agency. "Ex parte communication" does not include the
12 following: (i) statements by a person publicly made in a
13 public forum; (ii) statements regarding matters of procedure
14 and practice, such as format, the number of copies required,
15 the manner of filing, and the status of a matter; and (iii)
16 statements made by a State employee of the agency to the agency
17 head or other employees of that agency.

18 (b-5) An ex parte communication received by an agency,
19 agency head, or other agency employee from an interested party
20 or his or her official representative or attorney shall
21 promptly be memorialized and made a part of the record.

22 (c) An ex parte communication received by any agency,
23 agency head, or other agency employee, other than an ex parte
24 communication described in subsection (b-5), shall immediately
25 be reported to that agency's ethics officer by the recipient

1 of the communication and by any other employee of that agency
2 who responds to the communication. The ethics officer shall
3 require that the ex parte communication be promptly made a
4 part of the record. The ethics officer shall promptly file the
5 ex parte communication with the Executive Ethics Commission,
6 including all written communications, all written responses to
7 the communications, and a memorandum prepared by the ethics
8 officer stating the nature and substance of all oral
9 communications, the identity and job title of the person to
10 whom each communication was made, all responses made, the
11 identity and job title of the person making each response, the
12 identity of each person from whom the written or oral ex parte
13 communication was received, the individual or entity
14 represented by that person, any action the person requested or
15 recommended, and any other pertinent information. The
16 disclosure shall also contain the date of any ex parte
17 communication.

18 (d) "Interested party" means a person or entity whose
19 rights, privileges, or interests are the subject of or are
20 directly affected by a regulatory, quasi-adjudicatory,
21 investment, or licensing matter.

22 (e) This Section applies to the following agencies:

23 Executive Ethics Commission

24 Illinois Commerce Commission

25 Educational Labor Relations Board

26 State Board of Elections

1 Illinois Gaming Board
2 Health Facilities and Services Review Board
3 Illinois Workers' Compensation Commission
4 Illinois Labor Relations Board
5 Illinois Liquor Control Commission
6 Pollution Control Board
7 Property Tax Appeal Board
8 Illinois Racing Board
9 Illinois Purchased Care Review Board
10 Illinois ~~Department of~~ State Police Merit Board
11 Motor Vehicle Review Board
12 Prisoner Review Board
13 Civil Service Commission
14 Personnel Review Board for the Treasurer
15 Merit Commission for the Secretary of State
16 Merit Commission for the Office of the Comptroller
17 Court of Claims
18 Board of Review of the Department of Employment Security
19 Department of Insurance
20 Department of Professional Regulation and licensing boards
21 under the Department
22 Department of Public Health and licensing boards under the
23 Department
24 Office of Banks and Real Estate and licensing boards under
25 the Office
26 State Employees Retirement System Board of Trustees

1 Judges Retirement System Board of Trustees
2 General Assembly Retirement System Board of Trustees
3 Illinois Board of Investment
4 State Universities Retirement System Board of Trustees
5 Teachers Retirement System Officers Board of Trustees

6 (f) Any person who fails to (i) report an ex parte
7 communication to an ethics officer, (ii) make information part
8 of the record, or (iii) make a filing with the Executive Ethics
9 Commission as required by this Section or as required by
10 Section 5-165 of the Illinois Administrative Procedure Act
11 violates this Act.

12 (Source: P.A. 95-331, eff. 8-21-07; 96-31, eff. 6-30-09.)

13 (5 ILCS 430/50-5)

14 Sec. 50-5. Penalties.

15 (a) A person is guilty of a Class A misdemeanor if that
16 person intentionally violates any provision of Section 5-15,
17 5-30, 5-40, or 5-45 or Article 15.

18 (a-1) An ethics commission may levy an administrative fine
19 for a violation of Section 5-45 of this Act of up to 3 times
20 the total annual compensation that would have been obtained in
21 violation of Section 5-45.

22 (b) A person who intentionally violates any provision of
23 Section 5-20, 5-35, 5-50, or 5-55 is guilty of a business
24 offense subject to a fine of at least \$1,001 and up to \$5,000.

25 (c) A person who intentionally violates any provision of

1 Article 10 is guilty of a business offense and subject to a
2 fine of at least \$1,001 and up to \$5,000.

3 (d) Any person who intentionally makes a false report
4 alleging a violation of any provision of this Act to an ethics
5 commission, an inspector general, the Illinois State Police, a
6 State's Attorney, the Attorney General, or any other law
7 enforcement official is guilty of a Class A misdemeanor.

8 (e) An ethics commission may levy an administrative fine
9 of up to \$5,000 against any person who violates this Act, who
10 intentionally obstructs or interferes with an investigation
11 conducted under this Act by an inspector general, or who
12 intentionally makes a false, frivolous, or bad faith
13 allegation.

14 (f) In addition to any other penalty that may apply,
15 whether criminal or civil, a State employee who intentionally
16 violates any provision of Section 5-5, 5-15, 5-20, 5-30, 5-35,
17 5-45, or 5-50, Article 10, Article 15, or Section 20-90 or
18 25-90 is subject to discipline or discharge by the appropriate
19 ultimate jurisdictional authority.

20 (g) Any person who violates Section 5-65 is subject to a
21 fine of up to \$5,000 per offense, and is subject to discipline
22 or discharge by the appropriate ultimate jurisdictional
23 authority. Each violation of Section 5-65 is a separate
24 offense. Any penalty imposed by an ethics commission shall be
25 separate and distinct from any fines or penalties imposed by a
26 court of law or a State or federal agency.

1 (h) Any natural person or lobbying entity who
2 intentionally violates Section 4.7, paragraph (d) of Section
3 5, or subsection (a-5) of Section 11 of the Lobbyist
4 Registration Act is guilty of a business offense and shall be
5 subject to a fine of up to \$5,000. The Executive Ethics
6 Commission, after the adjudication of a violation of Section
7 4.7 of the Lobbyist Registration Act for which an
8 investigation was initiated by the Inspector General appointed
9 by the Secretary of State under Section 14 of the Secretary of
10 State Act, is authorized to strike or suspend the registration
11 under the Lobbyist Registration Act of any person or lobbying
12 entity for which that person is employed for a period of up to
13 3 years. In addition to any other fine or penalty which may be
14 imposed, the Executive Ethics Commission may also levy an
15 administrative fine of up to \$5,000 for a violation specified
16 under this subsection (h). Any penalty imposed by an ethics
17 commission shall be separate and distinct from any fines or
18 penalties imposed by a court of law or by the Secretary of
19 State under the Lobbyist Registration Act.

20 (Source: P.A. 100-554, eff. 11-16-17; 100-588, eff. 6-8-18.)

21 Section 40. The Flag Display Act is amended by changing
22 Section 10 as follows:

23 (5 ILCS 465/10)

24 Sec. 10. Death of resident military member, law

1 enforcement officer, firefighter, or members of EMS crews.

2 (a) The Governor shall issue an official notice to fly the
3 following flags at half-staff upon the death of a resident of
4 this State killed (i) by hostile fire as a member of the United
5 States armed forces, (ii) in the line of duty as a law
6 enforcement officer, (iii) in the line of duty as a
7 firefighter, (iv) in the line of duty as a member of an
8 Emergency Medical Services (EMS) crew, or (v) during on duty
9 training for active military duty: the United States national
10 flag, the State flag of Illinois, and, in the case of the death
11 of the member of the United States armed forces, the
12 appropriate military flag as defined in subsection (b) of
13 Section 18.6 of the Condominium Property Act. Upon the
14 Governor's notice, each person or entity required by this Act
15 to ensure the display of the United States national flag on a
16 flagstaff shall ensure that the flags described in the notice
17 are displayed at half-staff on the day designated for the
18 resident's funeral and the 2 days preceding that day.

19 (b) The Department of Veterans' Affairs shall notify the
20 Governor of the death by hostile fire of an Illinois resident
21 member of the United States armed forces. In lieu of notice
22 being provided by the Department of Veterans' Affairs, any
23 other State or Federal entity, agency, or person holding such
24 information may notify the Governor of the death by hostile
25 fire of an Illinois resident member of the United States armed
26 forces. If such notice is provided to the Governor by an

1 entity, agency, or person other than the Department of
2 Veterans' Affairs, then the obligation to notify the Governor
3 of an Illinois resident soldier's death under this subsection
4 (b) shall be considered fulfilled. The Illinois ~~Department of~~
5 State Police shall notify the Governor of the death in the line
6 of duty of an Illinois resident law enforcement officer. The
7 Office of the State Fire Marshal shall notify the Governor of
8 the death in the line of duty of an Illinois resident
9 firefighter. The Department of Public Health shall notify the
10 Governor of the death in the line of duty of an Illinois
11 resident member of an Emergency Medical Services (EMS) crew.
12 Notice to the Governor shall include at least the resident's
13 name and Illinois address, the date designated for the
14 funeral, and the circumstances of the death.

15 (c) For the purpose of this Section, the United States
16 armed forces includes: (i) the United States Army, Navy,
17 Marine Corps, Air Force, and Coast Guard; (ii) any reserve
18 component of each of the forces listed in item (i); and (iii)
19 the National Guard.

20 (d) Nothing in this Section requires the removal or
21 relocation of any existing flags currently displayed in the
22 State. This Section does not apply to a State facility if the
23 requirements of this Section cannot be satisfied without a
24 physical modification to that facility.

25 (Source: P.A. 99-372, eff. 1-1-16; 100-33, eff. 1-1-18;
26 100-201, eff. 8-18-17.)

1 Section 50. The Seizure and Forfeiture Reporting Act is
2 amended by changing Sections 10 and 15 as follows:

3 (5 ILCS 810/10)

4 Sec. 10. Reporting by law enforcement agency.

5 (a) Each law enforcement agency that seizes property
6 subject to reporting under this Act shall report the following
7 information about property seized or forfeited under State
8 law:

9 (1) the name of the law enforcement agency that seized
10 the property;

11 (2) the date of the seizure;

12 (3) the type of property seized, including a building,
13 vehicle, boat, cash, negotiable security, or firearm,
14 except reporting is not required for seizures of
15 contraband including alcohol, gambling devices, drug
16 paraphernalia, and controlled substances;

17 (4) a description of the property seized and the
18 estimated value of the property and if the property is a
19 conveyance, the description shall include the make, model,
20 year, and vehicle identification number or serial number;
21 and

22 (5) the location where the seizure occurred.

23 The filing requirement shall be met upon filing Illinois
24 State Police Notice/Inventory of Seized Property (Form 4-64)

1 with the State's Attorney's Office in the county where the
2 forfeiture action is being commenced or with the Attorney
3 General's Office if the forfeiture action is being commenced
4 by that office, and the forwarding of Form 4-64 upon approval
5 of the State's Attorney's Office or the Attorney General's
6 Office to the Illinois ~~Department of~~ State Police Asset
7 Forfeiture Section. With regard to seizures for which Form
8 4-64 is not required to be filed, the filing requirement shall
9 be met by the filing of an annual summary report with the
10 Illinois ~~Department of~~ State Police no later than 60 days
11 after December 31 of that year.

12 (b) Each law enforcement agency, including a drug task
13 force or Metropolitan Enforcement Group (MEG) unit, that
14 receives proceeds from forfeitures subject to reporting under
15 this Act shall file an annual report with the Illinois
16 ~~Department of~~ State Police no later than 60 days after
17 December 31 of that year. The format of the report shall be
18 developed by the Illinois ~~Department of~~ State Police and shall
19 be completed by the law enforcement agency. The report shall
20 include, at a minimum, the amount of funds and other property
21 distributed to the law enforcement agency by the Illinois
22 ~~Department of~~ State Police, the amount of funds expended by
23 the law enforcement agency, and the category of expenditure,
24 including:

25 (1) crime, gang, or abuse prevention or intervention
26 programs;

- 1 (2) compensation or services for crime victims;
- 2 (3) witness protection, informant fees, and controlled
3 purchases of contraband;
- 4 (4) salaries, overtime, and benefits, as permitted by
5 law;
- 6 (5) operating expenses, including but not limited to,
7 capital expenditures for vehicles, firearms, equipment,
8 computers, furniture, office supplies, postage, printing,
9 membership fees paid to trade associations, and fees for
10 professional services including auditing, court reporting,
11 expert witnesses, and attorneys;
- 12 (6) travel, meals, entertainment, conferences,
13 training, and continuing education seminars; and
- 14 (7) other expenditures of forfeiture proceeds.

15 (c) The Illinois ~~Department of~~ State Police shall
16 establish and maintain on its official website a public
17 database that includes annual aggregate data for each law
18 enforcement agency that reports seizures of property under
19 subsection (a) of this Section, that receives distributions of
20 forfeiture proceeds subject to reporting under this Act, or
21 reports expenditures under subsection (b) of this Section.
22 This aggregate data shall include, for each law enforcement
23 agency:

- 24 (1) the total number of asset seizures reported by
25 each law enforcement agency during the calendar year;
- 26 (2) the monetary value of all currency or its

1 equivalent seized by the law enforcement agency during the
2 calendar year;

3 (3) the number of conveyances seized by the law
4 enforcement agency during the calendar year, and the
5 aggregate estimated value;

6 (4) the aggregate estimated value of all other
7 property seized by the law enforcement agency during the
8 calendar year;

9 (5) the monetary value of distributions by the
10 Illinois ~~Department of~~ State Police of forfeited currency
11 or auction proceeds from forfeited property to the law
12 enforcement agency during the calendar year; and

13 (6) the total amount of the law enforcement agency's
14 expenditures of forfeiture proceeds during the calendar
15 year, categorized as provided under subsection (b) of this
16 Section.

17 The database shall not provide names, addresses, phone
18 numbers, or other personally identifying information of owners
19 or interest holders, persons, business entities, covert office
20 locations, or business entities involved in the forfeiture
21 action and shall not disclose the vehicle identification
22 number or serial number of any conveyance.

23 (d) The Illinois ~~Department of~~ State Police shall adopt
24 rules to administer the asset forfeiture program, including
25 the categories of authorized expenditures consistent with the
26 statutory guidelines for each of the included forfeiture

1 statutes, the use of forfeited funds, other expenditure
2 requirements, and the reporting of seizure and forfeiture
3 information. The Illinois State Police ~~Department~~ may adopt
4 rules necessary to implement this Act through the use of
5 emergency rulemaking under Section 5-45 of the Illinois
6 Administrative Procedure Act for a period not to exceed 180
7 days after the effective date of this Act.

8 (e) The Illinois ~~Department~~ of State Police shall have
9 authority and oversight over all law enforcement agencies
10 receiving forfeited funds from the Illinois State Police
11 ~~Department~~. This authority shall include enforcement of rules
12 and regulations adopted by the Illinois State Police
13 ~~Department~~ and sanctions for violations of any rules and
14 regulations, including the withholding of distributions of
15 forfeiture proceeds from the law enforcement agency in
16 violation.

17 (f) Upon application by a law enforcement agency to the
18 Illinois ~~Department~~ of State Police, the reporting of a
19 particular asset forfeited under this Section may be delayed
20 if the asset in question was seized from a person who has
21 become a confidential informant under the agency's
22 confidential informant policy, or if the asset was seized as
23 part of an ongoing investigation. This delayed reporting shall
24 be granted by the Illinois ~~Department~~ of State Police for a
25 maximum period of 6 months if the confidential informant is
26 still providing cooperation to law enforcement or the

1 investigation is still ongoing, after which the asset shall be
2 reported as required under this Act.

3 (g) The Illinois ~~Department of~~ State Police shall, on or
4 before January 1, 2019, establish and implement the
5 requirements of this Act. In order to implement the reporting
6 and public database requirements under this Act, the Illinois
7 ~~Department of~~ State Police Asset Forfeiture Section requires a
8 one-time upgrade of its information technology software and
9 hardware. This one-time upgrade shall be funded by a temporary
10 allocation of 5% of all forfeited currency and 5% of the
11 auction proceeds from each forfeited asset, which are to be
12 distributed after the effective date of this Act. The Illinois
13 ~~Department of~~ State Police shall transfer these funds at the
14 time of distribution to a separate fund established by the
15 Illinois ~~Department of~~ State Police. Moneys deposited in this
16 fund shall be accounted for and shall be used only to pay for
17 the actual one-time cost of purchasing and installing the
18 hardware and software required to comply with this new
19 reporting and public database requirement. Moneys deposited in
20 the fund shall not be subject to reappropriation,
21 reallocation, or redistribution for any other purpose. After
22 sufficient funds are transferred to the fund to cover the
23 actual one-time cost of purchasing and installing the hardware
24 and software required to comply with this new reporting and
25 public database requirement, no additional funds shall be
26 transferred to the fund for any purpose. At the completion of

1 the one-time upgrade of the information technology hardware
2 and software to comply with this new reporting and public
3 database requirement, any remaining funds in the fund shall be
4 returned to the participating agencies under the distribution
5 requirements of the statutes from which the funds were
6 transferred, and the fund shall no longer exist.

7 (h) (1) The Illinois ~~Department of~~ State Police, in
8 consultation with and subject to the approval of the Chief
9 Procurement Officer, may procure a single contract or multiple
10 contracts to implement this Act.

11 (2) A contract or contracts under this subsection (h) are
12 not subject to the Illinois Procurement Code, except for
13 Sections 20-60, 20-65, 20-70, and 20-160 and Article 50 of
14 that Code, provided that the Chief Procurement Officer may, in
15 writing with justification, waive any certification required
16 under Article 50 of the Illinois Procurement Code. The
17 provisions of this paragraph (2), other than this sentence,
18 are inoperative on and after July 1, 2019.

19 (Source: P.A. 100-512, eff. 7-1-18; 100-699, eff. 8-3-18.)

20 (5 ILCS 810/15)

21 Sec. 15. Fund audits.

22 (a) The Auditor General shall conduct, as a part of its
23 2-year compliance audit, an audit of the State Asset
24 Forfeiture Fund for compliance with the requirements of this
25 Act. The audit shall include, but not be limited to, the

1 following determinations:

2 (1) if detailed records of all receipts and
3 disbursements from the State Asset Forfeiture Fund are
4 being maintained;

5 (2) if administrative costs charged to the fund are
6 adequately documented and are reasonable; and

7 (3) if the procedures for making disbursements under
8 the Act are adequate.

9 (b) The Illinois ~~Department of~~ State Police, and any other
10 entity or person that may have information relevant to the
11 audit, shall cooperate fully and promptly with the Office of
12 the Auditor General in conducting the audit. The Auditor
13 General shall begin the audit during the next regular 2-year
14 compliance audit of the Illinois ~~Department of~~ State Police
15 and distribute the report upon completion under Section 3-14
16 of the Illinois State Auditing Act.

17 (Source: P.A. 100-512, eff. 7-1-18; 100-699, eff. 8-3-18.)

18 Section 55. The Law Enforcement Criminal Sexual Assault
19 Investigation Act is amended by changing Section 10 as
20 follows:

21 (5 ILCS 815/10)

22 Sec. 10. Investigation of officer-involved criminal
23 assault; requirements.

24 (a) Each law enforcement agency shall have a written

1 policy regarding the investigation of officer-involved
2 criminal sexual assault that involves a law enforcement
3 officer employed by that law enforcement agency.

4 (b) Each officer-involved criminal sexual assault
5 investigation shall be conducted by at least 2 investigators
6 or an entity comprised of at least 2 investigators, one of whom
7 shall be the lead investigator. The investigators shall have
8 completed a specialized sexual assault and sexual abuse
9 investigation training program approved by the Illinois Law
10 Enforcement Training Standards Board or similar training
11 approved by the Illinois ~~Department of~~ State Police. No
12 investigator involved in the investigation may be employed by
13 the law enforcement agency that employs the officer involved
14 in the officer-involved criminal sexual assault, unless the
15 investigator is employed by the Illinois ~~Department of~~ State
16 Police or a municipality with a population over 1,000,000 and
17 is not assigned to the same division or unit as the officer
18 involved in the criminal sexual assault.

19 (c) Upon receipt of an allegation or complaint of an
20 officer-involved criminal sexual assault, a municipality with
21 a population over 1,000,000 shall promptly notify an
22 independent agency, created by ordinance of the municipality,
23 tasked with investigating incidents of police misconduct.

24 (Source: P.A. 100-515, eff. 1-1-18.)

25 Section 60. The Community-Law Enforcement Partnership for

1 Deflection and Substance Use Disorder Treatment Act is amended
2 by changing Section 10 as follows:

3 (5 ILCS 820/10)

4 Sec. 10. Definitions. In this Act:

5 "Case management" means those services which will assist
6 persons in gaining access to needed social, educational,
7 medical, substance use and mental health treatment, and other
8 services.

9 "Community member or organization" means an individual
10 volunteer, resident, public office, or a not-for-profit
11 organization, religious institution, charitable organization,
12 or other public body committed to the improvement of
13 individual and family mental and physical well-being and the
14 overall social welfare of the community, and may include
15 persons with lived experience in recovery from substance use
16 disorder, either themselves or as family members.

17 "Deflection program" means a program in which a peace
18 officer or member of a law enforcement agency facilitates
19 contact between an individual and a licensed substance use
20 treatment provider or clinician for assessment and
21 coordination of treatment planning. This facilitation includes
22 defined criteria for eligibility and communication protocols
23 agreed to by the law enforcement agency and the licensed
24 treatment provider for the purpose of providing substance use
25 treatment to those persons in lieu of arrest or further

1 justice system involvement. Deflection programs may include,
2 but are not limited to, the following types of responses:

3 (1) a post-overdose deflection response initiated by a
4 peace officer or law enforcement agency subsequent to
5 emergency administration of medication to reverse an
6 overdose, or in cases of severe substance use disorder
7 with acute risk for overdose;

8 (2) a self-referral deflection response initiated by
9 an individual by contacting a peace officer or law
10 enforcement agency in the acknowledgment of their
11 substance use or disorder;

12 (3) an active outreach deflection response initiated
13 by a peace officer or law enforcement agency as a result of
14 proactive identification of persons thought likely to have
15 a substance use disorder;

16 (4) an officer prevention deflection response
17 initiated by a peace officer or law enforcement agency in
18 response to a community call when no criminal charges are
19 present; and

20 (5) an officer intervention deflection response when
21 criminal charges are present but held in abeyance pending
22 engagement with treatment.

23 "Law enforcement agency" means a municipal police
24 department or county sheriff's office of this State, the
25 Illinois Department of State Police, or other law enforcement
26 agency whose officers, by statute, are granted and authorized

1 to exercise powers similar to those conferred upon any peace
2 officer employed by a law enforcement agency of this State.

3 "Licensed treatment provider" means an organization
4 licensed by the Department of Human Services to perform an
5 activity or service, or a coordinated range of those
6 activities or services, as the Department of Human Services
7 may establish by rule, such as the broad range of emergency,
8 outpatient, intensive outpatient, and residential services and
9 care, including assessment, diagnosis, case management,
10 medical, psychiatric, psychological and social services,
11 medication-assisted treatment, care and counseling, and
12 recovery support, which may be extended to persons to assess
13 or treat substance use disorder or to families of those
14 persons.

15 "Peace officer" means any peace officer or member of any
16 duly organized State, county, or municipal peace officer unit,
17 any police force of another State, or any police force whose
18 members, by statute, are granted and authorized to exercise
19 powers similar to those conferred upon any peace officer
20 employed by a law enforcement agency of this State.

21 "Substance use disorder" means a pattern of use of alcohol
22 or other drugs leading to clinical or functional impairment,
23 in accordance with the definition in the Diagnostic and
24 Statistical Manual of Mental Disorders (DSM-5), or in any
25 subsequent editions.

26 "Treatment" means the broad range of emergency,

1 outpatient, intensive outpatient, and residential services and
2 care (including assessment, diagnosis, case management,
3 medical, psychiatric, psychological and social services,
4 medication-assisted treatment, care and counseling, and
5 recovery support) which may be extended to persons who have
6 substance use disorders, persons with mental illness, or
7 families of those persons.

8 (Source: P.A. 100-1025, eff. 1-1-19.)

9 Section 65. The Gun Trafficking Information Act is amended
10 by changing Section 10-5 as follows:

11 (5 ILCS 830/10-5)

12 Sec. 10-5. Gun trafficking information.

13 (a) The Illinois ~~Department of~~ State Police shall use all
14 reasonable efforts in making publicly available, on a regular
15 and ongoing basis, key information related to firearms used in
16 the commission of crimes in this State, including, but not
17 limited to: reports on crimes committed with firearms,
18 locations where the crimes occurred, the number of persons
19 killed or injured in the commission of the crimes, the state
20 where the firearms used originated, the Federal Firearms
21 Licensee that sold the firearm, and the type of firearms used.
22 The Illinois State Police ~~Department~~ shall make the
23 information available on its website, in addition to
24 electronically filing a report with the Governor and the

1 General Assembly. The report to the General Assembly shall be
2 filed with the Clerk of the House of Representatives and the
3 Secretary of the Senate in electronic form only, in the manner
4 that the Clerk and the Secretary shall direct.

5 (b) The Illinois State Police ~~Department~~ shall study, on a
6 regular and ongoing basis, and compile reports on the number
7 of Firearm Owner's Identification Card checks to determine
8 firearms trafficking or straw purchase patterns. The Illinois
9 State Police ~~Department~~ shall, to the extent not inconsistent
10 with law, share such reports and underlying data with academic
11 centers, foundations, and law enforcement agencies studying
12 firearms trafficking, provided that personally identifying
13 information is protected. For purposes of this subsection (b),
14 a Firearm Owner's Identification Card number is not personally
15 identifying information, provided that no other personal
16 information of the card holder is attached to the record. The
17 Illinois State Police ~~Department~~ may create and attach an
18 alternate unique identifying number to each Firearm Owner's
19 Identification Card number, instead of releasing the Firearm
20 Owner's Identification Card number itself.

21 (c) Each department, office, division, and agency of this
22 State shall, to the extent not inconsistent with law,
23 cooperate fully with the Illinois State Police ~~Department~~ and
24 furnish the Illinois State Police ~~Department~~ with all relevant
25 information and assistance on a timely basis as is necessary
26 to accomplish the purpose of this Act. The Illinois Criminal

1 Justice Information Authority shall submit the information
2 required in subsection (a) of this Section to the Illinois
3 ~~Department of State Police~~, and any other information as the
4 Illinois State Police ~~Department~~ may request, to assist the
5 Illinois State Police ~~Department~~ in carrying out its duties
6 under this Act.

7 (Source: P.A. 100-1178, eff. 1-18-19.)

8 Section 70. The Keep Illinois Families Together Act is
9 amended by changing Section 5 as follows:

10 (5 ILCS 835/5)

11 Sec. 5. Public safety.

12 (a) In this Section:

13 "Law enforcement agency" means an agency in this State
14 charged with enforcement of State, county, or municipal laws
15 or with managing custody of detained persons in the State,
16 including municipal police departments, sheriff's departments,
17 campus police departments, the Illinois ~~Department of State~~
18 Police, and the Department of Juvenile Justice.

19 "Law enforcement official" means any officer or other
20 agent of a State or local law enforcement agency authorized to
21 enforce criminal laws, rules, regulations, or local ordinances
22 or operate jails, correctional facilities, or juvenile
23 detention facilities or to maintain custody of individuals in
24 jails, correctional facilities, or juvenile detention

1 facilities also including any school resource officer or other
2 police or security officer assigned to any public school,
3 including any public pre-school and other early learning
4 program, public elementary and secondary school, or public
5 institution of higher education.

6 (b) On or after the effective date of this Act, no law
7 enforcement agency or official may enter into or remain in an
8 agreement with U.S. Immigration and Customs Enforcement under
9 a federal 287(g) program.

10 (c) Nothing in this Section shall preclude a law
11 enforcement official from otherwise executing that official's
12 duties in ensuring public safety.

13 (Source: P.A. 101-19, eff. 6-21-19.)

14 Section 72. The First Responders Suicide Prevention Act is
15 amended by changing Section 30 as follows:

16 (5 ILCS 840/30)

17 Sec. 30. First Responders Suicide Task Force.

18 (a) The First Responders Suicide Task Force is created to
19 pursue recommendations to help reduce the risk and rates of
20 suicide among first responders, along with developing a
21 mechanism to help reduce the risk and rates of suicide among
22 first responders. The Task Force shall be composed of the
23 following members:

24 (1) the Director of the Illinois State Police or his

1 or her designee;

2 (2) the Director of Public Health or his or her
3 designee;

4 (3) 2 members of the House of Representatives
5 appointed by the Speaker of the House of Representatives,
6 one of whom shall serve as co-chair;

7 (4) 2 members of the House of Representatives
8 appointed by the Minority Leader of the House of
9 Representatives;

10 (5) 2 members of the Senate appointed by the President
11 of the Senate, one of whom shall serve as co-chair;

12 (6) 2 members of the Senate appointed by the Minority
13 Leader of the Senate;

14 (7) 2 members who represent 2 different mental health
15 organizations, one appointed by the Minority Leader of the
16 House of Representatives and one appointed by the Minority
17 Leader of the Senate;

18 (8) one member who represents an organization that
19 advocates on behalf of police appointed by the Speaker of
20 the House of Representatives;

21 (9) one member who represents the Chicago Police
22 Department appointed by the Minority Leader of the House
23 of Representatives;

24 (10) 2 members who represent organizations that
25 advocate on behalf of firefighters appointed by the
26 President of the Senate;

1 (11) one member who represents the Chicago Fire
2 Department appointed by the Minority Leader of the Senate;
3 and

4 (12) one member who represents an organization that
5 advocates on behalf of sheriffs in the State of Illinois
6 appointed by the President of the Senate.

7 (b) Members of the Task Force shall be appointed within 30
8 days after the effective date of this Act and shall serve
9 without compensation. The Task Force shall begin meeting no
10 later than 30 days after all members have been appointed. The
11 Illinois ~~Department~~ of State Police shall provide
12 administrative support for the Task Force, and if the subject
13 matter is either sensitive or classified, the Task Force may
14 hold its hearings in private.

15 (c) The Task Force shall issue a final report to the
16 General Assembly on or December 31, 2020 and, one year after
17 the filing of its report, is dissolved.

18 (Source: P.A. 101-375, eff. 8-16-19.)

19 Section 75. The Executive Reorganization Implementation
20 Act is amended by changing Section 3.1 as follows:

21 (15 ILCS 15/3.1)

22 Sec. 3.1. "Agency directly responsible to the Governor" or
23 "agency" means any office, officer, division, or part thereof,
24 and any other office, nonelective officer, department,

1 division, bureau, board, or commission in the executive branch
2 of State government, except that it does not apply to any
3 agency whose primary function is service to the General
4 Assembly or the Judicial Branch of State government, or to any
5 agency administered by the Attorney General, Secretary of
6 State, State Comptroller or State Treasurer. In addition the
7 term does not apply to the following agencies created by law
8 with the primary responsibility of exercising regulatory or
9 adjudicatory functions independently of the Governor:

10 (1) the State Board of Elections;

11 (2) the State Board of Education;

12 (3) the Illinois Commerce Commission;

13 (4) the Illinois Workers' Compensation Commission;

14 (5) the Civil Service Commission;

15 (6) the Fair Employment Practices Commission;

16 (7) the Pollution Control Board;

17 (8) the Illinois ~~Department of~~ State Police Merit Board;

18 (9) the Illinois Racing Board;

19 (10) the Illinois Power Agency;

20 (11) the Illinois Law Enforcement Training Standards
21 Board; and

22 (12) the Illinois Liquor Control Commission.

23 (Source: P.A. 100-995, eff. 8-20-18; 100-1050, eff. 7-1-19;
24 101-81, eff. 7-12-19.)

25 Section 80. The Secretary of State Act is amended by

1 changing Sections 13 and 13.5 as follows:

2 (15 ILCS 305/13) (from Ch. 124, par. 10.3)

3 Sec. 13. Whenever the Secretary of State is authorized or
4 required by law to consider some aspect of criminal history
5 record information for the purpose of carrying out his
6 statutory powers and responsibilities, then, upon request and
7 payment of fees in conformance with the requirements of
8 Section 2605-400 of the Illinois ~~Department of~~ State Police
9 Law ~~(20 ILCS 2605/2605-400)~~, the Illinois ~~Department of~~ State
10 Police is authorized to furnish, pursuant to positive
11 identification, such information contained in State files as
12 is necessary to fulfill the request.

13 (Source: P.A. 91-239, eff. 1-1-00.)

14 (15 ILCS 305/13.5)

15 Sec. 13.5. Illinois ~~Department of~~ State Police access to
16 driver's license and identification card photographs. The
17 Secretary of State shall allow the Illinois ~~Department of~~
18 State Police to access the driver's license or Illinois
19 Identification card photograph, if available, of an applicant
20 for a firearm concealed carry license under the Firearm
21 Concealed Carry Act for the purpose of identifying the firearm
22 concealed carry license applicant and issuing a license to the
23 applicant.

24 (Source: P.A. 98-63, eff. 7-9-13.)

1 Section 85. The Secretary of State Merit Employment Code
2 is amended by changing Section 10b.1 as follows:

3 (15 ILCS 310/10b.1) (from Ch. 124, par. 110b.1)

4 Sec. 10b.1. Competitive examinations.

5 (a) For open competitive examinations to test the relative
6 fitness of applicants for the respective positions. Tests
7 shall be designed to eliminate those who are not qualified for
8 entrance into the Office of the Secretary of State and to
9 discover the relative fitness of those who are qualified. The
10 Director may use any one of or any combination of the following
11 examination methods which in his judgment best serves this
12 end: investigation of education and experience; test of
13 cultural knowledge; test of capacity; test of knowledge; test
14 of manual skill; test of linguistic ability; test of
15 character; test of physical skill; test of psychological
16 fitness. No person with a record of misdemeanor convictions
17 except those under Sections 11-1.50, 11-6, 11-7, 11-9, 11-14,
18 11-15, 11-17, 11-18, 11-19, 11-30, 11-35, 12-2, 12-6, 12-15,
19 14-4, 16-1, 21.1-3, 24-3.1, 24-5, 25-1, 28-3, 31-1, 31-4,
20 31-6, 31-7, 32-1, 32-2, 32-3, 32-4, and 32-8, subdivisions
21 (a) (1) and (a) (2) (C) of Section 11-14.3, and sub-sections 1, 6
22 and 8 of Section 24-1 of the Criminal Code of 1961 or the
23 Criminal Code of 2012, or arrested for any cause but not
24 convicted thereon shall be disqualified from taking such

1 examinations or subsequent appointment unless the person is
2 attempting to qualify for a position which would give him the
3 powers of a peace officer, in which case the person's
4 conviction or arrest record may be considered as a factor in
5 determining the person's fitness for the position. All
6 examinations shall be announced publicly at least 2 weeks in
7 advance of the date of examinations and may be advertised
8 through the press, radio or other media.

9 The Director may, at his discretion, accept the results of
10 competitive examinations conducted by any merit system
11 established by Federal law or by the law of any State, and may
12 compile eligible lists therefrom or may add the names of
13 successful candidates in examinations conducted by those merit
14 systems to existing eligible lists in accordance with their
15 respective ratings. No person who is a non-resident of the
16 State of Illinois may be appointed from those eligible lists,
17 however, unless the requirement that applicants be residents
18 of the State of Illinois is waived by the Director of Personnel
19 and unless there are less than 3 Illinois residents available
20 for appointment from the appropriate eligible list. The
21 results of the examinations conducted by other merit systems
22 may not be used unless they are comparable in difficulty and
23 comprehensiveness to examinations conducted by the Department
24 of Personnel for similar positions. Special linguistic options
25 may also be established where deemed appropriate.

26 (b) The Director of Personnel may require that each person

1 seeking employment with the Secretary of State, as part of the
2 application process, authorize an investigation to determine
3 if the applicant has ever been convicted of a crime and if so,
4 the disposition of those convictions; this authorization shall
5 indicate the scope of the inquiry and the agencies which may be
6 contacted. Upon this authorization, the Director of Personnel
7 may request and receive information and assistance from any
8 federal, state or local governmental agency as part of the
9 authorized investigation. The investigation shall be
10 undertaken after the fingerprinting of an applicant in the
11 form and manner prescribed by the Illinois ~~Department of~~ State
12 Police. The investigation shall consist of a criminal history
13 records check performed by the Illinois ~~Department of~~ State
14 Police and the Federal Bureau of Investigation, or some other
15 entity that has the ability to check the applicant's
16 fingerprints against the fingerprint records now and hereafter
17 filed in the Illinois ~~Department of~~ State Police and Federal
18 Bureau of Investigation criminal history records databases. If
19 the Illinois ~~Department of~~ State Police and the Federal Bureau
20 of Investigation conduct an investigation directly for the
21 Secretary of State's Office, then the Illinois ~~Department of~~
22 State Police shall charge a fee for conducting the criminal
23 history records check, which shall be deposited in the State
24 Police Services Fund and shall not exceed the actual cost of
25 the records check. The Illinois ~~Department of~~ State Police
26 shall provide information concerning any criminal convictions,

1 and their disposition, brought against the applicant or
2 prospective employee of the Secretary of State upon request of
3 the Department of Personnel when the request is made in the
4 form and manner required by the Illinois ~~Department of State~~
5 Police. The information derived from this investigation,
6 including the source of this information, and any conclusions
7 or recommendations derived from this information by the
8 Director of Personnel shall be provided to the applicant or
9 prospective employee, or his designee, upon request to the
10 Director of Personnel prior to any final action by the
11 Director of Personnel on the application. No information
12 obtained from such investigation may be placed in any
13 automated information system. Any criminal convictions and
14 their disposition information obtained by the Director of
15 Personnel shall be confidential and may not be transmitted
16 outside the Office of the Secretary of State, except as
17 required herein, and may not be transmitted to anyone within
18 the Office of the Secretary of State except as needed for the
19 purpose of evaluating the application. The only physical
20 identity materials which the applicant or prospective employee
21 can be required to provide the Director of Personnel are
22 photographs or fingerprints; these shall be returned to the
23 applicant or prospective employee upon request to the Director
24 of Personnel, after the investigation has been completed and
25 no copy of these materials may be kept by the Director of
26 Personnel or any agency to which such identity materials were

1 transmitted. Only information and standards which bear a
2 reasonable and rational relation to the performance of an
3 employee shall be used by the Director of Personnel. The
4 Secretary of State shall adopt rules and regulations for the
5 administration of this Section. Any employee of the Secretary
6 of State who gives or causes to be given away any confidential
7 information concerning any criminal convictions and their
8 disposition of an applicant or prospective employee shall be
9 guilty of a Class A misdemeanor unless release of such
10 information is authorized by this Section.

11 (Source: P.A. 96-1551, eff. 7-1-11; 97-1150, eff. 1-25-13.)

12 Section 95. The Civil Administrative Code of Illinois is
13 amended by changing Sections 1-5, 5-15, 5-20, 5-410, and 5-715
14 as follows:

15 (20 ILCS 5/1-5)

16 Sec. 1-5. Articles. The Civil Administrative Code of
17 Illinois consists of the following Articles:

18 Article 1. General Provisions (20 ILCS 5/1-1 and
19 following).

20 Article 5. Departments of State Government Law (20 ILCS
21 5/5-1 and following).

22 Article 50. State Budget Law (15 ILCS 20/).

23 Article 110. Department on Aging Law (20 ILCS 110/).

24 Article 205. Department of Agriculture Law (20 ILCS 205/).

1 Article 250. State Fair Grounds Title Law (5 ILCS 620/).

2 Article 310. Department of Human Services (Alcoholism and
3 Substance Abuse) Law (20 ILCS 310/).

4 Article 405. Department of Central Management Services Law
5 (20 ILCS 405/).

6 Article 510. Department of Children and Family Services
7 Powers Law (20 ILCS 510/).

8 Article 605. Department of Commerce and Economic
9 Opportunity Law (20 ILCS 605/).

10 Article 805. Department of Natural Resources
11 (Conservation) Law (20 ILCS 805/).

12 Article 1005. Department of Employment Security Law (20
13 ILCS 1005/).

14 Article 1405. Department of Insurance Law (20 ILCS 1405/).

15 Article 1505. Department of Labor Law (20 ILCS 1505/).

16 Article 1710. Department of Human Services (Mental Health
17 and Developmental Disabilities) Law (20 ILCS 1710/).

18 Article 1905. Department of Natural Resources (Mines and
19 Minerals) Law (20 ILCS 1905/).

20 Article 2105. Department of Professional Regulation Law
21 (20 ILCS 2105/).

22 Article 2205. Department of Healthcare and Family Services
23 Law (20 ILCS 2205/).

24 Article 2310. Department of Public Health Powers and
25 Duties Law (20 ILCS 2310/).

26 Article 2505. Department of Revenue Law (20 ILCS 2505/).

1 Article 2510. Certified Audit Program Law (20 ILCS 2510/).

2 Article 2605. Illinois ~~Department of~~ State Police Law (20
3 ILCS 2605/).

4 Article 2705. Department of Transportation Law (20 ILCS
5 2705/).

6 Article 3000. University of Illinois Exercise of Functions
7 and Duties Law (110 ILCS 355/).

8 (Source: P.A. 95-331, eff. 8-21-07; 96-328, eff. 8-11-09.)

9 (20 ILCS 5/5-15) (was 20 ILCS 5/3)

10 Sec. 5-15. Departments of State government. The
11 Departments of State government are created as follows:

12 The Department on Aging.

13 The Department of Agriculture.

14 The Department of Central Management Services.

15 The Department of Children and Family Services.

16 The Department of Commerce and Economic Opportunity.

17 The Department of Corrections.

18 The Department of Employment Security.

19 The Illinois Emergency Management Agency.

20 The Department of Financial and Professional Regulation.

21 The Department of Healthcare and Family Services.

22 The Department of Human Rights.

23 The Department of Human Services.

24 The Department of Innovation and Technology.

25 The Department of Insurance.

1 The Department of Juvenile Justice.
2 The Department of Labor.
3 The Department of the Lottery.
4 The Department of Natural Resources.
5 The Department of Public Health.
6 The Department of Revenue.
7 The Illinois ~~Department of~~ State Police.
8 The Department of Transportation.
9 The Department of Veterans' Affairs.

10 (Source: P.A. 100-611, eff. 7-20-18; 100-1179, eff. 1-18-19.)

11 (20 ILCS 5/5-20) (was 20 ILCS 5/4)

12 Sec. 5-20. Heads of departments. Each department shall
13 have an officer as its head who shall be known as director or
14 secretary and who shall, subject to the provisions of the
15 Civil Administrative Code of Illinois, execute the powers and
16 discharge the duties vested by law in his or her respective
17 department.

18 The following officers are hereby created:

19 Director of Aging, for the Department on Aging.

20 Director of Agriculture, for the Department of
21 Agriculture.

22 Director of Central Management Services, for the
23 Department of Central Management Services.

24 Director of Children and Family Services, for the
25 Department of Children and Family Services.

1 Director of Commerce and Economic Opportunity, for the
2 Department of Commerce and Economic Opportunity.

3 Director of Corrections, for the Department of
4 Corrections.

5 Director of the Illinois Emergency Management Agency, for
6 the Illinois Emergency Management Agency.

7 Director of Employment Security, for the Department of
8 Employment Security.

9 Secretary of Financial and Professional Regulation, for
10 the Department of Financial and Professional Regulation.

11 Director of Healthcare and Family Services, for the
12 Department of Healthcare and Family Services.

13 Director of Human Rights, for the Department of Human
14 Rights.

15 Secretary of Human Services, for the Department of Human
16 Services.

17 Secretary of Innovation and Technology, for the Department
18 of Innovation and Technology.

19 Director of Insurance, for the Department of Insurance.

20 Director of Juvenile Justice, for the Department of
21 Juvenile Justice.

22 Director of Labor, for the Department of Labor.

23 Director of the Lottery, for the Department of the
24 Lottery.

25 Director of Natural Resources, for the Department of
26 Natural Resources.

1 Director of Public Health, for the Department of Public
2 Health.

3 Director of Revenue, for the Department of Revenue.

4 Director of the Illinois State Police, for the Illinois
5 ~~Department of~~ State Police.

6 Secretary of Transportation, for the Department of
7 Transportation.

8 Director of Veterans' Affairs, for the Department of
9 Veterans' Affairs.

10 (Source: P.A. 100-611, eff. 7-20-18; 100-1179, eff. 1-18-19.)

11 (20 ILCS 5/5-410) (was 20 ILCS 5/9.11)

12 Sec. 5-410. In the Illinois ~~Department of~~ State Police.
13 For terms ending before December 31, 2019, the Director of the
14 Illinois State Police shall receive an annual salary as set by
15 the Compensation Review Board.

16 ~~For terms ending before December 31, 2019, the Assistant~~
17 ~~Director of State Police shall receive an annual salary as set~~
18 ~~by the Compensation Review Board.~~

19 (Source: P.A. 100-1179, eff. 1-18-19.)

20 (20 ILCS 5/5-715)

21 Sec. 5-715. Expedited licensure for service members and
22 spouses.

23 (a) In this Section, "service member" means any person
24 who, at the time of application under this Section, is an

1 active duty member of the United States Armed Forces or any
2 reserve component of the United States Armed Forces, the Coast
3 Guard, or the National Guard of any state, commonwealth, or
4 territory of the United States or the District of Columbia or
5 whose active duty service concluded within the preceding 2
6 years before application.

7 (a-5) The Department of Financial and Professional
8 Regulation shall within 180 days after the effective date of
9 this amendatory Act of the 101st General Assembly designate
10 one staff member as the military liaison within the Department
11 of Financial and Professional Regulation to ensure proper
12 enactment of the requirements of this Section. The military
13 liaison's responsibilities shall also include, but are not
14 limited to: (1) the management of all expedited applications
15 to ensure processing within 60 days after receipt of a
16 completed application; (2) coordination with all military
17 installation military and family support center directors
18 within this State, including virtual, phone, or in-person
19 periodic meetings with each military installation military and
20 family support center; and (3) training by the military
21 liaison to all directors of each division that issues an
22 occupational or professional license to ensure proper
23 application of this Section. Beginning in 2020, and at the end
24 of each calendar year thereafter, the military liaison shall
25 provide an annual report documenting the expedited licensure
26 program for service members and spouses, and shall deliver

1 that report to the Secretary of Financial and Professional
2 Regulation and the Lieutenant Governor.

3 (b) Each director of a department that issues an
4 occupational or professional license is authorized to and
5 shall issue an expedited license to a service member who meets
6 the requirements under this Section. Review and determination
7 of an application for a license issued by the department shall
8 be expedited by the department within 60 days after the date on
9 which the applicant provides the department with all necessary
10 documentation required for licensure. An expedited license
11 shall be issued by the department to any service members
12 meeting the application requirements of this Section,
13 regardless of whether the service member currently resides in
14 this State. The service member shall apply to the department
15 on forms provided by the department. An application must
16 include proof that:

17 (1) the applicant is a service member;

18 (2) the applicant holds a valid license in good
19 standing for the occupation or profession issued by
20 another state, commonwealth, possession, or territory of
21 the United States, the District of Columbia, or any
22 foreign jurisdiction and the requirements for licensure in
23 the other jurisdiction are determined by the department to
24 be substantially equivalent to the standards for licensure
25 of this State;

26 (3) the applicant is assigned to a duty station in

1 this State, has established legal residence in this State,
2 or will reside in this State within 6 months after the date
3 of application;

4 (4) a complete set of the applicant's fingerprints has
5 been submitted to the Illinois ~~Department of~~ State Police
6 for statewide and national criminal history checks, if
7 applicable to the requirements of the department issuing
8 the license; the applicant shall pay the fee to the
9 Illinois ~~Department of~~ State Police or to the fingerprint
10 vendor for electronic fingerprint processing; no temporary
11 occupational or professional license shall be issued to an
12 applicant if the statewide or national criminal history
13 check discloses information that would cause the denial of
14 an application for licensure under any applicable
15 occupational or professional licensing Act;

16 (5) the applicant is not ineligible for licensure
17 pursuant to Section 2105-165 of the Civil Administrative
18 Code of Illinois;

19 (6) the applicant has submitted an application for
20 full licensure; and

21 (7) the applicant has paid the required fee; fees
22 shall not be refundable.

23 (c) Each director of a department that issues an
24 occupational or professional license is authorized to and
25 shall issue an expedited license to the spouse of a service
26 member who meets the requirements under this Section. Review

1 and determination of an application for a license shall be
2 expedited by the department within 60 days after the date on
3 which the applicant provides the department with all necessary
4 documentation required for licensure. An expedited license
5 shall be issued by the department to any spouse of a service
6 member meeting the application requirements of this Section,
7 regardless of whether the spouse or the service member
8 currently reside in this State. The spouse of a service member
9 shall apply to the department on forms provided by the
10 department. An application must include proof that:

11 (1) the applicant is the spouse of a service member;

12 (2) the applicant holds a valid license in good
13 standing for the occupation or profession issued by
14 another state, commonwealth, possession, or territory of
15 the United States, the District of Columbia, or any
16 foreign jurisdiction and the requirements for licensure in
17 the other jurisdiction are determined by the department to
18 be substantially equivalent to the standards for licensure
19 of this State;

20 (3) the applicant's spouse is assigned to a duty
21 station in this State, has established legal residence in
22 this State, or will reside in this State within 6 months
23 after the date of application;

24 (4) a complete set of the applicant's fingerprints has
25 been submitted to the Illinois ~~Department of~~ State Police
26 for statewide and national criminal history checks, if

1 applicable to the requirements of the department issuing
2 the license; the applicant shall pay the fee to the
3 Illinois ~~Department of~~ State Police or to the fingerprint
4 vendor for electronic fingerprint processing; no temporary
5 occupational or professional license shall be issued to an
6 applicant if the statewide or national criminal history
7 check discloses information that would cause the denial of
8 an application for licensure under any applicable
9 occupational or professional licensing Act;

10 (5) the applicant is not ineligible for licensure
11 pursuant to Section 2105-165 of the Civil Administrative
12 Code of Illinois;

13 (6) the applicant has submitted an application for
14 full licensure; and

15 (7) the applicant has paid the required fee; fees
16 shall not be refundable.

17 (c-5) If a service member or his or her spouse relocates
18 from this State, he or she shall be provided an opportunity to
19 place his or her license in inactive status through
20 coordination with the military liaison. If the service member
21 or his or her spouse returns to this State, he or she may
22 reactivate the license in accordance with the statutory
23 provisions regulating the profession and any applicable
24 administrative rules. The license reactivation shall be
25 expedited and completed within 30 days after receipt of a
26 completed application to reactivate the license. A license

1 reactivation is only applicable when the valid license for
2 which the first issuance of a license was predicated is still
3 valid and in good standing. An application to reactivate a
4 license must include proof that the applicant still holds a
5 valid license in good standing for the occupation or
6 profession issued in another State, commonwealth, possession,
7 or territory of the United States, the District of Columbia,
8 or any foreign jurisdiction.

9 (d) All relevant experience of a service member or his or
10 her spouse in the discharge of official duties, including
11 full-time and part-time experience, shall be credited in the
12 calculation of any years of practice in an occupation or
13 profession as may be required under any applicable
14 occupational or professional licensing Act. All relevant
15 training provided by the military and completed by a service
16 member shall be credited to that service member as meeting any
17 training or education requirement under any applicable
18 occupational or professional licensing Act, provided that the
19 training or education is determined by the department to be
20 substantially equivalent to that required under any applicable
21 Act and is not otherwise contrary to any other licensure
22 requirement.

23 (e) A department may adopt any rules necessary for the
24 implementation and administration of this Section and shall by
25 rule provide for fees for the administration of this Section.

26 (Source: P.A. 101-240, eff. 1-1-20.)

1 (20 ILCS 5/5-180 rep.)

2 Section 100. The Civil Administrative Code of Illinois is
3 amended by repealing Section 5-180.

4 Section 105. The Department of Agriculture Law of the
5 Civil Administrative Code of Illinois is amended by changing
6 Section 205-425 as follows:

7 (20 ILCS 205/205-425) (was 20 ILCS 205/40.37)

8 Sec. 205-425. Criminal history record information from
9 Illinois ~~Department of~~ State Police. Whenever the Department
10 is authorized or required by law to consider some aspect of
11 criminal history record information for the purpose of
12 carrying out its statutory powers and responsibilities, then,
13 upon request and payment of fees in conformance with the
14 requirements of Section 2605-400 of the Illinois ~~Department of~~
15 State Police Law ~~(20 ILCS 2605/2605-400)~~, the Illinois
16 ~~Department of~~ State Police is authorized to furnish, pursuant
17 to positive identification, the information contained in State
18 files that is necessary to fulfill the request.

19 (Source: P.A. 91-239, eff. 1-1-00.)

20 Section 110. The Substance Use Disorder Act is amended by
21 changing Sections 5-10, 10-15, and 45-55 as follows:

1 (20 ILCS 301/5-10)

2 Sec. 5-10. Functions of the Department.

3 (a) In addition to the powers, duties and functions vested
4 in the Department by this Act, or by other laws of this State,
5 the Department shall carry out the following activities:

6 (1) Design, coordinate and fund comprehensive
7 community-based and culturally and gender-appropriate
8 services throughout the State. These services must include
9 prevention, early intervention, treatment, and other
10 recovery support services for substance use disorders that
11 are accessible and addresses the needs of at-risk
12 individuals and their families.

13 (2) Act as the exclusive State agency to accept,
14 receive and expend, pursuant to appropriation, any public
15 or private monies, grants or services, including those
16 received from the federal government or from other State
17 agencies, for the purpose of providing prevention, early
18 intervention, treatment, and other recovery support
19 services for substance use disorders.

20 (2.5) In partnership with the Department of Healthcare
21 and Family Services, act as one of the principal State
22 agencies for the sole purpose of calculating the
23 maintenance of effort requirement under Section 1930 of
24 Title XIX, Part B, Subpart II of the Public Health Service
25 Act (42 U.S.C. 300x-30) and the Interim Final Rule (45 CFR
26 96.134).

1 (3) Coordinate a statewide strategy for the
2 prevention, early intervention, treatment, and recovery
3 support of substance use disorders. This strategy shall
4 include the development of a comprehensive plan, submitted
5 annually with the application for federal substance use
6 disorder block grant funding, for the provision of an
7 array of such services. The plan shall be based on local
8 community-based needs and upon data including, but not
9 limited to, that which defines the prevalence of and costs
10 associated with substance use disorders. This
11 comprehensive plan shall include identification of
12 problems, needs, priorities, services and other pertinent
13 information, including the needs of minorities and other
14 specific priority populations in the State, and shall
15 describe how the identified problems and needs will be
16 addressed. For purposes of this paragraph, the term
17 "minorities and other specific priority populations" may
18 include, but shall not be limited to, groups such as
19 women, children, intravenous drug users, persons with AIDS
20 or who are HIV infected, veterans, African-Americans,
21 Puerto Ricans, Hispanics, Asian Americans, the elderly,
22 persons in the criminal justice system, persons who are
23 clients of services provided by other State agencies,
24 persons with disabilities and such other specific
25 populations as the Department may from time to time
26 identify. In developing the plan, the Department shall

1 seek input from providers, parent groups, associations and
2 interested citizens.

3 The plan developed under this Section shall include an
4 explanation of the rationale to be used in ensuring that
5 funding shall be based upon local community needs,
6 including, but not limited to, the incidence and
7 prevalence of, and costs associated with, substance use
8 disorders, as well as upon demonstrated program
9 performance.

10 The plan developed under this Section shall also
11 contain a report detailing the activities of and progress
12 made through services for the care and treatment of
13 substance use disorders among pregnant women and mothers
14 and their children established under subsection (j) of
15 Section 35-5.

16 As applicable, the plan developed under this Section
17 shall also include information about funding by other
18 State agencies for prevention, early intervention,
19 treatment, and other recovery support services.

20 (4) Lead, foster and develop cooperation, coordination
21 and agreements among federal and State governmental
22 agencies and local providers that provide assistance,
23 services, funding or other functions, peripheral or
24 direct, in the prevention, early intervention, treatment,
25 and recovery support for substance use disorders. This
26 shall include, but shall not be limited to, the following:

1 (A) Cooperate with and assist other State
2 agencies, as applicable, in establishing and
3 conducting substance use disorder services among the
4 populations they respectively serve.

5 (B) Cooperate with and assist the Illinois
6 Department of Public Health in the establishment,
7 funding and support of programs and services for the
8 promotion of maternal and child health and the
9 prevention and treatment of infectious diseases,
10 including but not limited to HIV infection, especially
11 with respect to those persons who are high risk due to
12 intravenous injection of illegal drugs, or who may
13 have been sexual partners of these individuals, or who
14 may have impaired immune systems as a result of a
15 substance use disorder.

16 (C) Supply to the Department of Public Health and
17 prenatal care providers a list of all providers who
18 are licensed to provide substance use disorder
19 treatment for pregnant women in this State.

20 (D) Assist in the placement of child abuse or
21 neglect perpetrators (identified by the Illinois
22 Department of Children and Family Services (DCFS)) who
23 have been determined to be in need of substance use
24 disorder treatment pursuant to Section 8.2 of the
25 Abused and Neglected Child Reporting Act.

26 (E) Cooperate with and assist DCFS in carrying out

1 its mandates to:

2 (i) identify substance use disorders among its
3 clients and their families; and

4 (ii) develop services to deal with such
5 disorders.

6 These services may include, but shall not be limited
7 to, programs to prevent or treat substance use
8 disorders with DCFS clients and their families,
9 identifying child care needs within such treatment,
10 and assistance with other issues as required.

11 (F) Cooperate with and assist the Illinois
12 Criminal Justice Information Authority with respect to
13 statistical and other information concerning the
14 incidence and prevalence of substance use disorders.

15 (G) Cooperate with and assist the State
16 Superintendent of Education, boards of education,
17 schools, police departments, the Illinois ~~Department~~
18 ~~of~~ State Police, courts and other public and private
19 agencies and individuals in establishing prevention
20 programs statewide and preparing curriculum materials
21 for use at all levels of education.

22 (H) Cooperate with and assist the Illinois
23 Department of Healthcare and Family Services in the
24 development and provision of services offered to
25 recipients of public assistance for the treatment and
26 prevention of substance use disorders.

1 (I) (Blank).

2 (5) From monies appropriated to the Department from
3 the Drunk and Drugged Driving Prevention Fund, reimburse
4 DUI evaluation and risk education programs licensed by the
5 Department for providing indigent persons with free or
6 reduced-cost evaluation and risk education services
7 relating to a charge of driving under the influence of
8 alcohol or other drugs.

9 (6) Promulgate regulations to identify and disseminate
10 best practice guidelines that can be utilized by publicly
11 and privately funded programs as well as for levels of
12 payment to government funded programs that provide
13 prevention, early intervention, treatment, and other
14 recovery support services for substance use disorders and
15 those services referenced in Sections 15-10 and 40-5.

16 (7) In consultation with providers and related trade
17 associations, specify a uniform methodology for use by
18 funded providers and the Department for billing and
19 collection and dissemination of statistical information
20 regarding services related to substance use disorders.

21 (8) Receive data and assistance from federal, State
22 and local governmental agencies, and obtain copies of
23 identification and arrest data from all federal, State and
24 local law enforcement agencies for use in carrying out the
25 purposes and functions of the Department.

26 (9) Designate and license providers to conduct

1 screening, assessment, referral and tracking of clients
2 identified by the criminal justice system as having
3 indications of substance use disorders and being eligible
4 to make an election for treatment under Section 40-5 of
5 this Act, and assist in the placement of individuals who
6 are under court order to participate in treatment.

7 (10) Identify and disseminate evidence-based best
8 practice guidelines as maintained in administrative rule
9 that can be utilized to determine a substance use disorder
10 diagnosis.

11 (11) (Blank).

12 (12) Make grants with funds appropriated from the Drug
13 Treatment Fund in accordance with Section 7 of the
14 Controlled Substance and Cannabis Nuisance Act, or in
15 accordance with Section 80 of the Methamphetamine Control
16 and Community Protection Act, or in accordance with
17 subsections (h) and (i) of Section 411.2 of the Illinois
18 Controlled Substances Act, or in accordance with Section
19 6z-107 of the State Finance Act.

20 (13) Encourage all health and disability insurance
21 programs to include substance use disorder treatment as a
22 covered service and to use evidence-based best practice
23 criteria as maintained in administrative rule and as
24 required in Public Act 99-0480 in determining the
25 necessity for such services and continued stay.

26 (14) Award grants and enter into fixed-rate and

1 fee-for-service arrangements with any other department,
2 authority or commission of this State, or any other state
3 or the federal government or with any public or private
4 agency, including the disbursement of funds and furnishing
5 of staff, to effectuate the purposes of this Act.

6 (15) Conduct a public information campaign to inform
7 the State's Hispanic residents regarding the prevention
8 and treatment of substance use disorders.

9 (b) In addition to the powers, duties and functions vested
10 in it by this Act, or by other laws of this State, the
11 Department may undertake, but shall not be limited to, the
12 following activities:

13 (1) Require all organizations licensed or funded by
14 the Department to include an education component to inform
15 participants regarding the causes and means of
16 transmission and methods of reducing the risk of acquiring
17 or transmitting HIV infection and other infectious
18 diseases, and to include funding for such education
19 component in its support of the program.

20 (2) Review all State agency applications for federal
21 funds that include provisions relating to the prevention,
22 early intervention and treatment of substance use
23 disorders in order to ensure consistency.

24 (3) Prepare, publish, evaluate, disseminate and serve
25 as a central repository for educational materials dealing
26 with the nature and effects of substance use disorders.

1 Such materials may deal with the educational needs of the
2 citizens of Illinois, and may include at least pamphlets
3 that describe the causes and effects of fetal alcohol
4 spectrum disorders.

5 (4) Develop and coordinate, with regional and local
6 agencies, education and training programs for persons
7 engaged in providing services for persons with substance
8 use disorders, which programs may include specific HIV
9 education and training for program personnel.

10 (5) Cooperate with and assist in the development of
11 education, prevention, early intervention, and treatment
12 programs for employees of State and local governments and
13 businesses in the State.

14 (6) Utilize the support and assistance of interested
15 persons in the community, including recovering persons, to
16 assist individuals and communities in understanding the
17 dynamics of substance use disorders, and to encourage
18 individuals with substance use disorders to voluntarily
19 undergo treatment.

20 (7) Promote, conduct, assist or sponsor basic
21 clinical, epidemiological and statistical research into
22 substance use disorders and research into the prevention
23 of those problems either solely or in conjunction with any
24 public or private agency.

25 (8) Cooperate with public and private agencies,
26 organizations and individuals in the development of

1 programs, and to provide technical assistance and
2 consultation services for this purpose.

3 (9) (Blank).

4 (10) (Blank).

5 (11) Fund, promote, or assist entities dealing with
6 substance use disorders.

7 (12) With monies appropriated from the Group Home Loan
8 Revolving Fund, make loans, directly or through
9 subcontract, to assist in underwriting the costs of
10 housing in which individuals recovering from substance use
11 disorders may reside, pursuant to Section 50-40 of this
12 Act.

13 (13) Promulgate such regulations as may be necessary
14 to carry out the purposes and enforce the provisions of
15 this Act.

16 (14) Provide funding to help parents be effective in
17 preventing substance use disorders by building an
18 awareness of the family's role in preventing substance use
19 disorders through adjusting expectations, developing new
20 skills, and setting positive family goals. The programs
21 shall include, but not be limited to, the following
22 subjects: healthy family communication; establishing rules
23 and limits; how to reduce family conflict; how to build
24 self-esteem, competency, and responsibility in children;
25 how to improve motivation and achievement; effective
26 discipline; problem solving techniques; and how to talk

1 about drugs and alcohol. The programs shall be open to all
2 parents.

3 (Source: P.A. 100-494, eff. 6-1-18; 100-759, eff. 1-1-19;
4 101-10, eff. 6-5-19.)

5 (20 ILCS 301/10-15)

6 Sec. 10-15. Qualification and appointment of members. The
7 membership of the Illinois Advisory Council may, as needed,
8 consist of:

9 (a) A State's Attorney designated by the President of
10 the Illinois State's Attorneys Association.

11 (b) A judge designated by the Chief Justice of the
12 Illinois Supreme Court.

13 (c) A Public Defender appointed by the President of
14 the Illinois Public Defender Association.

15 (d) A local law enforcement officer appointed by the
16 Governor.

17 (e) A labor representative appointed by the Governor.

18 (f) An educator appointed by the Governor.

19 (g) A physician licensed to practice medicine in all
20 its branches appointed by the Governor with due regard for
21 the appointee's knowledge of the field of substance use
22 disorders.

23 (h) 4 members of the Illinois House of
24 Representatives, 2 each appointed by the Speaker and
25 Minority Leader.

1 (i) 4 members of the Illinois Senate, 2 each appointed
2 by the President and Minority Leader.

3 (j) The Chief Executive Officer of the Illinois
4 Association for Behavioral Health or his or her designee.

5 (k) An advocate for the needs of youth appointed by
6 the Governor.

7 (l) The President of the Illinois State Medical
8 Society or his or her designee.

9 (m) The President of the Illinois Hospital Association
10 or his or her designee.

11 (n) The President of the Illinois Nurses Association
12 or a registered nurse designated by the President.

13 (o) The President of the Illinois Pharmacists
14 Association or a licensed pharmacist designated by the
15 President.

16 (p) The President of the Illinois Chapter of the
17 Association of Labor-Management Administrators and
18 Consultants on Alcoholism.

19 (p-1) The Chief Executive Officer of the Community
20 Behavioral Healthcare Association of Illinois or his or
21 her designee.

22 (q) The Attorney General or his or her designee.

23 (r) The State Comptroller or his or her designee.

24 (s) 20 public members, 8 appointed by the Governor, 3
25 of whom shall be representatives of substance use disorder
26 treatment programs and one of whom shall be a

1 representative of a manufacturer or importing distributor
2 of alcoholic liquor licensed by the State of Illinois, and
3 3 public members appointed by each of the President and
4 Minority Leader of the Senate and the Speaker and Minority
5 Leader of the House.

6 (t) The Director, Secretary, or other chief
7 administrative officer, ex officio, or his or her
8 designee, of each of the following: the Department on
9 Aging, the Department of Children and Family Services, the
10 Department of Corrections, the Department of Juvenile
11 Justice, the Department of Healthcare and Family Services,
12 the Department of Revenue, the Department of Public
13 Health, the Department of Financial and Professional
14 Regulation, the Illinois ~~Department of~~ State Police, the
15 Administrative Office of the Illinois Courts, the Criminal
16 Justice Information Authority, and the Department of
17 Transportation.

18 (u) Each of the following, ex officio, or his or her
19 designee: the Secretary of State, the State Superintendent
20 of Education, and the Chairman of the Board of Higher
21 Education.

22 The public members may not be officers or employees of the
23 executive branch of State government; however, the public
24 members may be officers or employees of a State college or
25 university or of any law enforcement agency. In appointing
26 members, due consideration shall be given to the experience of

1 appointees in the fields of medicine, law, prevention,
2 correctional activities, and social welfare. Vacancies in the
3 public membership shall be filled for the unexpired term by
4 appointment in like manner as for original appointments, and
5 the appointive members shall serve until their successors are
6 appointed and have qualified. Vacancies among the public
7 members appointed by the legislative leaders shall be filled
8 by the leader of the same house and of the same political party
9 as the leader who originally appointed the member.

10 Each non-appointive member may designate a representative
11 to serve in his place by written notice to the Department. All
12 General Assembly members shall serve until their respective
13 successors are appointed or until termination of their
14 legislative service, whichever occurs first. The terms of
15 office for each of the members appointed by the Governor shall
16 be for 3 years, except that of the members first appointed, 3
17 shall be appointed for a term of one year, and 4 shall be
18 appointed for a term of 2 years. The terms of office of each of
19 the public members appointed by the legislative leaders shall
20 be for 2 years.

21 (Source: P.A. 100-201, eff. 8-18-17; 100-759, eff. 1-1-19.)

22 (20 ILCS 301/45-55)

23 Sec. 45-55. Powers and duties of designated agents.

24 (a) It is hereby made the sole and exclusive duty of the
25 Department, and its designated agents, officers and

1 investigators, to investigate all violations of this Act, and
2 to cooperate with all agencies charged with enforcement of the
3 laws of the United States, or any state, concerning matters
4 pertaining to this Act. Nothing in this Act shall bar a grand
5 jury from conducting an investigation of any alleged violation
6 of this Act. Any agent, officer, investigator or peace officer
7 designated by the Department may:

8 (1) execute and serve administrative inspection
9 warrants and subpoenas under the authority of this State.

10 (2) make seizures of property pursuant to the
11 provisions of this Act.

12 (3) perform such other duties as the Department may
13 designate.

14 The Secretary may appoint such investigators as is deemed
15 necessary to carry out the provisions of this Act. It shall be
16 the duty of such investigators to investigate and report
17 violations of the provisions of this Act. With respect to the
18 enforcement of the provisions of this Act, such investigators
19 shall have the authority to serve subpoenas, summonses and
20 administrative inspection warrants. They shall be conservators
21 of the peace and, as such, they shall have and may exercise
22 during the course of an inspection or investigation all the
23 powers possessed by policemen in the cities and sheriffs in
24 the counties of this State, except that they may exercise such
25 powers anywhere in the State.

26 (b) The Department or its designated agents, either before

1 or after the issuance of a license, may request and shall
2 receive the cooperation of the Illinois ~~Department of~~ State
3 Police, county and multiple county health departments, or
4 municipal boards of health to make investigations to determine
5 if the applicant or licensee is complying with minimum
6 standards prescribed by the Department.

7 (Source: P.A. 88-80; 89-507, eff. 7-1-97.)

8 Section 115. The Department of Central Management Services
9 Law of the Civil Administrative Code of Illinois is amended by
10 changing Section 405-320 as follows:

11 (20 ILCS 405/405-320) (was 20 ILCS 405/67.25)

12 Sec. 405-320. Multi-use State facility at Collinsville;
13 State Police district headquarters at Sterling.

14 (a) To enter into an agreement with a private individual,
15 trust, partnership, or corporation or a municipality or other
16 unit of local government whereby that individual, trust,
17 partnership, or corporation or municipality or other unit of
18 local government will construct a structure in the vicinity of
19 Collinsville, Illinois for the purposes of its serving as a
20 multi-use State facility and then lease that structure to the
21 Department for the use of the Department of Transportation and
22 other State agencies.

23 (b) To enter into an agreement with a municipality or
24 other unit of local government whereby the municipality or

1 other unit of local government will construct a structure in
2 the vicinity of Sterling, Illinois for the purposes of its
3 serving as an Illinois ~~a Department of~~ State Police district
4 headquarters and then lease the structure to the Department
5 for the use of the Illinois State Police. The Director is
6 further authorized to convey the existing Illinois State
7 Police headquarters at Sterling to the City of Sterling,
8 Illinois, a municipal corporation, at a value established by
9 the average of 3 appraisals in exchange for a deduction of
10 equal value against any amounts due the municipality under the
11 State's contract to acquire an Illinois ~~a~~ State Police district
12 headquarters at Sterling.

13 (c) A lease entered into pursuant to the authority granted
14 in this Section shall be for a term not to exceed 30 years but
15 may grant to the State the option to purchase the structure
16 outright.

17 (d) The lease shall be approved by the heads of the
18 agencies occupying the facility and shall be and shall recite
19 that it is subject to termination and cancellation in any year
20 for which the General Assembly fails to make an appropriation
21 to pay the rent payable under the terms of the lease.

22 (Source: P.A. 91-239, eff. 1-1-00.)

23 Section 120. The Personnel Code is amended by changing
24 Sections 4c, 8c, and 10 as follows:

1 (20 ILCS 415/4c) (from Ch. 127, par. 63b104c)

2 Sec. 4c. General exemptions. The following positions in
3 State service shall be exempt from jurisdictions A, B, and C,
4 unless the jurisdictions shall be extended as provided in this
5 Act:

6 (1) All officers elected by the people.

7 (2) All positions under the Lieutenant Governor,
8 Secretary of State, State Treasurer, State Comptroller,
9 State Board of Education, Clerk of the Supreme Court,
10 Attorney General, and State Board of Elections.

11 (3) Judges, and officers and employees of the courts,
12 and notaries public.

13 (4) All officers and employees of the Illinois General
14 Assembly, all employees of legislative commissions, all
15 officers and employees of the Illinois Legislative
16 Reference Bureau and the Legislative Printing Unit.

17 (5) All positions in the Illinois National Guard and
18 Illinois State Guard, paid from federal funds or positions
19 in the State Military Service filled by enlistment and
20 paid from State funds.

21 (6) All employees of the Governor at the executive
22 mansion and on his immediate personal staff.

23 (7) Directors of Departments, the Adjutant General,
24 the Assistant Adjutant General, the Director of the
25 Illinois Emergency Management Agency, members of boards
26 and commissions, and all other positions appointed by the

1 Governor by and with the consent of the Senate.

2 (8) The presidents, other principal administrative
3 officers, and teaching, research and extension faculties
4 of Chicago State University, Eastern Illinois University,
5 Governors State University, Illinois State University,
6 Northeastern Illinois University, Northern Illinois
7 University, Western Illinois University, the Illinois
8 Community College Board, Southern Illinois University,
9 Illinois Board of Higher Education, University of
10 Illinois, State Universities Civil Service System,
11 University Retirement System of Illinois, and the
12 administrative officers and scientific and technical staff
13 of the Illinois State Museum.

14 (9) All other employees except the presidents, other
15 principal administrative officers, and teaching, research
16 and extension faculties of the universities under the
17 jurisdiction of the Board of Regents and the colleges and
18 universities under the jurisdiction of the Board of
19 Governors of State Colleges and Universities, Illinois
20 Community College Board, Southern Illinois University,
21 Illinois Board of Higher Education, Board of Governors of
22 State Colleges and Universities, the Board of Regents,
23 University of Illinois, State Universities Civil Service
24 System, University Retirement System of Illinois, so long
25 as these are subject to the provisions of the State
26 Universities Civil Service Act.

1 (10) The Illinois State Police so long as they are
2 subject to the merit provisions of the Illinois State
3 Police Act.

4 (11) (Blank).

5 (12) The technical and engineering staffs of the
6 Department of Transportation, the Department of Nuclear
7 Safety, the Pollution Control Board, and the Illinois
8 Commerce Commission, and the technical and engineering
9 staff providing architectural and engineering services in
10 the Department of Central Management Services.

11 (13) All employees of the Illinois State Toll Highway
12 Authority.

13 (14) The Secretary of the Illinois Workers'
14 Compensation Commission.

15 (15) All persons who are appointed or employed by the
16 Director of Insurance under authority of Section 202 of
17 the Illinois Insurance Code to assist the Director of
18 Insurance in discharging his responsibilities relating to
19 the rehabilitation, liquidation, conservation, and
20 dissolution of companies that are subject to the
21 jurisdiction of the Illinois Insurance Code.

22 (16) All employees of the St. Louis Metropolitan Area
23 Airport Authority.

24 (17) All investment officers employed by the Illinois
25 State Board of Investment.

26 (18) Employees of the Illinois Young Adult

1 Conservation Corps program, administered by the Illinois
2 Department of Natural Resources, authorized grantee under
3 Title VIII of the Comprehensive Employment and Training
4 Act of 1973, 29 USC 993.

5 (19) Seasonal employees of the Department of
6 Agriculture for the operation of the Illinois State Fair
7 and the DuQuoin State Fair, no one person receiving more
8 than 29 days of such employment in any calendar year.

9 (20) All "temporary" employees hired under the
10 Department of Natural Resources' Illinois Conservation
11 Service, a youth employment program that hires young
12 people to work in State parks for a period of one year or
13 less.

14 (21) All hearing officers of the Human Rights
15 Commission.

16 (22) All employees of the Illinois Mathematics and
17 Science Academy.

18 (23) All employees of the Kankakee River Valley Area
19 Airport Authority.

20 (24) The commissioners and employees of the Executive
21 Ethics Commission.

22 (25) The Executive Inspectors General, including
23 special Executive Inspectors General, and employees of
24 each Office of an Executive Inspector General.

25 (26) The commissioners and employees of the
26 Legislative Ethics Commission.

1 (27) The Legislative Inspector General, including
2 special Legislative Inspectors General, and employees of
3 the Office of the Legislative Inspector General.

4 (28) The Auditor General's Inspector General and
5 employees of the Office of the Auditor General's Inspector
6 General.

7 (29) All employees of the Illinois Power Agency.

8 (30) Employees having demonstrable, defined advanced
9 skills in accounting, financial reporting, or technical
10 expertise who are employed within executive branch
11 agencies and whose duties are directly related to the
12 submission to the Office of the Comptroller of financial
13 information for the publication of the Comprehensive
14 Annual Financial Report (CAFR).

15 (31) All employees of the Illinois Sentencing Policy
16 Advisory Council.

17 (Source: P.A. 100-1148, eff. 12-10-18.)

18 (20 ILCS 415/8c) (from Ch. 127, par. 63b108c)

19 Sec. 8c. Jurisdiction C; conditions of employment. For
20 positions in the State service subject to the jurisdiction of
21 the Department of Central Management Services with respect to
22 conditions of employment:

23 (1) For establishment of a plan for resolving employee
24 grievances and complaints, excluding compulsory
25 arbitration.

1 (2) For hours of work, holidays, and attendance
2 regulation in the various classes of positions in the
3 State service; for annual, sick and special leaves of
4 absence, with or without pay or with reduced pay; for
5 compensatory time off for overtime or for pay for
6 overtime, and for the rate at which compensatory time off
7 is to be allowed or for the rate which is to be paid for
8 overtime. If the services of an employee in the State
9 service are terminated by reason of his retirement,
10 disability or death, he, or his estate, as the case may be,
11 shall be paid a lump sum, for the number of days for leave
12 for personal business which the employee had accumulated
13 but not used as of the date his services were terminated,
14 in an amount equal to 1/2 of his pay per working day times
15 the number of such leave days so accumulated and not used.

16 (3) For the development and operation of programs to
17 improve the work effectiveness and morale of employees in
18 the State service, including training, safety, health,
19 welfare, counseling, recreation, employee relations, a
20 suggestion system, and others.

21 Employees whose tuition and fees are paid by the
22 State, either directly or by reimbursement, shall incur a
23 work commitment to the State. Employees whose State paid
24 training has not led to a postsecondary degree shall be
25 obligated to continue in the employ of the State, but not
26 necessarily in the same agency, for a period of at least 18

1 months following completion of the most recent course.
2 Employees whose State paid training has led to a
3 postsecondary degree and whose State payments have paid
4 for 50% or more of the required credit hours shall be
5 obligated to continue in the employ of the State, but not
6 necessarily in the same agency, for a minimum of 4 years
7 after receiving the degree.

8 If the employee does not fulfill this work commitment
9 by voluntarily leaving State employment, the State may
10 recover payments in a civil action and may also recover
11 interest at the rate of 1% per month from the time the
12 State makes payment until the time the State recovers the
13 payment. The amount the State may recover under this
14 subsection (3) shall be reduced by 25% of the gross amount
15 paid by the State for each year the employee is employed by
16 the State after the employee receives a postsecondary
17 degree, and 1/18th of the gross amount paid by the State
18 for each month the employee is employed by the State after
19 the employee completes the most recent course which has
20 not led to a postsecondary degree.

21 The State shall not recover payments for course work
22 or a training program that was (a) started before the
23 effective date of this Act; (b) completed as a requirement
24 for a grammar school certificate or a high school diploma,
25 to prepare for high school equivalency testing, or to
26 improve literacy or numeracy; (c) specialized training in

1 the form of a conference, seminar, workshop, or similar
2 arrangement offered by public or private organizations;
3 (d) provided as part of the Upward Mobility Program
4 administered by the Department of Central Management
5 Services; or (e) a condition of continued employment.

6 Illinois ~~Department of~~ State Police employees who are
7 enrolled in an official training program that lasts longer
8 than one year shall incur a work commitment to the State.
9 The work commitment shall be 2 months for each month of
10 completed training. If the employee fails to fulfill this
11 work commitment by voluntarily leaving State employment,
12 the State may recover wages in a civil action and may also
13 recover interest at the rate of 1% per month from the time
14 the State makes payment until the time the State recovers
15 the payment. The amount the State may recover under this
16 subsection (3) shall be reduced by the number of months
17 served after the training is completed times the monthly
18 salary at the time of separation.

19 The Department of Central Management Services shall
20 promulgate rules governing recovery activities to be used
21 by all State agencies paying, whether directly or by
22 reimbursement, for employee tuition and fees. Each such
23 agency shall make necessary efforts, including pursuing
24 appropriate legal action, to recover the actual
25 reimbursements and applicable interest due the State under
26 this subsection (3).

1 (4) For the establishment of a sick pay plan in
2 accordance with Section 36 of the State Finance Act.

3 (5) For the establishment of a family responsibility
4 leave plan under which an employee in the State service
5 may request and receive a leave of absence for up to one
6 year without penalty whenever such leave is requested to
7 enable the employee to meet a bona fide family
8 responsibility of such employee. The procedure for
9 determining and documenting the existence of a bona fide
10 family responsibility shall be as provided by rule, but
11 without limiting the circumstances which shall constitute
12 a bona fide family responsibility under the rules, such
13 circumstances shall include leave incident to the birth of
14 the employee's child and the responsibility thereafter to
15 provide proper care to that child or to a newborn child
16 adopted by the employee, the responsibility to provide
17 regular care to a disabled, incapacitated or bedridden
18 resident of the employee's household or member of the
19 employee's family, and the responsibility to furnish
20 special guidance, care and supervision to a resident of
21 the employee's household or member of the employee's
22 family in need thereof under circumstances temporarily
23 inconsistent with uninterrupted employment in State
24 service. The family responsibility leave plan so
25 established shall provide that any such leave shall be
26 without pay, that the seniority of the employee on such

1 leave shall not be reduced during the period of the leave,
2 that such leave shall not under any circumstance or for
3 any purpose be deemed to cause a break in such employee's
4 State service, that during the period of such leave any
5 coverage of the employee or the employee's dependents
6 which existed at the commencement of the leave under any
7 group health, hospital, medical and life insurance plan
8 provided through the State shall continue so long as the
9 employee pays to the State when due the full premium
10 incident to such coverage, and that upon expiration of the
11 leave the employee shall be returned to the same position
12 and classification which such employee held at the
13 commencement of the leave. The Director of Central
14 Management Services shall prepare proposed rules
15 consistent with this paragraph within 45 days after the
16 effective date of this amendatory Act of 1983, shall
17 promptly thereafter cause a public hearing thereon to be
18 held as provided in Section 8 and shall within 120 days
19 after the effective date of this amendatory Act of 1983
20 cause such proposed rules to be submitted to the Civil
21 Service Commission as provided in Section 8.

22 (6) For the development and operation of a plan for
23 alternative employment for any employee who is able to
24 perform alternative employment after a work related or
25 non-work related disability essentially precludes that
26 employee from performing his or her currently assigned

1 duties. Such a plan shall be voluntary for any employee
2 and nonparticipation shall not be grounds for denial of
3 any benefit to which the employee would otherwise be
4 eligible. Any plan seeking to cover positions for which
5 there is a recognized bargaining agent shall be subject to
6 collective bargaining between the parties.

7 (7) For the development and operation of an Executive
8 Development Program to provide scholarships for the
9 receipt of academic degrees or senior executive training
10 beyond the Bachelor's degree level for as many as 25
11 employees at any given time:

12 (i) each of whom is nominated for such scholarship
13 by the head of the employee's agency and approved by
14 the Director;

15 (ii) who are subject to Term Appointment under
16 Section 8b.18 or who would be subject to such Term
17 Appointment but for Federal funding or who are exempt
18 from Jurisdiction B under subsections (2), (3) or (6)
19 of Section 4d of this Act:

20 (iii) who meet the admission standards established
21 by the institution awarding the advanced degree or
22 conducting the training;

23 (iv) each of whom agrees, as a condition of
24 accepting such scholarship, that the State may recover
25 the scholarship by garnishment, lien or other
26 appropriate legal action if the employee fails to

1 continue in the employ of the State, but not
2 necessarily in the same agency, for a minimum of 4
3 years following receipt of an advanced degree or
4 training and that the State may charge interest from
5 the time of payment until the time of recovery of such
6 scholarship of no less than 1% per month or 12% per
7 annum on all funds recovered by the State. The amount
8 the State may recover under this Section will be
9 reduced by 25% of the gross amount paid by the State
10 for each year of employment following receipt of the
11 advanced degree or training.

12 The Director shall in approving eligible employees for
13 the Executive Development Program make every attempt to
14 guarantee that at least 1/3 of the employees appointed to
15 the program reflect the ratio of sex, race, and ethnicity
16 of eligible employees.

17 Such scholarships shall not exceed the amount
18 established for tuition and fees for the applicable
19 advanced degree or training at State universities in
20 Illinois whether the employee enrolls at any Illinois
21 public or private institution, and shall not include any
22 textbooks or equipment such as personal computers.

23 The Department of Central Management Services shall
24 make necessary efforts, including appropriate legal
25 action, to recover scholarships and interest thereupon due
26 subject to recovery by the State under Subparagraph (iv)

1 of this Subsection (7).

2 (Source: P.A. 98-718, eff. 1-1-15.)

3 (20 ILCS 415/10) (from Ch. 127, par. 63b110)

4 Sec. 10. Duties and powers of the Commission. The Civil
5 Service Commission shall have duties and powers as follows:

6 (1) Upon written recommendations by the Director of
7 the Department of Central Management Services to exempt
8 from jurisdiction B of this Act positions which, in the
9 judgment of the Commission, involve either principal
10 administrative responsibility for the determination of
11 policy or principal administrative responsibility for the
12 way in which policies are carried out. This authority may
13 not be exercised, however, with respect to the position of
14 Assistant Director of Healthcare and Family Services in
15 the Department of Healthcare and Family Services.

16 (2) To require such special reports from the Director
17 as it may consider desirable.

18 (3) To disapprove original rules or any part thereof
19 within 90 days and any amendment thereof within 30 days
20 after the submission of such rules to the Civil Service
21 Commission by the Director, and to disapprove any
22 amendments thereto in the same manner.

23 (4) To approve or disapprove within 60 days from date
24 of submission the position classification plan submitted
25 by the Director as provided in the rules, and any

1 revisions thereof within 30 days from the date of
2 submission.

3 (5) To hear appeals of employees who do not accept the
4 allocation of their positions under the position
5 classification plan.

6 (6) To hear and determine written charges filed
7 seeking the discharge, demotion of employees and
8 suspension totaling more than thirty days in any 12-month
9 period, as provided in Section 11 hereof, and appeals from
10 transfers from one geographical area in the State to
11 another, and in connection therewith to administer oaths,
12 subpoena witnesses, and compel the production of books and
13 papers.

14 (7) The fees of subpoenaed witnesses under this Act
15 for attendance and travel shall be the same as fees of
16 witnesses before the circuit courts of the State, such
17 fees to be paid when the witness is excused from further
18 attendance. Whenever a subpoena is issued the Commission
19 may require that the cost of service and the fee of the
20 witness shall be borne by the party at whose insistence
21 the witness is summoned. The Commission has the power, at
22 its discretion, to require a deposit from such party to
23 cover the cost of service and witness fees and the payment
24 of the legal witness fee and mileage to the witness served
25 with the subpoena. A subpoena issued under this Act shall
26 be served in the same manner as a subpoena issued out of a

1 court.

2 Upon the failure or refusal to obey a subpoena, a
3 petition shall be prepared by the party serving the
4 subpoena for enforcement in the circuit court of the
5 county in which the person to whom the subpoena was
6 directed either resides or has his or her principal place
7 of business.

8 Not less than five days before the petition is filed
9 in the appropriate court, it shall be served on the person
10 along with a notice of the time and place the petition is
11 to be presented.

12 Following a hearing on the petition, the circuit court
13 shall have jurisdiction to enforce subpoenas issued
14 pursuant to this Section.

15 On motion and for good cause shown the Commission may
16 quash or modify any subpoena.

17 (8) To make an annual report regarding the work of the
18 Commission to the Governor, such report to be a public
19 report.

20 (9) If any violation of this Act is found, the
21 Commission shall direct compliance in writing.

22 (10) To appoint a full-time executive secretary and
23 such other employees, experts, and special assistants as
24 may be necessary to carry out the powers and duties of the
25 Commission under this Act and employees, experts, and
26 special assistants so appointed by the Commission shall be

1 subject to the provisions of jurisdictions A, B and C of
2 this Act. These powers and duties supersede any contrary
3 provisions herein contained.

4 (11) To make rules to carry out and implement their
5 powers and duties under this Act, with authority to amend
6 such rules from time to time.

7 (12) To hear or conduct investigations as it deems
8 necessary of appeals of layoff filed by employees
9 appointed under Jurisdiction B after examination provided
10 that such appeals are filed within 15 calendar days
11 following the effective date of such layoff and are made
12 on the basis that the provisions of the Personnel Code or
13 of the Rules of the Department of Central Management
14 Services relating to layoff have been violated or have not
15 been complied with.

16 All hearings shall be public. A decision shall be
17 rendered within 60 days after receipt of the transcript of
18 the proceedings. The Commission shall order the
19 reinstatement of the employee if it is proven that the
20 provisions of the Personnel Code or of the rules of the
21 Department of Central Management Services relating to
22 layoff have been violated or have not been complied with.
23 In connection therewith the Commission may administer
24 oaths, subpoena witnesses, and compel the production of
25 books and papers.

26 (13) Whenever the Civil Service Commission is

1 authorized or required by law to consider some aspect of
2 criminal history record information for the purpose of
3 carrying out its statutory powers and responsibilities,
4 then, upon request and payment of fees in conformance with
5 the requirements of Section 2605-400 of the Illinois
6 ~~Department of State Police Law (20 ILCS 2605/2605-400)~~,
7 the Illinois ~~Department of State Police~~ is authorized to
8 furnish, pursuant to positive identification, such
9 information contained in State files as is necessary to
10 fulfill the request.

11 (Source: P.A. 100-201, eff. 8-18-17.)

12 Section 125. The Children and Family Services Act is
13 amended by changing Sections 5, 35.5, and 35.6 as follows:

14 (20 ILCS 505/5) (from Ch. 23, par. 5005)

15 Sec. 5. Direct child welfare services; Department of
16 Children and Family Services. To provide direct child welfare
17 services when not available through other public or private
18 child care or program facilities.

19 (a) For purposes of this Section:

20 (1) "Children" means persons found within the State
21 who are under the age of 18 years. The term also includes
22 persons under age 21 who:

23 (A) were committed to the Department pursuant to
24 the Juvenile Court Act or the Juvenile Court Act of

1 1987, ~~as amended,~~ and who continue under the
2 jurisdiction of the court; or

3 (B) were accepted for care, service and training
4 by the Department prior to the age of 18 and whose best
5 interest in the discretion of the Department would be
6 served by continuing that care, service and training
7 because of severe emotional disturbances, physical
8 disability, social adjustment or any combination
9 thereof, or because of the need to complete an
10 educational or vocational training program.

11 (2) "Homeless youth" means persons found within the
12 State who are under the age of 19, are not in a safe and
13 stable living situation and cannot be reunited with their
14 families.

15 (3) "Child welfare services" means public social
16 services which are directed toward the accomplishment of
17 the following purposes:

18 (A) protecting and promoting the health, safety
19 and welfare of children, including homeless,
20 dependent, l or neglected children;

21 (B) remedying, or assisting in the solution of
22 problems which may result in, the neglect, abuse,
23 exploitation, l or delinquency of children;

24 (C) preventing the unnecessary separation of
25 children from their families by identifying family
26 problems, assisting families in resolving their

1 problems, and preventing the breakup of the family
2 where the prevention of child removal is desirable and
3 possible when the child can be cared for at home
4 without endangering the child's health and safety;

5 (D) restoring to their families children who have
6 been removed, by the provision of services to the
7 child and the families when the child can be cared for
8 at home without endangering the child's health and
9 safety;

10 (E) placing children in suitable adoptive homes,
11 in cases where restoration to the biological family is
12 not safe, possible, or appropriate;

13 (F) assuring safe and adequate care of children
14 away from their homes, in cases where the child cannot
15 be returned home or cannot be placed for adoption. At
16 the time of placement, the Department shall consider
17 concurrent planning, as described in subsection (1-1)
18 of this Section so that permanency may occur at the
19 earliest opportunity. Consideration should be given so
20 that if reunification fails or is delayed, the
21 placement made is the best available placement to
22 provide permanency for the child;

23 (G) (blank);

24 (H) (blank); and

25 (I) placing and maintaining children in facilities
26 that provide separate living quarters for children

1 under the age of 18 and for children 18 years of age
2 and older, unless a child 18 years of age is in the
3 last year of high school education or vocational
4 training, in an approved individual or group treatment
5 program, in a licensed shelter facility, or secure
6 child care facility. The Department is not required to
7 place or maintain children:

8 (i) who are in a foster home, or

9 (ii) who are persons with a developmental
10 disability, as defined in the Mental Health and
11 Developmental Disabilities Code, or

12 (iii) who are female children who are
13 pregnant, pregnant and parenting, or parenting, or

14 (iv) who are siblings, in facilities that
15 provide separate living quarters for children 18
16 years of age and older and for children under 18
17 years of age.

18 (b) (Blank).

19 (c) The Department shall establish and maintain
20 tax-supported child welfare services and extend and seek to
21 improve voluntary services throughout the State, to the end
22 that services and care shall be available on an equal basis
23 throughout the State to children requiring such services.

24 (d) The Director may authorize advance disbursements for
25 any new program initiative to any agency contracting with the
26 Department. As a prerequisite for an advance disbursement, the

1 contractor must post a surety bond in the amount of the advance
2 disbursement and have a purchase of service contract approved
3 by the Department. The Department may pay up to 2 months
4 operational expenses in advance. The amount of the advance
5 disbursement shall be prorated over the life of the contract
6 or the remaining months of the fiscal year, whichever is less,
7 and the installment amount shall then be deducted from future
8 bills. Advance disbursement authorizations for new initiatives
9 shall not be made to any agency after that agency has operated
10 during 2 consecutive fiscal years. The requirements of this
11 Section concerning advance disbursements shall not apply with
12 respect to the following: payments to local public agencies
13 for child day care services as authorized by Section 5a of this
14 Act; and youth service programs receiving grant funds under
15 Section 17a-4.

16 (e) (Blank).

17 (f) (Blank).

18 (g) The Department shall establish rules and regulations
19 concerning its operation of programs designed to meet the
20 goals of child safety and protection, family preservation,
21 family reunification, and adoption, including, but not limited
22 to:

23 (1) adoption;

24 (2) foster care;

25 (3) family counseling;

26 (4) protective services;

- 1 (5) (blank);
- 2 (6) homemaker service;
- 3 (7) return of runaway children;
- 4 (8) (blank);
- 5 (9) placement under Section 5-7 of the Juvenile Court
- 6 Act or Section 2-27, 3-28, 4-25, or 5-740 of the Juvenile
- 7 Court Act of 1987 in accordance with the federal Adoption
- 8 Assistance and Child Welfare Act of 1980; and
- 9 (10) interstate services.

10 Rules and regulations established by the Department shall
11 include provisions for training Department staff and the staff
12 of Department grantees, through contracts with other agencies
13 or resources, in screening techniques to identify substance
14 use disorders, as defined in the Substance Use Disorder Act,
15 approved by the Department of Human Services, as a successor
16 to the Department of Alcoholism and Substance Abuse, for the
17 purpose of identifying children and adults who should be
18 referred for an assessment at an organization appropriately
19 licensed by the Department of Human Services for substance use
20 disorder treatment.

21 (h) If the Department finds that there is no appropriate
22 program or facility within or available to the Department for
23 a youth in care and that no licensed private facility has an
24 adequate and appropriate program or none agrees to accept the
25 youth in care, the Department shall create an appropriate
26 individualized, program-oriented plan for such youth in care.

1 The plan may be developed within the Department or through
2 purchase of services by the Department to the extent that it is
3 within its statutory authority to do.

4 (i) Service programs shall be available throughout the
5 State and shall include but not be limited to the following
6 services:

- 7 (1) case management;
- 8 (2) homemakers;
- 9 (3) counseling;
- 10 (4) parent education;
- 11 (5) day care; and
- 12 (6) emergency assistance and advocacy.

13 In addition, the following services may be made available
14 to assess and meet the needs of children and families:

- 15 (1) comprehensive family-based services;
- 16 (2) assessments;
- 17 (3) respite care; and
- 18 (4) in-home health services.

19 The Department shall provide transportation for any of the
20 services it makes available to children or families or for
21 which it refers children or families.

22 (j) The Department may provide categories of financial
23 assistance and education assistance grants, and shall
24 establish rules and regulations concerning the assistance and
25 grants, to persons who adopt children with physical or mental
26 disabilities, children who are older, or other hard-to-place

1 children who (i) immediately prior to their adoption were
2 youth in care or (ii) were determined eligible for financial
3 assistance with respect to a prior adoption and who become
4 available for adoption because the prior adoption has been
5 dissolved and the parental rights of the adoptive parents have
6 been terminated or because the child's adoptive parents have
7 died. The Department may continue to provide financial
8 assistance and education assistance grants for a child who was
9 determined eligible for financial assistance under this
10 subsection (j) in the interim period beginning when the
11 child's adoptive parents died and ending with the finalization
12 of the new adoption of the child by another adoptive parent or
13 parents. The Department may also provide categories of
14 financial assistance and education assistance grants, and
15 shall establish rules and regulations for the assistance and
16 grants, to persons appointed guardian of the person under
17 Section 5-7 of the Juvenile Court Act or Section 2-27, 3-28,
18 4-25, or 5-740 of the Juvenile Court Act of 1987 for children
19 who were youth in care for 12 months immediately prior to the
20 appointment of the guardian.

21 The amount of assistance may vary, depending upon the
22 needs of the child and the adoptive parents, as set forth in
23 the annual assistance agreement. Special purpose grants are
24 allowed where the child requires special service but such
25 costs may not exceed the amounts which similar services would
26 cost the Department if it were to provide or secure them as

1 guardian of the child.

2 Any financial assistance provided under this subsection is
3 inalienable by assignment, sale, execution, attachment,
4 garnishment, or any other remedy for recovery or collection of
5 a judgment or debt.

6 (j-5) The Department shall not deny or delay the placement
7 of a child for adoption if an approved family is available
8 either outside of the Department region handling the case, or
9 outside of the State of Illinois.

10 (k) The Department shall accept for care and training any
11 child who has been adjudicated neglected or abused, or
12 dependent committed to it pursuant to the Juvenile Court Act
13 or the Juvenile Court Act of 1987.

14 (l) The Department shall offer family preservation
15 services, as defined in Section 8.2 of the Abused and
16 Neglected Child Reporting Act, to help families, including
17 adoptive and extended families. Family preservation services
18 shall be offered (i) to prevent the placement of children in
19 substitute care when the children can be cared for at home or
20 in the custody of the person responsible for the children's
21 welfare, (ii) to reunite children with their families, or
22 (iii) to maintain an adoptive placement. Family preservation
23 services shall only be offered when doing so will not endanger
24 the children's health or safety. With respect to children who
25 are in substitute care pursuant to the Juvenile Court Act of
26 1987, family preservation services shall not be offered if a

1 goal other than those of subdivisions (A), (B), or (B-1) of
2 subsection (2) of Section 2-28 of that Act has been set, except
3 that reunification services may be offered as provided in
4 paragraph (F) of subsection (2) of Section 2-28 of that Act.
5 Nothing in this paragraph shall be construed to create a
6 private right of action or claim on the part of any individual
7 or child welfare agency, except that when a child is the
8 subject of an action under Article II of the Juvenile Court Act
9 of 1987 and the child's service plan calls for services to
10 facilitate achievement of the permanency goal, the court
11 hearing the action under Article II of the Juvenile Court Act
12 of 1987 may order the Department to provide the services set
13 out in the plan, if those services are not provided with
14 reasonable promptness and if those services are available.

15 The Department shall notify the child and his family of
16 the Department's responsibility to offer and provide family
17 preservation services as identified in the service plan. The
18 child and his family shall be eligible for services as soon as
19 the report is determined to be "indicated". The Department may
20 offer services to any child or family with respect to whom a
21 report of suspected child abuse or neglect has been filed,
22 prior to concluding its investigation under Section 7.12 of
23 the Abused and Neglected Child Reporting Act. However, the
24 child's or family's willingness to accept services shall not
25 be considered in the investigation. The Department may also
26 provide services to any child or family who is the subject of

1 any report of suspected child abuse or neglect or may refer
2 such child or family to services available from other agencies
3 in the community, even if the report is determined to be
4 unfounded, if the conditions in the child's or family's home
5 are reasonably likely to subject the child or family to future
6 reports of suspected child abuse or neglect. Acceptance of
7 such services shall be voluntary. The Department may also
8 provide services to any child or family after completion of a
9 family assessment, as an alternative to an investigation, as
10 provided under the "differential response program" provided
11 for in subsection (a-5) of Section 7.4 of the Abused and
12 Neglected Child Reporting Act.

13 The Department may, at its discretion except for those
14 children also adjudicated neglected or dependent, accept for
15 care and training any child who has been adjudicated addicted,
16 as a truant minor in need of supervision or as a minor
17 requiring authoritative intervention, under the Juvenile Court
18 Act or the Juvenile Court Act of 1987, but no such child shall
19 be committed to the Department by any court without the
20 approval of the Department. On and after January 1, 2015 (the
21 effective date of Public Act 98-803) and before January 1,
22 2017, a minor charged with a criminal offense under the
23 Criminal Code of 1961 or the Criminal Code of 2012 or
24 adjudicated delinquent shall not be placed in the custody of
25 or committed to the Department by any court, except (i) a minor
26 less than 16 years of age committed to the Department under

1 Section 5-710 of the Juvenile Court Act of 1987, (ii) a minor
2 for whom an independent basis of abuse, neglect, or dependency
3 exists, which must be defined by departmental rule, or (iii) a
4 minor for whom the court has granted a supplemental petition
5 to reinstate wardship pursuant to subsection (2) of Section
6 2-33 of the Juvenile Court Act of 1987. On and after January 1,
7 2017, a minor charged with a criminal offense under the
8 Criminal Code of 1961 or the Criminal Code of 2012 or
9 adjudicated delinquent shall not be placed in the custody of
10 or committed to the Department by any court, except (i) a minor
11 less than 15 years of age committed to the Department under
12 Section 5-710 of the Juvenile Court Act of 1987, ii) a minor
13 for whom an independent basis of abuse, neglect, or dependency
14 exists, which must be defined by departmental rule, or (iii) a
15 minor for whom the court has granted a supplemental petition
16 to reinstate wardship pursuant to subsection (2) of Section
17 2-33 of the Juvenile Court Act of 1987. An independent basis
18 exists when the allegations or adjudication of abuse, neglect,
19 or dependency do not arise from the same facts, incident, or
20 circumstances which give rise to a charge or adjudication of
21 delinquency. The Department shall assign a caseworker to
22 attend any hearing involving a youth in the care and custody of
23 the Department who is placed on aftercare release, including
24 hearings involving sanctions for violation of aftercare
25 release conditions and aftercare release revocation hearings.

26 As soon as is possible after August 7, 2009 (the effective

1 date of Public Act 96-134), the Department shall develop and
2 implement a special program of family preservation services to
3 support intact, foster, and adoptive families who are
4 experiencing extreme hardships due to the difficulty and
5 stress of caring for a child who has been diagnosed with a
6 pervasive developmental disorder if the Department determines
7 that those services are necessary to ensure the health and
8 safety of the child. The Department may offer services to any
9 family whether or not a report has been filed under the Abused
10 and Neglected Child Reporting Act. The Department may refer
11 the child or family to services available from other agencies
12 in the community if the conditions in the child's or family's
13 home are reasonably likely to subject the child or family to
14 future reports of suspected child abuse or neglect. Acceptance
15 of these services shall be voluntary. The Department shall
16 develop and implement a public information campaign to alert
17 health and social service providers and the general public
18 about these special family preservation services. The nature
19 and scope of the services offered and the number of families
20 served under the special program implemented under this
21 paragraph shall be determined by the level of funding that the
22 Department annually allocates for this purpose. The term
23 "pervasive developmental disorder" under this paragraph means
24 a neurological condition, including, but not limited to,
25 Asperger's Syndrome and autism, as defined in the most recent
26 edition of the Diagnostic and Statistical Manual of Mental

1 Disorders of the American Psychiatric Association.

2 (1-1) The legislature recognizes that the best interests
3 of the child require that the child be placed in the most
4 permanent living arrangement as soon as is practically
5 possible. To achieve this goal, the legislature directs the
6 Department of Children and Family Services to conduct
7 concurrent planning so that permanency may occur at the
8 earliest opportunity. Permanent living arrangements may
9 include prevention of placement of a child outside the home of
10 the family when the child can be cared for at home without
11 endangering the child's health or safety; reunification with
12 the family, when safe and appropriate, if temporary placement
13 is necessary; or movement of the child toward the most
14 permanent living arrangement and permanent legal status.

15 When determining reasonable efforts to be made with
16 respect to a child, as described in this subsection, and in
17 making such reasonable efforts, the child's health and safety
18 shall be the paramount concern.

19 When a child is placed in foster care, the Department
20 shall ensure and document that reasonable efforts were made to
21 prevent or eliminate the need to remove the child from the
22 child's home. The Department must make reasonable efforts to
23 reunify the family when temporary placement of the child
24 occurs unless otherwise required, pursuant to the Juvenile
25 Court Act of 1987. At any time after the dispositional hearing
26 where the Department believes that further reunification

1 services would be ineffective, it may request a finding from
2 the court that reasonable efforts are no longer appropriate.
3 The Department is not required to provide further
4 reunification services after such a finding.

5 A decision to place a child in substitute care shall be
6 made with considerations of the child's health, safety, and
7 best interests. At the time of placement, consideration should
8 also be given so that if reunification fails or is delayed, the
9 placement made is the best available placement to provide
10 permanency for the child.

11 The Department shall adopt rules addressing concurrent
12 planning for reunification and permanency. The Department
13 shall consider the following factors when determining
14 appropriateness of concurrent planning:

- 15 (1) the likelihood of prompt reunification;
 - 16 (2) the past history of the family;
 - 17 (3) the barriers to reunification being addressed by
18 the family;
 - 19 (4) the level of cooperation of the family;
 - 20 (5) the foster parents' willingness to work with the
21 family to reunite;
 - 22 (6) the willingness and ability of the foster family
23 to provide an adoptive home or long-term placement;
 - 24 (7) the age of the child;
 - 25 (8) placement of siblings.
- 26 (m) The Department may assume temporary custody of any

1 child if:

2 (1) it has received a written consent to such
3 temporary custody signed by the parents of the child or by
4 the parent having custody of the child if the parents are
5 not living together or by the guardian or custodian of the
6 child if the child is not in the custody of either parent,
7 or

8 (2) the child is found in the State and neither a
9 parent, guardian nor custodian of the child can be
10 located.

11 If the child is found in his or her residence without a parent,
12 guardian, custodian, or responsible caretaker, the Department
13 may, instead of removing the child and assuming temporary
14 custody, place an authorized representative of the Department
15 in that residence until such time as a parent, guardian, or
16 custodian enters the home and expresses a willingness and
17 apparent ability to ensure the child's health and safety and
18 resume permanent charge of the child, or until a relative
19 enters the home and is willing and able to ensure the child's
20 health and safety and assume charge of the child until a
21 parent, guardian, or custodian enters the home and expresses
22 such willingness and ability to ensure the child's safety and
23 resume permanent charge. After a caretaker has remained in the
24 home for a period not to exceed 12 hours, the Department must
25 follow those procedures outlined in Section 2-9, 3-11, 4-8, or
26 5-415 of the Juvenile Court Act of 1987.

1 The Department shall have the authority, responsibilities
2 and duties that a legal custodian of the child would have
3 pursuant to subsection (9) of Section 1-3 of the Juvenile
4 Court Act of 1987. Whenever a child is taken into temporary
5 custody pursuant to an investigation under the Abused and
6 Neglected Child Reporting Act, or pursuant to a referral and
7 acceptance under the Juvenile Court Act of 1987 of a minor in
8 limited custody, the Department, during the period of
9 temporary custody and before the child is brought before a
10 judicial officer as required by Section 2-9, 3-11, 4-8, or
11 5-415 of the Juvenile Court Act of 1987, shall have the
12 authority, responsibilities and duties that a legal custodian
13 of the child would have under subsection (9) of Section 1-3 of
14 the Juvenile Court Act of 1987.

15 The Department shall ensure that any child taken into
16 custody is scheduled for an appointment for a medical
17 examination.

18 A parent, guardian, or custodian of a child in the
19 temporary custody of the Department who would have custody of
20 the child if he were not in the temporary custody of the
21 Department may deliver to the Department a signed request that
22 the Department surrender the temporary custody of the child.
23 The Department may retain temporary custody of the child for
24 10 days after the receipt of the request, during which period
25 the Department may cause to be filed a petition pursuant to the
26 Juvenile Court Act of 1987. If a petition is so filed, the

1 Department shall retain temporary custody of the child until
2 the court orders otherwise. If a petition is not filed within
3 the 10-day period, the child shall be surrendered to the
4 custody of the requesting parent, guardian, or custodian not
5 later than the expiration of the 10-day period, at which time
6 the authority and duties of the Department with respect to the
7 temporary custody of the child shall terminate.

8 (m-1) The Department may place children under 18 years of
9 age in a secure child care facility licensed by the Department
10 that cares for children who are in need of secure living
11 arrangements for their health, safety, and well-being after a
12 determination is made by the facility director and the
13 Director or the Director's designate prior to admission to the
14 facility subject to Section 2-27.1 of the Juvenile Court Act
15 of 1987. This subsection (m-1) does not apply to a child who is
16 subject to placement in a correctional facility operated
17 pursuant to Section 3-15-2 of the Unified Code of Corrections,
18 unless the child is a youth in care who was placed in the care
19 of the Department before being subject to placement in a
20 correctional facility and a court of competent jurisdiction
21 has ordered placement of the child in a secure care facility.

22 (n) The Department may place children under 18 years of
23 age in licensed child care facilities when in the opinion of
24 the Department, appropriate services aimed at family
25 preservation have been unsuccessful and cannot ensure the
26 child's health and safety or are unavailable and such

1 placement would be for their best interest. Payment for board,
2 clothing, care, training and supervision of any child placed
3 in a licensed child care facility may be made by the
4 Department, by the parents or guardians of the estates of
5 those children, or by both the Department and the parents or
6 guardians, except that no payments shall be made by the
7 Department for any child placed in a licensed child care
8 facility for board, clothing, care, training and supervision
9 of such a child that exceed the average per capita cost of
10 maintaining and of caring for a child in institutions for
11 dependent or neglected children operated by the Department.
12 However, such restriction on payments does not apply in cases
13 where children require specialized care and treatment for
14 problems of severe emotional disturbance, physical disability,
15 social adjustment, or any combination thereof and suitable
16 facilities for the placement of such children are not
17 available at payment rates within the limitations set forth in
18 this Section. All reimbursements for services delivered shall
19 be absolutely inalienable by assignment, sale, attachment, or
20 garnishment or otherwise.

21 (n-1) The Department shall provide or authorize child
22 welfare services, aimed at assisting minors to achieve
23 sustainable self-sufficiency as independent adults, for any
24 minor eligible for the reinstatement of wardship pursuant to
25 subsection (2) of Section 2-33 of the Juvenile Court Act of
26 1987, whether or not such reinstatement is sought or allowed,

1 provided that the minor consents to such services and has not
2 yet attained the age of 21. The Department shall have
3 responsibility for the development and delivery of services
4 under this Section. An eligible youth may access services
5 under this Section through the Department of Children and
6 Family Services or by referral from the Department of Human
7 Services. Youth participating in services under this Section
8 shall cooperate with the assigned case manager in developing
9 an agreement identifying the services to be provided and how
10 the youth will increase skills to achieve self-sufficiency. A
11 homeless shelter is not considered appropriate housing for any
12 youth receiving child welfare services under this Section. The
13 Department shall continue child welfare services under this
14 Section to any eligible minor until the minor becomes 21 years
15 of age, no longer consents to participate, or achieves
16 self-sufficiency as identified in the minor's service plan.
17 The Department of Children and Family Services shall create
18 clear, readable notice of the rights of former foster youth to
19 child welfare services under this Section and how such
20 services may be obtained. The Department of Children and
21 Family Services and the Department of Human Services shall
22 disseminate this information statewide. The Department shall
23 adopt regulations describing services intended to assist
24 minors in achieving sustainable self-sufficiency as
25 independent adults.

26 (o) The Department shall establish an administrative

1 review and appeal process for children and families who
2 request or receive child welfare services from the Department.
3 Youth in care who are placed by private child welfare
4 agencies, and foster families with whom those youth are
5 placed, shall be afforded the same procedural and appeal
6 rights as children and families in the case of placement by the
7 Department, including the right to an initial review of a
8 private agency decision by that agency. The Department shall
9 ensure that any private child welfare agency, which accepts
10 youth in care for placement, affords those rights to children
11 and foster families. The Department shall accept for
12 administrative review and an appeal hearing a complaint made
13 by (i) a child or foster family concerning a decision
14 following an initial review by a private child welfare agency
15 or (ii) a prospective adoptive parent who alleges a violation
16 of subsection (j-5) of this Section. An appeal of a decision
17 concerning a change in the placement of a child shall be
18 conducted in an expedited manner. A court determination that a
19 current foster home placement is necessary and appropriate
20 under Section 2-28 of the Juvenile Court Act of 1987 does not
21 constitute a judicial determination on the merits of an
22 administrative appeal, filed by a former foster parent,
23 involving a change of placement decision.

24 (p) (Blank).

25 (q) The Department may receive and use, in their entirety,
26 for the benefit of children any gift, donation, or bequest of

1 money or other property which is received on behalf of such
2 children, or any financial benefits to which such children are
3 or may become entitled while under the jurisdiction or care of
4 the Department.

5 The Department shall set up and administer no-cost,
6 interest-bearing accounts in appropriate financial
7 institutions for children for whom the Department is legally
8 responsible and who have been determined eligible for
9 Veterans' Benefits, Social Security benefits, assistance
10 allotments from the armed forces, court ordered payments,
11 parental voluntary payments, Supplemental Security Income,
12 Railroad Retirement payments, Black Lung benefits, or other
13 miscellaneous payments. Interest earned by each account shall
14 be credited to the account, unless disbursed in accordance
15 with this subsection.

16 In disbursing funds from children's accounts, the
17 Department shall:

18 (1) Establish standards in accordance with State and
19 federal laws for disbursing money from children's
20 accounts. In all circumstances, the Department's
21 "Guardianship Administrator" or his or her designee must
22 approve disbursements from children's accounts. The
23 Department shall be responsible for keeping complete
24 records of all disbursements for each account for any
25 purpose.

26 (2) Calculate on a monthly basis the amounts paid from

1 State funds for the child's board and care, medical care
2 not covered under Medicaid, and social services; and
3 utilize funds from the child's account, as covered by
4 regulation, to reimburse those costs. Monthly,
5 disbursements from all children's accounts, up to 1/12 of
6 \$13,000,000, shall be deposited by the Department into the
7 General Revenue Fund and the balance over 1/12 of
8 \$13,000,000 into the DCFS Children's Services Fund.

9 (3) Maintain any balance remaining after reimbursing
10 for the child's costs of care, as specified in item (2).
11 The balance shall accumulate in accordance with relevant
12 State and federal laws and shall be disbursed to the child
13 or his or her guardian, or to the issuing agency.

14 (r) The Department shall promulgate regulations
15 encouraging all adoption agencies to voluntarily forward to
16 the Department or its agent names and addresses of all persons
17 who have applied for and have been approved for adoption of a
18 hard-to-place child or child with a disability and the names
19 of such children who have not been placed for adoption. A list
20 of such names and addresses shall be maintained by the
21 Department or its agent, and coded lists which maintain the
22 confidentiality of the person seeking to adopt the child and
23 of the child shall be made available, without charge, to every
24 adoption agency in the State to assist the agencies in placing
25 such children for adoption. The Department may delegate to an
26 agent its duty to maintain and make available such lists. The

1 Department shall ensure that such agent maintains the
2 confidentiality of the person seeking to adopt the child and
3 of the child.

4 (s) The Department of Children and Family Services may
5 establish and implement a program to reimburse Department and
6 private child welfare agency foster parents licensed by the
7 Department of Children and Family Services for damages
8 sustained by the foster parents as a result of the malicious or
9 negligent acts of foster children, as well as providing third
10 party coverage for such foster parents with regard to actions
11 of foster children to other individuals. Such coverage will be
12 secondary to the foster parent liability insurance policy, if
13 applicable. The program shall be funded through appropriations
14 from the General Revenue Fund, specifically designated for
15 such purposes.

16 (t) The Department shall perform home studies and
17 investigations and shall exercise supervision over visitation
18 as ordered by a court pursuant to the Illinois Marriage and
19 Dissolution of Marriage Act or the Adoption Act only if:

20 (1) an order entered by an Illinois court specifically
21 directs the Department to perform such services; and

22 (2) the court has ordered one or both of the parties to
23 the proceeding to reimburse the Department for its
24 reasonable costs for providing such services in accordance
25 with Department rules, or has determined that neither
26 party is financially able to pay.

1 The Department shall provide written notification to the
2 court of the specific arrangements for supervised visitation
3 and projected monthly costs within 60 days of the court order.
4 The Department shall send to the court information related to
5 the costs incurred except in cases where the court has
6 determined the parties are financially unable to pay. The
7 court may order additional periodic reports as appropriate.

8 (u) In addition to other information that must be
9 provided, whenever the Department places a child with a
10 prospective adoptive parent or parents, or ~~or~~ in a licensed
11 foster home, group home, or child care institution, or in a
12 relative home, the Department shall provide to the prospective
13 adoptive parent or parents or other caretaker:

14 (1) available detailed information concerning the
15 child's educational and health history, copies of
16 immunization records (including insurance and medical card
17 information), a history of the child's previous
18 placements, if any, and reasons for placement changes
19 excluding any information that identifies or reveals the
20 location of any previous caretaker;

21 (2) a copy of the child's portion of the client
22 service plan, including any visitation arrangement, and
23 all amendments or revisions to it as related to the child;
24 and

25 (3) information containing details of the child's
26 individualized educational plan when the child is

1 receiving special education services.

2 The caretaker shall be informed of any known social or
3 behavioral information (including, but not limited to,
4 criminal background, fire setting, perpetuation of sexual
5 abuse, destructive behavior, and substance abuse) necessary to
6 care for and safeguard the children to be placed or currently
7 in the home. The Department may prepare a written summary of
8 the information required by this paragraph, which may be
9 provided to the foster or prospective adoptive parent in
10 advance of a placement. The foster or prospective adoptive
11 parent may review the supporting documents in the child's file
12 in the presence of casework staff. In the case of an emergency
13 placement, casework staff shall at least provide known
14 information verbally, if necessary, and must subsequently
15 provide the information in writing as required by this
16 subsection.

17 The information described in this subsection shall be
18 provided in writing. In the case of emergency placements when
19 time does not allow prior review, preparation, and collection
20 of written information, the Department shall provide such
21 information as it becomes available. Within 10 business days
22 after placement, the Department shall obtain from the
23 prospective adoptive parent or parents or other caretaker a
24 signed verification of receipt of the information provided.
25 Within 10 business days after placement, the Department shall
26 provide to the child's guardian ad litem a copy of the

1 information provided to the prospective adoptive parent or
2 parents or other caretaker. The information provided to the
3 prospective adoptive parent or parents or other caretaker
4 shall be reviewed and approved regarding accuracy at the
5 supervisory level.

6 (u-5) Effective July 1, 1995, only foster care placements
7 licensed as foster family homes pursuant to the Child Care Act
8 of 1969 shall be eligible to receive foster care payments from
9 the Department. Relative caregivers who, as of July 1, 1995,
10 were approved pursuant to approved relative placement rules
11 previously promulgated by the Department at 89 Ill. Adm. Code
12 335 and had submitted an application for licensure as a foster
13 family home may continue to receive foster care payments only
14 until the Department determines that they may be licensed as a
15 foster family home or that their application for licensure is
16 denied or until September 30, 1995, whichever occurs first.

17 (v) The Department shall access criminal history record
18 information as defined in the Illinois Uniform Conviction
19 Information Act and information maintained in the adjudicatory
20 and dispositional record system as defined in Section 2605-355
21 of the Illinois Department of State Police Law ~~(20 ILCS~~
22 ~~2605/2605-355)~~ if the Department determines the information is
23 necessary to perform its duties under the Abused and Neglected
24 Child Reporting Act, the Child Care Act of 1969, and the
25 Children and Family Services Act. The Department shall provide
26 for interactive computerized communication and processing

1 equipment that permits direct on-line communication with the
2 Illinois ~~Department of~~ State Police's central criminal history
3 data repository. The Department shall comply with all
4 certification requirements and provide certified operators who
5 have been trained by personnel from the Illinois ~~Department of~~
6 State Police. In addition, one Office of the Inspector General
7 investigator shall have training in the use of the criminal
8 history information access system and have access to the
9 terminal. The Department of Children and Family Services and
10 its employees shall abide by rules and regulations established
11 by the Illinois ~~Department of~~ State Police relating to the
12 access and dissemination of this information.

13 (v-1) Prior to final approval for placement of a child,
14 the Department shall conduct a criminal records background
15 check of the prospective foster or adoptive parent, including
16 fingerprint-based checks of national crime information
17 databases. Final approval for placement shall not be granted
18 if the record check reveals a felony conviction for child
19 abuse or neglect, for spousal abuse, for a crime against
20 children, or for a crime involving violence, including rape,
21 sexual assault, or homicide, but not including other physical
22 assault or battery, or if there is a felony conviction for
23 physical assault, battery, or a drug-related offense committed
24 within the past 5 years.

25 (v-2) Prior to final approval for placement of a child,
26 the Department shall check its child abuse and neglect

1 registry for information concerning prospective foster and
2 adoptive parents, and any adult living in the home. If any
3 prospective foster or adoptive parent or other adult living in
4 the home has resided in another state in the preceding 5 years,
5 the Department shall request a check of that other state's
6 child abuse and neglect registry.

7 (w) Within 120 days of August 20, 1995 (the effective date
8 of Public Act 89-392), the Department shall prepare and submit
9 to the Governor and the General Assembly, a written plan for
10 the development of in-state licensed secure child care
11 facilities that care for children who are in need of secure
12 living arrangements for their health, safety, and well-being.
13 For purposes of this subsection, secure care facility shall
14 mean a facility that is designed and operated to ensure that
15 all entrances and exits from the facility, a building or a
16 distinct part of the building, are under the exclusive control
17 of the staff of the facility, whether or not the child has the
18 freedom of movement within the perimeter of the facility,
19 building, or distinct part of the building. The plan shall
20 include descriptions of the types of facilities that are
21 needed in Illinois; the cost of developing these secure care
22 facilities; the estimated number of placements; the potential
23 cost savings resulting from the movement of children currently
24 out-of-state who are projected to be returned to Illinois; the
25 necessary geographic distribution of these facilities in
26 Illinois; and a proposed timetable for development of such

1 facilities.

2 (x) The Department shall conduct annual credit history
3 checks to determine the financial history of children placed
4 under its guardianship pursuant to the Juvenile Court Act of
5 1987. The Department shall conduct such credit checks starting
6 when a youth in care turns 12 years old and each year
7 thereafter for the duration of the guardianship as terminated
8 pursuant to the Juvenile Court Act of 1987. The Department
9 shall determine if financial exploitation of the child's
10 personal information has occurred. If financial exploitation
11 appears to have taken place or is presently ongoing, the
12 Department shall notify the proper law enforcement agency, the
13 proper State's Attorney, or the Attorney General.

14 (y) Beginning on July 22, 2010 (the effective date of
15 Public Act 96-1189), a child with a disability who receives
16 residential and educational services from the Department shall
17 be eligible to receive transition services in accordance with
18 Article 14 of the School Code from the age of 14.5 through age
19 21, inclusive, notwithstanding the child's residential
20 services arrangement. For purposes of this subsection, "child
21 with a disability" means a child with a disability as defined
22 by the federal Individuals with Disabilities Education
23 Improvement Act of 2004.

24 (z) The Department shall access criminal history record
25 information as defined as "background information" in this
26 subsection and criminal history record information as defined

1 in the Illinois Uniform Conviction Information Act for each
2 Department employee or Department applicant. Each Department
3 employee or Department applicant shall submit his or her
4 fingerprints to the Illinois ~~Department of~~ State Police in the
5 form and manner prescribed by the Illinois ~~Department of~~ State
6 Police. These fingerprints shall be checked against the
7 fingerprint records now and hereafter filed in the Illinois
8 ~~Department of~~ State Police and the Federal Bureau of
9 Investigation criminal history records databases. The Illinois
10 ~~Department of~~ State Police shall charge a fee for conducting
11 the criminal history record check, which shall be deposited
12 into the State Police Services Fund and shall not exceed the
13 actual cost of the record check. The Illinois ~~Department of~~
14 State Police shall furnish, pursuant to positive
15 identification, all Illinois conviction information to the
16 Department of Children and Family Services.

17 For purposes of this subsection:

18 "Background information" means all of the following:

19 (i) Upon the request of the Department of Children and
20 Family Services, conviction information obtained from the
21 Illinois ~~Department of~~ State Police as a result of a
22 fingerprint-based criminal history records check of the
23 Illinois criminal history records database and the Federal
24 Bureau of Investigation criminal history records database
25 concerning a Department employee or Department applicant.

26 (ii) Information obtained by the Department of

1 Children and Family Services after performing a check of
2 the Illinois ~~Department of~~ State Police's Sex Offender
3 Database, as authorized by Section 120 of the Sex Offender
4 Community Notification Law, concerning a Department
5 employee or Department applicant.

6 (iii) Information obtained by the Department of
7 Children and Family Services after performing a check of
8 the Child Abuse and Neglect Tracking System (CANTS)
9 operated and maintained by the Department.

10 "Department employee" means a full-time or temporary
11 employee coded or certified within the State of Illinois
12 Personnel System.

13 "Department applicant" means an individual who has
14 conditional Department full-time or part-time work, a
15 contractor, an individual used to replace or supplement staff,
16 an academic intern, a volunteer in Department offices or on
17 Department contracts, a work-study student, an individual or
18 entity licensed by the Department, or an unlicensed service
19 provider who works as a condition of a contract or an agreement
20 and whose work may bring the unlicensed service provider into
21 contact with Department clients or client records.

22 (Source: P.A. 100-159, eff. 8-18-17; 100-522, eff. 9-22-17;
23 100-759, eff. 1-1-19; 100-863, eff. 8-14-18; 100-978, eff.
24 8-19-18; 101-13, eff. 6-12-19; 101-79, eff. 7-12-19; 101-81,
25 eff. 7-12-19; revised 8-1-19.)

1 (20 ILCS 505/35.5)

2 Sec. 35.5. Inspector General.

3 (a) The Governor shall appoint, and the Senate shall
4 confirm, an Inspector General who shall have the authority to
5 conduct investigations into allegations of or incidents of
6 possible misconduct, misfeasance, malfeasance, or violations
7 of rules, procedures, or laws by any employee, foster parent,
8 service provider, or contractor of the Department of Children
9 and Family Services, except for allegations of violations of
10 the State Officials and Employees Ethics Act which shall be
11 referred to the Office of the Governor's Executive Inspector
12 General for investigation. The Inspector General shall make
13 recommendations to the Director of Children and Family
14 Services concerning sanctions or disciplinary actions against
15 Department employees or providers of service under contract to
16 the Department. The Director of Children and Family Services
17 shall provide the Inspector General with an implementation
18 report on the status of any corrective actions taken on
19 recommendations under review and shall continue sending
20 updated reports until the corrective action is completed. The
21 Director shall provide a written response to the Inspector
22 General indicating the status of any sanctions or disciplinary
23 actions against employees or providers of service involving
24 any investigation subject to review. In any case, information
25 included in the reports to the Inspector General and
26 Department responses shall be subject to the public disclosure

1 requirements of the Abused and Neglected Child Reporting Act.
2 Any investigation conducted by the Inspector General shall be
3 independent and separate from the investigation mandated by
4 the Abused and Neglected Child Reporting Act. The Inspector
5 General shall be appointed for a term of 4 years. The Inspector
6 General shall function independently within the Department of
7 Children and Family Services with respect to the operations of
8 the Office of Inspector General, including the performance of
9 investigations and issuance of findings and recommendations,
10 and shall report to the Director of Children and Family
11 Services and the Governor and perform other duties the
12 Director may designate. The Inspector General shall adopt
13 rules as necessary to carry out the functions, purposes, and
14 duties of the office of Inspector General in the Department of
15 Children and Family Services, in accordance with the Illinois
16 Administrative Procedure Act and any other applicable law.

17 (b) The Inspector General shall have access to all
18 information and personnel necessary to perform the duties of
19 the office. To minimize duplication of efforts, and to assure
20 consistency and conformance with the requirements and
21 procedures established in the B.H. v. Suter consent decree and
22 to share resources when appropriate, the Inspector General
23 shall coordinate his or her activities with the Bureau of
24 Quality Assurance within the Department.

25 (c) The Inspector General shall be the primary liaison
26 between the Department and the Illinois ~~Department of State~~

1 Police with regard to investigations conducted under the
2 Inspector General's auspices. If the Inspector General
3 determines that a possible criminal act has been committed, or
4 that special expertise is required in the investigation, he or
5 she shall immediately notify the Illinois ~~Department of~~ State
6 Police. All investigations conducted by the Inspector General
7 shall be conducted in a manner designed to ensure the
8 preservation of evidence for possible use in a criminal
9 prosecution.

10 (d) The Inspector General may recommend to the Department
11 of Children and Family Services, the Department of Public
12 Health, or any other appropriate agency, sanctions to be
13 imposed against service providers under the jurisdiction of or
14 under contract with the Department for the protection of
15 children in the custody or under the guardianship of the
16 Department who received services from those providers. The
17 Inspector General may seek the assistance of the Attorney
18 General or any of the several State's Attorneys in imposing
19 sanctions.

20 (e) The Inspector General shall at all times be granted
21 access to any foster home, facility, or program operated for
22 or licensed or funded by the Department.

23 (f) Nothing in this Section shall limit investigations by
24 the Department of Children and Family Services that may
25 otherwise be required by law or that may be necessary in that
26 Department's capacity as the central administrative authority

1 for child welfare.

2 (g) The Inspector General shall have the power to subpoena
3 witnesses and compel the production of books and papers
4 pertinent to an investigation authorized by this Act. The
5 power to subpoena or to compel the production of books and
6 papers, however, shall not extend to the person or documents
7 of a labor organization or its representatives insofar as the
8 person or documents of a labor organization relate to the
9 function of representing an employee subject to investigation
10 under this Act. Any person who fails to appear in response to a
11 subpoena or to answer any question or produce any books or
12 papers pertinent to an investigation under this Act, except as
13 otherwise provided in this Section, or who knowingly gives
14 false testimony in relation to an investigation under this Act
15 is guilty of a Class A misdemeanor.

16 (h) The Inspector General shall provide to the General
17 Assembly and the Governor, no later than January 1 of each
18 year, a summary of reports and investigations made under this
19 Section for the prior fiscal year. The summaries shall detail
20 the imposition of sanctions and the final disposition of those
21 recommendations. The summaries shall not contain any
22 confidential or identifying information concerning the
23 subjects of the reports and investigations. The summaries also
24 shall include detailed recommended administrative actions and
25 matters for consideration by the General Assembly.

26 (Source: P.A. 95-527, eff. 6-1-08; 96-555, eff. 8-18-09.)

1 (20 ILCS 505/35.6)

2 Sec. 35.6. State-wide toll-free telephone number.

3 (a) There shall be a State-wide, toll-free telephone
4 number for any person, whether or not mandated by law, to
5 report to the Inspector General of the Department, suspected
6 misconduct, malfeasance, misfeasance, or violations of rules,
7 procedures, or laws by Department employees, service
8 providers, or contractors that is detrimental to the best
9 interest of children receiving care, services, or training
10 from or who were committed to the Department as allowed under
11 Section 5 of this Act. Immediately upon receipt of a telephone
12 call regarding suspected abuse or neglect of children, the
13 Inspector General shall refer the call to the Child Abuse and
14 Neglect Hotline or to the Illinois State Police as mandated by
15 the Abused and Neglected Child Reporting Act and Section 35.5
16 of this Act. A mandated reporter shall not be relieved of his
17 or her duty to report incidents to the Child Abuse and Neglect
18 Hotline referred to in this subsection. The Inspector General
19 shall also establish rules and procedures for evaluating
20 reports of suspected misconduct and violation of rules and for
21 conducting an investigation of such reports.

22 (b) The Inspector General shall prepare and maintain
23 written records from the reporting source that shall contain
24 the following information to the extent known at the time the
25 report is made: (1) the names and addresses of the child and

1 the person responsible for the child's welfare; (2) the nature
2 of the misconduct and the detriment cause to the child's best
3 interest; (3) the names of the persons or agencies responsible
4 for the alleged misconduct. Any investigation conducted by the
5 Inspector General pursuant to such information shall not
6 duplicate and shall be separate from the investigation
7 mandated by the Abused and Neglected Child Reporting Act.
8 However, the Inspector General may include the results of such
9 investigation in reports compiled under this Section. At the
10 request of the reporting agent, the Inspector General shall
11 keep the identity of the reporting agent strictly confidential
12 from the operation of the Department, until the Inspector
13 General shall determine what recommendations shall be made
14 with regard to discipline or sanction of the Department
15 employee, service provider, or contractor, with the exception
16 of suspected child abuse or neglect which shall be handled
17 consistent with the Abused and Neglected Child Reporting Act
18 and Section 35.5 of this Act. The Department shall take
19 whatever steps are necessary to assure that a person making a
20 report in good faith under this Section is not adversely
21 affected solely on the basis of having made such report.

22 (Source: P.A. 92-334, eff. 8-10-01.)

23 Section 130. The Department of Children and Family
24 Services Powers Law of the Civil Administrative Code of
25 Illinois is amended by changing Section 510-100 as follows:

1 (20 ILCS 510/510-100) (was 20 ILCS 510/65.8)

2 Sec. 510-100. Criminal history record information.

3 Whenever the Department is authorized or required by law to

4 consider some aspect of criminal history record information

5 for the purpose of carrying out its statutory powers and

6 responsibilities, then, upon request and payment of fees in

7 conformance with the requirements of Section 2605-400 of the

8 Illinois ~~Department of~~ State Police Law ~~(20 ILCS~~

9 ~~2605/2605-400)~~, the Illinois ~~Department of~~ State Police is

10 authorized to furnish, pursuant to positive identification,

11 the information contained in State files that is necessary to

12 fulfill the request.

13 (Source: P.A. 91-239, eff. 1-1-00.)

14 Section 135. The Child Death Review Team Act is amended by

15 changing Section 15 as follows:

16 (20 ILCS 515/15)

17 Sec. 15. Child death review teams; establishment.

18 (a) The Inspector General of the Department, in

19 consultation and cooperation with the Executive Council, law

20 enforcement, and other professionals who work in the field of

21 investigating, treating, or preventing child abuse or neglect

22 in that subregion, shall appoint members to a child death

23 review team in each of the Department's administrative

1 subregions of the State outside Cook County and at least one
2 child death review team in Cook County. The members of a team
3 shall be appointed for 2-year terms and shall be eligible for
4 reappointment upon the expiration of the terms. The Inspector
5 General of the Department must fill any vacancy in a team
6 within 60 days after that vacancy occurs.

7 (b) Each child death review team shall consist of at least
8 one member from each of the following categories:

9 (1) Pediatrician or other physician knowledgeable
10 about child abuse and neglect.

11 (2) Representative of the Department.

12 (3) State's attorney or State's attorney's
13 representative.

14 (4) Representative of a local law enforcement agency.

15 (5) Psychologist or psychiatrist.

16 (6) Representative of a local health department.

17 (7) Representative of a school district or other
18 education or child care interests.

19 (8) Coroner or forensic pathologist.

20 (9) Representative of a child welfare agency or child
21 advocacy organization.

22 (10) Representative of a local hospital, trauma
23 center, or provider of emergency medical services.

24 (11) Representative of the Illinois ~~Department of~~
25 State Police.

26 (12) Representative of the Department of Public

1 Health.

2 Each child death review team may make recommendations to
3 the Inspector General of the Department concerning additional
4 appointments. In the event of a disagreement, the Executive
5 Council's decision shall control.

6 Each child death review team member must have demonstrated
7 experience and an interest in investigating, treating, or
8 preventing child abuse or neglect.

9 (c) Each child death review team shall select a
10 chairperson and vice-chairperson from among its members. The
11 chairperson shall also serve on the Illinois Child Death
12 Review Teams Executive Council. The vice-chairperson may also
13 serve on the Illinois Child Death Review Teams Executive
14 Council, but shall not have a vote on child death review team
15 business unless the chairperson is unable to attend a meeting.

16 (d) The child death review teams shall be funded under a
17 separate line item in the Department's annual budget.

18 (e) The Department shall provide at least one full-time
19 Statewide Department of Children and Family Services Liaison
20 who shall attend all child death review team meetings, all
21 Executive meetings, all Executive Council meetings, and
22 meetings between the Director and the Executive Council.

23 (Source: P.A. 100-397, eff. 1-1-18; 100-1122, eff. 11-27-18.)

24 Section 140. The Financial Institutions Code is amended by
25 changing Section 6 as follows:

1 (20 ILCS 1205/6) (from Ch. 17, par. 106)

2 Sec. 6. In addition to the duties imposed elsewhere in
3 this Act, the Department has the following powers:

4 (1) To exercise the rights, powers and duties vested by
5 law in the Auditor of Public Accounts under "An Act to provide
6 for the incorporation, management and regulation of pawners'
7 societies and limiting the rate of compensation to be paid for
8 advances, storage and insurance on pawns and pledges and to
9 allow the loaning of money upon personal property", approved
10 March 29, 1899, as amended.

11 (2) To exercise the rights, powers and duties vested by
12 law in the Auditor of Public Accounts under "An Act in relation
13 to the definition, licensing and regulation of community
14 currency exchanges and ambulatory currency exchanges, and the
15 operators and employees thereof, and to make an appropriation
16 therefor, and to provide penalties and remedies for the
17 violation thereof", approved June 30, 1943, as amended.

18 (3) To exercise the rights, powers, and duties vested by
19 law in the Auditor of Public Accounts under "An Act in relation
20 to the buying and selling of foreign exchange and the
21 transmission or transfer of money to foreign countries",
22 approved June 28, 1923, as amended.

23 (4) To exercise the rights, powers, and duties vested by
24 law in the Auditor of Public Accounts under "An Act to provide
25 for and regulate the business of guaranteeing titles to real

1 estate by corporations", approved May 13, 1901, as amended.

2 (5) To exercise the rights, powers and duties vested by
3 law in the Department of Insurance under "An Act to define,
4 license, and regulate the business of making loans of eight
5 hundred dollars or less, permitting an interest charge thereon
6 greater than otherwise allowed by law, authorizing and
7 regulating the assignment of wages or salary when taken as
8 security for any such loan or as consideration for a payment of
9 eight hundred dollars or less, providing penalties, and to
10 repeal Acts therein named", approved July 11, 1935, as
11 amended.

12 (6) To administer and enforce "An Act to license and
13 regulate the keeping and letting of safety deposit boxes,
14 safes, and vaults, and the opening thereof, and to repeal a
15 certain Act therein named", approved June 13, 1945, as
16 amended.

17 (7) Whenever the Department is authorized or required by
18 law to consider some aspect of criminal history record
19 information for the purpose of carrying out its statutory
20 powers and responsibilities, then, upon request and payment of
21 fees in conformance with the requirements of Section 2605-400
22 of the Illinois Department of State Police Law (~~20 ILCS~~
23 ~~2605/2605-400~~), the Illinois Department of State Police is
24 authorized to furnish, pursuant to positive identification,
25 such information contained in State files as is necessary to
26 fulfill the request.

1 (8) To administer the Payday Loan Reform Act.

2 (Source: P.A. 94-13, eff. 12-6-05.)

3 Section 145. The Department of Human Services Act is
4 amended by changing Section 1-17 as follows:

5 (20 ILCS 1305/1-17)

6 Sec. 1-17. Inspector General.

7 (a) Nature and purpose. It is the express intent of the
8 General Assembly to ensure the health, safety, and financial
9 condition of individuals receiving services in this State due
10 to mental illness, developmental disability, or both by
11 protecting those persons from acts of abuse, neglect, or both
12 by service providers. To that end, the Office of the Inspector
13 General for the Department of Human Services is created to
14 investigate and report upon allegations of the abuse, neglect,
15 or financial exploitation of individuals receiving services
16 within mental health facilities, developmental disabilities
17 facilities, and community agencies operated, licensed, funded,
18 or certified by the Department of Human Services, but not
19 licensed or certified by any other State agency.

20 (b) Definitions. The following definitions apply to this
21 Section:

22 "Adult student with a disability" means an adult student,
23 age 18 through 21, inclusive, with an Individual Education
24 Program, other than a resident of a facility licensed by the

1 Department of Children and Family Services in accordance with
2 the Child Care Act of 1969. For purposes of this definition,
3 "through age 21, inclusive", means through the day before the
4 student's 22nd birthday.

5 "Agency" or "community agency" means (i) a community
6 agency licensed, funded, or certified by the Department, but
7 not licensed or certified by any other human services agency
8 of the State, to provide mental health service or
9 developmental disabilities service, or (ii) a program
10 licensed, funded, or certified by the Department, but not
11 licensed or certified by any other human services agency of
12 the State, to provide mental health service or developmental
13 disabilities service.

14 "Aggravating circumstance" means a factor that is
15 attendant to a finding and that tends to compound or increase
16 the culpability of the accused.

17 "Allegation" means an assertion, complaint, suspicion, or
18 incident involving any of the following conduct by an
19 employee, facility, or agency against an individual or
20 individuals: mental abuse, physical abuse, sexual abuse,
21 neglect, or financial exploitation.

22 "Day" means working day, unless otherwise specified.

23 "Deflection" means a situation in which an individual is
24 presented for admission to a facility or agency, and the
25 facility staff or agency staff do not admit the individual.

26 "Deflection" includes triage, redirection, and denial of

1 admission.

2 "Department" means the Department of Human Services.

3 "Developmental disability" means "developmental
4 disability" as defined in the Mental Health and Developmental
5 Disabilities Code.

6 "Egregious neglect" means a finding of neglect as
7 determined by the Inspector General that (i) represents a
8 gross failure to adequately provide for, or a callused
9 indifference to, the health, safety, or medical needs of an
10 individual and (ii) results in an individual's death or other
11 serious deterioration of an individual's physical condition or
12 mental condition.

13 "Employee" means any person who provides services at the
14 facility or agency on-site or off-site. The service
15 relationship can be with the individual or with the facility
16 or agency. Also, "employee" includes any employee or
17 contractual agent of the Department of Human Services or the
18 community agency involved in providing or monitoring or
19 administering mental health or developmental disability
20 services. This includes but is not limited to: owners,
21 operators, payroll personnel, contractors, subcontractors, and
22 volunteers.

23 "Facility" or "State-operated facility" means a mental
24 health facility or developmental disabilities facility
25 operated by the Department.

26 "Financial exploitation" means taking unjust advantage of

1 an individual's assets, property, or financial resources
2 through deception, intimidation, or conversion for the
3 employee's, facility's, or agency's own advantage or benefit.

4 "Finding" means the Office of Inspector General's
5 determination regarding whether an allegation is
6 substantiated, unsubstantiated, or unfounded.

7 "Health Care Worker Registry" or "Registry" means the
8 Health Care Worker Registry under the Health Care Worker
9 Background Check Act.

10 "Individual" means any person receiving mental health
11 service, developmental disabilities service, or both from a
12 facility or agency, while either on-site or off-site.

13 "Mental abuse" means the use of demeaning, intimidating,
14 or threatening words, signs, gestures, or other actions by an
15 employee about an individual and in the presence of an
16 individual or individuals that results in emotional distress
17 or maladaptive behavior, or could have resulted in emotional
18 distress or maladaptive behavior, for any individual present.

19 "Mental illness" means "mental illness" as defined in the
20 Mental Health and Developmental Disabilities Code.

21 "Mentally ill" means having a mental illness.

22 "Mitigating circumstance" means a condition that (i) is
23 attendant to a finding, (ii) does not excuse or justify the
24 conduct in question, but (iii) may be considered in evaluating
25 the severity of the conduct, the culpability of the accused,
26 or both the severity of the conduct and the culpability of the

1 accused.

2 "Neglect" means an employee's, agency's, or facility's
3 failure to provide adequate medical care, personal care, or
4 maintenance and that, as a consequence, (i) causes an
5 individual pain, injury, or emotional distress, (ii) results
6 in either an individual's maladaptive behavior or the
7 deterioration of an individual's physical condition or mental
8 condition, or (iii) places the individual's health or safety
9 at substantial risk.

10 "Person with a developmental disability" means a person
11 having a developmental disability.

12 "Physical abuse" means an employee's non-accidental and
13 inappropriate contact with an individual that causes bodily
14 harm. "Physical abuse" includes actions that cause bodily harm
15 as a result of an employee directing an individual or person to
16 physically abuse another individual.

17 "Recommendation" means an admonition, separate from a
18 finding, that requires action by the facility, agency, or
19 Department to correct a systemic issue, problem, or deficiency
20 identified during an investigation.

21 "Required reporter" means any employee who suspects,
22 witnesses, or is informed of an allegation of any one or more
23 of the following: mental abuse, physical abuse, sexual abuse,
24 neglect, or financial exploitation.

25 "Secretary" means the Chief Administrative Officer of the
26 Department.

1 "Sexual abuse" means any sexual contact or intimate
2 physical contact between an employee and an individual,
3 including an employee's coercion or encouragement of an
4 individual to engage in sexual behavior that results in sexual
5 contact, intimate physical contact, sexual behavior, or
6 intimate physical behavior. Sexual abuse also includes (i) an
7 employee's actions that result in the sending or showing of
8 sexually explicit images to an individual via computer,
9 cellular phone, electronic mail, portable electronic device,
10 or other media with or without contact with the individual or
11 (ii) an employee's posting of sexually explicit images of an
12 individual online or elsewhere whether or not there is contact
13 with the individual.

14 "Sexually explicit images" includes, but is not limited
15 to, any material which depicts nudity, sexual conduct, or
16 sado-masochistic abuse, or which contains explicit and
17 detailed verbal descriptions or narrative accounts of sexual
18 excitement, sexual conduct, or sado-masochistic abuse.

19 "Substantiated" means there is a preponderance of the
20 evidence to support the allegation.

21 "Unfounded" means there is no credible evidence to support
22 the allegation.

23 "Unsubstantiated" means there is credible evidence, but
24 less than a preponderance of evidence to support the
25 allegation.

26 (c) Appointment. The Governor shall appoint, and the

1 Senate shall confirm, an Inspector General. The Inspector
2 General shall be appointed for a term of 4 years and shall
3 function within the Department of Human Services and report to
4 the Secretary and the Governor.

5 (d) Operation and appropriation. The Inspector General
6 shall function independently within the Department with
7 respect to the operations of the Office, including the
8 performance of investigations and issuance of findings and
9 recommendations. The appropriation for the Office of Inspector
10 General shall be separate from the overall appropriation for
11 the Department.

12 (e) Powers and duties. The Inspector General shall
13 investigate reports of suspected mental abuse, physical abuse,
14 sexual abuse, neglect, or financial exploitation of
15 individuals in any mental health or developmental disabilities
16 facility or agency and shall have authority to take immediate
17 action to prevent any one or more of the following from
18 happening to individuals under its jurisdiction: mental abuse,
19 physical abuse, sexual abuse, neglect, or financial
20 exploitation. Upon written request of an agency of this State,
21 the Inspector General may assist another agency of the State
22 in investigating reports of the abuse, neglect, or abuse and
23 neglect of persons with mental illness, persons with
24 developmental disabilities, or persons with both. To comply
25 with the requirements of subsection (k) of this Section, the
26 Inspector General shall also review all reportable deaths for

1 which there is no allegation of abuse or neglect. Nothing in
2 this Section shall preempt any duties of the Medical Review
3 Board set forth in the Mental Health and Developmental
4 Disabilities Code. The Inspector General shall have no
5 authority to investigate alleged violations of the State
6 Officials and Employees Ethics Act. Allegations of misconduct
7 under the State Officials and Employees Ethics Act shall be
8 referred to the Office of the Governor's Executive Inspector
9 General for investigation.

10 (f) Limitations. The Inspector General shall not conduct
11 an investigation within an agency or facility if that
12 investigation would be redundant to or interfere with an
13 investigation conducted by another State agency. The Inspector
14 General shall have no supervision over, or involvement in, the
15 routine programmatic, licensing, funding, or certification
16 operations of the Department. Nothing in this subsection
17 limits investigations by the Department that may otherwise be
18 required by law or that may be necessary in the Department's
19 capacity as central administrative authority responsible for
20 the operation of the State's mental health and developmental
21 disabilities facilities.

22 (g) Rulemaking authority. The Inspector General shall
23 promulgate rules establishing minimum requirements for
24 reporting allegations as well as for initiating, conducting,
25 and completing investigations based upon the nature of the
26 allegation or allegations. The rules shall clearly establish

1 that if 2 or more State agencies could investigate an
2 allegation, the Inspector General shall not conduct an
3 investigation that would be redundant to, or interfere with,
4 an investigation conducted by another State agency. The rules
5 shall further clarify the method and circumstances under which
6 the Office of Inspector General may interact with the
7 licensing, funding, or certification units of the Department
8 in preventing further occurrences of mental abuse, physical
9 abuse, sexual abuse, neglect, egregious neglect, and financial
10 exploitation.

11 (h) Training programs. The Inspector General shall (i)
12 establish a comprehensive program to ensure that every person
13 authorized to conduct investigations receives ongoing training
14 relative to investigation techniques, communication skills,
15 and the appropriate means of interacting with persons
16 receiving treatment for mental illness, developmental
17 disability, or both mental illness and developmental
18 disability, and (ii) establish and conduct periodic training
19 programs for facility and agency employees concerning the
20 prevention and reporting of any one or more of the following:
21 mental abuse, physical abuse, sexual abuse, neglect, egregious
22 neglect, or financial exploitation. The Inspector General
23 shall further ensure (i) every person authorized to conduct
24 investigations at community agencies receives ongoing training
25 in Title 59, Parts 115, 116, and 119 of the Illinois
26 Administrative Code, and (ii) every person authorized to

1 conduct investigations shall receive ongoing training in Title
2 59, Part 50 of the Illinois Administrative Code. Nothing in
3 this Section shall be deemed to prevent the Office of
4 Inspector General from conducting any other training as
5 determined by the Inspector General to be necessary or
6 helpful.

7 (i) Duty to cooperate.

8 (1) The Inspector General shall at all times be
9 granted access to any facility or agency for the purpose
10 of investigating any allegation, conducting unannounced
11 site visits, monitoring compliance with a written
12 response, or completing any other statutorily assigned
13 duty. The Inspector General shall conduct unannounced site
14 visits to each facility at least annually for the purpose
15 of reviewing and making recommendations on systemic issues
16 relative to preventing, reporting, investigating, and
17 responding to all of the following: mental abuse, physical
18 abuse, sexual abuse, neglect, egregious neglect, or
19 financial exploitation.

20 (2) Any employee who fails to cooperate with an Office
21 of the Inspector General investigation is in violation of
22 this Act. Failure to cooperate with an investigation
23 includes, but is not limited to, any one or more of the
24 following: (i) creating and transmitting a false report to
25 the Office of the Inspector General hotline, (ii)
26 providing false information to an Office of the Inspector

1 General Investigator during an investigation, (iii)
2 colluding with other employees to cover up evidence, (iv)
3 colluding with other employees to provide false
4 information to an Office of the Inspector General
5 investigator, (v) destroying evidence, (vi) withholding
6 evidence, or (vii) otherwise obstructing an Office of the
7 Inspector General investigation. Additionally, any
8 employee who, during an unannounced site visit or written
9 response compliance check, fails to cooperate with
10 requests from the Office of the Inspector General is in
11 violation of this Act.

12 (j) Subpoena powers. The Inspector General shall have the
13 power to subpoena witnesses and compel the production of all
14 documents and physical evidence relating to his or her
15 investigations and any hearings authorized by this Act. This
16 subpoena power shall not extend to persons or documents of a
17 labor organization or its representatives insofar as the
18 persons are acting in a representative capacity to an employee
19 whose conduct is the subject of an investigation or the
20 documents relate to that representation. Any person who
21 otherwise fails to respond to a subpoena or who knowingly
22 provides false information to the Office of the Inspector
23 General by subpoena during an investigation is guilty of a
24 Class A misdemeanor.

25 (k) Reporting allegations and deaths.

26 (1) Allegations. If an employee witnesses, is told of,

1 or has reason to believe an incident of mental abuse,
2 physical abuse, sexual abuse, neglect, or financial
3 exploitation has occurred, the employee, agency, or
4 facility shall report the allegation by phone to the
5 Office of the Inspector General hotline according to the
6 agency's or facility's procedures, but in no event later
7 than 4 hours after the initial discovery of the incident,
8 allegation, or suspicion of any one or more of the
9 following: mental abuse, physical abuse, sexual abuse,
10 neglect, or financial exploitation. A required reporter as
11 defined in subsection (b) of this Section who knowingly or
12 intentionally fails to comply with these reporting
13 requirements is guilty of a Class A misdemeanor.

14 (2) Deaths. Absent an allegation, a required reporter
15 shall, within 24 hours after initial discovery, report by
16 phone to the Office of the Inspector General hotline each
17 of the following:

18 (i) Any death of an individual occurring within 14
19 calendar days after discharge or transfer of the
20 individual from a residential program or facility.

21 (ii) Any death of an individual occurring within
22 24 hours after deflection from a residential program
23 or facility.

24 (iii) Any other death of an individual occurring
25 at an agency or facility or at any Department-funded
26 site.

1 (3) Retaliation. It is a violation of this Act for any
2 employee or administrator of an agency or facility to take
3 retaliatory action against an employee who acts in good
4 faith in conformance with his or her duties as a required
5 reporter.

6 (1) Reporting to law enforcement.

7 (1) Reporting criminal acts. Within 24 hours after
8 determining that there is credible evidence indicating
9 that a criminal act may have been committed or that
10 special expertise may be required in an investigation, the
11 Inspector General shall notify the Illinois ~~Department of~~
12 State Police or other appropriate law enforcement
13 authority, or ensure that such notification is made. The
14 Illinois ~~Department of~~ State Police shall investigate any
15 report from a State-operated facility indicating a
16 possible murder, sexual assault, or other felony by an
17 employee. All investigations conducted by the Inspector
18 General shall be conducted in a manner designed to ensure
19 the preservation of evidence for possible use in a
20 criminal prosecution.

21 (2) Reporting allegations of adult students with
22 disabilities. Upon receipt of a reportable allegation
23 regarding an adult student with a disability, the
24 Department's Office of the Inspector General shall
25 determine whether the allegation meets the criteria for
26 the Domestic Abuse Program under the Abuse of Adults with

1 Disabilities Intervention Act. If the allegation is
2 reportable to that program, the Office of the Inspector
3 General shall initiate an investigation. If the allegation
4 is not reportable to the Domestic Abuse Program, the
5 Office of the Inspector General shall make an expeditious
6 referral to the respective law enforcement entity. If the
7 alleged victim is already receiving services from the
8 Department, the Office of the Inspector General shall also
9 make a referral to the respective Department of Human
10 Services' Division or Bureau.

11 (m) Investigative reports. Upon completion of an
12 investigation, the Office of Inspector General shall issue an
13 investigative report identifying whether the allegations are
14 substantiated, unsubstantiated, or unfounded. Within 10
15 business days after the transmittal of a completed
16 investigative report substantiating an allegation, finding an
17 allegation is unsubstantiated, or if a recommendation is made,
18 the Inspector General shall provide the investigative report
19 on the case to the Secretary and to the director of the
20 facility or agency where any one or more of the following
21 occurred: mental abuse, physical abuse, sexual abuse, neglect,
22 egregious neglect, or financial exploitation. The director of
23 the facility or agency shall be responsible for maintaining
24 the confidentiality of the investigative report consistent
25 with State and federal law. In a substantiated case, the
26 investigative report shall include any mitigating or

1 aggravating circumstances that were identified during the
2 investigation. If the case involves substantiated neglect, the
3 investigative report shall also state whether egregious
4 neglect was found. An investigative report may also set forth
5 recommendations. All investigative reports prepared by the
6 Office of the Inspector General shall be considered
7 confidential and shall not be released except as provided by
8 the law of this State or as required under applicable federal
9 law. Unsubstantiated and unfounded reports shall not be
10 disclosed except as allowed under Section 6 of the Abused and
11 Neglected Long Term Care Facility Residents Reporting Act. Raw
12 data used to compile the investigative report shall not be
13 subject to release unless required by law or a court order.
14 "Raw data used to compile the investigative report" includes,
15 but is not limited to, any one or more of the following: the
16 initial complaint, witness statements, photographs,
17 investigator's notes, police reports, or incident reports. If
18 the allegations are substantiated, the victim, the victim's
19 guardian, and the accused shall be provided with a redacted
20 copy of the investigative report. Death reports where there
21 was no allegation of abuse or neglect shall only be released
22 pursuant to applicable State or federal law or a valid court
23 order. Unredacted investigative reports, as well as raw data,
24 may be shared with a local law enforcement entity, a State's
25 Attorney's office, or a county coroner's office upon written
26 request.

1 (n) Written responses, clarification requests, and
2 reconsideration requests.

3 (1) Written responses. Within 30 calendar days from
4 receipt of a substantiated investigative report or an
5 investigative report which contains recommendations,
6 absent a reconsideration request, the facility or agency
7 shall file a written response that addresses, in a concise
8 and reasoned manner, the actions taken to: (i) protect the
9 individual; (ii) prevent recurrences; and (iii) eliminate
10 the problems identified. The response shall include the
11 implementation and completion dates of such actions. If
12 the written response is not filed within the allotted 30
13 calendar day period, the Secretary shall determine the
14 appropriate corrective action to be taken.

15 (2) Requests for clarification. The facility, agency,
16 victim or guardian, or the subject employee may request
17 that the Office of Inspector General clarify the finding
18 or findings for which clarification is sought.

19 (3) Requests for reconsideration. The facility,
20 agency, victim or guardian, or the subject employee may
21 request that the Office of the Inspector General
22 reconsider the finding or findings or the recommendations.
23 A request for reconsideration shall be subject to a
24 multi-layer review and shall include at least one reviewer
25 who did not participate in the investigation or approval
26 of the original investigative report. After the

1 multi-layer review process has been completed, the
2 Inspector General shall make the final determination on
3 the reconsideration request. The investigation shall be
4 reopened if the reconsideration determination finds that
5 additional information is needed to complete the
6 investigative record.

7 (o) Disclosure of the finding by the Inspector General.
8 The Inspector General shall disclose the finding of an
9 investigation to the following persons: (i) the Governor, (ii)
10 the Secretary, (iii) the director of the facility or agency,
11 (iv) the alleged victims and their guardians, (v) the
12 complainant, and (vi) the accused. This information shall
13 include whether the allegations were deemed substantiated,
14 unsubstantiated, or unfounded.

15 (p) Secretary review. Upon review of the Inspector
16 General's investigative report and any agency's or facility's
17 written response, the Secretary shall accept or reject the
18 written response and notify the Inspector General of that
19 determination. The Secretary may further direct that other
20 administrative action be taken, including, but not limited to,
21 any one or more of the following: (i) additional site visits,
22 (ii) training, (iii) provision of technical assistance
23 relative to administrative needs, licensure, or certification,
24 or (iv) the imposition of appropriate sanctions.

25 (q) Action by facility or agency. Within 30 days of the
26 date the Secretary approves the written response or directs

1 that further administrative action be taken, the facility or
2 agency shall provide an implementation report to the Inspector
3 General that provides the status of the action taken. The
4 facility or agency shall be allowed an additional 30 days to
5 send notice of completion of the action or to send an updated
6 implementation report. If the action has not been completed
7 within the additional 30-day period, the facility or agency
8 shall send updated implementation reports every 60 days until
9 completion. The Inspector General shall conduct a review of
10 any implementation plan that takes more than 120 days after
11 approval to complete, and shall monitor compliance through a
12 random review of approved written responses, which may
13 include, but are not limited to: (i) site visits, (ii)
14 telephone contact, and (iii) requests for additional
15 documentation evidencing compliance.

16 (r) Sanctions. Sanctions, if imposed by the Secretary
17 under Subdivision (p)(iv) of this Section, shall be designed
18 to prevent further acts of mental abuse, physical abuse,
19 sexual abuse, neglect, egregious neglect, or financial
20 exploitation or some combination of one or more of those acts
21 at a facility or agency, and may include any one or more of the
22 following:

23 (1) Appointment of on-site monitors.

24 (2) Transfer or relocation of an individual or
25 individuals.

26 (3) Closure of units.

1 (4) Termination of any one or more of the following:
2 (i) Department licensing, (ii) funding, or (iii)
3 certification.

4 The Inspector General may seek the assistance of the
5 Illinois Attorney General or the office of any State's
6 Attorney in implementing sanctions.

7 (s) Health Care Worker Registry.

8 (1) Reporting to the Registry. The Inspector General
9 shall report to the Department of Public Health's Health
10 Care Worker Registry, a public registry, the identity and
11 finding of each employee of a facility or agency against
12 whom there is a final investigative report containing a
13 substantiated allegation of physical or sexual abuse,
14 financial exploitation, or egregious neglect of an
15 individual.

16 (2) Notice to employee. Prior to reporting the name of
17 an employee, the employee shall be notified of the
18 Department's obligation to report and shall be granted an
19 opportunity to request an administrative hearing, the sole
20 purpose of which is to determine if the substantiated
21 finding warrants reporting to the Registry. Notice to the
22 employee shall contain a clear and concise statement of
23 the grounds on which the report to the Registry is based,
24 offer the employee an opportunity for a hearing, and
25 identify the process for requesting such a hearing. Notice
26 is sufficient if provided by certified mail to the

1 employee's last known address. If the employee fails to
2 request a hearing within 30 days from the date of the
3 notice, the Inspector General shall report the name of the
4 employee to the Registry. Nothing in this subdivision
5 (s)(2) shall diminish or impair the rights of a person who
6 is a member of a collective bargaining unit under the
7 Illinois Public Labor Relations Act or under any other
8 federal labor statute.

9 (3) Registry hearings. If the employee requests an
10 administrative hearing, the employee shall be granted an
11 opportunity to appear before an administrative law judge
12 to present reasons why the employee's name should not be
13 reported to the Registry. The Department shall bear the
14 burden of presenting evidence that establishes, by a
15 preponderance of the evidence, that the substantiated
16 finding warrants reporting to the Registry. After
17 considering all the evidence presented, the administrative
18 law judge shall make a recommendation to the Secretary as
19 to whether the substantiated finding warrants reporting
20 the name of the employee to the Registry. The Secretary
21 shall render the final decision. The Department and the
22 employee shall have the right to request that the
23 administrative law judge consider a stipulated disposition
24 of these proceedings.

25 (4) Testimony at Registry hearings. A person who makes
26 a report or who investigates a report under this Act shall

1 testify fully in any judicial proceeding resulting from
2 such a report, as to any evidence of abuse or neglect, or
3 the cause thereof. No evidence shall be excluded by reason
4 of any common law or statutory privilege relating to
5 communications between the alleged perpetrator of abuse or
6 neglect, or the individual alleged as the victim in the
7 report, and the person making or investigating the report.
8 Testimony at hearings is exempt from the confidentiality
9 requirements of subsection (f) of Section 10 of the Mental
10 Health and Developmental Disabilities Confidentiality Act.

11 (5) Employee's rights to collateral action. No
12 reporting to the Registry shall occur and no hearing shall
13 be set or proceed if an employee notifies the Inspector
14 General in writing, including any supporting
15 documentation, that he or she is formally contesting an
16 adverse employment action resulting from a substantiated
17 finding by complaint filed with the Illinois Civil Service
18 Commission, or which otherwise seeks to enforce the
19 employee's rights pursuant to any applicable collective
20 bargaining agreement. If an action taken by an employer
21 against an employee as a result of a finding of physical
22 abuse, sexual abuse, or egregious neglect is overturned
23 through an action filed with the Illinois Civil Service
24 Commission or under any applicable collective bargaining
25 agreement and if that employee's name has already been
26 sent to the Registry, the employee's name shall be removed

1 from the Registry.

2 (6) Removal from Registry. At any time after the
3 report to the Registry, but no more than once in any
4 12-month period, an employee may petition the Department
5 in writing to remove his or her name from the Registry.
6 Upon receiving notice of such request, the Inspector
7 General shall conduct an investigation into the petition.
8 Upon receipt of such request, an administrative hearing
9 will be set by the Department. At the hearing, the
10 employee shall bear the burden of presenting evidence that
11 establishes, by a preponderance of the evidence, that
12 removal of the name from the Registry is in the public
13 interest. The parties may jointly request that the
14 administrative law judge consider a stipulated disposition
15 of these proceedings.

16 (t) Review of Administrative Decisions. The Department
17 shall preserve a record of all proceedings at any formal
18 hearing conducted by the Department involving Health Care
19 Worker Registry hearings. Final administrative decisions of
20 the Department are subject to judicial review pursuant to
21 provisions of the Administrative Review Law.

22 (u) Quality Care Board. There is created, within the
23 Office of the Inspector General, a Quality Care Board to be
24 composed of 7 members appointed by the Governor with the
25 advice and consent of the Senate. One of the members shall be
26 designated as chairman by the Governor. Of the initial

1 appointments made by the Governor, 4 Board members shall each
2 be appointed for a term of 4 years and 3 members shall each be
3 appointed for a term of 2 years. Upon the expiration of each
4 member's term, a successor shall be appointed for a term of 4
5 years. In the case of a vacancy in the office of any member,
6 the Governor shall appoint a successor for the remainder of
7 the unexpired term.

8 Members appointed by the Governor shall be qualified by
9 professional knowledge or experience in the area of law,
10 investigatory techniques, or in the area of care of the
11 mentally ill or care of persons with developmental
12 disabilities. Two members appointed by the Governor shall be
13 persons with a disability or parents of persons with a
14 disability. Members shall serve without compensation, but
15 shall be reimbursed for expenses incurred in connection with
16 the performance of their duties as members.

17 The Board shall meet quarterly, and may hold other
18 meetings on the call of the chairman. Four members shall
19 constitute a quorum allowing the Board to conduct its
20 business. The Board may adopt rules and regulations it deems
21 necessary to govern its own procedures.

22 The Board shall monitor and oversee the operations,
23 policies, and procedures of the Inspector General to ensure
24 the prompt and thorough investigation of allegations of
25 neglect and abuse. In fulfilling these responsibilities, the
26 Board may do the following:

1 (1) Provide independent, expert consultation to the
2 Inspector General on policies and protocols for
3 investigations of alleged abuse, neglect, or both abuse
4 and neglect.

5 (2) Review existing regulations relating to the
6 operation of facilities.

7 (3) Advise the Inspector General as to the content of
8 training activities authorized under this Section.

9 (4) Recommend policies concerning methods for
10 improving the intergovernmental relationships between the
11 Office of the Inspector General and other State or federal
12 offices.

13 (v) Annual report. The Inspector General shall provide to
14 the General Assembly and the Governor, no later than January 1
15 of each year, a summary of reports and investigations made
16 under this Act for the prior fiscal year with respect to
17 individuals receiving mental health or developmental
18 disabilities services. The report shall detail the imposition
19 of sanctions, if any, and the final disposition of any
20 corrective or administrative action directed by the Secretary.
21 The summaries shall not contain any confidential or
22 identifying information of any individual, but shall include
23 objective data identifying any trends in the number of
24 reported allegations, the timeliness of the Office of the
25 Inspector General's investigations, and their disposition, for
26 each facility and Department-wide, for the most recent 3-year

1 time period. The report shall also identify, by facility, the
2 staff-to-patient ratios taking account of direct care staff
3 only. The report shall also include detailed recommended
4 administrative actions and matters for consideration by the
5 General Assembly.

6 (w) Program audit. The Auditor General shall conduct a
7 program audit of the Office of the Inspector General on an
8 as-needed basis, as determined by the Auditor General. The
9 audit shall specifically include the Inspector General's
10 compliance with the Act and effectiveness in investigating
11 reports of allegations occurring in any facility or agency.
12 The Auditor General shall conduct the program audit according
13 to the provisions of the Illinois State Auditing Act and shall
14 report its findings to the General Assembly no later than
15 January 1 following the audit period.

16 (x) Nothing in this Section shall be construed to mean
17 that an individual is a victim of abuse or neglect because of
18 health care services appropriately provided or not provided by
19 health care professionals.

20 (y) Nothing in this Section shall require a facility,
21 including its employees, agents, medical staff members, and
22 health care professionals, to provide a service to an
23 individual in contravention of that individual's stated or
24 implied objection to the provision of that service on the
25 ground that that service conflicts with the individual's
26 religious beliefs or practices, nor shall the failure to

1 provide a service to an individual be considered abuse under
2 this Section if the individual has objected to the provision
3 of that service based on his or her religious beliefs or
4 practices.

5 (Source: P.A. 100-313, eff. 8-24-17; 100-432, eff. 8-25-17;
6 100-863, eff. 8-14-18; 100-943, eff. 1-1-19; 100-991, eff.
7 8-20-18; 100-1098, eff. 8-26-18; 101-81, eff. 7-12-19.)

8 Section 150. The Department of Innovation and Technology
9 Act is amended by changing Section 1-5 as follows:

10 (20 ILCS 1370/1-5)

11 Sec. 1-5. Definitions. In this Act:

12 "Bureau of Communications and Computer Services" means the
13 Bureau of Communications and Computer Services, also known as
14 the Bureau of Information and Communication Services, created
15 by rule (2 Illinois Administrative Code 750.40) within the
16 Department of Central Management Services.

17 "Client agency" means each transferring agency, or its
18 successor. When applicable, "client agency" may also include
19 any other public agency to which the Department provides
20 service to the extent specified in an interagency contract
21 with the public agency.

22 "Dedicated unit" means the dedicated bureau, division,
23 office, or other unit within a transferring agency that is
24 responsible for the information technology functions of the

1 transferring agency. For the Office of the Governor,
2 "dedicated unit" means the Information Technology Office, also
3 known as the Office of the Chief Information Officer. For the
4 Department of Central Management Services, "dedicated unit"
5 means the Bureau of Communications and Computer Services, also
6 known as the Bureau of Information and Communication Services.

7 "Department" means the Department of Innovation and
8 Technology.

9 "Information technology" means technology,
10 infrastructure, equipment, systems, software, networks, and
11 processes used to create, send, receive, and store electronic
12 or digital information, including, without limitation,
13 computer systems and telecommunication services and systems.

14 "Information technology" shall be construed broadly to
15 incorporate future technologies (such as sensors and balanced
16 private hybrid or public cloud posture tailored to the mission
17 of the agency) that change or supplant those in effect as of
18 the effective date of this Act.

19 "Information technology functions" means the development,
20 procurement, installation, retention, maintenance, operation,
21 possession, storage, and related functions of all information
22 technology.

23 "Information Technology Office" means the Information
24 Technology Office, also known as the Office of the Chief
25 Information Officer, within the Office of the Governor,
26 created by Executive Order 1999-05, or its successor.

1 "Legacy information technology division" means any
2 division, bureau, or other unit of a transferring agency which
3 has responsibility for information technology functions for
4 the agency prior to the transfer of those functions to the
5 Department, including, without limitation, the Bureau of
6 Communications and Computer Services.

7 "Secretary" means the Secretary of Innovation and
8 Technology.

9 "State agency" means each State agency, department, board,
10 and commission directly responsible to the Governor.

11 "Transferring agency" means the Department on Aging; the
12 Departments of Agriculture, Central Management Services,
13 Children and Family Services, Commerce and Economic
14 Opportunity, Corrections, Employment Security, Financial and
15 Professional Regulation, Healthcare and Family Services, Human
16 Rights, Human Services, Insurance, Juvenile Justice, Labor,
17 Lottery, Military Affairs, Natural Resources, Public Health,
18 Revenue, ~~State Police~~, Transportation, and Veterans' Affairs;
19 the Illinois State Police; the Capital Development Board; the
20 Deaf and Hard of Hearing Commission; the Environmental
21 Protection Agency; the Governor's Office of Management and
22 Budget; the Guardianship and Advocacy Commission; the Historic
23 Preservation Agency; the Illinois Arts Council; the Illinois
24 Council on Developmental Disabilities; the Illinois Emergency
25 Management Agency; the Illinois Gaming Board; the Illinois
26 Health Information Exchange Authority; the Illinois Liquor

1 Control Commission; the Illinois Technology Office; the Office
2 of the State Fire Marshal; and the Prisoner Review Board.
3 "Transferring agency" does not include a State constitutional
4 office, the Office of the Executive Inspector General, or any
5 office of the legislative or judicial branches of State
6 government.

7 (Source: P.A. 100-611, eff. 7-20-18; 100-1169, eff. 1-4-19.)

8 Section 155. The Department of Labor Law of the Civil
9 Administrative Code of Illinois is amended by changing Section
10 1505-200 as follows:

11 (20 ILCS 1505/1505-200) (was 20 ILCS 1505/43.21)

12 Sec. 1505-200. Criminal history record information.
13 Whenever the Department is authorized or required by law to
14 consider some aspect of criminal history record information
15 for the purpose of carrying out its statutory powers and
16 responsibilities, then, upon request and payment of fees in
17 conformance with the requirements of Section 2605-400 of the
18 Illinois Department of State Police Law ~~(20 ILCS~~
19 ~~2605/2605-400)~~, the Illinois Department of State Police is
20 authorized to furnish, pursuant to positive identification,
21 any information contained in State files that is necessary to
22 fulfill the request.

23 (Source: P.A. 91-239, eff. 1-1-00.)

1 Section 160. The Illinois Lottery Law is amended by
2 changing Sections 10.4 and 21.10 as follows:

3 (20 ILCS 1605/10.4) (from Ch. 120, par. 1160.4)

4 Sec. 10.4. Every person who shall violate the provisions
5 of Section 10.3, or who does not segregate and keep separate
6 and apart from all other funds and assets, all proceeds from
7 the sale of lottery tickets received by a person in the
8 capacity of a sales agent, shall upon conviction thereof be
9 guilty of a Class 4 felony. The provisions of this Section
10 shall be enforced by the Illinois ~~Department of~~ State Police
11 and prosecuted by the Attorney General.

12 (Source: P.A. 85-183; 86-1475.)

13 (20 ILCS 1605/21.10)

14 Sec. 21.10. Scratch-off for State police memorials.

15 (a) The Department shall offer a special instant
16 scratch-off game for the benefit of State police memorials.
17 The game shall commence on January 1, 2019 or as soon
18 thereafter, at the discretion of the Director, as is
19 reasonably practical. The operation of the game shall be
20 governed by this Act and any rules adopted by the Department.
21 If any provision of this Section is inconsistent with any
22 other provision of this Act, then this Section governs.

23 (b) The net revenue from the State police memorials
24 scratch-off game shall be deposited into the Criminal Justice

1 Information Projects Fund and distributed equally, as soon as
2 practical but at least on a monthly basis, to the Chicago
3 Police Memorial Foundation Fund, the Police Memorial Committee
4 Fund, and the Illinois State Police Memorial Park Fund. Moneys
5 transferred to the funds under this Section shall be used,
6 subject to appropriation, to fund grants for building and
7 maintaining memorials and parks; holding annual memorial
8 commemorations; giving scholarships to children of officers
9 killed or catastrophically injured in the line of duty, or
10 those interested in pursuing a career in law enforcement;
11 providing financial assistance to police officers and their
12 families when a police officer is killed or injured in the line
13 of duty; and providing financial assistance to officers for
14 the purchase or replacement of bulletproof vests to be used in
15 the line of duty.

16 For purposes of this subsection, "net revenue" means the
17 total amount for which tickets have been sold less the sum of
18 the amount paid out in the prizes and the actual
19 administrative expenses of the Department solely related to
20 the scratch-off game under this Section.

21 (c) During the time that tickets are sold for the State
22 police memorials scratch-off game, the Department shall not
23 unreasonably diminish the efforts devoted to marketing any
24 other instant scratch-off lottery game.

25 (d) The Department may adopt any rules necessary to
26 implement and administer the provisions of this Section.

1 (Source: P.A. 100-647, eff. 7-30-18; 101-81, eff. 7-12-19.)

2 Section 165. The Mental Health and Developmental
3 Disabilities Administrative Act is amended by changing Section
4 4.2 as follows:

5 (20 ILCS 1705/4.2) (from Ch. 91 1/2, par. 100-4.2)

6 Sec. 4.2. Facility staff.

7 (a) The Department shall describe and delineate guidelines
8 for each of the facilities it operates regarding the number
9 and qualifications of the staff required to carry out
10 prescribed duties. The guidelines shall be based on
11 consideration of recipient needs as well as professional and
12 programmatic requirements, including those established for
13 purposes of national accreditation and for certification under
14 Titles XVIII and XIX of the federal Social Security Act.

15 (b) As used in this Section, "direct care position" means
16 any position with the Department in which the job titles which
17 will regularly or temporarily entail contact with recipients
18 in the Department's facilities for persons with a mental
19 illness or a developmental disability.

20 (c) The Department shall require that each candidate for
21 employment in a direct care position, as a condition of
22 employment, shall submit to a fingerprint-based criminal
23 background investigation to determine whether the candidate
24 for employment in a direct care position has ever been charged

1 with a crime and, if so, the disposition of those charges. This
2 authorization shall indicate the scope of the inquiry and the
3 agencies which may be contacted. Upon this authorization, the
4 Director (or, on or after July 1, 1997, the Secretary) shall
5 request and receive information and assistance from any
6 federal, State or local governmental agency as part of the
7 authorized investigation. The Illinois ~~Department of~~ State
8 Police shall provide information concerning any criminal
9 charges, and their disposition, now or hereafter filed against
10 a candidate for employment in a direct care position upon
11 request of the Department when the request is made in the form
12 and manner required by the Illinois ~~Department of~~ State
13 Police.

14 Information concerning convictions of a candidate for
15 employment in a direct care position investigated under this
16 Section, including the source of the information and any
17 conclusions or recommendations derived from the information,
18 shall be provided, upon request, to the candidate for
19 employment in a direct care position before final action by
20 the Department on the application. Information on convictions
21 of a candidate for employment in a direct care position under
22 this Act shall be provided to the director of the employing
23 unit, and, upon request, to the candidate for employment in a
24 direct care position. Any information concerning criminal
25 charges and the disposition of those charges obtained by the
26 Department shall be confidential and may not be transmitted

1 outside the Department, except as required in this Act, and
2 may not be transmitted to anyone within the Department except
3 as needed for the purpose of evaluating an application of a
4 candidate for employment in a direct care position. Only
5 information and standards which bear a reasonable and rational
6 relation to the performance of a direct care position shall be
7 used by the Department. Any employee of the Department or the
8 Illinois ~~Department of~~ State Police receiving confidential
9 information under this Section who gives or causes to be given
10 any confidential information concerning any criminal
11 convictions of a candidate for employment in a direct care
12 position shall be guilty of a Class A misdemeanor unless
13 release of the information is authorized by this Section.

14 A Department employing unit may hire, on a probationary
15 basis, any candidate for employment in a direct care position,
16 authorizing a criminal background investigation under this
17 Section, pending the result of the investigation. A candidate
18 for employment in a direct care position shall be notified
19 before he or she is hired that his or her employment may be
20 terminated on the basis of criminal background information
21 obtained by the employing unit.

22 No person may be employed in a direct care position who
23 refuses to authorize an investigation as required by this
24 subsection (c).

25 (Source: P.A. 92-218, eff. 1-1-02.)

1 Section 170. The Department of Human Services (Mental
2 Health and Developmental Disabilities) Law of the Civil
3 Administrative Code of Illinois is amended by changing Section
4 1710-75 as follows:

5 (20 ILCS 1710/1710-75) (was 20 ILCS 1710/53 in part)

6 Sec. 1710-75. Criminal history record information.
7 Whenever the Department is authorized or required by law to
8 consider some aspect of criminal history record information
9 for the purpose of carrying out its statutory powers and
10 responsibilities, then, upon request and payment of fees in
11 conformance with the requirements of Section 2605-400 of the
12 Illinois Department of State Police Law ~~(20 ILCS~~
13 ~~2605/2605-400)~~, the Illinois Department of State Police is
14 authorized to furnish, pursuant to positive identification,
15 the information contained in State files that is necessary to
16 fulfill the request.

17 (Source: P.A. 91-239, eff. 1-1-00.)

18 Section 175. The Department of Natural Resources (Mines
19 and Minerals) Law of the Civil Administrative Code of Illinois
20 is amended by changing Section 1905-150 as follows:

21 (20 ILCS 1905/1905-150) (was 20 ILCS 1905/45 in part)

22 Sec. 1905-150. Criminal history record information.
23 Whenever the Department is authorized or required by law to

1 consider some aspect of criminal history record information
2 for the purpose of carrying out its statutory powers and
3 responsibilities, then upon request and payment of fees in
4 conformance with the requirements of Section 2605-400 of the
5 Illinois Department of State Police Law ~~(20 ILCS~~
6 ~~2605/2605-400)~~, the Illinois Department of State Police is
7 authorized to furnish, pursuant to positive identification,
8 the information contained in State files that is necessary to
9 fulfill the request.

10 (Source: P.A. 91-239, eff. 1-1-00.)

11 Section 180. The Department of Professional Regulation Law
12 of the Civil Administrative Code of Illinois is amended by
13 changing Sections 2105-15 and 2105-20 as follows:

14 (20 ILCS 2105/2105-15)

15 Sec. 2105-15. General powers and duties.

16 (a) The Department has, subject to the provisions of the
17 Civil Administrative Code of Illinois, the following powers
18 and duties:

19 (1) To authorize examinations in English to ascertain
20 the qualifications and fitness of applicants to exercise
21 the profession, trade, or occupation for which the
22 examination is held.

23 (2) To prescribe rules and regulations for a fair and
24 wholly impartial method of examination of candidates to

1 exercise the respective professions, trades, or
2 occupations.

3 (3) To pass upon the qualifications of applicants for
4 licenses, certificates, and authorities, whether by
5 examination, by reciprocity, or by endorsement.

6 (4) To prescribe rules and regulations defining, for
7 the respective professions, trades, and occupations, what
8 shall constitute a school, college, or university, or
9 department of a university, or other institution,
10 reputable and in good standing, and to determine the
11 reputability and good standing of a school, college, or
12 university, or department of a university, or other
13 institution, reputable and in good standing, by reference
14 to a compliance with those rules and regulations;
15 provided, that no school, college, or university, or
16 department of a university, or other institution that
17 refuses admittance to applicants solely on account of
18 race, color, creed, sex, sexual orientation, or national
19 origin shall be considered reputable and in good standing.

20 (5) To conduct hearings on proceedings to revoke,
21 suspend, refuse to renew, place on probationary status, or
22 take other disciplinary action as authorized in any
23 licensing Act administered by the Department with regard
24 to licenses, certificates, or authorities of persons
25 exercising the respective professions, trades, or
26 occupations and to revoke, suspend, refuse to renew, place

1 on probationary status, or take other disciplinary action
2 as authorized in any licensing Act administered by the
3 Department with regard to those licenses, certificates, or
4 authorities.

5 The Department shall issue a monthly disciplinary
6 report.

7 The Department shall refuse to issue or renew a
8 license to, or shall suspend or revoke a license of, any
9 person who, after receiving notice, fails to comply with a
10 subpoena or warrant relating to a paternity or child
11 support proceeding. However, the Department may issue a
12 license or renewal upon compliance with the subpoena or
13 warrant.

14 The Department, without further process or hearings,
15 shall revoke, suspend, or deny any license or renewal
16 authorized by the Civil Administrative Code of Illinois to
17 a person who is certified by the Department of Healthcare
18 and Family Services (formerly Illinois Department of
19 Public Aid) as being more than 30 days delinquent in
20 complying with a child support order or who is certified
21 by a court as being in violation of the Non-Support
22 Punishment Act for more than 60 days. The Department may,
23 however, issue a license or renewal if the person has
24 established a satisfactory repayment record as determined
25 by the Department of Healthcare and Family Services
26 (formerly Illinois Department of Public Aid) or if the

1 person is determined by the court to be in compliance with
2 the Non-Support Punishment Act. The Department may
3 implement this paragraph as added by Public Act 89-6
4 through the use of emergency rules in accordance with
5 Section 5-45 of the Illinois Administrative Procedure Act.
6 For purposes of the Illinois Administrative Procedure Act,
7 the adoption of rules to implement this paragraph shall be
8 considered an emergency and necessary for the public
9 interest, safety, and welfare.

10 (6) To transfer jurisdiction of any realty under the
11 control of the Department to any other department of the
12 State Government or to acquire or accept federal lands
13 when the transfer, acquisition, or acceptance is
14 advantageous to the State and is approved in writing by
15 the Governor.

16 (7) To formulate rules and regulations necessary for
17 the enforcement of any Act administered by the Department.

18 (8) To exchange with the Department of Healthcare and
19 Family Services information that may be necessary for the
20 enforcement of child support orders entered pursuant to
21 the Illinois Public Aid Code, the Illinois Marriage and
22 Dissolution of Marriage Act, the Non-Support of Spouse and
23 Children Act, the Non-Support Punishment Act, the Revised
24 Uniform Reciprocal Enforcement of Support Act, the Uniform
25 Interstate Family Support Act, the Illinois Parentage Act
26 of 1984, or the Illinois Parentage Act of 2015.

1 Notwithstanding any provisions in this Code to the
2 contrary, the Department of Professional Regulation shall
3 not be liable under any federal or State law to any person
4 for any disclosure of information to the Department of
5 Healthcare and Family Services (formerly Illinois
6 Department of Public Aid) under this paragraph (8) or for
7 any other action taken in good faith to comply with the
8 requirements of this paragraph (8).

9 (8.3) To exchange information with the Department of
10 Human Rights regarding recommendations received under
11 paragraph (B) of Section 8-109 of the Illinois Human
12 Rights Act regarding a licensee or candidate for licensure
13 who has committed a civil rights violation that may lead
14 to the refusal, suspension, or revocation of a license
15 from the Department.

16 (8.5) To accept continuing education credit for
17 mandated reporter training on how to recognize and report
18 child abuse offered by the Department of Children and
19 Family Services and completed by any person who holds a
20 professional license issued by the Department and who is a
21 mandated reporter under the Abused and Neglected Child
22 Reporting Act. The Department shall adopt any rules
23 necessary to implement this paragraph.

24 (9) To perform other duties prescribed by law.

25 (a-5) Except in cases involving delinquency in complying
26 with a child support order or violation of the Non-Support

1 Punishment Act and notwithstanding anything that may appear in
2 any individual licensing Act or administrative rule, no person
3 or entity whose license, certificate, or authority has been
4 revoked as authorized in any licensing Act administered by the
5 Department may apply for restoration of that license,
6 certification, or authority until 3 years after the effective
7 date of the revocation.

8 (b) (Blank).

9 (c) For the purpose of securing and preparing evidence,
10 and for the purchase of controlled substances, professional
11 services, and equipment necessary for enforcement activities,
12 recoupment of investigative costs, and other activities
13 directed at suppressing the misuse and abuse of controlled
14 substances, including those activities set forth in Sections
15 504 and 508 of the Illinois Controlled Substances Act, the
16 Director and agents appointed and authorized by the Director
17 may expend sums from the Professional Regulation Evidence Fund
18 that the Director deems necessary from the amounts
19 appropriated for that purpose. Those sums may be advanced to
20 the agent when the Director deems that procedure to be in the
21 public interest. Sums for the purchase of controlled
22 substances, professional services, and equipment necessary for
23 enforcement activities and other activities as set forth in
24 this Section shall be advanced to the agent who is to make the
25 purchase from the Professional Regulation Evidence Fund on
26 vouchers signed by the Director. The Director and those agents

1 are authorized to maintain one or more commercial checking
2 accounts with any State banking corporation or corporations
3 organized under or subject to the Illinois Banking Act for the
4 deposit and withdrawal of moneys to be used for the purposes
5 set forth in this Section; provided, that no check may be
6 written nor any withdrawal made from any such account except
7 upon the written signatures of 2 persons designated by the
8 Director to write those checks and make those withdrawals.
9 Vouchers for those expenditures must be signed by the
10 Director. All such expenditures shall be audited by the
11 Director, and the audit shall be submitted to the Department
12 of Central Management Services for approval.

13 (d) Whenever the Department is authorized or required by
14 law to consider some aspect of criminal history record
15 information for the purpose of carrying out its statutory
16 powers and responsibilities, then, upon request and payment of
17 fees in conformance with the requirements of Section 2605-400
18 of the Illinois ~~Department of~~ State Police Law ~~(20 ILCS~~
19 ~~2605/2605-400)~~, the Illinois ~~Department of~~ State Police is
20 authorized to furnish, pursuant to positive identification,
21 the information contained in State files that is necessary to
22 fulfill the request.

23 (e) The provisions of this Section do not apply to private
24 business and vocational schools as defined by Section 15 of
25 the Private Business and Vocational Schools Act of 2012.

26 (f) (Blank).

1 (f-5) Notwithstanding anything that may appear in any
2 individual licensing statute or administrative rule, the
3 Department shall allow an applicant to provide his or her
4 individual taxpayer identification number as an alternative to
5 providing a social security number when applying for a
6 license.

7 (g) Notwithstanding anything that may appear in any
8 individual licensing statute or administrative rule, the
9 Department shall deny any license application or renewal
10 authorized under any licensing Act administered by the
11 Department to any person who has failed to file a return, or to
12 pay the tax, penalty, or interest shown in a filed return, or
13 to pay any final assessment of tax, penalty, or interest, as
14 required by any tax Act administered by the Illinois
15 Department of Revenue, until such time as the requirement of
16 any such tax Act are satisfied; however, the Department may
17 issue a license or renewal if the person has established a
18 satisfactory repayment record as determined by the Illinois
19 Department of Revenue. For the purpose of this Section,
20 "satisfactory repayment record" shall be defined by rule.

21 In addition, a complaint filed with the Department by the
22 Illinois Department of Revenue that includes a certification,
23 signed by its Director or designee, attesting to the amount of
24 the unpaid tax liability or the years for which a return was
25 not filed, or both, is prima facie evidence of the licensee's
26 failure to comply with the tax laws administered by the

1 Illinois Department of Revenue. Upon receipt of that
2 certification, the Department shall, without a hearing,
3 immediately suspend all licenses held by the licensee.
4 Enforcement of the Department's order shall be stayed for 60
5 days. The Department shall provide notice of the suspension to
6 the licensee by mailing a copy of the Department's order to the
7 licensee's address of record or emailing a copy of the order to
8 the licensee's email address of record. The notice shall
9 advise the licensee that the suspension shall be effective 60
10 days after the issuance of the Department's order unless the
11 Department receives, from the licensee, a request for a
12 hearing before the Department to dispute the matters contained
13 in the order.

14 Any suspension imposed under this subsection (g) shall be
15 terminated by the Department upon notification from the
16 Illinois Department of Revenue that the licensee is in
17 compliance with all tax laws administered by the Illinois
18 Department of Revenue.

19 The Department may promulgate rules for the administration
20 of this subsection (g).

21 (h) The Department may grant the title "Retired", to be
22 used immediately adjacent to the title of a profession
23 regulated by the Department, to eligible retirees. For
24 individuals licensed under the Medical Practice Act of 1987,
25 the title "Retired" may be used in the profile required by the
26 Patients' Right to Know Act. The use of the title "Retired"

1 shall not constitute representation of current licensure,
2 registration, or certification. Any person without an active
3 license, registration, or certificate in a profession that
4 requires licensure, registration, or certification shall not
5 be permitted to practice that profession.

6 (i) The Department shall make available on its website
7 general information explaining how the Department utilizes
8 criminal history information in making licensure application
9 decisions, including a list of enumerated offenses that serve
10 as a statutory bar to licensure.

11 (Source: P.A. 100-262, eff. 8-22-17; 100-863, eff. 8-14-18;
12 100-872, eff. 8-14-18; 100-883, eff. 8-14-18; 100-1078, eff.
13 1-1-19; 101-81, eff. 7-12-19; 101-221, eff. 1-1-20.)

14 (20 ILCS 2105/2105-20)

15 Sec. 2105-20. Criminal history records checks. Licensees
16 or applicants applying for expedited licensure through an
17 interstate compact enacted into law by the General Assembly,
18 including, but not limited to, the Interstate Medical
19 Licensure Compact Act, who have designated Illinois as the
20 principal state of licensure for the purposes of the compact
21 shall have his or her fingerprints submitted to the Illinois
22 ~~Department of~~ State Police in an electronic format that
23 complies with the form and manner for requesting and
24 furnishing criminal history record information as prescribed
25 by the Illinois ~~Department of~~ State Police. These fingerprints

1 shall be checked against the Illinois ~~Department of~~ State
2 Police and Federal Bureau of Investigation criminal history
3 record databases now and hereafter filed. The Illinois
4 ~~Department of~~ State Police shall charge applicants or
5 licensees a fee for conducting the criminal history records
6 check, which shall be deposited into the State Police Services
7 Fund and shall not exceed the actual cost of the records check.
8 The Illinois ~~Department of~~ State Police shall furnish,
9 pursuant to positive identification, records of Illinois
10 convictions to the Department. The Department may require
11 applicants or licensees to pay a separate fingerprinting fee,
12 either to the Department or to a vendor designated or approved
13 by the Department. The Department, in its discretion, may
14 allow an applicant or licensee who does not have reasonable
15 access to a designated vendor to provide his or her
16 fingerprints in an alternative manner. The Department may
17 adopt any rules necessary to implement this Section.
18 Communication between the Department and an interstate compact
19 governing body, including, but not limited to, the Interstate
20 Commission as defined in Section 180 of the Interstate Medical
21 Licensure Compact Act, may not include information received
22 from the Federal Bureau of Investigation relating to a State
23 and federal criminal history records check.

24 (Source: P.A. 100-230, eff. 8-18-17.)

25 Section 185. The Department of Public Health Powers and

1 Duties Law of the Civil Administrative Code of Illinois is
2 amended by changing Sections 2310-185 and 2310-376 as follows:

3 (20 ILCS 2310/2310-185) (was 20 ILCS 2310/55.51)

4 Sec. 2310-185. Criminal history record information.

5 Whenever the Department is authorized or required by law to
6 consider some aspect of criminal history record information
7 for the purpose of carrying out its statutory powers and
8 responsibilities, then, upon request and payment of fees in
9 conformance with the requirements of Section 2605-400 of the
10 Illinois Department of State Police Law ~~(20 ILCS~~
11 ~~2605/2605-400)~~, the Illinois Department of State Police is
12 authorized to furnish, pursuant to positive identification,
13 the information contained in State files that is necessary to
14 fulfill the request.

15 (Source: P.A. 91-239, eff. 1-1-00.)

16 (20 ILCS 2310/2310-376)

17 Sec. 2310-376. Hepatitis education and outreach.

18 (a) The Illinois General Assembly finds and declares the
19 following:

20 (1) The World Health Organization characterizes
21 hepatitis as a disease of primary concern to humanity.

22 (2) Hepatitis is considered a silent killer; no
23 recognizable signs or symptoms occur until severe liver
24 damage has occurred.

1 (3) Studies indicate that nearly 4 million Americans
2 (1.8 percent of the population) carry the virus HCV that
3 causes the disease.

4 (4) 30,000 acute new infections occur each year in the
5 United States, and only 25 to 30 percent are diagnosed.

6 (5) 8,000 to 10,000 Americans die from the disease
7 each year.

8 (6) 200,000 Illinois residents may be carriers and
9 could develop the debilitating and potentially deadly
10 liver disease.

11 (7) Inmates of correctional facilities have a higher
12 incidence of hepatitis and, upon their release, present a
13 significant health risk to the general population.

14 (8) Illinois members of the armed services are subject
15 to an increased risk of contracting hepatitis due to their
16 possible receipt of contaminated blood during a
17 transfusion occurring for the treatment of wounds and due
18 to their service in areas of the World where the disease is
19 more prevalent and healthcare is less capable of detecting
20 and treating the disease. Many of these service members
21 are unaware of the danger of hepatitis and their increased
22 risk of contracting the disease.

23 (b) Subject to appropriation, the Department shall conduct
24 an education and outreach campaign, in addition to its overall
25 effort to prevent infectious disease in Illinois, in order to
26 raise awareness about and promote prevention of hepatitis.

1 (c) Subject to appropriation, in addition to the education
2 and outreach campaign provided in subsection (b), the
3 Department shall develop and make available to physicians,
4 other health care providers, members of the armed services,
5 and other persons subject to an increased risk of contracting
6 hepatitis, educational materials, in written and electronic
7 forms, on the diagnosis, treatment, and prevention of the
8 disease. These materials shall include the recommendations of
9 the federal Centers for Disease Control and Prevention and any
10 other persons or entities determined by the Department to have
11 particular expertise on hepatitis, including the American
12 Liver Foundation. These materials shall be written in terms
13 that are understandable by members of the general public.

14 (d) The Department shall establish an Advisory Council on
15 Hepatitis to develop a hepatitis prevention plan. The
16 Department shall specify the membership, members' terms,
17 provisions for removal of members, chairmen, and purpose of
18 the Advisory Council. The Advisory Council shall consist of
19 one representative from each of the following State agencies
20 or offices, appointed by the head of each agency or office:

21 (1) The Department of Public Health.

22 (2) The Department of Public Aid.

23 (3) The Department of Corrections.

24 (4) The Department of Veterans' Affairs.

25 (5) The Department on Aging.

26 (6) The Department of Human Services.

1 (7) The Illinois ~~Department of~~ State Police.

2 (8) The office of the State Fire Marshal.

3 The Director shall appoint representatives of
4 organizations and advocates in the State of Illinois,
5 including, but not limited to, the American Liver Foundation.
6 The Director shall also appoint interested members of the
7 public, including consumers and providers of health services
8 and representatives of local public health agencies, to
9 provide recommendations and information to the members of the
10 Advisory Council. Members of the Advisory Council shall serve
11 on a voluntary, unpaid basis and are not entitled to
12 reimbursement for mileage or other costs they incur in
13 connection with performing their duties.

14 (Source: P.A. 93-129, eff. 1-1-04; 94-406, eff. 8-2-05.)

15 Section 190. The Department of Revenue Law of the Civil
16 Administrative Code of Illinois is amended by changing Section
17 2505-675 as follows:

18 (20 ILCS 2505/2505-675) (was 20 ILCS 2505/39b50)

19 Sec. 2505-675. Whenever the Department is authorized or
20 required by law to consider some aspect of criminal history
21 record information for the purpose of carrying out its
22 statutory powers and responsibilities, then, upon request and
23 payment of fees in conformance with the requirements of
24 Section 2605-400 of the Illinois ~~Department of~~ State Police

1 Law (~~20 ILCS 2605/2605-400~~), the Illinois ~~Department of~~ State
2 Police is authorized to furnish, pursuant to positive
3 identification, the information contained in State files that
4 is necessary to fulfill the request.
5 (Source: P.A. 91-239, eff. 1-1-00.)

6 Section 195. The Department of State Police Law of the
7 Civil Administrative Code of Illinois is amended by changing
8 the heading of Article 2605 and Sections 2605-1, 2605-5,
9 2605-10, 2605-25, 2605-30, 2605-35, 2605-40, 2605-45, 2605-50,
10 2605-52, 2605-54, 2605-55, 2605-75, 2605-190, 2605-200,
11 2605-211, 2605-212, 2605-220, 2605-250, 2605-305, 2605-315,
12 2605-320, 2605-325, 2605-327, 2605-330, 2605-335, 2605-340,
13 2605-345, 2605-355, 2605-375, 2605-377, 2605-378, 2605-380,
14 2605-400, 2605-405, 2605-407, 2605-410, 2605-420, 2605-475,
15 2605-480, 2605-485, 2605-505, 2605-550, 2605-575, 2605-585,
16 2605-590, 2605-595, 2605-600, 2605-605, and 2605-610 and by
17 adding Section 2605-51 as follows:

18 (20 ILCS 2605/Art. 2605 heading)

19 ARTICLE 2605. ILLINOIS ~~DEPARTMENT OF~~ STATE POLICE

20 (20 ILCS 2605/2605-1)

21 Sec. 2605-1. Article short title. This Article 2605 of the
22 Civil Administrative Code of Illinois may be cited as the
23 Illinois ~~Department of~~ State Police Law (formerly the

1 Department of State Police Law).

2 (Source: P.A. 91-239, eff. 1-1-00.)

3 (20 ILCS 2605/2605-5)

4 Sec. 2605-5. Definitions. In this Law:

5 ~~"Department" means the Department of State Police.~~

6 "Director" means the Director of the Illinois State
7 Police.

8 "Missing endangered senior" means an individual 65 years
9 of age or older or a person with Alzheimer's disease or related
10 dementias who is reported missing to a law enforcement agency
11 and is, or is believed to be:

12 (1) a temporary or permanent resident of Illinois;

13 (2) at a location that cannot be determined by an
14 individual familiar with the missing individual; and

15 (3) incapable of returning to the individual's
16 residence without assistance.

17 (Source: P.A. 96-442, eff. 1-1-10.)

18 (20 ILCS 2605/2605-10) (was 20 ILCS 2605/55a in part)

19 Sec. 2605-10. Powers and duties, generally.

20 (a) The Illinois State Police shall exercise the rights,
21 powers, and duties that have been vested in the Illinois State
22 Police by the following:

23 The Illinois State Police Act.

24 The Illinois State Police Radio Act.

1 The Criminal Identification Act.

2 The Illinois Vehicle Code.

3 The Firearm Owners Identification Card Act.

4 The Firearm Concealed Carry Act.

5 The Gun Dealer Licensing Act.

6 The Intergovernmental Missing Child Recovery Act of 1984.

7 The Intergovernmental Drug Laws Enforcement Act.

8 The Narcotic Control Division Abolition Act.

9 (b) The Illinois State Police ~~Department~~ shall have the
10 powers and duties set forth in the following Sections.

11 (Source: P.A. 90-18, eff. 7-1-97; 90-130, eff. 1-1-98; 90-372,
12 eff. 7-1-98; 90-590, eff. 1-1-00; 90-655, eff. 7-30-98;
13 90-793, eff. 8-14-98; 91-239, eff. 1-1-00.)

14 (20 ILCS 2605/2605-25) (was 20 ILCS 2605/55a-1)

15 Sec. 2605-25. Illinois State Police ~~Department~~ divisions.

16 (a) The Illinois State Police ~~Department~~ is divided into
17 the Division of Statewide 9-1-1, and the following divisions:
18 the Division of Patrol Operations, the Division of Criminal
19 Investigation, the Division of Forensic Services, the Division
20 of Justice Services, the Division of the Academy and Training,
21 and the Division of Internal Investigation ~~Illinois State~~
22 Police Academy, the Office of the Statewide 9-1-1
23 Administrator, and 4 divisions: the Division of Operations,
24 the Division of Forensic Services, the Division of Justice
25 Services, and the Division of Internal Investigation.

1 (b) The Office of the Director shall:

2 (1) Exercise the rights, powers, and duties vested in
3 the Illinois State Police Department by the Governor's
4 Office of Management and Budget Act.

5 (2) Exercise the rights, powers, and duties vested in
6 the Illinois State Police Department by the Personnel
7 Code.

8 (3) Exercise the rights, powers, and duties vested in
9 the Illinois State Police Department by "An Act relating
10 to internal auditing in State government", approved August
11 11, 1967 (repealed; now the Fiscal Control and Internal
12 Auditing Act).

13 (Source: P.A. 101-378, eff. 1-1-20.)

14 (20 ILCS 2605/2605-30) (was 20 ILCS 2605/55a-2)

15 Sec. 2605-30. Division of Patrol Operations (formerly
16 State Troopers). The Division of Patrol Operations shall
17 exercise the following functions and those in Section 2605-35:

18 (1) Cooperate with federal and State authorities
19 requesting utilization of the Illinois State Police's
20 ~~Department's~~ radio network system under the Illinois
21 Aeronautics Act.

22 (2) Exercise the rights, powers, and duties of the
23 Illinois State Police under the Illinois State Police Act.

24 (3) (Blank) ~~Exercise the rights, powers, and duties~~
25 ~~vested by law in the Department by the State Police Radio~~

1 ~~Act.~~

2 (4) Exercise the rights, powers, and duties of the
3 Illinois State Police Department vested by law in the
4 ~~Department and the~~ Illinois State Police by the Illinois
5 Vehicle Code.

6 (5) Exercise other duties that have been or may be
7 vested by law in the Illinois State Police.

8 (6) Exercise other duties that may be assigned by the
9 Director in order to fulfill the responsibilities and to
10 achieve the purposes of the Illinois State Police
11 ~~Department~~.

12 (Source: P.A. 91-239, eff. 1-1-00; 91-760, eff. 1-1-01.)

13 (20 ILCS 2605/2605-35) (was 20 ILCS 2605/55a-3)

14 Sec. 2605-35. Division of ~~Operations~~ (formerly Criminal
15 Investigation).

16 (a) The Division of Criminal Investigation ~~Operations~~
17 shall exercise the following functions and those in Section
18 2605-30:

19 (1) Exercise the rights, powers, and duties vested by
20 law in the Illinois State Police Department by the
21 Illinois Horse Racing Act of 1975, including those set
22 forth in Section 2605-215.

23 (2) Investigate the origins, activities, personnel,
24 and incidents of crime and enforce the criminal laws of
25 this State related thereto.

1 (3) Enforce all laws regulating the production, sale,
2 prescribing, manufacturing, administering, transporting,
3 having in possession, dispensing, delivering,
4 distributing, or use of controlled substances and
5 cannabis.

6 (4) Cooperate with the police of cities, villages, and
7 incorporated towns and with the police officers of any
8 county in enforcing the laws of the State and in making
9 arrests and recovering property.

10 (5) Apprehend and deliver up any person charged in
11 this State or any other state with treason or a felony or
12 other crime who has fled from justice and is found in this
13 State.

14 (6) Investigate recipients and providers under the
15 Illinois Public Aid Code and any personnel involved in the
16 administration of the Code who are suspected of any
17 violation of the Code pertaining to fraud in the
18 administration, receipt, or provision of assistance and
19 pertaining to any violation of criminal law; and exercise
20 the functions required under Section 2605-220 in the
21 conduct of those investigations.

22 (7) Conduct other investigations as provided by law.

23 (8) Investigate public corruption. ~~Exercise the powers~~
24 ~~and perform the duties that have been vested in the~~
25 ~~Department by the Sex Offender Registration Act and the~~
26 ~~Sex Offender Community Notification Law; and promulgate~~

1 ~~reasonable rules and regulations necessitated thereby.~~

2 (9) Exercise other duties that may be assigned by the
3 Director in order to fulfill the responsibilities and
4 achieve the purposes of the Illinois State Police, which
5 may include the coordination of gang, terrorist, and
6 organized crime prevention, control activities, and
7 assisting local law enforcement in their crime control
8 activities Department.

9 (b) (Blank) ~~There is hereby established in the Division of~~
10 ~~Operations the Office of Coordination of Gang Prevention,~~
11 ~~hereafter referred to as the Office.~~

12 ~~The Office shall consult with units of local government~~
13 ~~and school districts to assist them in gang control activities~~
14 ~~and to administer a system of grants to units of local~~
15 ~~government and school districts that, upon application, have~~
16 ~~demonstrated a workable plan to reduce gang activity in their~~
17 ~~area. The grants shall not include reimbursement for~~
18 ~~personnel, nor shall they exceed 75% of the total request by~~
19 ~~any applicant. The grants may be calculated on a proportional~~
20 ~~basis, determined by funds available to the Department for~~
21 ~~this purpose. The Department has the authority to promulgate~~
22 ~~appropriate rules and regulations to administer this program.~~

23 ~~The Office shall establish mobile units of trained~~
24 ~~personnel to respond to gang activities.~~

25 ~~The Office shall also consult with and use the services of~~
26 ~~religious leaders and other celebrities to assist in gang~~

1 ~~control activities.~~

2 ~~The Office may sponsor seminars, conferences, or any other~~
3 ~~educational activity to assist communities in their gang crime~~
4 ~~control activities.~~

5 (Source: P.A. 94-945, eff. 6-27-06.)

6 (20 ILCS 2605/2605-40) (was 20 ILCS 2605/55a-4)

7 Sec. 2605-40. Division of Forensic Services. The Division
8 of Forensic Services shall exercise the following functions:

9 (1) Provide crime scene services and traffic crash
10 reconstruction. ~~(Blank).~~

11 (2) Exercise the rights, powers, and duties vested by
12 law in the Illinois State Police ~~Department~~ by Section
13 2605-300 of this Law.

14 (3) Provide assistance to local law enforcement
15 agencies through training, management, and consultant
16 services.

17 (4) (Blank).

18 (5) Exercise other duties that may be assigned by the
19 Director in order to fulfill the responsibilities and
20 achieve the purposes of the Illinois State Police
21 ~~Department.~~

22 (6) Establish and operate a forensic science
23 laboratory system, including a forensic toxicological
24 laboratory service, for the purpose of testing specimens
25 submitted by coroners and other law enforcement officers

1 in their efforts to determine whether alcohol, drugs, or
2 poisonous or other toxic substances have been involved in
3 deaths, accidents, or illness. Forensic toxicological
4 laboratories shall be established in Springfield, Chicago,
5 and elsewhere in the State as needed.

6 (6.5) Establish administrative rules in order to set
7 forth standardized requirements for the disclosure of
8 toxicology results and other relevant documents related to
9 a toxicological analysis. These administrative rules are
10 to be adopted to produce uniform and sufficient
11 information to allow a proper, well-informed determination
12 of the admissibility of toxicology evidence and to ensure
13 that this evidence is presented competently. These
14 administrative rules are designed to provide a minimum
15 standard for compliance of toxicology evidence and are ~~is~~
16 not intended to limit the production and discovery of
17 material information. ~~These administrative rules shall be~~
18 ~~submitted by the Department of State Police into the~~
19 ~~rulemaking process under the Illinois Administrative~~
20 ~~Procedure Act on or before June 30, 2017.~~

21 (7) Subject to specific appropriations made for these
22 purposes, establish and coordinate a system for providing
23 accurate and expedited forensic science and other
24 investigative and laboratory services to local law
25 enforcement agencies and local State's Attorneys in aid of
26 the investigation and trial of capital cases.

1 (Source: P.A. 101-378, eff. 1-1-20.)

2 (20 ILCS 2605/2605-45) (was 20 ILCS 2605/55a-5)

3 Sec. 2605-45. Division of Justice Services. The Division
4 of Justice Services shall exercise the following functions:

5 (1) Operate and maintain the Law Enforcement Agencies
6 Data System (LEADS), a statewide, computerized
7 telecommunications system designed to provide services,
8 information, and capabilities to the law enforcement and
9 criminal justice community in the State of Illinois. The
10 Director is responsible for establishing policy,
11 procedures, and regulations consistent with State and
12 federal rules, policies, and law by which LEADS operates.
13 The Director shall designate a statewide LEADS
14 Administrator for management of the system. The Director
15 may appoint a LEADS Advisory Policy Board to reflect the
16 needs and desires of the law enforcement and criminal
17 justice community and to make recommendations concerning
18 policies and procedures. ~~(Blank).~~

19 (2) Pursue research and the publication of studies
20 pertaining to local law enforcement activities.

21 (3) Serve as the State's point of contact for the
22 Federal Bureau of Investigation's Uniform Crime Reporting
23 Program and National Incident-Based Reporting System
24 ~~(Blank).~~

25 (4) Operate an electronic data processing and computer

1 center for the storage and retrieval of data pertaining to
2 criminal activity.

3 (5) Exercise the rights, powers, and duties vested in
4 the Illinois State Police by the Cannabis Regulation and
5 Tax Act and the Compassionate Use of Medical Cannabis
6 Program Act ~~former Division of State Troopers by Section~~
7 ~~17 of the State Police Act.~~

8 (6) (Blank).

9 (6.5) Exercise the rights, powers, and duties vested
10 in the Illinois State Police ~~Department~~ by the Firearm
11 Owners Identification Card Act, the Firearm Concealed
12 Carry Act, and the Firearm Dealer License Certification
13 Act.

14 (7) Exercise other duties that may be assigned by the
15 Director to fulfill the responsibilities and achieve the
16 purposes of the Illinois State Police ~~Department~~.

17 (8) Exercise the rights, powers, and duties vested by
18 law in the Illinois State Police ~~Department~~ by the
19 Criminal Identification Act.

20 (9) Exercise the powers and perform the duties that
21 have been vested in the Illinois State Police by the Sex
22 Offender Registration Act and the Sex Offender Community
23 Notification Law and adopt reasonable rules necessitated
24 thereby.

25 (Source: P.A. 101-378, eff. 1-1-20.)

1 (20 ILCS 2605/2605-50) (was 20 ILCS 2605/55a-6)

2 Sec. 2605-50. Division of Internal Investigation. The
3 Division of Internal Investigation shall have jurisdiction and
4 initiate internal Illinois State Police ~~departmental~~
5 investigations and, at the direction of the Governor,
6 investigate complaints and initiate investigations of official
7 misconduct by State officers and all State employees ~~under the~~
8 ~~jurisdiction of the Governor.~~

9 (Source: P.A. 91-239, eff. 1-1-00.)

10 (20 ILCS 2605/2605-51 new)

11 Sec. 2605-51. Division of the Academy and Training.

12 (a) The Division of the Academy and Training shall
13 exercise, but not be limited to, the following functions:

14 (1) Oversee and operate the Illinois State Police
15 Training Academy.

16 (2) Train and prepare new officers for a career in law
17 enforcement, with innovative, quality training and
18 educational practices.

19 (3) Offer continuing training and educational programs
20 for Illinois State Police employees.

21 (4) Oversee the Illinois State Police's recruitment
22 initiatives.

23 (5) Oversee and operate the Illinois State Police's
24 quartermaster.

25 (6) Duties assigned to the Illinois State Police in

1 Article 5, Chapter 11 of the Illinois Vehicle Code
2 concerning testing and training officers on the detection
3 of impaired driving.

4 (7) Duties assigned to the Illinois State Police in
5 Article 108B of the Code of Criminal Procedure.

6 (b) The Division of the Academy and Training shall
7 exercise the rights, powers, and duties vested in the former
8 Division of State Troopers by Section 17 of the Illinois State
9 Police Act.

10 (c) Specialized training.

11 (1) Training; cultural diversity. The Division of the
12 Academy and Training shall provide training and continuing
13 education to State police officers concerning cultural
14 diversity, including sensitivity toward racial and ethnic
15 differences. This training and continuing education shall
16 include, but not be limited to, an emphasis on the fact
17 that the primary purpose of enforcement of the Illinois
18 Vehicle Code is safety and equal and uniform enforcement
19 under the law.

20 (2) Training; death and homicide investigations. The
21 Division of the Academy and Training shall provide
22 training in death and homicide investigation for State
23 police officers. Only State police officers who
24 successfully complete the training may be assigned as lead
25 investigators in death and homicide investigations.
26 Satisfactory completion of the training shall be evidenced

1 by a certificate issued to the officer by the Division of
2 the Academy and Training. The Director shall develop a
3 process for waiver applications for officers whose prior
4 training and experience as homicide investigators may
5 qualify them for a waiver. The Director may issue a
6 waiver, at his or her discretion, based solely on the
7 prior training and experience of an officer as a homicide
8 investigator.

9 (3) Training; police dog training standards. All
10 police dogs used by the Illinois State Police for drug
11 enforcement purposes pursuant to the Cannabis Control Act,
12 the Illinois Controlled Substances Act, and the
13 Methamphetamine Control and Community Protection Act shall
14 be trained by programs that meet the certification
15 requirements set by the Director or the Director's
16 designee. Satisfactory completion of the training shall be
17 evidenced by a certificate issued by the Division of the
18 Academy and Training.

19 (4) Training; post-traumatic stress disorder. The
20 Division of the Academy and Training shall conduct or
21 approve a training program in post-traumatic stress
22 disorder for State police officers. The purpose of that
23 training shall be to equip State police officers to
24 identify the symptoms of post-traumatic stress disorder
25 and to respond appropriately to individuals exhibiting
26 those symptoms.

1 (5) Training; opioid antagonists. The Division of the
2 Academy and Training shall conduct or approve a training
3 program for State police officers in the administration of
4 opioid antagonists as defined in paragraph (1) of
5 subsection (e) of Section 5-23 of the Substance Use
6 Disorder Act that is in accordance with that Section. As
7 used in this Section, "State police officers" includes
8 full-time or part-time State police officers,
9 investigators, and any other employee of the Illinois
10 State Police exercising the powers of a peace officer.

11 (6) Training; sexual assault and sexual abuse.

12 (A) Every 3 years, the Division of the Academy and
13 Training shall present in-service training on sexual
14 assault and sexual abuse response and report writing
15 training requirements, including, but not limited to,
16 the following:

17 (i) recognizing the symptoms of trauma;

18 (ii) understanding the role trauma has played
19 in a victim's life;

20 (iii) responding to the needs and concerns of
21 a victim;

22 (iv) delivering services in a compassionate,
23 sensitive, and nonjudgmental manner;

24 (v) interviewing techniques in accordance with
25 the curriculum standards in this paragraph (6);

26 (vi) understanding cultural perceptions and

1 common myths of sexual assault and sexual abuse;

2 and

3 (vii) report writing techniques in accordance
4 with the curriculum standards in this paragraph
5 (6).

6 (B) This training must also be presented in all
7 full and part-time basic law enforcement academies.

8 (C) Instructors providing this training shall have
9 successfully completed training on evidence-based,
10 trauma-informed, victim-centered responses to cases of
11 sexual assault and sexual abuse and have experience
12 responding to sexual assault and sexual abuse cases.

13 (D) The Illinois State Police shall adopt rules,
14 in consultation with the Office of the Attorney
15 General and the Illinois Law Enforcement Training
16 Standards Board, to determine the specific training
17 requirements for these courses, including, but not
18 limited to, the following:

19 (i) evidence-based curriculum standards for
20 report writing and immediate response to sexual
21 assault and sexual abuse, including
22 trauma-informed, victim-centered interview
23 techniques, which have been demonstrated to
24 minimize retraumatization, for all State police
25 officers; and

26 (ii) evidence-based curriculum standards for

1 trauma-informed, victim-centered investigation
2 and interviewing techniques, which have been
3 demonstrated to minimize retraumatization, for
4 cases of sexual assault and sexual abuse for all
5 State police officers who conduct sexual assault
6 and sexual abuse investigations.

7 (7) Training; human trafficking. The Division of the
8 Academy and Training shall conduct or approve a training
9 program in the detection and investigation of all forms of
10 human trafficking, including, but not limited to,
11 involuntary servitude under subsection (b) of Section 10-9
12 of the Criminal Code of 2012, involuntary sexual servitude
13 of a minor under subsection (c) of Section 10-9 of the
14 Criminal Code of 2012, and trafficking in persons under
15 subsection (d) of Section 10-9 of the Criminal Code of
16 2012. This program shall be made available to all cadets
17 and State police officers.

18 (8) Training; hate crimes. The Division of the Academy
19 and Training shall provide training for State police
20 officers in identifying, responding to, and reporting all
21 hate crimes.

22 (20 ILCS 2605/2605-52)

23 Sec. 2605-52. Office of the Statewide 9-1-1 Administrator.

24 (a) There shall be established an Office of the Statewide
25 9-1-1 Administrator within the Illinois State Police

1 ~~Department~~. Beginning January 1, 2016, the Office of the
2 Statewide 9-1-1 Administrator shall be responsible for
3 developing, implementing, and overseeing a uniform statewide
4 9-1-1 system for all areas of the State outside of
5 municipalities having a population over 500,000.

6 (b) The Governor shall appoint, with the advice and
7 consent of the Senate, a Statewide 9-1-1 Administrator. The
8 Administrator shall serve for a term of 2 years, and until a
9 successor is appointed and qualified; except that the term of
10 the first 9-1-1 Administrator appointed under this Act shall
11 expire on the third Monday in January, 2017. The Administrator
12 shall not hold any other remunerative public office. The
13 Administrator shall receive an annual salary as set by the
14 Governor.

15 (c) The Illinois State Police ~~Department~~, from
16 appropriations made to it for that purpose, shall make grants
17 to 9-1-1 Authorities for the purpose of defraying costs
18 associated with 9-1-1 system consolidations awarded by the
19 Administrator under Section 15.4b of the Emergency Telephone
20 System Act.

21 (d) The Office of the Statewide 9-1-1 Administrator shall
22 exercise the rights, powers, and duties vested by law in the
23 Illinois State Police by the State Police Radio Act.

24 (e) The Office of the Statewide 9-1-1 Administrator shall
25 also conduct the following communication activities:

26 (1) Acquire and operate one or more radio broadcasting

1 stations in the State to be used for police purposes.

2 (2) Operate a statewide communications network to
3 gather and disseminate information for law enforcement
4 agencies.

5 (3) Operate an electronic data processing and computer
6 center for the storage and retrieval of data pertaining to
7 criminal activity.

8 (4) Undertake other communication activities that may
9 be required by law.

10 (Source: P.A. 99-6, eff. 6-29-15; 100-20, eff. 7-1-17.)

11 (20 ILCS 2605/2605-54)

12 Sec. 2605-54. Training policy; persons arrested while
13 under the influence of alcohol or drugs. The Illinois State
14 Police Department shall adopt a policy and provide training to
15 State Police officers concerning response and care for persons
16 under the influence of alcohol or drugs. The policy shall be
17 consistent with the Substance Use Disorder Act and shall
18 provide guidance for the arrest of persons under the influence
19 of alcohol or drugs, proper medical attention if warranted,
20 and care and release of those persons from custody. The policy
21 shall provide guidance concerning the release of persons
22 arrested under the influence of alcohol or drugs who are under
23 the age of 21 years of age which shall include, but not be
24 limited to, language requiring the arresting officer to make a
25 reasonable attempt to contact a responsible adult who is

1 willing to take custody of the person who is under the
2 influence of alcohol or drugs.

3 (Source: P.A. 100-537, eff. 6-1-18; 100-759, eff. 1-1-19.)

4 (20 ILCS 2605/2605-55)

5 Sec. 2605-55. Badges. The Director must authorize to each
6 State trooper, police officer, and investigator and to any
7 other employee of the Illinois State Police ~~Department~~
8 exercising the powers of a peace officer a distinct badge
9 that, on its face, (i) clearly states that the badge is
10 authorized by the Illinois State Police ~~Department~~ and (ii)
11 contains a unique identifying number. No other badge shall be
12 authorized by the Illinois State Police ~~Department~~.

13 (Source: P.A. 91-883, eff. 1-1-01.)

14 (20 ILCS 2605/2605-75) (was 20 ILCS 2605/55a in part)

15 Sec. 2605-75. Bilingual police officers. The Illinois
16 State Police ~~Department~~ may ascertain the number of bilingual
17 police officers and other personnel needed to provide services
18 in a language other than English and may establish, under
19 applicable personnel rules and Illinois State Police
20 ~~Department~~ guidelines or through a collective bargaining
21 agreement, a bilingual pay supplement program.

22 (Source: P.A. 90-18, eff. 7-1-97; 90-130, eff. 1-1-98; 90-372,
23 eff. 7-1-98; 90-590, eff. 1-1-00; 90-655, eff. 7-30-98;
24 90-793, eff. 8-14-98; 91-239; 1-1-00.)

1 (20 ILCS 2605/2605-190) (was 20 ILCS 2605/55a in part)
2 Sec. 2605-190. Other laws in relation to law enforcement.
3 To enforce and administer other laws in relation to law
4 enforcement to the extent that they vest any rights, powers,
5 or duties in the Illinois State Police Department.
6 (Source: P.A. 90-18, eff. 7-1-97; 90-130, eff. 1-1-98; 90-372,
7 eff. 7-1-98; 90-590, eff. 1-1-00; 90-655, eff. 7-30-98;
8 90-793, eff. 8-14-98; 91-239, eff. 1-1-00.)

9 (20 ILCS 2605/2605-200) (was 20 ILCS 2605/55a in part)
10 Sec. 2605-200. Investigations of crime; enforcement of
11 laws; records; crime laboratories; personnel.

12 (a) To do the following:

13 (1) Investigate the origins, activities, personnel,
14 and incidents of crime and the ways and means to redress
15 the victims of crimes; study the impact, if any, of
16 legislation relative to the effusion of crime and growing
17 crime rates; and enforce the criminal laws of this State
18 related thereto.

19 (2) Enforce all laws regulating the production, sale,
20 prescribing, manufacturing, administering, transporting,
21 having in possession, dispensing, delivering,
22 distributing, or use of controlled substances and
23 cannabis.

24 (3) Employ skilled experts, scientists, technicians,

1 investigators, or otherwise specially qualified persons to
2 aid in preventing or detecting crime, apprehending
3 criminals, or preparing and presenting evidence of
4 violations of the criminal laws of the State.

5 (4) Cooperate with the police of cities, villages, and
6 incorporated towns and with the police officers of any
7 county in enforcing the laws of the State and in making
8 arrests and recovering property.

9 (5) Apprehend and deliver up any person charged in
10 this State or any other state of the United States with
11 treason or a felony or other crime who has fled from
12 justice and is found in this State.

13 (6) Conduct other investigations as provided by law.

14 (7) Be a central repository and custodian of criminal
15 statistics for the State.

16 (8) Be a central repository for criminal history
17 record information.

18 (9) Procure and file for record information that is
19 necessary and helpful to plan programs of crime
20 prevention, law enforcement, and criminal justice.

21 (10) Procure and file for record copies of
22 fingerprints that may be required by law.

23 (11) Establish general and field crime laboratories.

24 (12) Register and file for record information that may
25 be required by law for the issuance of firearm owner's
26 identification cards under the Firearm Owners

1 Identification Card Act and concealed carry licenses under
2 the Firearm Concealed Carry Act.

3 (13) Employ laboratory technicians and other specially
4 qualified persons to aid in the identification of criminal
5 activity and the identification, collection, and recovery
6 of cyber forensics, including but not limited to digital
7 evidence, and may employ polygraph operators.

8 (14) Undertake other identification, information,
9 laboratory, statistical, or registration activities that
10 may be required by law.

11 (b) Persons exercising the powers set forth in subsection
12 (a) within the Illinois State Police ~~Department~~ are
13 conservators of the peace and as such have all the powers
14 possessed by policemen in cities and sheriffs, except that
15 they may exercise those powers anywhere in the State in
16 cooperation with and after contact with the local law
17 enforcement officials. Those persons may use false or
18 fictitious names in the performance of their duties under this
19 Section, upon approval of the Director, and shall not be
20 subject to prosecution under the criminal laws for that use.

21 (Source: P.A. 90-18, eff. 7-1-97; 90-130, eff. 1-1-98; 90-372,
22 eff. 7-1-98; 90-590, eff. 1-1-00; 90-655, eff. 7-30-98;
23 90-793, eff. 8-14-98; 91-239, eff. 1-1-00.)

24 (20 ILCS 2605/2605-211)

25 Sec. 2605-211. Protocol; methamphetamine; illegal

1 manufacture.

2 (a) The Illinois ~~Department of~~ State Police shall develop
3 a protocol to be followed in performing gross remediation of
4 clandestine laboratory sites not to exceed the standards
5 established by the United States Drug Enforcement
6 Administration.

7 (b) "Gross remediation" means the removal of any and all
8 identifiable clandestine laboratory ingredients and apparatus.

9 (c) The Illinois ~~Department of~~ State Police must post the
10 protocol on its official Web site.

11 (Source: P.A. 94-555, eff. 8-12-05.)

12 (20 ILCS 2605/2605-212)

13 Sec. 2605-212. Children; methamphetamine; protocol. The
14 Illinois State Police ~~Department~~ shall cooperate with the
15 Department of Children and Family Services and the State Board
16 of Education in developing the protocol required under Section
17 6.5 of the Children and Family Services Act. The Illinois
18 State Police ~~Department~~ must post the protocol on the official
19 Web site maintained by the Illinois State Police ~~Department~~.

20 (Source: P.A. 94-554, eff. 1-1-06.)

21 (20 ILCS 2605/2605-220) (was 20 ILCS 2605/55a-7)

22 Sec. 2605-220. Public aid fraud investigations. The
23 Illinois State Police ~~Department~~, through the Division of
24 Criminal Investigation ~~Operations~~, shall investigate

1 recipients and providers under the Illinois Public Aid Code
2 and any personnel involved in the administration of the Code
3 who are suspected of any violations of the Code pertaining to
4 fraud in the administration, receipt, or provision of
5 assistance and pertaining to any violation of criminal law.
6 The Illinois State Police Department shall, in addition to
7 functions otherwise authorized by State and federal law,
8 exercise the following functions:

9 (1) Initiate investigations of suspected cases of
10 public aid fraud.

11 (2) Investigate cases of public aid fraud.

12 (Source: P.A. 91-239, eff. 1-1-00; 91-760, eff. 1-1-01.)

13 (20 ILCS 2605/2605-250) (was 20 ILCS 2605/55a in part)

14 Sec. 2605-250. Obtaining evidence. To expend the sums the
15 Director deems necessary from contractual services
16 appropriations for the Illinois State Police ~~Division of~~
17 ~~Operations~~ for the purchase of evidence and for the employment
18 of persons to obtain evidence. The sums shall be advanced to
19 agents authorized by the Director to expend funds, on vouchers
20 signed by the Director.

21 (Source: P.A. 90-18, eff. 7-1-97; 90-130, eff. 1-1-98; 90-372,
22 eff. 7-1-98; 90-590, eff. 1-1-00; 90-655, eff. 7-30-98;
23 90-793, eff. 8-14-98; 91-239, eff. 1-1-00; 91-760, eff.
24 1-1-01.)

1 (20 ILCS 2605/2605-305) (was 20 ILCS 2605/55a in part)
2 Sec. 2605-305. Statewide Organized Criminal Gang Database
3 (SWORD). The Illinois State Police ~~Department~~ may establish
4 and maintain, within the Illinois State Police ~~Department~~, a
5 Statewide Organized Criminal Gang Database (SWORD) for the
6 purpose of tracking organized criminal gangs and their
7 memberships. Information in the database may include, but not
8 be limited to, the name, last known address, birth date,
9 physical descriptions (such as scars, marks, or tattoos),
10 officer safety information, organized gang affiliation, and
11 entering agency identifier. The Illinois State Police
12 ~~Department~~ may develop, in consultation with the Criminal
13 Justice Information Authority, and in a form and manner
14 prescribed by the Illinois State Police ~~Department~~, an
15 automated data exchange system to compile, to maintain, and to
16 make this information electronically available to prosecutors
17 and to other law enforcement agencies. The information may be
18 used by authorized agencies to combat the operations of
19 organized criminal gangs statewide.
20 (Source: P.A. 90-18, eff. 7-1-97; 90-130, eff. 1-1-98; 90-372,
21 eff. 7-1-98; 90-590, eff. 1-1-00; 90-655, eff. 7-30-98;
22 90-793, eff. 8-14-98; 91-239, eff. 1-1-00.)

23 (20 ILCS 2605/2605-315) (was 20 ILCS 2605/55a in part)
24 Sec. 2605-315. Criminal history record information for
25 Department of Children and Family Services. Upon the request

1 of the Department of Children and Family Services, the
2 Illinois ~~Department of~~ State Police shall provide properly
3 designated employees of the Department of Children and Family
4 Services with criminal history record information as defined
5 in the Illinois Uniform Conviction Information Act and
6 information maintained in the statewide central juvenile
7 records system as defined in Section 2605-355 if the
8 Department of Children and Family Services determines the
9 information is necessary to perform its duties under the
10 Abused and Neglected Child Reporting Act, the Child Care Act
11 of 1969, and the Children and Family Services Act. The request
12 shall be in the form and manner specified by the Illinois
13 ~~Department of~~ State Police.

14 (Source: P.A. 90-18, eff. 7-1-97; 90-130, eff. 1-1-98; 90-372,
15 eff. 7-1-98; 90-590, eff. 1-1-00; 90-655, eff. 7-30-98;
16 90-793, eff. 8-14-98; 91-239, eff. 1-1-00.)

17 (20 ILCS 2605/2605-320)

18 Sec. 2605-320. Criminal history information for Department
19 of Human Services. Upon request of the Department of Human
20 Services, to conduct an assessment and evaluation of sexually
21 violent persons as mandated by the Sexually Violent Persons
22 Commitment Act, the Illinois State Police ~~Department~~ shall
23 furnish criminal history information maintained on the
24 requested person. The request shall be in the form and manner
25 specified by the Illinois State Police ~~Department~~.

1 (Source: P.A. 90-18, eff. 7-1-97; 90-130, eff. 1-1-98; 90-372,
2 eff. 7-1-98; 90-590, eff. 1-1-00; 90-655, eff. 7-30-98;
3 90-793, eff. 8-14-98; 91-239, eff. 1-1-00.)

4 (20 ILCS 2605/2605-325) (was 20 ILCS 2605/55a in part)

5 Sec. 2605-325. Conviction information for school board or
6 regional superintendent. On request of a school board or
7 regional superintendent of schools, to conduct a
8 fingerprint-based criminal history records check pursuant to
9 Section 10-21.9 or 34-18.5 of the School Code. The Illinois
10 State Police Department shall furnish the conviction
11 information to the president of the school board of the school
12 district that has requested the information or, if the
13 information was requested by the regional superintendent, to
14 that regional superintendent.

15 (Source: P.A. 93-909, eff. 8-12-04.)

16 (20 ILCS 2605/2605-327)

17 Sec. 2605-327. Conviction and sex offender information for
18 medical school. Upon the inquiry of a medical school under the
19 Medical School Matriculant Criminal History Records Check Act,
20 to ascertain whether a matriculant of the medical school has
21 been convicted of any violent felony or has been adjudicated a
22 sex offender.

23 The Illinois State Police Department shall make sex
24 offender information available to the inquiring medical school

1 through the Statewide Sex Offender Database. Medical schools
2 in this State must conduct an inquiry into the Statewide Sex
3 Offender Database on all matriculants as part of the
4 admissions process.

5 Pursuant to the Medical School Matriculant Criminal
6 History Records Check Act, the Illinois State Police
7 ~~Department~~ shall conduct a fingerprint-based criminal history
8 records check of the Illinois criminal history records
9 database and the Federal Bureau of Investigation criminal
10 history records database upon the request of a public medical
11 school. Pursuant to the Medical School Matriculant Criminal
12 History Records Check Act, the Illinois State Police
13 ~~Department~~ shall conduct a fingerprint-based, Illinois Uniform
14 Conviction Information Act check of the Illinois criminal
15 history records database upon the request of a private medical
16 school. The Illinois State Police ~~Department~~ may charge the
17 requesting public or private medical school a fee for
18 conducting the fingerprint-based criminal history records
19 check. The fee shall not exceed the cost of the inquiry and
20 shall be deposited into the State Police Services Fund.

21 (Source: P.A. 94-709, eff. 12-5-05; 94-837, eff. 6-6-06.)

22 (20 ILCS 2605/2605-330) (was 20 ILCS 2605/55a in part)

23 Sec. 2605-330. Firefighter applicant criminal history
24 records checks. Upon the request of the chief of a fire
25 department or the board of trustees of a fire protection

1 district, the Illinois State Police ~~Department~~ shall conduct
2 fingerprint-based criminal history records checks of both
3 State and Federal Bureau of Investigation criminal history
4 record databases concerning prospective firefighters and
5 report to the requesting chief or the board of trustees of a
6 fire protection district any conviction information about
7 those persons. The Illinois State Police ~~Department~~ may charge
8 the requesting chief or board of trustees a fee for conducting
9 the criminal history records check. The fee shall be deposited
10 into the State Police Services Fund and shall not exceed the
11 cost of the inquiry. The Illinois State Police ~~Department~~ may
12 prescribe the form and manner for requesting and furnishing
13 conviction information under this Section.

14 (Source: P.A. 92-16, eff. 6-28-01; 93-952, eff. 1-1-05.)

15 (20 ILCS 2605/2605-335) (was 20 ILCS 2605/55a in part)

16 Sec. 2605-335. Conviction information for private child
17 services organization. Upon the request of any private
18 organization that devotes a major portion of its time to the
19 provision of recreational, social, educational, or child
20 safety services to children, to conduct, pursuant to positive
21 identification, criminal background investigations of all of
22 that organization's current employees, current volunteers,
23 prospective employees, or prospective volunteers charged with
24 the care and custody of children during the provision of the
25 organization's services, and to report to the requesting

1 organization any record of convictions maintained in the
2 Illinois State Police's ~~Department's~~ files about those
3 persons. The Illinois State Police ~~Department~~ shall charge an
4 application fee, based on actual costs, for the dissemination
5 of conviction information pursuant to this Section. The
6 Illinois State Police ~~Department~~ is empowered to establish
7 this fee and shall prescribe the form and manner for
8 requesting and furnishing conviction information pursuant to
9 this Section.

10 Information received by the organization from the Illinois
11 State Police ~~Department~~ concerning an individual shall be
12 provided to the individual. Any such information obtained by
13 the organization shall be confidential and may not be
14 transmitted outside the organization and may not be
15 transmitted to anyone within the organization except as needed
16 for the purpose of evaluating the individual. Only information
17 and standards that bear a reasonable and rational relation to
18 the performance of child care shall be used by the
19 organization.

20 Any employee of the Illinois State Police ~~Department~~ or
21 any member, employee, or volunteer of the organization
22 receiving confidential information under this Section who
23 gives or causes to be given any confidential information
24 concerning any criminal convictions of an individual shall be
25 guilty of a Class A misdemeanor unless release of the
26 information is authorized by this Section.

1 (Source: P.A. 90-18, eff. 7-1-97; 90-130, eff. 1-1-98; 90-372,
2 eff. 7-1-98; 90-590, eff. 1-1-00; 90-655, eff. 7-30-98;
3 90-793, eff. 8-14-98; 91-239, eff. 1-1-00.)

4 (20 ILCS 2605/2605-340) (was 20 ILCS 2605/55a in part)

5 Sec. 2605-340. Conviction information for private carrier
6 company under Metropolitan Transit Authority Act. Upon the
7 request of a private carrier company that provides
8 transportation under Section 28b of the Metropolitan Transit
9 Authority Act, to ascertain whether an applicant for a driver
10 position has been convicted of any criminal or drug offense
11 enumerated in that Section. The Illinois State Police
12 ~~Department~~ shall furnish the conviction information to the
13 private carrier company that requested the information.

14 (Source: P.A. 90-18, eff. 7-1-97; 90-130, eff. 1-1-98; 90-372,
15 eff. 7-1-98; 90-590, eff. 1-1-00; 90-655, eff. 7-30-98;
16 90-793, eff. 8-14-98; 91-239, eff. 1-1-00.)

17 (20 ILCS 2605/2605-345)

18 Sec. 2605-345. Conviction information for financial
19 institutions. Upon the request of (i) an insured depository
20 institution, as defined by the Federal Deposit Insurance
21 Corporation Act, (ii) a depository institution holding
22 company, as defined by the Federal Deposit Insurance
23 Corporation Act, (iii) a foreign banking corporation, as
24 defined by the Foreign Banking Office Act, (iv) a corporate

1 fiduciary, as defined by the Corporate Fiduciary Act, (v) a
2 credit union, as defined in the Illinois Credit Union Act, or
3 (vi) a subsidiary of any entity listed in items (i) through (v)
4 of this Section (each such entity or subsidiary hereinafter
5 referred to as a "requesting institution"), to ascertain
6 whether any employee of the requesting institution, applicant
7 for employment by the requesting institution, or officer,
8 director, agent, institution-affiliated party, or any other
9 party who owns or controls, directly or indirectly, or
10 participates, directly or indirectly, in the affairs of the
11 requesting institution, has been convicted of a felony or of
12 any criminal offense relating to dishonesty, breach of trust,
13 or money laundering, the Illinois State Police ~~Department~~
14 shall furnish the conviction information to the requesting
15 institution.

16 (Source: P.A. 97-1120, eff. 1-1-13.)

17 (20 ILCS 2605/2605-355) (was 20 ILCS 2605/55a in part)

18 Sec. 2605-355. Delinquent minors; statewide central
19 juvenile records system. To develop a separate statewide
20 central juvenile records system for persons arrested prior to
21 the age of 17 under Section 5-401 of the Juvenile Court Act of
22 1987 or adjudicated delinquent minors and to make information
23 available to local law enforcement officers so that law
24 enforcement officers will be able to obtain rapid access to
25 the background of the minor from other jurisdictions to the

1 end that the juvenile police officers can make appropriate
2 decisions that will best serve the interest of the child and
3 the community. The Illinois State Police ~~Department~~ shall
4 submit a quarterly report to the General Assembly and
5 Governor. The report shall contain the number of juvenile
6 records that the Illinois State Police ~~Department~~ has received
7 in that quarter and a list, by category, of offenses that
8 minors were arrested for or convicted of by age, race, and
9 gender.

10 (Source: P.A. 90-18, eff. 7-1-97; 90-130, eff. 1-1-98; 90-372,
11 eff. 7-1-98; 90-590, eff. 1-1-00; 90-655, eff. 7-30-98;
12 90-793, eff. 8-14-98; 91-239, eff. 1-1-00.)

13 (20 ILCS 2605/2605-375) (was 20 ILCS 2605/55a in part)

14 Sec. 2605-375. Missing persons; Law Enforcement Agencies
15 Data System (LEADS).

16 (a) To utilize the ~~establish and maintain a~~ statewide Law
17 Enforcement Agencies Data System (LEADS) for the purpose of
18 providing electronic access by authorized entities to criminal
19 justice data repositories and effecting an immediate law
20 enforcement response to reports of missing persons, including
21 lost, missing or runaway minors, lost or missing individuals
22 with developmental or intellectual disabilities, and missing
23 endangered seniors. The Illinois State Police ~~Department~~ shall
24 implement an automatic data exchange system to compile, to
25 maintain, and to make available to other law enforcement

1 agencies for immediate dissemination data that can assist
2 appropriate agencies in recovering missing persons and provide
3 access by authorized entities to various data repositories
4 available through LEADS for criminal justice and related
5 purposes. To assist the Illinois State Police ~~Department~~ in
6 this effort, funds may be appropriated from the LEADS
7 Maintenance Fund. Funds may be appropriated from the LEADS
8 Maintenance Fund to the Illinois State Police ~~Department~~ to
9 finance any of its lawful purposes or functions in relation to
10 defraying the expenses associated with establishing,
11 maintaining, and supporting the issuance of electronic
12 citations.

13 (b) In exercising its duties under this Section, the
14 Illinois State Police ~~Department~~ shall provide a uniform
15 reporting format (LEADS) for the entry of pertinent
16 information regarding the report of a missing person into
17 LEADS. The report must include all of the following:

18 (1) Relevant information obtained from the
19 notification concerning the missing person, including all
20 of the following:

21 (A) a physical description of the missing person;

22 (B) the date, time, and place that the missing
23 person was last seen; and

24 (C) the missing person's address.

25 (2) Information gathered by a preliminary
26 investigation, if one was made.

1 (3) A statement by the law enforcement officer in
2 charge stating the officer's assessment of the case based
3 on the evidence and information received.

4 (b-5) The Illinois ~~Department of~~ State Police shall:

5 (1) Develop and implement a policy whereby a statewide
6 or regional alert would be used in situations relating to
7 the disappearances of individuals, based on criteria and
8 in a format established by the Illinois State Police
9 ~~Department~~. Such a format shall include, but not be
10 limited to, the age of the missing person and the
11 suspected circumstance of the disappearance.

12 (2) Notify all law enforcement agencies that reports
13 of missing persons shall be entered as soon as the minimum
14 level of data specified by the Illinois State Police
15 ~~Department~~ is available to the reporting agency and that
16 no waiting period for the entry of the data exists.

17 (3) Compile and retain information regarding lost,
18 abducted, missing, or runaway minors in a separate data
19 file, in a manner that allows that information to be used
20 by law enforcement and other agencies deemed appropriate
21 by the Director, for investigative purposes. The
22 information shall include the disposition of all reported
23 lost, abducted, missing, or runaway minor cases.

24 (4) Compile and maintain an historic data repository
25 relating to lost, abducted, missing, or runaway minors and
26 other missing persons, including, but not limited to, lost

1 or missing individuals with developmental or intellectual
2 disabilities and missing endangered seniors, in order to
3 develop and improve techniques utilized by law enforcement
4 agencies when responding to reports of missing persons.

5 (5) Create a quality control program regarding
6 confirmation of missing person data, timeliness of entries
7 of missing person reports into LEADS, and performance
8 audits of all entering agencies.

9 (c) The Illinois Law Enforcement Training Standards Board
10 shall conduct a training program for law enforcement personnel
11 of local governmental agencies in the Missing Persons
12 Identification Act.

13 (d) The Illinois ~~Department of~~ State Police shall perform
14 the duties prescribed in the Missing Persons Identification
15 Act, subject to appropriation.

16 (Source: P.A. 100-662, eff. 1-1-19.)

17 (20 ILCS 2605/2605-377) (was 20 ILCS 2605/55a in part)

18 Sec. 2605-377. Department of Healthcare and Family
19 Services; LEADS access.

20 (a) The Department of Healthcare and Family Services is an
21 authorized entity under this Law for the purpose of exchanging
22 information, in the form and manner required by the Illinois
23 ~~Department of~~ State Police, to facilitate the location of
24 individuals for establishing paternity, and establishing,
25 modifying, and enforcing child support obligations, pursuant

1 to the Illinois Public Aid Code and Title IV, Part D of the
2 Social Security Act.

3 (b) The Department of Healthcare and Family Services is an
4 authorized entity under this Section for the purpose of
5 obtaining access to various data repositories available
6 through LEADS, to facilitate the location of individuals for
7 establishing paternity, and establishing, modifying, and
8 enforcing child support obligations, pursuant to the Illinois
9 Public Aid Code and Title IV, Part D of the Social Security
10 Act. The Illinois State Police ~~Department~~ shall enter into an
11 agreement with the Department of Healthcare and Family
12 Services consistent with these purposes.

13 (Source: P.A. 95-331, eff. 8-21-07.)

14 (20 ILCS 2605/2605-378)

15 Sec. 2605-378. I-CLEAR. The Illinois ~~Department of~~ State
16 Police shall provide for the entry into the Illinois Citizens
17 and Law Enforcement Analysis and Reporting System (I-CLEAR) of
18 the names and addresses of arsonists as defined in the
19 Arsonist Registration Act who are required to register under
20 that Act. The information shall be immediately accessible to
21 law enforcement agencies and peace officers of this State or
22 any other state or of the federal government. Similar
23 information may be requested from any other state or of the
24 federal government for the purposes of that Act.

25 (Source: P.A. 93-949, eff. 1-1-05.)

1 (20 ILCS 2605/2605-380) (was 20 ILCS 2605/55a-8)
2 Sec. 2605-380. Dental records. The Illinois State Police
3 ~~Department~~ shall do the following:

4 (1) Coordinate State participation in a national
5 central repository for dental records of missing persons
6 and unidentified dead bodies.

7 (2) Receive and file dental records submitted by
8 county medical examiners and coroners from unidentified
9 dead bodies and submitted by law enforcement agencies from
10 persons reported missing for more than 30 days.

11 (3) Provide information from the file on possible
12 identifications resulting from the comparison of dental
13 records submitted with those records on file, to county
14 medical examiners, coroners, and law enforcement agencies.

15 (4) Expunge the dental records of those missing
16 persons who are found, and expunge from the file the
17 dental records of missing persons who are positively
18 identified as a result of comparisons made with this file
19 or the files maintained by other states, territories,
20 insular possessions of the United States, or the United
21 States.

22 (Source: P.A. 91-239, eff. 1-1-00; 91-760, eff. 1-1-01.)

23 (20 ILCS 2605/2605-400) (was 20 ILCS 2605/55a in part)
24 Sec. 2605-400. Fees; State Police Services Fund; audit.

1 (a) To charge, collect, and receive fees or moneys
2 equivalent to the cost of providing Illinois State Police
3 ~~Department~~ personnel, equipment, and services to local
4 governmental agencies when explicitly requested by a local
5 governmental agency and pursuant to an intergovernmental
6 agreement as provided by this Law, other State agencies, and
7 federal agencies, including but not limited to fees or moneys
8 equivalent to the cost of providing dispatching services,
9 radio and radar repair, and training to local governmental
10 agencies on terms and conditions that in the judgment of the
11 Director are in the best interest of the State; and to
12 establish, charge, collect, and receive fees or moneys based
13 on the cost of providing responses to requests for criminal
14 history record information pursuant to positive identification
15 and any Illinois or federal law authorizing access to some
16 aspect of that information and to prescribe the form and
17 manner for requesting and furnishing the information to the
18 requestor on terms and conditions that in the judgment of the
19 Director are in the best interest of the State, provided fees
20 for requesting and furnishing criminal history record
21 information may be waived for requests in the due
22 administration of the criminal laws. The Illinois State Police
23 ~~Department~~ may also charge, collect, and receive fees or
24 moneys equivalent to the cost of providing electronic data
25 processing lines or related telecommunication services to
26 local governments, but only when those services can be

1 provided by the Illinois State Police ~~Department~~ at a cost
2 less than that experienced by those local governments through
3 other means. All services provided by the Illinois State
4 Police ~~Department~~ shall be conducted pursuant to contracts in
5 accordance with the Intergovernmental Cooperation Act, and all
6 telecommunication services shall be provided pursuant to the
7 provisions of Section 405-270 of the Department of Central
8 Management Services Law ~~(20 ILCS 405/405-270)~~.

9 (b) All fees received by the Illinois State Police
10 ~~Department~~ under the Civil Administrative Code of Illinois or
11 the Illinois Uniform Conviction Information Act shall be
12 deposited in a special fund in the State treasury to be known
13 as the State Police Services Fund. The money deposited in the
14 State Police Services Fund shall be appropriated to the
15 Illinois State Police ~~Department~~ for expenses of the Illinois
16 State Police ~~Department~~.

17 (c) Upon the completion of any audit of the Illinois State
18 Police ~~Department~~ as prescribed by the Illinois State Auditing
19 Act, which audit includes an audit of the State Police
20 Services Fund, the Illinois State Police ~~Department~~ shall make
21 the audit open to inspection by any interested person.

22 (Source: P.A. 90-18, eff. 7-1-97; 90-130, eff. 1-1-98; 90-372,
23 eff. 7-1-98; 90-590, eff. 1-1-00; 90-655, eff. 7-30-98;
24 90-793, eff. 8-14-98; 91-239, eff. 1-1-00.)

25 (20 ILCS 2605/2605-405) (was 20 ILCS 2605/55a in part)

1 Sec. 2605-405. Applying for grants or contracts; moneys
2 from other entities. To apply for grants or contracts and
3 receive, expend, allocate, or disburse funds and moneys made
4 available by public or private entities, including, but not
5 limited to, contracts, bequests, grants, or receiving
6 equipment from corporations, foundations, or public or private
7 institutions of higher learning. All funds received by the
8 Illinois State Police Department from these sources shall be
9 deposited into the appropriate fund in the State treasury to
10 be appropriated to the Illinois State Police Department for
11 purposes as indicated by the grantor or contractor or, in the
12 case of funds or moneys bequeathed or granted for no specific
13 purpose, for any purpose deemed appropriate by the Director in
14 administering the responsibilities of the Illinois State
15 Police Department.

16 (Source: P.A. 90-18, eff. 7-1-97; 90-130, eff. 1-1-98; 90-372,
17 eff. 7-1-98; 90-590, eff. 1-1-00; 90-655, eff. 7-30-98;
18 90-793, eff. 8-14-98; 91-239, eff. 1-1-00.)

19 (20 ILCS 2605/2605-407)

20 Sec. 2605-407. Illinois State Police Federal Projects
21 Fund. The Illinois State Police Federal Projects Fund is
22 established as a federal trust fund in the State treasury.
23 This federal Trust Fund is established to receive funds
24 awarded to the Illinois Department of State Police from the
25 following: (i) all federal departments and agencies for the

1 specific purposes established by the terms and conditions of
2 the federal awards and (ii) federal pass-through grants from
3 State departments and agencies for the specific purposes
4 established by the terms and conditions of the grant
5 agreements. Any interest earnings that are attributable to
6 moneys in the federal trust fund must be deposited into the
7 Fund.

8 (Source: P.A. 97-116, eff. 1-1-12; 97-826, eff. 7-18-12.)

9 (20 ILCS 2605/2605-410)

10 Sec. 2605-410. Over Dimensional Load Police Escort Fund.
11 To charge, collect, and receive fees or moneys as described in
12 Section 15-312 of the Illinois Vehicle Code. All fees received
13 by the Illinois State Police under Section 15-312 of the
14 Illinois Vehicle Code shall be deposited into the Over
15 Dimensional Load Police Escort Fund, a special fund that is
16 created in the State treasury. Subject to appropriation, the
17 money in the Over Dimensional Load Police Escort Fund shall be
18 used by the Illinois State Police ~~Department~~ for its expenses
19 in providing police escorts and commercial vehicle enforcement
20 activities.

21 (Source: P.A. 95-787, eff. 1-1-09.)

22 (20 ILCS 2605/2605-420) (was 20 ILCS 2605/55a in part)

23 Sec. 2605-420. Assisting victims and witnesses of gang
24 crime. To assist victims and witnesses in gang crime

1 prosecutions through the administration of funds appropriated
2 from the Gang Violence Victims and Witnesses Fund to the
3 Illinois State Police Department. Those funds shall be
4 appropriated to the Illinois State Police Department and shall
5 only be used to assist victims and witnesses in gang crime
6 prosecutions. The assistance may include any of the following:

7 (1) Temporary living costs.

8 (2) Moving expenses.

9 (3) Closing costs on the sale of a private residence.

10 (4) First month's rent.

11 (5) Security deposits.

12 (6) Apartment location assistance.

13 (7) Other expenses that the Illinois State Police
14 ~~Department~~ considers appropriate.

15 (8) Compensation for any loss of or injury to real or
16 personal property resulting from a gang crime to a maximum
17 of \$5,000, subject to the following provisions:

18 (A) In the case of loss of property, the amount of
19 compensation shall be measured by the replacement cost
20 of similar or like property that has been incurred by
21 and that is substantiated by the property owner.

22 (B) In the case of injury to property, the amount
23 of compensation shall be measured by the cost of
24 repair incurred and that can be substantiated by the
25 property owner.

26 (C) Compensation under this provision is a

1 secondary source of compensation and shall be reduced
2 by any amount the property owner receives from any
3 other source as compensation for the loss or injury,
4 including, but not limited to, personal insurance
5 coverage.

6 (D) No compensation may be awarded if the property
7 owner was an offender or an accomplice of the offender
8 or if the award would unjustly benefit the offender or
9 offenders or an accomplice of the offender or
10 offenders.

11 No victim or witness may receive assistance under this
12 Section if he or she is not a part of or fails to fully
13 cooperate in the prosecution of gang crime members by law
14 enforcement authorities.

15 The Illinois State Police Department shall promulgate any
16 rules necessary for the implementation of this amendatory Act
17 of 1985.

18 (Source: P.A. 90-18, eff. 7-1-97; 90-130, eff. 1-1-98; 90-372,
19 eff. 7-1-98; 90-590, eff. 1-1-00; 90-655, eff. 7-30-98;
20 90-793, eff. 8-14-98; 91-239, eff. 1-1-00.)

21 (20 ILCS 2605/2605-475) (was 20 ILCS 2605/55a in part)

22 Sec. 2605-475. Emergency Telephone System Act. The Illinois
23 State Police Department and Statewide 9-1-1 Administrator
24 shall exercise the powers and perform the duties specifically
25 assigned to each under the Emergency Telephone System Act.

1 Nothing in the Emergency Telephone System Act shall require
2 the Illinois ~~Department of~~ State Police to provide wireless
3 enhanced 9-1-1 services.

4 (Source: P.A. 100-20, eff. 7-1-17.)

5 (20 ILCS 2605/2605-480)

6 Sec. 2605-480. Statewide kidnapping alert and prevention
7 program; Child Safety Coordinator.

8 (a) The Illinois ~~Department of~~ State Police shall develop
9 a coordinated program for a statewide emergency alert system
10 when a child is missing or kidnapped. The system shall
11 include, but is not limited to, the use in coordination with
12 the Illinois Department of Transportation, of electronic
13 message signs on roads and highways in the vicinity of a child
14 abduction to immediately provide critical information to the
15 public.

16 (b) The Illinois ~~Department of~~ State Police shall
17 establish an AMBER Plan Task Force to monitor and review the
18 implementation and operation of the system developed under
19 subsection (a), including procedures, budgetary requirements,
20 and response protocols. The Task Force shall also develop
21 additional network resources for use in the system.

22 (c) The Illinois ~~Department of~~ State Police, in
23 coordination with the Illinois Emergency Management Agency,
24 shall develop and implement a community outreach program to
25 promote awareness among the State's parents and children of

1 child abduction prevention and response.

2 (d) The Illinois ~~Department~~ of State Police, in
3 coordination with the State Board of Education, shall develop
4 child abduction prevention instruction for inclusion in
5 elementary and secondary school curricula throughout the
6 State. The Illinois State Police ~~Department~~ and State Board of
7 Education shall encourage the inclusion of the child abduction
8 prevention instruction in private elementary and secondary
9 school curricula throughout the State.

10 (e) The Illinois State Police ~~Department~~ shall appoint a
11 Child Safety Coordinator to assist in the establishment of
12 State standards for child safety from kidnap and abduction and
13 to advocate for the achievement of those standards. The Child
14 Safety Coordinator shall have the qualifications and
15 experience that the Illinois State Police ~~Department~~ shall
16 require by rule. The Child Safety Coordinator shall receive no
17 compensation but shall be reimbursed for his or her expenses
18 from the Illinois State Police's ~~Department's~~ operations
19 budget. No funds shall be appropriated solely for the expenses
20 of the Child Safety Coordinator. The Illinois State Police
21 ~~Department~~ shall provide technical assistance for the Child
22 Safety Coordinator from its existing resources.

23 (Source: P.A. 92-259, eff. 1-1-02; 92-468, eff. 8-22-01;
24 93-310, eff. 7-23-03.)

25 (20 ILCS 2605/2605-485)

1 Sec. 2605-485. Endangered Missing Person Advisory.

2 (a) A coordinated program known as the Endangered Missing
3 Person Advisory is established within the Illinois ~~Department~~
4 ~~of~~ State Police. The purpose of the Endangered Missing Person
5 Advisory is to provide a regional system for the rapid
6 dissemination of information regarding a missing person who is
7 believed to be a high-risk missing person as defined in
8 Section 10 of the Missing Persons Identification Act.

9 (b) The AMBER Plan Task Force, established under Section
10 2605-480 of this ~~the Department of State Police~~ Law, shall
11 serve as the task force for the Endangered Missing Person
12 Advisory. The AMBER Plan Task Force shall monitor and review
13 the implementation and operation of the regional system
14 developed under subsection (a), including procedures,
15 budgetary requirements, and response protocols. The AMBER Plan
16 Task Force shall also develop additional network resources for
17 use in the system.

18 (c) The Illinois ~~Department of~~ State Police, in
19 coordination with the Illinois Department on Aging, shall
20 develop and implement a community outreach program to promote
21 awareness among the State's healthcare facilities, nursing
22 homes, assisted living facilities, and other senior centers.
23 The guidelines and procedures shall ensure that specific
24 health information about the missing person is not made public
25 through the alert or otherwise.

26 (c-5) Subject to appropriation, the Illinois ~~Department of~~

1 State Police, in coordination with the Illinois Department of
2 Human Services, shall develop and implement a community
3 outreach program to promote awareness of the Endangered
4 Missing Person Advisory among applicable entities, including,
5 but not limited to, developmental disability facilities as
6 defined in Section 1-107 of the Mental Health and
7 Developmental Disabilities Code. The guidelines and procedures
8 shall ensure that specific health information about the
9 missing person is not made public through the alert or
10 otherwise.

11 (d) The Child Safety Coordinator, created under Section
12 2605-480 of this ~~the Department of State Police~~ Law, shall act
13 in the dual capacity of Child Safety Coordinator and
14 Endangered Missing Person Coordinator. The Coordinator shall
15 assist in the establishment of State standards and monitor the
16 availability of federal funding that may become available to
17 further the objectives of the Endangered Missing Person
18 Advisory. The Illinois State Police ~~Department~~ shall provide
19 technical assistance for the Coordinator from its existing
20 resources.

21 (e)(1) The Illinois ~~Department of~~ State Police, in
22 cooperation with the Silver Search Task Force, shall develop
23 as part of the Endangered Missing Person Advisory a
24 coordinated statewide awareness program and toolkit to be used
25 when a person 21 years of age or older who is believed to have
26 Alzheimer's disease, other related dementia, or other

1 dementia-like cognitive impairment is reported missing, which
2 shall be referred to as Silver Search.

3 (2) The Illinois State Police ~~Department~~ shall complete
4 development and deployment of the Silver Search Awareness
5 Program and toolkit on or before July 1, 2017.

6 (3) The Illinois ~~Department of~~ State Police shall
7 establish a Silver Search Task Force within 90 days after the
8 effective date of this amendatory Act of the 99th General
9 Assembly to assist the Illinois State Police ~~Department~~ in
10 development and deployment of the Silver Search Awareness
11 Program and toolkit. The Task Force shall establish the
12 criteria and create a toolkit, which may include usage of
13 Department of Transportation signs, under Section 2705-505.6
14 of the Department of Transportation Law of the Civil
15 Administrative Code of Illinois. The Task Force shall monitor
16 and review the implementation and operation of that program,
17 including procedures, budgetary requirements, standards, and
18 minimum requirements for the training of law enforcement
19 personnel on how to interact appropriately and effectively
20 with individuals that suffer from Alzheimer's disease, other
21 dementia, or other dementia-like cognitive impairment. The
22 Task Force shall also develop additional network and financial
23 resources for use in the system. The Task Force shall include,
24 but is not limited to, one representative from each of the
25 following:

26 (A) the Illinois ~~Department of~~ State Police;

- 1 (B) the Department on Aging;
- 2 (C) the Department of Public Health;
- 3 (D) the Illinois Law Enforcement Training Standards
4 Board;
- 5 (E) the Illinois Emergency Management Agency;
- 6 (F) the Secretary of State;
- 7 (G) the Department of Transportation;
- 8 (H) the Department of the Lottery;
- 9 (I) the Illinois Toll Highway Authority;
- 10 (J) a State association dedicated to Alzheimer's care,
11 support, and research;
- 12 (K) a State association dedicated to improving quality
13 of life for persons age 50 and over;
- 14 (L) a State group of area agencies involved in
15 planning and coordinating services and programs for older
16 persons in their respective areas;
- 17 (M) a State organization dedicated to enhancing
18 communication and cooperation between sheriffs;
- 19 (N) a State association of police chiefs and other
20 leaders of police and public safety organizations;
- 21 (O) a State association representing Illinois
22 publishers;
- 23 (P) a State association that advocates for the
24 broadcast industry;
- 25 (Q) a member of a large wireless telephone carrier;
26 and

1 (R) a member of a small wireless telephone carrier.

2 The members of the Task Force designated in subparagraphs
3 (A) through (I) of this paragraph (3) shall be appointed by the
4 head of the respective agency. The members of the Task Force
5 designated in subparagraphs (J) through (R) of this paragraph
6 (3) shall be appointed by the Director of the Illinois State
7 Police. The Director of the Illinois State Police or his or her
8 designee shall serve as Chair of the Task Force.

9 The Task Force shall meet at least twice a year and shall
10 provide a report on the operations of the Silver Search
11 Program to the General Assembly and the Governor each year by
12 June 30.

13 (4) Subject to appropriation, the Illinois ~~Department of~~
14 State Police, in coordination with the Department on Aging and
15 the Silver Search Task Force, shall develop and implement a
16 community outreach program to promote awareness of the Silver
17 Search Program as part of the Endangered Missing Person
18 Advisory among law enforcement agencies, the State's
19 healthcare facilities, nursing homes, assisted living
20 facilities, other senior centers, and the general population
21 on or before January 1, 2017.

22 (5) The Child Safety Coordinator, created under Section
23 2605-480 of this ~~the Department of State Police Law of the~~
24 ~~Civil Administrative Code of Illinois~~, shall act in the
25 capacity of Child Safety Coordinator, Endangered Missing
26 Person Coordinator, and Silver Search Program Coordinator. The

1 Coordinator, in conjunction with the members of the Task
2 Force, shall assist the Illinois State Police ~~Department~~ and
3 the Silver Search Task Force in the establishment of State
4 standards and monitor the availability of federal and private
5 funding that may become available to further the objectives of
6 the Endangered Missing Person Advisory and Silver Search
7 Awareness Program. The Illinois State Police ~~Department~~ shall
8 provide technical assistance for the Coordinator from its
9 existing resources.

10 (6) The Illinois ~~Department of State Police~~ shall provide
11 administrative and other support to the Task Force.

12 (Source: P.A. 99-322, eff. 1-1-16; 100-662, eff. 1-1-19.)

13 (20 ILCS 2605/2605-505) (was 20 ILCS 2605/55b)

14 Sec. 2605-505. Local citizens radio groups. The Illinois
15 State Police ~~Department~~ is authorized to use local citizens
16 radio groups in connection with its communication duties under
17 the Civil Administrative Code of Illinois and to coordinate
18 those local citizens radio groups with the functions of local
19 law enforcement agencies as the Illinois State Police
20 ~~Department~~ deems advisable. With the approval of the Illinois
21 State Police ~~Department~~, those local citizens radio groups
22 shall be eligible for law enforcement grants.

23 (Source: P.A. 91-239, eff. 1-1-00.)

24 (20 ILCS 2605/2605-550) (was 20 ILCS 2605/55a in part)

1 Sec. 2605-550. Transfer of realty to State agency;
2 acquisition of federal land. To transfer jurisdiction of any
3 realty title to which is held by the State of Illinois under
4 the control of the Illinois State Police ~~Department~~ to any
5 other department of the State government or to the State
6 Employees Housing Commission or to acquire or accept federal
7 land when the transfer, acquisition, or acceptance is
8 advantageous to the State and is approved in writing by the
9 Governor.

10 (Source: P.A. 90-18, eff. 7-1-97; 90-130, eff. 1-1-98; 90-372,
11 eff. 7-1-98; 90-590, eff. 1-1-00; 90-655, eff. 7-30-98;
12 90-793, eff. 8-14-98; 91-239, eff. 1-1-00.)

13 (20 ILCS 2605/2605-575)

14 Sec. 2605-575. Children's fingerprints. With the written
15 permission of the child's parent or guardian, the Illinois
16 State Police ~~Department~~ may retain the fingerprint record of a
17 child fingerprinted by the Illinois State Police ~~Department~~ at
18 any location of collection, such as a State fair, county fair,
19 or other place the Illinois State Police ~~Department~~ collects
20 such data. The record may be retained and used only if the
21 child is later missing or abducted, if an Amber Alert is issued
22 for that child, or if a missing person report is filed for that
23 child with one or more local law enforcement agencies, and for
24 no other purpose. After the child reaches the age of 18, the
25 record must be destroyed unless the Illinois State Police

1 ~~Department~~, within a reasonable period after the fingerprinted
2 person's 18th birthday, obtains the permission of the
3 fingerprinted person to retain the fingerprint record.

4 (Source: P.A. 94-481, eff. 1-1-06.)

5 (20 ILCS 2605/2605-585)

6 Sec. 2605-585. Money Laundering Asset Recovery Fund.
7 Moneys and the sale proceeds distributed to the Illinois
8 ~~Department of~~ State Police under paragraph (3) of Section
9 29B-26 of the Criminal Code of 2012 shall be deposited in a
10 special fund in the State treasury to be known as the Money
11 Laundering Asset Recovery Fund. The moneys deposited in the
12 Money Laundering Asset Recovery Fund shall be appropriated to
13 and administered by the Illinois ~~Department of~~ State Police
14 for State law enforcement purposes.

15 (Source: P.A. 100-699, eff. 8-3-18.)

16 (20 ILCS 2605/2605-590)

17 Sec. 2605-590. Drug Traffic Prevention Fund. Moneys
18 deposited into the Drug Traffic Prevention Fund pursuant to
19 subsection (e) of Section 5-9-1.1 and subsection (c) of
20 Section 5-9-1.1-5 of the Unified Code of Corrections shall be
21 appropriated to and administered by the Illinois ~~Department of~~
22 State Police for funding of drug task forces and Metropolitan
23 Enforcement Groups in accordance with the Intergovernmental
24 Drug Laws Enforcement Act.

1 (Source: P.A. 98-463, eff. 8-16-13.)

2 (20 ILCS 2605/2605-595)

3 Sec. 2605-595. State Police Firearm Services Fund.

4 (a) There is created in the State treasury a special fund
5 known as the State Police Firearm Services Fund. The Fund
6 shall receive revenue under the Firearm Concealed Carry Act
7 and Section 5 of the Firearm Owners Identification Card Act.
8 The Fund may also receive revenue from grants, pass-through
9 grants, donations, appropriations, and any other legal source.

10 (b) The Illinois ~~Department of~~ State Police may use moneys
11 in the Fund to finance any of its lawful purposes, mandates,
12 functions, and duties under the Firearm Owners Identification
13 Card Act and the Firearm Concealed Carry Act, including the
14 cost of sending notices of expiration of Firearm Owner's
15 Identification Cards, concealed carry licenses, the prompt and
16 efficient processing of applications under the Firearm Owners
17 Identification Card Act and the Firearm Concealed Carry Act,
18 the improved efficiency and reporting of the LEADS and federal
19 NICS law enforcement data systems, and support for
20 investigations required under these Acts and law. Any surplus
21 funds beyond what is needed to comply with the aforementioned
22 purposes shall be used by the Illinois State Police ~~Department~~
23 to improve the Law Enforcement Agencies Data System (LEADS)
24 and criminal history background check system.

25 (c) Investment income that is attributable to the

1 investment of moneys in the Fund shall be retained in the Fund
2 for the uses specified in this Section.

3 (Source: P.A. 98-63, eff. 7-9-13; 98-756, eff. 7-16-14.)

4 (20 ILCS 2605/2605-600)

5 Sec. 2605-600. Crimes Against Police Officers Advisory.

6 (a) For purposes of this Section:

7 "Attempt" has the meaning ascribed to that term in
8 Section 8-4 of the Criminal Code of 2012.

9 "Concealment of homicidal death" has the meaning
10 ascribed to that term in Section 9-3.4 of the Criminal
11 Code of 2012.

12 "First degree murder" has the meaning ascribed to that
13 term in Section 9-1 of the Criminal Code of 2012.

14 "Involuntary manslaughter" and "reckless homicide"
15 have the meanings ascribed to those terms in Section 9-3
16 of the Criminal Code of 2012.

17 "Second degree murder" has the meaning ascribed to
18 that term in Section 9-2 of the Criminal Code of 2012.

19 (b) A coordinated program known as the Crimes Against
20 Police Officers Advisory is established within the Illinois
21 ~~Department of~~ State Police. The purpose of the Crimes Against
22 Police Officers Advisory is to provide a regional system for
23 the rapid dissemination of information regarding a person who
24 is suspected of committing or attempting to commit any of the
25 offenses described in subsection (c).

1 (c) The Illinois ~~Department of~~ State Police shall develop
2 an advisory to assist law enforcement agencies when the
3 commission or attempted commission of the following offenses
4 against a peace officer occur:

- 5 (1) first degree murder;
- 6 (2) second degree murder;
- 7 (3) involuntary manslaughter;
- 8 (4) reckless homicide; and
- 9 (5) concealment of homicidal death.

10 (d) Law enforcement agencies participating in the advisory
11 may request assistance when:

- 12 (1) the agency believes that a suspect has not been
13 apprehended;
- 14 (2) the agency believes that the suspect may be a
15 serious threat to the public; and
- 16 (3) sufficient information is available to disseminate
17 to the public that could assist in locating the suspect.

18 (e) The Illinois ~~Department of~~ State Police shall reserve
19 the authority to determine if dissemination of the information
20 will pose a significant risk to the public or jeopardize the
21 investigation.

22 (f) The Illinois ~~Department of~~ State Police may partner
23 with media and may request a media broadcast concerning
24 details of the suspect in order to obtain the public's
25 assistance in locating the suspect or vehicle used in the
26 offense, or both.

1 (Source: P.A. 98-263, eff. 1-1-14; 98-756, eff. 7-16-14.)

2 (20 ILCS 2605/2605-605)

3 Sec. 2605-605. Violent Crime Intelligence Task Force. The
4 Director of the Illinois State Police may establish a
5 statewide multi-jurisdictional Violent Crime Intelligence Task
6 Force led by the Illinois ~~Department of~~ State Police dedicated
7 to combating gun violence, gun-trafficking, and other violent
8 crime with the primary mission of preservation of life and
9 reducing the occurrence and the fear of crime. The objectives
10 of the Task Force shall include, but not be limited to,
11 reducing and preventing illegal possession and use of
12 firearms, firearm-related homicides, and other violent crimes.

13 (1) The Task Force may develop and acquire information,
14 training, tools, and resources necessary to implement a
15 data-driven approach to policing, with an emphasis on
16 intelligence development.

17 (2) The Task Force may utilize information sharing,
18 partnerships, crime analysis, and evidence-based practices to
19 assist in the reduction of firearm-related shootings,
20 homicides, and gun-trafficking.

21 (3) The Task Force may recognize and utilize best
22 practices of community policing and may develop potential
23 partnerships with faith-based and community organizations to
24 achieve its goals.

25 (4) The Task Force may identify and utilize best practices

1 in drug-diversion programs and other community-based services
2 to redirect low-level offenders.

3 (5) The Task Force may assist in violence suppression
4 strategies including, but not limited to, details in
5 identified locations that have shown to be the most prone to
6 gun violence and violent crime, focused deterrence against
7 violent gangs and groups considered responsible for the
8 violence in communities, and other intelligence driven methods
9 deemed necessary to interrupt cycles of violence or prevent
10 retaliation.

11 (6) In consultation with the Chief Procurement Officer,
12 the Illinois Department of State Police may obtain contracts
13 for software, commodities, resources, and equipment to assist
14 the Task Force with achieving this Act. Any contracts
15 necessary to support the delivery of necessary software,
16 commodities, resources, and equipment are not subject to the
17 Illinois Procurement Code, except for Sections 20-60, 20-65,
18 20-70, and 20-160 and Article 50 of that Code, provided that
19 the Chief Procurement Officer may, in writing with
20 justification, waive any certification required under Article
21 50 of the Illinois Procurement Code.

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

23 (20 ILCS 2605/2605-610)

24 Sec. 2605-610. Possession of a Firearm Owner's
25 Identification Card. The Illinois State Police Department

1 shall not make possession of a Firearm Owner's Identification
2 Card a condition of continued employment if the State Police
3 officer's Firearm Owner's Identification Card is revoked or
4 seized because the State Police officer has been a patient of a
5 mental health facility and the State Police officer has not
6 been determined to pose a clear and present danger to himself,
7 herself, or others as determined by a physician, clinical
8 psychologist, or qualified examiner. Nothing in this Section
9 shall otherwise impair an employer's ability to determine a
10 State Police officer's fitness for duty. A collective
11 bargaining agreement already in effect on this issue on the
12 effective date of this amendatory Act of the 101st General
13 Assembly cannot be modified, but on or after the effective
14 date of this amendatory Act of the 101st General Assembly, the
15 employer cannot require a Firearm Owner's Identification Card
16 as a condition of continued employment in a collective
17 bargaining agreement. The employer shall document if and why a
18 State Police officer has been determined to pose a clear and
19 present danger.

20 (Source: P.A. 101-375, eff. 8-16-19.)

21 (20 ILCS 2605/2605-85 rep.)

22 (20 ILCS 2605/2605-90 rep.)

23 (20 ILCS 2605/2605-95 rep.)

24 (20 ILCS 2605/2605-96 rep.)

25 (20 ILCS 2605/2605-97 rep.)

1 (20 ILCS 2605/2605-98 rep.)

2 (20 ILCS 2605/2605-99 rep.)

3 (20 ILCS 2605/2605-100 rep.)

4 (20 ILCS 2605/2605-105 rep.)

5 (20 ILCS 2605/2605-110 rep.)

6 (20 ILCS 2605/2605-115 rep.)

7 (20 ILCS 2605/2605-120 rep.)

8 (20 ILCS 2605/2605-130 rep.)

9 (20 ILCS 2605/2605-135 rep.)

10 (20 ILCS 2605/2605-140 rep.)

11 (20 ILCS 2605/2605-300 rep.)

12 (20 ILCS 2605/2605-390 rep.)

13 (20 ILCS 2605/2605-500 rep.)

14 Section 197. The Department of State Police Law of the
15 Civil Administrative Code of Illinois is amended by repealing
16 Sections 2605-85, 2605-90, 2605-95, 2605-96, 2605-97, 2605-98,
17 2605-99, 2605-100, 2605-105, 2605-110, 2605-115, 2605-120,
18 2605-130, 2605-135, 2605-140, 2605-300, 2605-390, and
19 2605-500.

20 Section 200. The State Police Act is amended by changing
21 the title of the Act and Sections 0.01, 1, 2, 3, 8, 9, 10,
22 12.2, 12.5, 13, 14, 16, 17b, 18, 20, 21, 22, 24, 30, 35, 38,
23 40, and 45 as follows:

24 (20 ILCS 2610/Act title)

1 An Act in relation to the Illinois ~~Department of~~ State
2 Police.

3 (20 ILCS 2610/0.01) (from Ch. 121, par. 307.01)

4 Sec. 0.01. Short title. This Act may be cited as the
5 Illinois State Police Act.

6 (Source: P.A. 86-1324.)

7 (20 ILCS 2610/1) (from Ch. 121, par. 307.1)

8 Sec. 1. The Illinois ~~Department of~~ State Police,
9 ~~hereinafter called the Department,~~ shall maintain divisions in
10 accordance with Section 2605-25 of the Illinois ~~Department of~~
11 State Police Law ~~(20 ILCS 2605/2605-25)~~. The Illinois State
12 Police ~~Department,~~ by the Director, shall appoint State
13 policemen, also known as State Police Officers, as provided in
14 this Act.

15 (Source: P.A. 91-239, eff. 1-1-00.)

16 (20 ILCS 2610/2) (from Ch. 121, par. 307.2)

17 Sec. 2. The Director shall be responsible for the
18 management and control of the Illinois State Police
19 ~~Department~~. The Director shall make and adopt rules and
20 regulations for the direction, control, discipline and conduct
21 of the members of the Illinois State Police ~~Department~~ and
22 such other rules for the government and operation of the
23 Illinois State Police ~~Department~~ as he may deem necessary. He

1 shall also designate the authority and responsibility within
2 the limits of this Act for each rank of State policemen in the
3 Illinois State Police ~~Department~~.

4 (Source: P.A. 85-1042.)

5 (20 ILCS 2610/3) (from Ch. 121, par. 307.3)

6 Sec. 3. The Governor shall appoint, by and with the advice
7 and consent of the Senate, an Illinois ~~a Department of~~ State
8 Police Merit Board, hereinafter called the Board, consisting
9 of 5 members to hold office, one until the third Monday in
10 March, 1951, one until the third Monday in March, 1953, and one
11 until the third Monday in March, 1955, and until their
12 respective successors are appointed and qualified. One of the
13 members added by this amendatory Act of 1977 shall serve a term
14 expiring on the third Monday in March, 1980, and until his
15 successor is appointed and qualified, and one shall serve a
16 term expiring on the third Monday in March, 1982, and until his
17 successor is appointed and qualified. Upon the expiration of
18 the terms of office of those first appointed, their respective
19 successors shall be appointed to hold office from the third
20 Monday in March of the year of their respective appointments
21 for a term of six years and until their successors are
22 appointed and qualified for a like term. No more than 3 members
23 of the Board shall be affiliated with the same political
24 party. If the Senate is not in session at the time initial
25 appointments are made pursuant to this section, the Governor

1 shall make temporary appointments as in the case of a vacancy.

2 (Source: P.A. 87-284.)

3 (20 ILCS 2610/8) (from Ch. 121, par. 307.8)

4 Sec. 8. The Board shall exercise jurisdiction over the
5 certification for appointment and promotion, and over the
6 discipline, removal, demotion and suspension of Illinois
7 ~~Department of~~ State Police officers. Pursuant to recognized
8 merit principles of public employment, the Board shall
9 formulate, adopt, and put into effect rules, regulations and
10 procedures for its operation and the transaction of its
11 business. The Board shall establish a classification of ranks
12 of persons subject to its jurisdiction and shall set standards
13 and qualifications for each rank. Each Illinois ~~Department of~~
14 State Police officer appointed by the Director shall be
15 classified as a State Police officer as follows: trooper,
16 sergeant, master sergeant, lieutenant, captain, major, or
17 Special Agent.

18 (Source: P.A. 100-49, eff. 1-1-18.)

19 (20 ILCS 2610/9) (from Ch. 121, par. 307.9)

20 Sec. 9. Appointment; qualifications.

21 (a) Except as otherwise provided in this Section, the
22 appointment of Illinois ~~Department of~~ State Police officers
23 shall be made from those applicants who have been certified by
24 the Board as being qualified for appointment. All persons so

1 appointed shall, at the time of their appointment, be not less
2 than 21 years of age, or 20 years of age and have successfully
3 completed an associate's degree or 60 credit hours at an
4 accredited college or university. Any person appointed
5 subsequent to successful completion of an associate's degree
6 or 60 credit hours at an accredited college or university
7 shall not have power of arrest, nor shall he or she be
8 permitted to carry firearms, until he or she reaches 21 years
9 of age. In addition, all persons so certified for appointment
10 shall be of sound mind and body, be of good moral character, be
11 citizens of the United States, have no criminal records,
12 possess such prerequisites of training, education, and
13 experience as the Board may from time to time prescribe so long
14 as persons who have an associate's degree or 60 credit hours at
15 an accredited college or university are not disqualified, and
16 shall be required to pass successfully such mental and
17 physical tests and examinations as may be prescribed by the
18 Board. All persons who meet one of the following requirements
19 are deemed to have met the collegiate educational
20 requirements:

21 (i) have been honorably discharged and who have been
22 awarded a Southwest Asia Service Medal, Kosovo Campaign
23 Medal, Korean Defense Service Medal, Afghanistan Campaign
24 Medal, Iraq Campaign Medal, or Global War on Terrorism
25 Expeditionary Medal by the United States Armed Forces;

26 (ii) are active members of the Illinois National Guard

1 or a reserve component of the United States Armed Forces
2 and who have been awarded a Southwest Asia Service Medal,
3 Kosovo Campaign Medal, Korean Defense Service Medal,
4 Afghanistan Campaign Medal, Iraq Campaign Medal, or Global
5 War on Terrorism Expeditionary Medal as a result of
6 honorable service during deployment on active duty;

7 (iii) have been honorably discharged who served in a
8 combat mission by proof of hostile fire pay or imminent
9 danger pay during deployment on active duty; or

10 (iv) have at least 3 years of full active and
11 continuous military duty and received an honorable
12 discharge before hiring.

13 Preference shall be given in such appointments to persons
14 who have honorably served in the military or naval services of
15 the United States. All appointees shall serve a probationary
16 period of 12 months from the date of appointment and during
17 that period may be discharged at the will of the Director.
18 However, the Director may in his or her sole discretion extend
19 the probationary period of an officer up to an additional 6
20 months when to do so is deemed in the best interest of the
21 Illinois State Police Department. Nothing in this subsection
22 (a) limits the Board's ability to prescribe education
23 prerequisites or requirements to certify Illinois Department
24 ~~of~~ State Police officers for promotion as provided in Section
25 10 of this Act.

26 (b) Notwithstanding the other provisions of this Act,

1 after July 1, 1977 and before July 1, 1980, the Director of
2 State Police may appoint and promote not more than 20 persons
3 having special qualifications as special agents as he or she
4 deems necessary to carry out the Department's objectives. Any
5 such appointment or promotion shall be ratified by the Board.

6 (c) During the 90 days following the effective date of
7 this amendatory Act of 1995, the Director of State Police may
8 appoint up to 25 persons as State Police officers. These
9 appointments shall be made in accordance with the requirements
10 of this subsection (c) and any additional criteria that may be
11 established by the Director, but are not subject to any other
12 requirements of this Act. The Director may specify the initial
13 rank for each person appointed under this subsection.

14 All appointments under this subsection (c) shall be made
15 from personnel certified by the Board. A person certified by
16 the Board and appointed by the Director under this subsection
17 must have been employed by the Illinois Commerce Commission on
18 November 30, 1994 in a job title subject to the Personnel Code
19 and in a position for which the person was eligible to earn
20 "eligible creditable service" as a "noncovered employee", as
21 those terms are defined in Article 14 of the Illinois Pension
22 Code.

23 Persons appointed under this subsection (c) shall
24 thereafter be subject to the same requirements and procedures
25 as other State police officers. A person appointed under this
26 subsection must serve a probationary period of 12 months from

1 the date of appointment, during which he or she may be
2 discharged at the will of the Director.

3 This subsection (c) does not affect or limit the
4 Director's authority to appoint other State Police officers
5 under subsection (a) of this Section.

6 (Source: P.A. 100-11, eff. 7-1-17; 101-374, eff. 1-1-20.)

7 (20 ILCS 2610/10) (from Ch. 121, par. 307.10)

8 Sec. 10. Except as provided in Section 9 of this Act,
9 promotion of Illinois ~~Department of~~ State Police officers
10 shall be made by the Director from those candidates who have
11 been certified to him as being qualified for promotion. The
12 Board shall make certifications for promotions on the basis of
13 job performance measurement, seniority, education, or written
14 or oral examinations. All vacancies in all ranks above the
15 lowest shall be filled by promotion.

16 (Source: P.A. 84-25.)

17 (20 ILCS 2610/12.2)

18 Sec. 12.2. Burial benefit for State police officers killed
19 in the line of duty.

20 (a) The Illinois ~~Department of~~ State Police shall pay
21 directly or reimburse, up to a maximum of \$20,000, the burial
22 expenses of each State police officer who is killed in the line
23 of duty after June 30, 2018.

24 (b) The payments provided for in this Section shall be

1 paid out of moneys appropriated to the Illinois State Police
2 ~~Department~~ for the personal services of State police officers.

3 (c) The Illinois ~~Department of~~ State Police shall adopt
4 rules governing the administration of this Section.

5 (Source: P.A. 101-28, eff. 1-1-20.)

6 (20 ILCS 2610/12.5)

7 Sec. 12.5. Zero tolerance drug policy. Any person employed
8 by the Illinois ~~Department of~~ State Police who tests positive
9 in accordance with established Illinois State Police
10 ~~Departmental~~ drug testing procedures for any substance
11 prohibited by the Illinois Controlled Substances Act or the
12 Methamphetamine Control and Community Protection Act shall be
13 discharged from employment. Any person employed by the
14 Illinois ~~Department of~~ State Police who tests positive in
15 accordance with established Illinois State Police ~~Departmental~~
16 drug testing procedures for any substance prohibited by the
17 Cannabis Control Act may be discharged from employment.
18 Refusal to submit to a drug test, ordered in accordance with
19 Illinois State Police ~~Departmental~~ procedures, by any person
20 employed by the Illinois State Police ~~Department~~ shall be
21 construed as a positive test, and the person shall be
22 discharged from employment. The changes made in this Section
23 by this amendatory Act of the 100th General Assembly shall
24 apply to all pending and future incidents under this Section.

25 (Source: P.A. 100-1130, eff. 11-27-18.)

1 (20 ILCS 2610/13) (from Ch. 121, par. 307.13)

2 Sec. 13. Disciplinary measures prescribed by the Board for
3 Illinois ~~Department of~~ State Police officers may be taken by
4 the Director for the punishment of infractions of the rules
5 and regulations of the respective divisions as promulgated by
6 the Illinois State Police ~~Department~~. Such disciplinary
7 measures may include suspension of any such officer for a
8 reasonable period, not exceeding 30 days.

9 Any officer so suspended, within 10 days after suspension,
10 may petition the Board in writing to review the suspension,
11 and upon the filing of such petition with the Board, the Board
12 shall within a reasonable amount of time, but no later than 30
13 days after the date of request for review set the written
14 petition for hearing before the Board upon not less than 10
15 days' notice at a place to be designated by the chairman
16 thereof. The Board may sustain the action of the Director,
17 reverse it with instructions that the officer receive his pay
18 for the period involved, or reduce the length of suspension
19 with instructions that the officer's pay be adjusted
20 accordingly. No later than July 1, 1987, the Board shall
21 promulgate rules which include the standards to be used in
22 determining when compensation will be awarded to an officer
23 who is found not guilty or has served a greater period of
24 suspension than prescribed by the Board. The Board may not
25 increase the length of suspension imposed by the Director. The

1 Board may, by unanimous decision, dismiss the petition if it
2 has determined that there is no substantial basis for its
3 review of the suspension. In all other respects, the hearing
4 shall be conducted in the manner provided for in Section 14
5 hereof. The provisions of the "Administrative Review Law" and
6 the rules adopted pursuant thereto shall apply to and govern
7 all proceedings for the judicial review of any order of the
8 board rendered pursuant to the provisions of this Section.

9 (Source: P.A. 85-1042.)

10 (20 ILCS 2610/14) (from Ch. 121, par. 307.14)

11 Sec. 14. Except as is otherwise provided in this Act, no
12 Illinois Department of State Police officer shall be removed,
13 demoted or suspended except for cause, upon written charges
14 filed with the Board by the Director and a hearing before the
15 Board thereon upon not less than 10 days' notice at a place to
16 be designated by the chairman thereof. At such hearing, the
17 accused shall be afforded full opportunity to be heard in his
18 or her own defense and to produce proof in his or her defense.
19 Anyone filing a complaint against a State Police Officer must
20 have the complaint supported by a sworn affidavit. Any such
21 complaint, having been supported by a sworn affidavit, and
22 having been found, in total or in part, to contain false
23 information, shall be presented to the appropriate State's
24 Attorney for a determination of prosecution.

25 Before any such officer may be interrogated or examined by

1 or before the Board, or by an Illinois State Police a
2 ~~departmental~~ agent or investigator specifically assigned to
3 conduct an internal investigation, the results of which
4 hearing, interrogation or examination may be the basis for
5 filing charges seeking his or her suspension for more than 15
6 days or his or her removal or discharge, he or she shall be
7 advised in writing as to what specific improper or illegal act
8 he or she is alleged to have committed; he or she shall be
9 advised in writing that his or her admissions made in the
10 course of the hearing, interrogation or examination may be
11 used as the basis for charges seeking his or her suspension,
12 removal or discharge; and he or she shall be advised in writing
13 that he or she has a right to counsel of his or her choosing,
14 who may be present to advise him or her at any hearing,
15 interrogation or examination. A complete record of any
16 hearing, interrogation or examination shall be made, and a
17 complete transcript or electronic recording thereof shall be
18 made available to such officer without charge and without
19 delay.

20 The Board shall have the power to secure by its subpoena
21 both the attendance and testimony of witnesses and the
22 production of books and papers in support of the charges and
23 for the defense. Each member of the Board or a designated
24 hearing officer shall have the power to administer oaths or
25 affirmations. If the charges against an accused are
26 established by a preponderance of evidence, the Board shall

1 make a finding of guilty and order either removal, demotion,
2 suspension for a period of not more than 180 days, or such
3 other disciplinary punishment as may be prescribed by the
4 rules and regulations of the Board which, in the opinion of the
5 members thereof, the offense merits. Thereupon the Director
6 shall direct such removal or other punishment as ordered by
7 the Board and if the accused refuses to abide by any such
8 disciplinary order, the Director shall remove him or her
9 forthwith.

10 If the accused is found not guilty or has served a period
11 of suspension greater than prescribed by the Board, the Board
12 shall order that the officer receive compensation for the
13 period involved. The award of compensation shall include
14 interest at the rate of 7% per annum.

15 The Board may include in its order appropriate sanctions
16 based upon the Board's rules and regulations. If the Board
17 finds that a party has made allegations or denials without
18 reasonable cause or has engaged in frivolous litigation for
19 the purpose of delay or needless increase in the cost of
20 litigation, it may order that party to pay the other party's
21 reasonable expenses, including costs and reasonable attorney's
22 fees. The State of Illinois and the Illinois State Police
23 ~~Department~~ shall be subject to these sanctions in the same
24 manner as other parties.

25 In case of the neglect or refusal of any person to obey a
26 subpoena issued by the Board, any circuit court, upon

1 application of any member of the Board, may order such person
2 to appear before the Board and give testimony or produce
3 evidence, and any failure to obey such order is punishable by
4 the court as a contempt thereof.

5 The provisions of the Administrative Review Law, and all
6 amendments and modifications thereof, and the rules adopted
7 pursuant thereto, shall apply to and govern all proceedings
8 for the judicial review of any order of the Board rendered
9 pursuant to the provisions of this Section.

10 Notwithstanding the provisions of this Section, a policy
11 making officer, as defined in the Employee Rights Violation
12 Act, of the Illinois ~~Department of~~ State Police shall be
13 discharged from the Illinois ~~Department of~~ State Police as
14 provided in the Employee Rights Violation Act, enacted by the
15 85th General Assembly.

16 (Source: P.A. 96-891, eff. 5-10-10.)

17 (20 ILCS 2610/16) (from Ch. 121, par. 307.16)

18 Sec. 16. State policemen shall enforce the provisions of
19 The Illinois Vehicle Code, approved September 29, 1969, as
20 amended, and Article 9 of the "Illinois Highway Code" as
21 amended; and shall patrol the public highways and rural
22 districts to make arrests for violations of the provisions of
23 such Acts. They are conservators of the peace and as such have
24 all powers possessed by policemen in cities, and sheriffs,
25 except that they may exercise such powers anywhere in this

1 State. The State policemen shall cooperate with the police of
2 cities, villages and incorporated towns, and with the police
3 officers of any county, in enforcing the laws of the State and
4 in making arrests and recovering property. They may be
5 equipped with standardized and tested devices for weighing
6 motor vehicles and may stop and weigh, acting reasonably, or
7 cause to be weighed, any motor vehicle which appears to weigh
8 in excess of the weight permitted by law. It shall also be the
9 duty of the Illinois State Police ~~State police~~ to determine,
10 whenever possible, the person or persons or the causes
11 responsible for the breaking or destruction of any improved
12 hard-surfaced roadway; to arrest all persons criminally
13 responsible for such breaking or destruction and bring them
14 before the proper officer for trial. The Illinois Department
15 ~~of~~ State Police shall divide the State into Districts and
16 assign each district to one or more policemen. No person
17 employed under this Act, however, shall serve or execute civil
18 process, except for process issued under the authority of the
19 General Assembly, or a committee or commission thereof vested
20 with subpoena powers when the county sheriff refuses or fails
21 to serve such process, and except for process issued under the
22 authority of the Illinois Department of Revenue.

23 (Source: P.A. 84-25.)

24 (20 ILCS 2610/17b)

25 Sec. 17b. Retiring officer; purchase of service firearm

1 and police badge. The Director of the Illinois State Police
2 shall establish a policy to allow a State Police officer who is
3 honorably retiring or separating in good standing to purchase
4 either one or both of the following: (i) any State Police badge
5 previously issued to that officer; or (ii) if the officer has a
6 currently valid Firearm Owner's Identification Card, the
7 service firearm issued or previously issued to the officer by
8 the Illinois ~~Department of~~ State Police. The cost of the
9 firearm purchased shall be the replacement value of the
10 firearm and not the firearm's fair market value.

11 (Source: P.A. 100-931, eff. 8-17-18.)

12 (20 ILCS 2610/18) (from Ch. 121, par. 307.18)

13 Sec. 18. The Director may also authorize any civilian
14 employee of the Illinois State Police ~~Department~~ who is not a
15 State policeman to be a truck weighing inspector with the
16 power of enforcing the provisions of Sections 15-102, 15-103,
17 15-107, 15-111, and 15-301 and subsection (d) of Section 3-401
18 of the Illinois Vehicle Code.

19 (Source: P.A. 100-830, eff. 1-1-19.)

20 (20 ILCS 2610/20) (from Ch. 121, par. 307.18a)

21 Sec. 20. The Illinois State Police ~~Department~~ from time to
22 time may enter into contracts with The Illinois State Toll
23 Highway Authority, hereinafter called the Authority, with
24 respect to the policing of toll highways by the Illinois State

1 Police. Such contracts shall provide among other matters for
2 the compensation or reimbursement of the Illinois State Police
3 ~~Department~~ by the Authority for the costs incurred by this
4 State with respect to such policing service, including, but
5 not limited to, the costs of: (1) compensation and training of
6 the State policemen and the clerical employees assigned to
7 such policing service; and (2) uniforms, equipment, supplies
8 and housing used by such personnel; and (3) reimbursement of
9 such sums as the State expends in connection with payments of
10 claims for injuries or illnesses suffered by such personnel in
11 the line of duty. Each such contract may provide for the
12 methods of ascertaining such costs, and shall be of such
13 duration and may contain such other appropriate terms as the
14 Illinois State Police ~~Department~~ and the Authority may agree
15 upon. The Illinois State Police ~~Department~~ is not obliged to
16 furnish policing service on any highway under the jurisdiction
17 of the Authority except as required by contract.

18 (Source: P.A. 81-840.)

19 (20 ILCS 2610/21) (from Ch. 121, par. 307.18b)

20 Sec. 21. (a) The Illinois State Police ~~Department~~ shall
21 appoint as State policemen the number of persons required for
22 assignment to the policing of toll highways by contracts made
23 pursuant to Section 20 of this Act; and such policemen shall
24 have the same qualifications and shall be appointed and paid
25 and shall receive the same benefits, as all other State

1 policemen.

2 (b) The Director shall assign such policemen in accordance
3 with the contract provisions, which may authorize temporary
4 increases or decreases in the number of policemen so assigned
5 when emergency conditions so require.

6 (c) State policemen so assigned have, in policing the toll
7 highways, all powers and duties of enforcement and arrest
8 which Section 16 of this Act confers upon State policemen
9 generally in policing other public highways and other areas,
10 and in addition have the duty to enforce all regulations
11 established by the Illinois State Toll Highway Authority
12 pursuant to the authority of the ~~"An Act in relation to the
13 construction, operation, regulation and maintenance of a
14 system of toll highways and to create The Illinois State Toll
15 Highway Act Authority, and to define its powers and duties, to
16 make an appropriation in conjunction therewith", approved
17 August 7, 1967, as amended.~~

18 (Source: P.A. 85-1042.)

19 (20 ILCS 2610/22) (from Ch. 121, par. 307.18c)

20 Sec. 22. The Director and the State policemen appointed by
21 him, when authorized by the Director, may expend such sums as
22 the Director deems necessary in the purchase of evidence and
23 in the employment of persons to obtain evidence.

24 Such sums to be expended shall be advanced to the State
25 policeman who is to make such purchase or employment from

1 funds appropriated or made available by law for the support or
2 use of the Illinois State Police ~~Department~~ on vouchers
3 therefor signed by the Director.

4 (Source: P.A. 85-1042.)

5 (20 ILCS 2610/24)

6 Sec. 24. Illinois State Police quotas prohibited. The
7 Illinois State Police ~~Department~~ may not require an Illinois ~~a~~
8 ~~Department of~~ State Police officer to issue a specific number
9 of citations within a designated period of time. This
10 prohibition shall not affect the conditions of any federal or
11 State grants or funds awarded to the Illinois State Police
12 ~~Department~~ and used to fund traffic enforcement programs.

13 The Illinois State Police ~~Department~~ may not, for purposes
14 of evaluating an Illinois ~~a Department of~~ State Police
15 officer's job performance, compare the number of citations
16 issued by the Illinois ~~Department of~~ State Police officer to
17 the number of citations issued by any other Illinois
18 ~~Department of~~ State Police officer who has similar job duties.
19 Nothing in this Section shall prohibit the Illinois State
20 Police ~~Department~~ from evaluating an Illinois ~~a Department of~~
21 State Police officer based on the Illinois ~~Department of~~ State
22 Police officer's points of contact. For the purposes of this
23 Section, "points of contact" means any quantifiable contact
24 made in the furtherance of the Illinois ~~Department of~~ State
25 Police officer's duties, including, but not limited to, the

1 number of traffic stops completed, arrests, written warnings,
2 and crime prevention measures. Points of contact shall not
3 include either the issuance of citations or the number of
4 citations issued by an Illinois ~~a Department of~~ State Police
5 officer.

6 (Source: P.A. 98-650, eff. 1-1-15.)

7 (20 ILCS 2610/30)

8 Sec. 30. Patrol vehicles with in-car video recording
9 cameras.

10 (a) Definitions. As used in this Section:

11 "Audio recording" means the recorded conversation
12 between an officer and a second party.

13 "Emergency lights" means oscillating, rotating, or
14 flashing lights on patrol vehicles.

15 "In-car video camera" means a video camera located in
16 an Illinois State Police ~~a Department~~ patrol vehicle.

17 "In-car video camera recording equipment" means a
18 video camera recording system located in an Illinois State
19 Police ~~a Department~~ patrol vehicle consisting of a camera
20 assembly, recording mechanism, and an in-car video
21 recording medium.

22 "Enforcement stop" means an action by an officer of
23 the Illinois State Police ~~Department~~ in relation to
24 enforcement and investigation duties, including but not
25 limited to, traffic stops, pedestrian stops, abandoned

1 vehicle contacts, motorist assists, commercial motor
2 vehicle stops, roadside safety checks, requests for
3 identification, or responses to requests for emergency
4 assistance.

5 "Recording" means the process of capturing data or
6 information stored on a recording medium as required under
7 this Section.

8 "Recording medium" means any recording medium
9 authorized by the Illinois State Police ~~Department~~ for the
10 retention and playback of recorded audio and video
11 including, but not limited to, VHS, DVD, hard drive, solid
12 state, digital, or flash memory technology.

13 "Wireless microphone" means a device ~~device~~ worn by
14 the officer or any other equipment used to record
15 conversations between the officer and a second party and
16 transmitted to the recording equipment.

17 (b) By June 1, 2009, the Illinois State Police ~~Department~~
18 shall install in-car video camera recording equipment in all
19 patrol vehicles. Subject to appropriation, all patrol vehicles
20 shall be equipped with in-car video camera recording equipment
21 with a recording medium capable of recording for a period of 10
22 hours or more by June 1, 2011. In-car video camera recording
23 equipment shall be capable of making audio recordings with the
24 assistance of a wireless microphone.

25 (c) As of the effective date of this amendatory Act of the
26 95th General Assembly, in-car video camera recording equipment

1 with a recording medium incapable of recording for a period of
2 10 hours or more shall record activities outside a patrol
3 vehicle whenever (i) an officer assigned a patrol vehicle is
4 conducting an enforcement stop; (ii) patrol vehicle emergency
5 lights are activated or would otherwise be activated if not
6 for the need to conceal the presence of law enforcement; or
7 (iii) an officer reasonably believes recording may assist with
8 prosecution, enhance safety, or for any other lawful purpose.
9 As of the effective date of this amendatory Act of the 95th
10 General Assembly, in-car video camera recording equipment with
11 a recording medium incapable of recording for a period of 10
12 hours or more shall record activities inside the vehicle when
13 transporting an arrestee or when an officer reasonably
14 believes recording may assist with prosecution, enhance
15 safety, or for any other lawful purpose.

16 (1) Recording for an enforcement stop shall begin when
17 the officer determines an enforcement stop is necessary
18 and shall continue until the enforcement action has been
19 completed and the subject of the enforcement stop or the
20 officer has left the scene.

21 (2) Recording shall begin when patrol vehicle
22 emergency lights are activated or when they would
23 otherwise be activated if not for the need to conceal the
24 presence of law enforcement, and shall continue until the
25 reason for the activation ceases to exist, regardless of
26 whether the emergency lights are no longer activated.

1 (3) An officer may begin recording if the officer
2 reasonably believes recording may assist with prosecution,
3 enhance safety, or for any other lawful purpose; and shall
4 continue until the reason for recording ceases to exist.

5 (d) In-car video camera recording equipment with a
6 recording medium capable of recording for a period of 10 hours
7 or more shall record activities whenever a patrol vehicle is
8 assigned to patrol duty.

9 (e) Any enforcement stop resulting from a suspected
10 violation of the Illinois Vehicle Code shall be video and
11 audio recorded. Audio recording shall terminate upon release
12 of the violator and prior to initiating a separate criminal
13 investigation.

14 (f) Recordings made on in-car video camera recording
15 medium shall be retained by the Illinois State Police
16 ~~Department~~ for a storage period of at least 90 days. Under no
17 circumstances shall any recording made on in-car video camera
18 recording medium be altered or erased prior to the expiration
19 of the designated storage period. Upon completion of the
20 storage period, the recording medium may be erased and
21 reissued for operational use unless otherwise ordered by the
22 District Commander or his or her designee or by a court, or if
23 designated for evidentiary or training purposes.

24 (g) Audio or video recordings made pursuant to this
25 Section shall be available under the applicable provisions of
26 the Freedom of Information Act. Only recorded portions of the

1 audio recording or video recording medium applicable to the
2 request will be available for inspection or copying.

3 (h) The Illinois State Police ~~Department~~ shall ensure
4 proper care and maintenance of in-car video camera recording
5 equipment and recording medium. An officer operating a patrol
6 vehicle must immediately document and notify the District
7 Commander or his or her designee of any technical
8 difficulties, failures, or problems with the in-car video
9 camera recording equipment or recording medium. Upon receiving
10 notice, the District Commander or his or her designee shall
11 make every reasonable effort to correct and repair any of the
12 in-car video camera recording equipment or recording medium
13 and determine if it is in the public interest to permit the use
14 of the patrol vehicle.

15 (i) The Illinois State Police ~~Department~~ may promulgate
16 rules to implement this amendatory Act of the 95th General
17 Assembly only to the extent necessary to apply the existing
18 rules or applicable internal directives.

19 (Source: P.A. 95-1009, eff. 12-15-08.)

20 (20 ILCS 2610/35)

21 Sec. 35. Officer-worn body cameras; policy; training.

22 (a) For the purposes of this Section, "officer-worn body
23 camera" shall have the same meaning as defined in Section 10 of
24 the Law Enforcement Officer-Worn Body Camera Act.

25 (b) If the Illinois State Police ~~Department~~ employs the

1 use of officer-worn body cameras, the Illinois State Police
2 ~~Department~~ shall develop a written policy which must include,
3 at a minimum, the guidelines established by the Law
4 Enforcement Officer-Worn Body Camera Act.

5 (c) The Illinois State Police ~~Department~~ shall provide
6 training to those officers who utilize officer-worn body
7 cameras.

8 (Source: P.A. 99-352, eff. 1-1-16.)

9 (20 ILCS 2610/38)

10 Sec. 38. Disposal of medications. The Illinois State
11 Police ~~Department~~ may by rule authorize State Police officers
12 to dispose of any unused medications under Section 18 of the
13 Safe Pharmaceutical Disposal Act.

14 (Source: P.A. 99-648, eff. 1-1-17; 100-201, eff. 8-18-17.)

15 (20 ILCS 2610/40)

16 Sec. 40. Training; administration of epinephrine.

17 (a) This Section, along with Section 10.19 of the Illinois
18 Police Training Act, may be referred to as the Annie LeGere
19 Law.

20 (b) For the purposes of this Section, "epinephrine
21 auto-injector" means a single-use device used for the
22 automatic injection of a pre-measured dose of epinephrine into
23 the human body prescribed in the name of the Illinois State
24 Police ~~Department~~.

1 (c) The Illinois State Police ~~Department~~ may conduct or
2 approve a training program for State Police officers to
3 recognize and respond to anaphylaxis, including, but not
4 limited to:

5 (1) how to recognize symptoms of an allergic reaction;

6 (2) how to respond to an emergency involving an
7 allergic reaction;

8 (3) how to administer an epinephrine auto-injector;

9 (4) how to respond to an individual with a known
10 allergy as well as an individual with a previously unknown
11 allergy;

12 (5) a test demonstrating competency of the knowledge
13 required to recognize anaphylaxis and administer an
14 epinephrine auto-injector; and

15 (6) other criteria as determined in rules adopted by
16 the Illinois State Police ~~Department~~.

17 (d) The Illinois State Police ~~Department~~ may authorize a
18 State Police officer who has completed the training program
19 under subsection (c) to carry, administer, or assist with the
20 administration of epinephrine auto-injectors whenever he or
21 she is performing official duties.

22 (e) The Illinois State Police ~~Department~~ must establish a
23 written policy to control the acquisition, storage,
24 transportation, administration, and disposal of epinephrine
25 auto-injectors before it allows any State Police officer to
26 carry and administer epinephrine auto-injectors.

1 (f) A physician, physician ~~physician's~~ assistant with
2 prescriptive authority, or advanced practice registered nurse
3 with prescriptive authority may provide a standing protocol or
4 prescription for epinephrine auto-injectors in the name of the
5 Illinois State Police Department to be maintained for use when
6 necessary.

7 (g) When a State Police officer administers an epinephrine
8 auto-injector in good faith, the officer and the Illinois
9 State Police Department, and its employees and agents,
10 including a physician, physician ~~physician's~~ assistant with
11 prescriptive authority, or advanced practice registered nurse
12 with prescriptive authority who provides a standing order or
13 prescription for an epinephrine auto-injector, incur no civil
14 or professional liability, except for willful and wanton
15 conduct, as a result of any injury or death arising from the
16 use of an epinephrine auto-injector.

17 (Source: P.A. 99-711, eff. 1-1-17; 100-201, eff. 8-18-17;
18 100-648, eff. 7-31-18; revised 1-14-20.)

19 (20 ILCS 2610/45)

20 Sec. 45. Compliance with the Health Care Violence
21 Prevention Act; training. The Illinois State Police Department
22 shall comply with the Health Care Violence Prevention Act and
23 shall provide an appropriate level of training for its
24 officers concerning the Health Care Violence Prevention Act.

25 (Source: P.A. 100-1051, eff. 1-1-19; 100-1186, eff. 4-5-19.)

1 Section 205. The State Police Radio Act is amended by
2 changing Sections 0.01, 1, 2, 6, and 10 as follows:

3 (20 ILCS 2615/0.01) (from Ch. 121, par. 307.20)

4 Sec. 0.01. Short title. This Act may be cited as the
5 Illinois State Police Radio Act.

6 (Source: P.A. 86-1324.)

7 (20 ILCS 2615/1) (from Ch. 121, par. 307.21)

8 Sec. 1. The Illinois ~~Department of~~ State Police is
9 authorized to purchase, lease or otherwise acquire and operate
10 one or more radio broadcasting stations in the State to be used
11 for police purposes only. Such radio stations shall broadcast
12 all police dispatches and reports submitted to them which
13 pertain to the apprehension of criminals, the prevention of
14 crime and the maintenance of law and order in order to assist
15 peace officers more effectively to discharge their duties.

16 (Source: P.A. 84-25.)

17 (20 ILCS 2615/2) (from Ch. 121, par. 307.22)

18 Sec. 2. The Illinois ~~Department of~~ State Police, the
19 county board of any county, the city council of any city and
20 the board of trustees of any village or incorporated town are
21 authorized to purchase or acquire and furnish radio receiving
22 sets to all peace officers under their jurisdiction. These

1 radio receiving sets shall only be used by such officers in the
2 performance of their duties as police officers in this State
3 and shall always be set and in readiness to receive any report
4 or message that may be broadcasted from any radio broadcasting
5 station operated by the Illinois ~~Department of~~ State Police
6 under this Act. Every police officer receiving a radio set
7 shall make a report to the Illinois ~~Department of~~ State Police
8 at such times and containing such information as the Illinois
9 State Police ~~Department~~ may require.

10 (Source: P.A. 84-25.)

11 (20 ILCS 2615/6) (from Ch. 121, par. 307.26)

12 Sec. 6. The Illinois ~~Department of~~ State Police is
13 authorized to use any money appropriated to it for the purpose
14 of patrolling and policing the public highways in carrying out
15 the provisions of this Act.

16 (Source: P.A. 84-25.)

17 (20 ILCS 2615/10)

18 Sec. 10. Public safety radio interoperability. Upon their
19 establishment and thereafter, the Director of the Illinois
20 State Police, or his or her designee, shall serve as the
21 chairman of the Illinois Statewide Interoperability Executive
22 Committee (SIEC) and as the chairman of the STARCOM21
23 Oversight Committee. The Director, as chairman, may increase
24 the size and makeup of the voting membership of each committee

1 when deemed necessary for improved public safety radio
2 interoperability, but the voting membership of each committee
3 must represent public safety users (police, fire, or EMS) and
4 must, at a minimum, include the representatives specified in
5 this Section. The STARCOM21 Oversight Committee must comprise
6 public safety users accessing the system. The SIEC shall have
7 at a minimum one representative from each of the following:
8 the Illinois Fire Chiefs Association, the Rural Fire
9 Protection Association, the Office of the State Fire Marshal,
10 the Illinois Association of Chiefs of Police, the Illinois
11 Sheriffs' Association, the Illinois State Police, the Illinois
12 Emergency Management Agency, the Department of Public Health,
13 and the Secretary of State Police (which representative shall
14 be the Director of the Secretary of State Police or his or her
15 designee).

16 (Source: P.A. 94-1005, eff. 7-3-06.)

17 Section 210. The Narcotic Control Division Abolition Act
18 is amended by changing Sections 1, 2, 3, 4, 5, 6, 7, and 8 as
19 follows:

20 (20 ILCS 2620/1) (from Ch. 127, par. 55d)

21 Sec. 1. The Division of Narcotic Control is abolished and
22 its functions are transferred to and shall be administered by
23 the Illinois ~~Department of~~ State Police.

24 When used in this Act, unless the context otherwise

1 indicates:

2 ~~"Department" means the Department of State Police;~~

3 "Director" means the Director of the Illinois ~~Department~~
4 ~~of~~ State Police.

5 (Source: P.A. 84-25.)

6 (20 ILCS 2620/2) (from Ch. 127, par. 55e)

7 Sec. 2. The Illinois State Police ~~Department~~ shall enforce
8 all laws regulating the production, sale, prescribing,
9 manufacturing, administering, transporting, having in
10 possession, dispensing, delivering, distributing or use of
11 controlled substances as defined in the "Illinois Controlled
12 Substances Act", and cannabis as defined in the "Cannabis
13 Control Act" enacted by the 77th General Assembly, as now or
14 hereafter amended, and any other duties conferred upon the
15 Illinois State Police ~~Department~~ by law.

16 (Source: P.A. 77-770.)

17 (20 ILCS 2620/3) (from Ch. 127, par. 55f)

18 Sec. 3. The Director may, in conformity with the Personnel
19 Code, employ such inspectors, physicians, pharmacists,
20 chemists, clerical and other employees as are necessary to
21 carry out the duties of the Illinois State Police ~~Department~~.

22 (Source: P.A. 76-442.)

23 (20 ILCS 2620/4) (from Ch. 127, par. 55g)

1 Sec. 4. The Director and the inspectors appointed by him
2 are conservators of the peace and as such have all the powers
3 possessed by policemen in cities and by sheriffs, except that
4 they may exercise such powers anywhere in the State, in
5 enforcing the duties conferred upon the Illinois State Police
6 ~~Department~~ by Section 2 of this Act.

7 (Source: P.A. 76-442.)

8 (20 ILCS 2620/5) (from Ch. 127, par. 55h)

9 Sec. 5. The Illinois State Police ~~Department~~ shall advise
10 and inform local and other State law-enforcement officers of
11 various controlled substances and cannabis law-enforcement
12 practices and shall establish a central office where local and
13 other State law-enforcement officers may report controlled
14 substances and cannabis violations and obtain information
15 about controlled substances and cannabis violators. Every
16 local and other State law-enforcement officer shall report any
17 violation of the controlled substances and cannabis laws of
18 this State to the Illinois State Police ~~Department~~.

19 (Source: P.A. 77-770.)

20 (20 ILCS 2620/6) (from Ch. 127, par. 55i)

21 Sec. 6. The Illinois ~~Department~~ ~~of~~ State Police is
22 authorized to establish laboratories for the purpose of
23 testing of controlled substances and cannabis which are
24 seized.

1 The Illinois ~~Department of~~ State Police shall formulate,
2 adopt and put into effect such reasonable rules and
3 regulations as are necessary to carry out the provisions of
4 this Act.

5 (Source: P.A. 85-1042.)

6 (20 ILCS 2620/7) (from Ch. 127, par. 55j)

7 Sec. 7. Expenditures; evidence; forfeited property.

8 (a) The Director and the inspectors appointed by him, when
9 authorized by the Director, may expend such sums as the
10 Director deems necessary in the purchase of controlled
11 substances and cannabis for evidence and in the employment of
12 persons to obtain evidence.

13 Such sums to be expended shall be advanced to the officer
14 who is to make such purchase or employment from funds
15 appropriated or made available by law for the support or use of
16 the Illinois State Police ~~Department~~ on vouchers therefor
17 signed by the Director. The Director and such officers are
18 authorized to maintain one or more commercial checking
19 accounts with any State banking corporation or corporations
20 organized under or subject to the Illinois Banking Act for the
21 deposit and withdrawal of moneys to be used for the purchase of
22 evidence and for the employment of persons to obtain evidence;
23 provided that no check may be written on nor any withdrawal
24 made from any such account except on the written signatures of
25 2 persons designated by the Director to write such checks and

1 make such withdrawals.

2 (b) The Director is authorized to maintain one or more
3 commercial bank accounts with any State banking corporation or
4 corporations organized under or subject to the Illinois
5 Banking Act, as now or hereafter amended, for the deposit or
6 withdrawal of (i) moneys forfeited to the Illinois State
7 Police Department, including the proceeds of the sale of
8 forfeited property, as provided in Section 2 of the State
9 Officers and Employees Money Disposition Act, as now or
10 hereafter amended, pending disbursement to participating
11 agencies and deposit of the Illinois State Police's
12 ~~Department's~~ share as provided in subsection (c), and (ii) all
13 moneys being held as evidence by the Illinois State Police
14 ~~Department~~, pending final court disposition; provided that no
15 check may be written on or any withdrawal made from any such
16 account except on the written signatures of 2 persons
17 designated by the Director to write such checks and make such
18 withdrawals.

19 (c) All moneys received by the Illinois State Police as
20 their share of forfeited funds (including the proceeds of the
21 sale of forfeited property) received pursuant to the Drug
22 Asset Forfeiture Procedure Act, the Cannabis Control Act, the
23 Illinois Controlled Substances Act, the Methamphetamine
24 Control and Community Protection Act, the Environmental
25 Protection Act, or any other Illinois law shall be deposited
26 into the State Asset Forfeiture Fund, which is hereby created

1 as an interest-bearing special fund in the State treasury.

2 All moneys received by the Illinois State Police as their
3 share of forfeited funds (including the proceeds of the sale
4 of forfeited property) received pursuant to federal equitable
5 sharing transfers shall be deposited into the Federal Asset
6 Forfeiture Fund, which is hereby created as an
7 interest-bearing special fund in the State treasury.

8 The moneys deposited into the State Asset Forfeiture Fund
9 and the Federal Asset Forfeiture Fund shall be appropriated to
10 the Illinois ~~Department of~~ State Police and may be used by the
11 Illinois State Police in accordance with law.

12 (Source: P.A. 94-556, eff. 9-11-05.)

13 (20 ILCS 2620/8) (from Ch. 127, par. 55k)

14 Sec. 8. The Attorney General, upon the request of the
15 Illinois State Police ~~Department~~, shall prosecute any
16 violation of this Act, and of the Illinois Controlled
17 Substances Act, the Cannabis Control Act, and the
18 Methamphetamine Control and Community Protection Act.

19 (Source: P.A. 94-556, eff. 9-11-05.)

20 Section 215. The Volunteer Firefighting Rescue Unit Use
21 Act is amended by changing the title of the Act and Sections 1,
22 2, 3, and 4 as follows:

23 (20 ILCS 2625/Act title)

1 An Act relating to the use of rescue units of volunteer
2 fire fighting organizations by the Illinois ~~Department of~~
3 State Police and making an appropriation therefor.

4 (20 ILCS 2625/1) (from Ch. 127, par. 289)

5 Sec. 1. As used in this Act, unless the context otherwise
6 requires, the following terms have the following meanings:

7 ~~Department means the Department of State Police;~~

8 Rescue unit means a unit of an unpaid volunteer fire
9 fighting organization which is specially trained for emergency
10 rescue work such as resuscitation of heart attack, drowning,
11 suffocation or epilepsy victims, recovery of bodies of
12 drowning victims and similar activities;

13 District means a geographical area designated by the
14 Illinois State Police ~~Department~~ for administration of laws by
15 the Division of Fire Prevention of the Illinois State Police
16 ~~Department~~.

17 (Source: P.A. 84-25.)

18 (20 ILCS 2625/2) (from Ch. 127, par. 290)

19 Sec. 2. The Illinois State Police ~~Department~~ may request
20 the cooperation and use of facilities of any rescue unit to aid
21 it when engaged in any activity designed to save human life or
22 to recover the body of a victim. Such a request shall be
23 directed to a rescue unit or units located within the district
24 where the rescue work is to be performed. If there is no rescue

1 unit located within the district or if there are not
2 sufficient rescue units therein to perform the required work,
3 requests may be directed to rescue units located in other
4 districts.

5 (Source: Laws 1953, p. 178.)

6 (20 ILCS 2625/3) (from Ch. 127, par. 291)

7 Sec. 3. When the Illinois State Police ~~Department~~ requests
8 the services of a rescue unit it shall pay the personnel of
9 such unit for time actually spent in rescue work at the rate of
10 \$2.50 per hour.

11 (Source: Laws 1953, p. 178.)

12 (20 ILCS 2625/4) (from Ch. 127, par. 292)

13 Sec. 4. If any equipment of a volunteer fire fighting
14 organization is lost or damaged while its rescue unit is
15 engaged in rescue work at the request of the Illinois State
16 Police ~~Department~~, it shall be reimbursed by the State of
17 Illinois. A claim for such reimbursement may be filed with the
18 Court of Claims.

19 (Source: Laws 1953, p. 178.)

20 Section 220. The Criminal Identification Act is amended by
21 changing Sections 1, 2, 2.1, 2.2, 3, 3.1, 3.3, 4, 4.5, 5, 5.2,
22 7, 7.5, 8, 9, 9.5, 10, 13, and 14 as follows:

1 (20 ILCS 2630/1) (from Ch. 38, par. 206-1)

2 Sec. 1. The Illinois ~~Department of~~ State Police
3 ~~hereinafter referred to as the "Department",~~ is hereby
4 empowered to cope with the task of criminal identification and
5 investigation.

6 The Director of the Illinois ~~Department of~~ State Police
7 shall, from time to time, appoint such employees or assistants
8 as may be necessary to carry out this work. Employees or
9 assistants so appointed shall receive salaries subject to the
10 standard pay plan provided for in the ~~"Personnel Code",~~
11 ~~approved July 18, 1955, as amended.~~

12 (Source: P.A. 84-25.)

13 (20 ILCS 2630/2) (from Ch. 38, par. 206-2)

14 Sec. 2. The Illinois State Police ~~Department~~ shall procure
15 and file for record, as far as can be procured from any source,
16 photographs, all plates, outline pictures, measurements,
17 descriptions and information of all persons who have been
18 arrested on a charge of violation of a penal statute of this
19 State and such other information as is necessary and helpful
20 to plan programs of crime prevention, law enforcement and
21 criminal justice, and aid in the furtherance of those
22 programs.

23 (Source: P.A. 76-444.)

24 (20 ILCS 2630/2.1) (from Ch. 38, par. 206-2.1)

1 Sec. 2.1. For the purpose of maintaining complete and
2 accurate criminal records of the Illinois ~~Department of State~~
3 Police, it is necessary for all policing bodies of this State,
4 the clerk of the circuit court, the Illinois Department of
5 Corrections, the sheriff of each county, and State's Attorney
6 of each county to submit certain criminal arrest, charge, and
7 disposition information to the Illinois State Police
8 ~~Department~~ for filing at the earliest time possible. Unless
9 otherwise noted herein, it shall be the duty of all policing
10 bodies of this State, the clerk of the circuit court, the
11 Illinois Department of Corrections, the sheriff of each
12 county, and the State's Attorney of each county to report such
13 information as provided in this Section, both in the form and
14 manner required by the Illinois State Police ~~Department~~ and
15 within 30 days of the criminal history event. Specifically:

16 (a) Arrest Information. All agencies making arrests
17 for offenses which are required by statute to be
18 collected, maintained or disseminated by the Illinois
19 ~~Department of State Police~~ shall be responsible for
20 furnishing daily to the Illinois State Police ~~Department~~
21 fingerprints, charges and descriptions of all persons who
22 are arrested for such offenses. All such agencies shall
23 also notify the Illinois State Police ~~Department~~ of all
24 decisions by the arresting agency not to refer such
25 arrests for prosecution. With approval of the Illinois
26 State Police ~~Department~~, an agency making such arrests may

1 enter into arrangements with other agencies for the
2 purpose of furnishing daily such fingerprints, charges and
3 descriptions to the Illinois State Police ~~Department~~ upon
4 its behalf.

5 (b) Charge Information. The State's Attorney of each
6 county shall notify the Illinois State Police ~~Department~~
7 of all charges filed and all petitions filed alleging that
8 a minor is delinquent, including all those added
9 subsequent to the filing of a case, and whether charges
10 were not filed in cases for which the Illinois State
11 Police ~~Department~~ has received information required to be
12 reported pursuant to paragraph (a) of this Section. With
13 approval of the Illinois State Police ~~Department~~, the
14 State's Attorney may enter into arrangements with other
15 agencies for the purpose of furnishing the information
16 required by this subsection (b) to the Illinois State
17 Police ~~Department~~ upon the State's Attorney's behalf.

18 (c) Disposition Information. The clerk of the circuit
19 court of each county shall furnish the Illinois State
20 Police ~~Department~~, in the form and manner required by the
21 Supreme Court, with all final dispositions of cases for
22 which the Illinois State Police ~~Department~~ has received
23 information required to be reported pursuant to paragraph
24 (a) or (d) of this Section. Such information shall
25 include, for each charge, all (1) judgments of not guilty,
26 judgments of guilty including the sentence pronounced by

1 the court with statutory citations to the relevant
2 sentencing provision, findings that a minor is delinquent
3 and any sentence made based on those findings, discharges
4 and dismissals in the court; (2) reviewing court orders
5 filed with the clerk of the circuit court which reverse or
6 remand a reported conviction or findings that a minor is
7 delinquent or that vacate or modify a sentence or sentence
8 made following a trial that a minor is delinquent; (3)
9 continuances to a date certain in furtherance of an order
10 of supervision granted under Section 5-6-1 of the Unified
11 Code of Corrections or an order of probation granted under
12 Section 10 of the Cannabis Control Act, Section 410 of the
13 Illinois Controlled Substances Act, Section 70 of the
14 Methamphetamine Control and Community Protection Act,
15 Section 12-4.3 or subdivision (b)(1) of Section 12-3.05 of
16 the Criminal Code of 1961 or the Criminal Code of 2012,
17 Section 10-102 of the Illinois Alcoholism and Other Drug
18 Dependency Act, Section 40-10 of the Substance Use
19 Disorder Act, Section 10 of the Steroid Control Act, or
20 Section 5-615 of the Juvenile Court Act of 1987; and (4)
21 judgments or court orders terminating or revoking a
22 sentence to or juvenile disposition of probation,
23 supervision or conditional discharge and any resentencing
24 or new court orders entered by a juvenile court relating
25 to the disposition of a minor's case involving delinquency
26 after such revocation.

1 (d) Fingerprints After Sentencing.

2 (1) After the court pronounces sentence, sentences
3 a minor following a trial in which a minor was found to
4 be delinquent or issues an order of supervision or an
5 order of probation granted under Section 10 of the
6 Cannabis Control Act, Section 410 of the Illinois
7 Controlled Substances Act, Section 70 of the
8 Methamphetamine Control and Community Protection Act,
9 Section 12-4.3 or subdivision (b)(1) of Section
10 12-3.05 of the Criminal Code of 1961 or the Criminal
11 Code of 2012, Section 10-102 of the Illinois
12 Alcoholism and Other Drug Dependency Act, Section
13 40-10 of the Substance Use Disorder Act, Section 10 of
14 the Steroid Control Act, or Section 5-615 of the
15 Juvenile Court Act of 1987 for any offense which is
16 required by statute to be collected, maintained, or
17 disseminated by the Illinois ~~Department~~ of State
18 Police, the State's Attorney of each county shall ask
19 the court to order a law enforcement agency to
20 fingerprint immediately all persons appearing before
21 the court who have not previously been fingerprinted
22 for the same case. The court shall so order the
23 requested fingerprinting, if it determines that any
24 such person has not previously been fingerprinted for
25 the same case. The law enforcement agency shall submit
26 such fingerprints to the Illinois State Police

1 ~~Department~~ daily.

2 (2) After the court pronounces sentence or makes a
3 disposition of a case following a finding of
4 delinquency for any offense which is not required by
5 statute to be collected, maintained, or disseminated
6 by the Illinois ~~Department~~ of State Police, the
7 prosecuting attorney may ask the court to order a law
8 enforcement agency to fingerprint immediately all
9 persons appearing before the court who have not
10 previously been fingerprinted for the same case. The
11 court may so order the requested fingerprinting, if it
12 determines that any so sentenced person has not
13 previously been fingerprinted for the same case. The
14 law enforcement agency may retain such fingerprints in
15 its files.

16 (e) Corrections Information. The Illinois Department
17 of Corrections and the sheriff of each county shall
18 furnish the Illinois State Police ~~Department~~ with all
19 information concerning the receipt, escape, execution,
20 death, release, pardon, parole, commutation of sentence,
21 granting of executive clemency or discharge of an
22 individual who has been sentenced or committed to the
23 agency's custody for any offenses which are mandated by
24 statute to be collected, maintained or disseminated by the
25 Illinois ~~Department~~ of State Police. For an individual who
26 has been charged with any such offense and who escapes

1 from custody or dies while in custody, all information
2 concerning the receipt and escape or death, whichever is
3 appropriate, shall also be so furnished to the Illinois
4 State Police ~~Department~~.

5 (Source: P.A. 100-3, eff. 1-1-18; 100-759, eff. 1-1-19.)

6 (20 ILCS 2630/2.2)

7 Sec. 2.2. Notification to the Illinois State Police
8 ~~Department~~. Upon judgment of conviction of a violation of
9 Section 12-1, 12-2, 12-3, 12-3.2, 12-3.4, or 12-3.5 of the
10 Criminal Code of 1961 or the Criminal Code of 2012 when the
11 defendant has been determined, pursuant to Section 112A-11.1
12 of the Code of Criminal Procedure of 1963, to be subject to the
13 prohibitions of 18 U.S.C. 922(g)(9), the circuit court clerk
14 shall include notification and a copy of the written
15 determination in a report of the conviction to the Illinois
16 ~~Department of State Police~~ Firearm Owner's Identification Card
17 Office to enable the office to perform its duties under
18 Sections 4 and 8 of the Firearm Owners Identification Card Act
19 and to report that determination to the Federal Bureau of
20 Investigation to assist the Bureau in identifying persons
21 prohibited from purchasing and possessing a firearm pursuant
22 to the provisions of 18 U.S.C. 922. The written determination
23 described in this Section shall be included in the defendant's
24 record of arrest and conviction in the manner and form
25 prescribed by the Illinois ~~Department of State Police~~.

1 (Source: P.A. 97-1131, eff. 1-1-13; 97-1150, eff. 1-25-13.)

2 (20 ILCS 2630/3) (from Ch. 38, par. 206-3)

3 Sec. 3. Information to be furnished peace officers and
4 commanding officers of certain military installations in
5 Illinois.

6 (A) The Illinois State Police ~~Department~~ shall file or
7 cause to be filed all plates, photographs, outline pictures,
8 measurements, descriptions and information which shall be
9 received by it by virtue of its office and shall make a
10 complete and systematic record and index of the same,
11 providing thereby a method of convenient reference and
12 comparison. The Illinois State Police ~~Department~~ shall
13 furnish, upon application, all information pertaining to the
14 identification of any person or persons, a plate, photograph,
15 outline picture, description, measurements, or any data of
16 which there is a record in its office. Such information shall
17 be furnished to peace officers of the United States, of other
18 states or territories, of the Insular possessions of the
19 United States, of foreign countries duly authorized to receive
20 the same, to all peace officers of the State of Illinois, to
21 investigators of the Illinois Law Enforcement Training
22 Standards Board and, conviction information only, to units of
23 local government, school districts, private organizations, and
24 requesting institutions as defined in Section 2605-345 of the
25 Illinois ~~Department of~~ State Police Law under the provisions

1 of Section 2605-10, 2605-15, 2605-51, 2605-52, 2605-75,
2 ~~2605-100, 2605-105, 2605-110, 2605-115, 2605-120, 2605-130,~~
3 ~~2605-140,~~ 2605-190, 2605-200, 2605-205, 2605-210, 2605-215,
4 2605-250, 2605-275, ~~2605-300,~~ 2605-305, 2605-315, 2605-325,
5 2605-335, 2605-340, 2605-345, 2605-350, 2605-355, 2605-360,
6 2605-365, 2605-375, ~~2605-390,~~ 2605-400, 2605-405, 2605-420,
7 2605-430, 2605-435, ~~2605-500,~~ 2605-525, or 2605-550 of the
8 Illinois ~~Department of State Police Law (20 ILCS 2605/2605-10,~~
9 ~~2605/2605-15, 2605/2605-75, 2605/2605-100, 2605/2605-105,~~
10 ~~2605/2605-110, 2605/2605-115, 2605/2605-120, 2605/2605-130,~~
11 ~~2605/2605-140, 2605/2605-190, 2605/2605-200, 2605/2605-205,~~
12 ~~2605/2605-210, 2605/2605-215, 2605/2605-250, 2605/2605-275,~~
13 ~~2605/2605-300, 2605/2605-305, 2605/2605-315, 2605/2605-325,~~
14 ~~2605/2605-335, 2605/2605-340, 2605/2605-350, 2605/2605-355,~~
15 ~~2605/2605-360, 2605/2605-365, 2605/2605-375, 2605/2605-390,~~
16 ~~2605/2605-400, 2605/2605-405, 2605/2605-420, 2605/2605-430,~~
17 ~~2605/2605-435, 2605/2605-500, 2605/2605-525, or~~
18 ~~2605/2605-550).~~ Applications shall be in writing and
19 accompanied by a certificate, signed by the peace officer or
20 chief administrative officer or his designee making such
21 application, to the effect that the information applied for is
22 necessary in the interest of and will be used solely in the due
23 administration of the criminal laws or for the purpose of
24 evaluating the qualifications and character of employees,
25 prospective employees, volunteers, or prospective volunteers
26 of units of local government, school districts, and private

1 organizations, or for the purpose of evaluating the character
2 of persons who may be granted or denied access to municipal
3 utility facilities under Section 11-117.1-1 of the Illinois
4 Municipal Code.

5 For the purposes of this subsection, "chief administrative
6 officer" is defined as follows:

7 a) The city manager of a city or, if a city does not
8 employ a city manager, the mayor of the city.

9 b) The manager of a village or, if a village does not
10 employ a manager, the president of the village.

11 c) The chairman or president of a county board or, if a
12 county has adopted the county executive form of
13 government, the chief executive officer of the county.

14 d) The president of the school board of a school
15 district.

16 e) The supervisor of a township.

17 f) The official granted general administrative control
18 of a special district, an authority, or organization of
19 government establishment by law which may issue
20 obligations and which either may levy a property tax or
21 may expend funds of the district, authority, or
22 organization independently of any parent unit of
23 government.

24 g) The executive officer granted general
25 administrative control of a private organization defined
26 in Section 2605-335 of the Illinois ~~Department of State~~

1 Police Law ~~(20 ILCS 2605/2605-335)~~.

2 (B) Upon written application and payment of fees
3 authorized by this subsection, State agencies and units of
4 local government, not including school districts, are
5 authorized to submit fingerprints of employees, prospective
6 employees and license applicants to the Illinois State Police
7 ~~Department~~ for the purpose of obtaining conviction information
8 maintained by the Illinois State Police ~~Department~~ and the
9 Federal Bureau of Investigation about such persons. The
10 Illinois State Police ~~Department~~ shall submit such
11 fingerprints to the Federal Bureau of Investigation on behalf
12 of such agencies and units of local government. The Illinois
13 State Police ~~Department~~ shall charge an application fee, based
14 on actual costs, for the dissemination of conviction
15 information pursuant to this subsection. The Illinois State
16 Police ~~Department~~ is empowered to establish this fee and shall
17 prescribe the form and manner for requesting and furnishing
18 conviction information pursuant to this subsection.

19 (C) Upon payment of fees authorized by this subsection,
20 the Illinois State Police ~~Department~~ shall furnish to the
21 commanding officer of a military installation in Illinois
22 having an arms storage facility, upon written request of such
23 commanding officer or his designee, and in the form and manner
24 prescribed by the Illinois State Police ~~Department~~, all
25 criminal history record information pertaining to any
26 individual seeking access to such a storage facility, where

1 such information is sought pursuant to a federally-mandated
2 security or criminal history check.

3 The Illinois State Police ~~Department~~ shall establish and
4 charge a fee, not to exceed actual costs, for providing
5 information pursuant to this subsection.

6 (Source: P.A. 97-1120, eff. 1-1-13.)

7 (20 ILCS 2630/3.1) (from Ch. 38, par. 206-3.1)

8 Sec. 3.1. (a) The Illinois State Police ~~Department~~ may
9 furnish, pursuant to positive identification, records of
10 convictions to the Department of Professional Regulation for
11 the purpose of meeting registration or licensure requirements
12 under the Private Detective, Private Alarm, Private Security,
13 Fingerprint Vendor, and Locksmith Act of 2004.

14 (b) The Illinois State Police ~~Department~~ may furnish,
15 pursuant to positive identification, records of convictions to
16 policing bodies of this State for the purpose of assisting
17 local liquor control commissioners in carrying out their duty
18 to refuse to issue licenses to persons specified in paragraphs
19 (4), (5) and (6) of Section 6-2 of the Liquor Control Act of
20 1934.

21 (c) The Illinois State Police ~~Department~~ shall charge an
22 application fee, based on actual costs, for the dissemination
23 of records pursuant to this Section. Fees received for the
24 dissemination of records pursuant to this Section shall be
25 deposited in the State Police Services Fund. The Illinois

1 State Police Department is empowered to establish this fee and
2 to prescribe the form and manner for requesting and furnishing
3 conviction information pursuant to this Section.

4 (d) Any dissemination of any information obtained pursuant
5 to this Section to any person not specifically authorized
6 hereby to receive or use it for the purpose for which it was
7 disseminated shall constitute a violation of Section 7.

8 (Source: P.A. 95-613, eff. 9-11-07.)

9 (20 ILCS 2630/3.3)

10 Sec. 3.3. Federal Rap Back Service.

11 (a) In this Section:

12 "National criminal history record check" means a check of
13 criminal history records entailing the fingerprinting of the
14 person and submission of the fingerprints to the United States
15 Federal Bureau of Investigation for the purpose of obtaining
16 the national criminal history record of the person from the
17 Federal Bureau of Investigation.

18 "Rap Back Service" means the system that enables an
19 authorized agency or entity to receive ongoing status
20 notifications of any criminal history from the Illinois
21 ~~Department~~ of State Police or the Federal Bureau of
22 Investigation reported on a person whose fingerprints are
23 registered in the system, after approval and implementation of
24 the system.

25 (b) Agencies and entities in this State authorized by law

1 to conduct or obtain national criminal history background
2 checks for persons shall be eligible to participate in the
3 Federal Rap Back Service administered by the Illinois
4 ~~Department of State Police~~. The Illinois ~~Department of State~~
5 Police may submit fingerprints to the Federal Bureau of
6 Investigation Rap Back Service to be retained in the Federal
7 Bureau of Investigation Rap Back Service for the purpose of
8 being searched by future submissions to the Federal Bureau of
9 Investigation Rap Back Service, including latent fingerprint
10 searches and to collect all Federal Rap Back Service fees from
11 eligible agencies and entities wishing to participate in the
12 Rap Back Service and remit those fees to the Federal Bureau of
13 Investigation.

14 (c) The Illinois ~~Department of State Police~~ may adopt any
15 rules necessary for implementation of this Section.

16 (Source: P.A. 100-718, eff. 1-1-19.)

17 (20 ILCS 2630/4) (from Ch. 38, par. 206-4)

18 Sec. 4. The Illinois State Police ~~Department~~ may use the
19 following systems of identification: the Bertillon system, the
20 fingerprint ~~finger-print~~ system, and any system of measurement
21 or identification that may be adopted by law or rule in the
22 various penal institutions or bureaus of identification
23 wherever located.

24 The Illinois State Police ~~Department~~ shall make a record
25 consisting of duplicates of all measurements, processes,

1 operations, signaletic ~~signalletic~~ cards, plates, photographs,
2 outline pictures, measurements, descriptions of and data
3 relating to all persons confined in penal institutions
4 wherever located, so far as the same are obtainable, in
5 accordance with whatever system or systems may be found most
6 efficient and practical.

7 (Source: P.A. 98-756, eff. 7-16-14.)

8 (20 ILCS 2630/5) (from Ch. 38, par. 206-5)

9 Sec. 5. Arrest reports. All policing bodies of this State
10 shall furnish to the Illinois State Police ~~Department~~, daily,
11 in the form and detail the Illinois State Police ~~Department~~
12 requires, fingerprints, descriptions, and ethnic and racial
13 background data as provided in Section 4.5 of this Act of all
14 persons who are arrested on charges of violating any penal
15 statute of this State for offenses that are classified as
16 felonies and Class A or B misdemeanors and of all minors of the
17 age of 10 and over who have been arrested for an offense which
18 would be a felony if committed by an adult, and may forward
19 such fingerprints and descriptions for minors arrested for
20 Class A or B misdemeanors. Moving or nonmoving traffic
21 violations under the Illinois Vehicle Code shall not be
22 reported except for violations of Chapter 4, Section 11-204.1,
23 or Section 11-501 of that Code. In addition, conservation
24 offenses, as defined in the Supreme Court Rule 501(c), that
25 are classified as Class B misdemeanors shall not be reported.

1 Those law enforcement records maintained by the Illinois State
2 Police Department for minors arrested for an offense prior to
3 their 17th birthday, or minors arrested for a non-felony
4 offense, if committed by an adult, prior to their 18th
5 birthday, shall not be forwarded to the Federal Bureau of
6 Investigation unless those records relate to an arrest in
7 which a minor was charged as an adult under any of the transfer
8 provisions of the Juvenile Court Act of 1987.

9 (Source: P.A. 98-528, eff. 1-1-15.)

10 (20 ILCS 2630/7) (from Ch. 38, par. 206-7)

11 Sec. 7. No file or record of the Illinois State Police
12 ~~Department~~ hereby created shall be made public, except as
13 provided in the "Illinois Uniform Conviction Information Act"
14 or other Illinois law or as may be necessary in the
15 identification of persons suspected or accused of crime and in
16 their trial for offenses committed after having been
17 imprisoned for a prior offense; and no information of any
18 character relating to its records shall be given or furnished
19 by the Illinois State Police ~~said Department~~ to any person,
20 bureau or institution other than as provided in this Act or
21 other State law, or when a governmental unit is required by
22 state or federal law to consider such information in the
23 performance of its duties. Violation of this Section shall
24 constitute a Class A misdemeanor.

25 However, if an individual requests the Illinois State

1 ~~Police Department~~ to release information as to the existence
2 or nonexistence of any criminal record he might have, the
3 Illinois State Police ~~Department~~ shall do so upon determining
4 that the person for whom the record is to be released is
5 actually the person making the request. The Illinois State
6 Police ~~Department~~ shall establish reasonable fees and rules to
7 allow an individual to review and correct any criminal history
8 record information the Illinois State Police ~~Department~~ may
9 hold concerning that individual upon verification of the
10 identity of the individual. Such rulemaking is subject to the
11 provisions of the Illinois Administrative Procedure Act.

12 (Source: P.A. 85-922.)

13 (20 ILCS 2630/7.5)

14 Sec. 7.5. Notification of outstanding warrant. If the
15 existence of an outstanding arrest warrant is identified by
16 the Illinois ~~Department~~ of State Police in connection with the
17 criminal history background checks conducted pursuant to
18 subsection (b) of Section 2-201.5 of the Nursing Home Care
19 Act, Section 2-201.5 of the ID/DD Community Care Act, Section
20 2-201.5 of the MC/DD Act, or subsection (d) of Section 6.09 of
21 the Hospital Licensing Act, the Illinois State Police
22 ~~Department~~ shall notify the jurisdiction issuing the warrant
23 of the following:

24 (1) Existence of the warrant.

25 (2) The name, address, and telephone number of the

1 licensed long term care facility in which the wanted
2 person resides.

3 Local issuing jurisdictions shall be aware that nursing
4 facilities have residents who may be fragile or vulnerable or
5 who may have a mental illness. When serving a warrant, law
6 enforcement shall make every attempt to mitigate the adverse
7 impact on other facility residents.

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

9 (20 ILCS 2630/8) (from Ch. 38, par. 206-8)

10 Sec. 8. Crime statistics; sex offenders.

11 (a) The Illinois State Police ~~Department~~ shall be a
12 central repository and custodian of crime statistics for the
13 State and it shall have all power incident thereto to carry out
14 the purposes of this Act, including the power to demand and
15 receive cooperation in the submission of crime statistics from
16 all units of government. On an annual basis, the Illinois
17 Criminal Justice Information Authority shall make available
18 compilations published by the Authority of crime statistics
19 required to be reported by each policing body of the State, the
20 clerks of the circuit court of each county, the Illinois
21 Department of Corrections, the Sheriff of each county, and the
22 State's Attorney of each county, including, but not limited
23 to, criminal arrest, charge and disposition information.

24 (b) The Illinois State Police ~~Department~~ shall develop
25 information relating to the number of sex offenders and sexual

1 predators as defined in Section 2 of the Sex Offender
2 Registration Act who are placed on parole, mandatory
3 supervised release, or extended mandatory supervised release
4 and who are subject to electronic monitoring.

5 (Source: P.A. 94-988, eff. 1-1-07.)

6 (20 ILCS 2630/9) (from Ch. 38, par. 206-9)

7 Sec. 9. (a) Every county medical examiner and coroner
8 shall, in every death investigation where the identity of a
9 dead body cannot be determined by visual means, fingerprints,
10 or other identifying data, have a qualified dentist, as
11 determined by the county medical examiner or coroner, conduct
12 a dental examination of the dead body. If the county medical
13 examiner or coroner, with the aid of the dental examination
14 and other identifiers, is still unable to establish the
15 identity of the dead body, the medical examiner or coroner
16 shall forthwith submit the dental records to the Illinois
17 State Police Department.

18 (b) If a person reported missing has not been found within
19 30 days, the law enforcement agency to whom the person was
20 reported missing shall, within the next 5 days, make all
21 necessary efforts to locate and request from the family or
22 next of kin of the missing person written consent to contact
23 and receive from the dentist of the missing person that
24 person's dental records and shall forthwith make every
25 reasonable effort to acquire such records. Within 5 days of

1 the receipt of the missing person's dental records, the law
2 enforcement agency shall submit such records to the Illinois
3 State Police Department.

4 (c) The Illinois State Police Department shall be the
5 State central repository for all dental records submitted
6 pursuant to this Section. The Illinois State Police Department
7 may promulgate rules for the form and manner of submission of
8 dental records, reporting of the location or identification of
9 persons for whom dental records have been submitted and other
10 procedures for program operations.

11 (d) When a person who has been reported missing is located
12 and that person's dental records have been submitted to the
13 Illinois State Police Department, the law enforcement agency
14 which submitted that person's dental records to the Illinois
15 State Police Department shall report that fact to the Illinois
16 State Police Department and the Illinois State Police
17 Department shall expunge the dental records of that person
18 from the Illinois State Police's Department's file. The
19 Illinois State Police Department shall also expunge from its
20 files the dental records of those dead and missing persons who
21 are positively identified as a result of comparisons made with
22 its files, the files maintained by other states, territories,
23 insular possessions of the United States, or the United
24 States.

25 (Source: P.A. 84-255.)

1 (20 ILCS 2630/9.5)

2 Sec. 9.5. Material for DNA fingerprint analysis. Every
3 county medical examiner and coroner shall provide to the
4 Illinois State Police Department a sample of dried blood and
5 buccal specimens (tissue may be submitted if no uncontaminated
6 blood or buccal specimens can be obtained) from a dead body for
7 DNA fingerprint analysis if the Illinois State Police
8 ~~Department~~ notifies the medical examiner or coroner that the
9 Illinois State Police Department has determined that providing
10 that sample may be useful for law enforcement purposes in a
11 criminal investigation. In addition, if a local law
12 enforcement agency notifies a county medical examiner or
13 coroner that such a sample would be useful in a criminal
14 examination, the county medical examiner or coroner shall
15 provide a sample to the local law enforcement agency for
16 submission to the Illinois State Police Department.

17 (Source: P.A. 95-500, eff. 1-1-08.)

18 (20 ILCS 2630/10) (from Ch. 38, par. 206-10)

19 Sec. 10. Judicial Remedies. The Attorney General or a
20 State's Attorney may bring suit in the circuit courts to
21 prevent and restrain violations of the Illinois Uniform
22 Conviction Information Act, enacted by the 85th General
23 Assembly and to enforce the reporting provisions of Section
24 2.1 of this Act. The Illinois Department of State Police may
25 request the Attorney General to bring any such action

1 authorized by this subsection.

2 (Source: P.A. 85-922.)

3 (20 ILCS 2630/13)

4 Sec. 13. Retention and release of sealed records.

5 (a) The Illinois ~~Department of~~ State Police shall retain
6 records sealed under subsection (c) or (e-5) of Section 5.2 or
7 impounded under subparagraph (B) or (B-5) of paragraph (9) of
8 subsection (d) of Section 5.2 and shall release them only as
9 authorized by this Act. Felony records sealed under subsection
10 (c) or (e-5) of Section 5.2 or impounded under subparagraph
11 (B) or (B-5) of paragraph (9) of subsection (d) of Section 5.2
12 shall be used and disseminated by the Illinois State Police
13 ~~Department~~ only as otherwise specifically required or
14 authorized by a federal or State law, rule, or regulation that
15 requires inquiry into and release of criminal records,
16 including, but not limited to, subsection (A) of Section 3 of
17 this Act. However, all requests for records that have been
18 expunged, sealed, and impounded and the use of those records
19 are subject to the provisions of Section 2-103 of the Illinois
20 Human Rights Act. Upon conviction for any offense, the
21 Department of Corrections shall have access to all sealed
22 records of the Illinois State Police ~~Department~~ pertaining to
23 that individual.

24 (b) Notwithstanding the foregoing, all sealed or impounded
25 records are subject to inspection and use by the court and

1 inspection and use by law enforcement agencies and State's
2 Attorneys or other prosecutors in carrying out the duties of
3 their offices.

4 (c) The sealed or impounded records maintained under
5 subsection (a) are exempt from disclosure under the Freedom of
6 Information Act.

7 (d) The Illinois ~~Department of~~ State Police shall commence
8 the sealing of records of felony arrests and felony
9 convictions pursuant to the provisions of subsection (c) of
10 Section 5.2 of this Act no later than one year from the date
11 that funds have been made available for purposes of
12 establishing the technologies necessary to implement the
13 changes made by this amendatory Act of the 93rd General
14 Assembly.

15 (Source: P.A. 97-1026, eff. 1-1-13; 97-1120, eff. 1-1-13;
16 98-399, eff. 8-16-13; 98-463, eff. 8-16-13.)

17 (20 ILCS 2630/14)

18 Sec. 14. Expungement Backlog Accountability Law.

19 (a) On or before August 1 of each year, the Illinois
20 ~~Department of~~ State Police shall report to the Governor, the
21 Attorney General, the Office of the State Appellate Defender,
22 and both houses of the General Assembly the following
23 information for the previous fiscal year:

24 (1) the number of petitions to expunge received by the
25 Illinois State Police ~~Department~~;

1 (2) the number of petitions to expunge to which the
2 Illinois State Police ~~Department~~ objected pursuant to
3 subdivision (d) (5) (B) of Section 5.2 of this Act;

4 (3) the number of petitions to seal records received
5 by the Illinois State Police ~~Department~~;

6 (4) the number of petitions to seal records to which
7 the Illinois State Police ~~Department~~ objected pursuant to
8 subdivision (d) (5) (B) of Section 5.2 of this Act;

9 (5) the number of orders to expunge received by the
10 Illinois State Police ~~Department~~;

11 (6) the number of orders to expunge to which the
12 Illinois State Police ~~Department~~ successfully filed a
13 motion to vacate, modify or reconsider under paragraph
14 (12) of subsection (d) of Section 5.2 of this Act;

15 (7) the number of orders to expunge records entered by
16 the Illinois State Police ~~Department~~;

17 (8) the number of orders to seal records received by
18 the Illinois State Police ~~Department~~;

19 (9) the number of orders to seal records to which the
20 Illinois State Police ~~Department~~ successfully filed a
21 motion to vacate, modify or reconsider under paragraph
22 (12) of subsection (d) of Section 5.2 of this Act;

23 (10) the number of orders to seal records entered by
24 the Illinois State Police ~~Department~~;

25 (11) the amount of fees received by the Illinois State
26 Police ~~Department~~ pursuant to subdivision (d) (10) of

1 Section 5.2 of this Act and deposited into the State
2 Police Services Fund;

3 (12) the number of orders to expunge or to seal
4 records received by the Illinois State Police ~~Department~~
5 that have not been entered as of June 30 of the previous
6 fiscal year.

7 (b) The information reported under this Section shall be
8 made available to the public, at the time it is reported, on
9 the official web site of the Illinois ~~Department of~~ State
10 Police.

11 (c) Upon request of a State's Attorney or the Attorney
12 General, the Illinois State Police ~~Department~~ shall provide
13 within 90 days a list of all orders to expunge or seal with
14 which the Illinois State Police ~~Department~~ has not yet
15 complied. This list shall include the date of the order, the
16 name of the petitioner, the case number, and a detailed
17 statement of the basis for non-compliance.

18 (Source: P.A. 98-163, eff. 8-5-13.)

19 Section 225. The Illinois Uniform Conviction Information
20 Act is amended by changing the title of the Act and Sections 2,
21 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 17, 19, 20, and 21
22 as follows:

23 (20 ILCS 2635/Act title)

24 An Act providing for uniform, public access to conviction

1 records maintained by the Illinois ~~Department of~~ State Police,
2 amending certain Acts in relation thereto.

3 (20 ILCS 2635/2) (from Ch. 38, par. 1602)

4 Sec. 2. Legislative Findings and Purposes. (A) The
5 legislature finds and hereby declares that conviction
6 information maintained by the Illinois ~~Department of~~ State
7 Police shall be publicly available in the State of Illinois.

8 (B) The purpose of this Act is: (1) to establish uniform
9 policy for gaining access to and disseminating conviction
10 information maintained by the State of Illinois; (2) to
11 establish guidelines and priorities which fully support
12 effective law enforcement and ongoing criminal investigations
13 and which ensure that conviction information is made
14 accessible within appropriate time frames; (3) to ensure the
15 accuracy and completeness of conviction information in the
16 State of Illinois; and (4) to establish procedures for
17 effectively correcting errors and providing individuals with
18 redress of grievances in the event that inaccurate or
19 incomplete information may be disseminated about them.

20 (Source: P.A. 85-922.)

21 (20 ILCS 2635/3) (from Ch. 38, par. 1603)

22 Sec. 3. Definitions. Whenever used in this Act, and for
23 the purposes of this Act, unless the context clearly indicates
24 otherwise:

1 (A) "Accurate" means factually correct, containing no
2 mistake or error of a material nature.

3 (B) The phrase "administer the criminal laws" includes any
4 of the following activities: intelligence gathering,
5 surveillance, criminal investigation, crime detection and
6 prevention (including research), apprehension, detention,
7 pretrial or post-trial release, prosecution, the correctional
8 supervision or rehabilitation of accused persons or criminal
9 offenders, criminal identification activities, data analysis
10 and research done by the sentencing commission, or the
11 collection, maintenance or dissemination of criminal history
12 record information.

13 (C) "The Authority" means the Illinois Criminal Justice
14 Information Authority.

15 (D) "Automated" means the utilization of computers,
16 telecommunication lines, or other automatic data processing
17 equipment for data collection or storage, analysis,
18 processing, preservation, maintenance, dissemination, or
19 display and is distinguished from a system in which such
20 activities are performed manually.

21 (E) "Complete" means accurately reflecting all the
22 criminal history record information about an individual that
23 is required to be reported to the Illinois State Police
24 ~~Department~~ pursuant to Section 2.1 of the Criminal
25 Identification Act.

26 (F) "Conviction information" means data reflecting a

1 judgment of guilt or nolo contendere. The term includes all
2 prior and subsequent criminal history events directly relating
3 to such judgments, such as, but not limited to: (1) the
4 notation of arrest; (2) the notation of charges filed; (3) the
5 sentence imposed; (4) the fine imposed; and (5) all related
6 probation, parole, and release information. Information ceases
7 to be "conviction information" when a judgment of guilt is
8 reversed or vacated.

9 For purposes of this Act, continuances to a date certain
10 in furtherance of an order of supervision granted under
11 Section 5-6-1 of the Unified Code of Corrections or an order of
12 probation granted under either Section 10 of the Cannabis
13 Control Act, Section 410 of the Illinois Controlled Substances
14 Act, Section 70 of the Methamphetamine Control and Community
15 Protection Act, Section 12-4.3 or subdivision (b)(1) of
16 Section 12-3.05 of the Criminal Code of 1961 or the Criminal
17 Code of 2012, Section 10-102 of the Illinois Alcoholism and
18 Other Drug Dependency Act, Section 40-10 of the Substance Use
19 Disorder Act, or Section 10 of the Steroid Control Act shall
20 not be deemed "conviction information".

21 (G) "Criminal history record information" means data
22 identifiable to an individual, including information collected
23 under Section 4.5 of the Criminal Identification Act, and
24 consisting of descriptions or notations of arrests,
25 detentions, indictments, informations, pretrial proceedings,
26 trials, or other formal events in the criminal justice system

1 or descriptions or notations of criminal charges (including
2 criminal violations of local municipal ordinances) and the
3 nature of any disposition arising therefrom, including
4 sentencing, court or correctional supervision, rehabilitation
5 and release. The term does not apply to statistical records
6 and reports in which individuals are not identified and from
7 which their identities are not ascertainable, or to
8 information that is for criminal investigative or intelligence
9 purposes.

10 (H) "Criminal justice agency" means (1) a government
11 agency or any subunit thereof which is authorized to
12 administer the criminal laws and which allocates a substantial
13 part of its annual budget for that purpose, or (2) an agency
14 supported by public funds which is authorized as its principal
15 function to administer the criminal laws and which is
16 officially designated by the Illinois State Police Department
17 as a criminal justice agency for purposes of this Act.

18 (I) (Blank). ~~"The Department" means the Illinois~~
19 ~~Department of State Police.~~

20 (J) "Director" means the Director of the Illinois
21 ~~Department of State Police.~~

22 (K) "Disseminate" means to disclose or transmit conviction
23 information in any form, oral, written, or otherwise.

24 (L) "Exigency" means pending danger or the threat of
25 pending danger to an individual or property.

26 (M) "Non-criminal justice agency" means a State agency,

1 Federal agency, or unit of local government that is not a
2 criminal justice agency. The term does not refer to private
3 individuals, corporations, or non-governmental agencies or
4 organizations.

5 (M-5) "Request" means the submission to the Illinois State
6 Police Department, in the form and manner required, the
7 necessary data elements or fingerprints, or both, to allow the
8 Illinois State Police Department to initiate a search of its
9 criminal history record information files.

10 (N) "Requester" means any private individual, corporation,
11 organization, employer, employment agency, labor organization,
12 or non-criminal justice agency that has made a request
13 pursuant to this Act to obtain conviction information
14 maintained in the files of the Illinois Department of State
15 Police regarding a particular individual.

16 (O) "Statistical information" means data from which the
17 identity of an individual cannot be ascertained,
18 reconstructed, or verified and to which the identity of an
19 individual cannot be linked by the recipient of the
20 information.

21 (P) "Sentencing commission" means the Sentencing Policy
22 Advisory Council.

23 (Source: P.A. 99-880, eff. 8-22-16; 100-201, eff. 8-18-17;
24 100-759, eff. 1-1-19.)

25 (20 ILCS 2635/4) (from Ch. 38, par. 1604)

1 Sec. 4. Applicability.

2 (A) The provisions of this Act shall apply only to
3 conviction information mandated by statute to be reported to
4 or to be collected, maintained, or disseminated by the
5 Illinois Department of State Police.

6 (B) The provisions of this Act shall not apply to
7 statistical information.

8 (C) In the event of conflict between the application of
9 this Act and the statutes listed in paragraphs (1), (2), (3),
10 (4), or (5) below, the statutes listed below, as hereafter
11 amended, shall control unless specified otherwise:

12 (1) The Juvenile Court Act of 1987; or

13 (2) Section 5-3-4 of the Unified Code of Corrections;

14 or

15 (3) Paragraph (4) of Section 12 of the Probation and
16 Probation Officers Act; or

17 (4) Section 2.1 of the Criminal Identification Act; or

18 (5) The Pretrial Services Act.

19 (Source: P.A. 89-198, eff. 7-21-95; 89-626, eff. 8-9-96.)

20 (20 ILCS 2635/5) (from Ch. 38, par. 1605)

21 Sec. 5. Public Availability of Conviction Information. All
22 conviction information mandated by statute to be collected and
23 maintained by the Illinois Department of State Police shall be
24 open to public inspection in the State of Illinois. All
25 persons, state agencies and units of local government shall

1 have access to inspect, examine and reproduce such
2 information, in accordance with this Act, and shall have the
3 right to take memoranda and abstracts concerning such
4 information, except to the extent that the provisions of this
5 Act or other Illinois statutes might create specific
6 restrictions on the use or disclosure of such information.

7 (Source: P.A. 85-922.)

8 (20 ILCS 2635/6) (from Ch. 38, par. 1606)

9 Sec. 6. Dissemination Time Frames and Priorities. (A) The
10 Illinois State Police's ~~Department's~~ duty and obligation to
11 furnish criminal history record information to peace officers
12 and criminal justice agencies shall take precedence over any
13 requirement of this Act to furnish conviction information to
14 non-criminal justice agencies or to the public. When, in the
15 judgment of the Director, such duties and obligations are
16 being fulfilled in a timely manner, the Illinois State Police
17 ~~Department~~ shall furnish conviction information to requesters
18 in accordance with the provisions of this Act. The Illinois
19 State Police ~~Department~~ may give priority to requests for
20 conviction information from non-criminal justice agencies over
21 other requests submitted pursuant to this Act.

22 (B) The Illinois State Police ~~Department~~ shall attempt to
23 honor requests for conviction information made pursuant to
24 this Act in the shortest time possible. Subject to the
25 dissemination priorities of subsection (A) of this Section,

1 the Illinois State Police ~~Department~~ shall respond to a
2 request for conviction information within 2 weeks from receipt
3 of a request.

4 (Source: P.A. 85-922.)

5 (20 ILCS 2635/7) (from Ch. 38, par. 1607)

6 Sec. 7. Restrictions on the Use of Conviction Information.

7 (A) The following provisions shall apply to requests
8 submitted pursuant to this Act for employment or licensing
9 purposes or submitted to comply with the provisions of
10 subsection (B) of this Section:

11 (1) A requester shall, in the form and manner
12 prescribed by the Illinois State Police ~~Department~~, submit
13 a request to the Illinois State Police ~~Department~~, and
14 maintain on file for at least 2 years a release signed by
15 the individual to whom the information request pertains.
16 The Illinois State Police ~~Department~~ shall furnish the
17 requester with a copy of its response.

18 (2) Each requester of conviction information furnished
19 by the Illinois State Police ~~Department~~ shall provide the
20 individual named in the request with a copy of the
21 response furnished by the Illinois State Police
22 ~~Department~~. Within 7 working days of receipt of such copy,
23 the individual shall have the obligation and
24 responsibility to notify the requester if the information
25 is inaccurate or incomplete.

1 (3) Unless notified by the individual named in the
2 request or by the Illinois State Police ~~Department~~ that
3 the information furnished is inaccurate or incomplete, no
4 requester of conviction information shall be liable for
5 damages to any person to whom the information pertains for
6 actions the requester may reasonably take in reliance on
7 the accuracy and completeness of conviction information
8 received from the Illinois State Police ~~Department~~
9 pursuant to this act, if: (a) the requester in good faith
10 believes the conviction information furnished by the
11 Illinois State Police ~~Department~~ to be accurate and
12 complete; (b) the requester has complied with the
13 requirements of paragraphs (1) and (2) of this subsection
14 (A); and (c) the identifying information submitted by the
15 requester to the Illinois State Police ~~Department~~ is
16 accurate with respect to the individual about whom the
17 information was requested.

18 (4) Consistent with rules adopted by the Illinois
19 State Police ~~Department~~ pursuant to Section 7 of the
20 Criminal Identification Act "~~An Act in relation to~~
21 ~~criminal identification and investigation~~", approved July
22 ~~2, 1931, as amended~~, the individual to whom the conviction
23 information pertains may initiate proceedings directly
24 with the Illinois State Police ~~Department~~ to challenge or
25 correct a record furnished by the Illinois State Police
26 ~~Department~~ pursuant to this subsection (A). Such

1 correction proceedings shall be given priority over other
2 individual record review and challenges filed with the
3 Illinois State Police ~~Department~~.

4 (B) Regardless of the purpose of the request, no requester
5 of conviction information shall be liable for damages to any
6 person to whom the information pertains for actions the
7 requester may reasonably take in reliance on the accuracy and
8 completeness of conviction information received from the
9 Illinois State Police ~~Department~~ pursuant to this Act, if: (1)
10 the requester in good faith believes the conviction
11 information furnished by the Illinois State Police ~~Department~~
12 to be accurate and complete; (2) the requester has complied
13 with the requirements of paragraphs (1) and (2) of subsection
14 (A) of this Section; and (3) the identifying information
15 submitted by the requester to the Illinois State Police
16 ~~Department~~ is accurate with respect to the individual about
17 whom the information was requested.

18 (Source: P.A. 88-368.)

19 (20 ILCS 2635/8) (from Ch. 38, par. 1608)

20 Sec. 8. Form, Manner and Fees for Requesting and Obtaining
21 Conviction Information.

22 (A) The Illinois State Police ~~Department~~ shall prescribe
23 the form and manner for requesting and furnishing conviction
24 information pursuant to this Act. The Illinois State Police
25 ~~Department~~ shall prescribe the types of identifying

1 information that must be submitted to the Illinois State
2 Police Department in order to process any request for
3 conviction information and the form and manner for making such
4 application, consistent with this Act.

5 (B) The Illinois State Police Department shall establish
6 the maximum fee it shall charge and assess for processing
7 requests for conviction information, and the Authority shall
8 establish the maximum fee that other criminal justice agencies
9 shall charge and assess for processing requests for conviction
10 information pursuant to this Act. Such fees shall include the
11 general costs associated with performing a search for all
12 information about each person for which a request is received
13 including classification, search, retrieval, reproduction,
14 manual and automated data processing, telecommunications
15 services, supplies, mailing and those general costs associated
16 with the inquiries required by subsection (B) of Section 9 and
17 Section 13 of this Act, and, when applicable, such fees shall
18 provide for the direct payment to or reimbursement of a
19 criminal justice agency for assisting the requester or the
20 Illinois State Police Department pursuant to this Act. In
21 establishing the fees required by this Section, the Illinois
22 State Police Department and the Authority may also take into
23 account the costs relating to multiple or automated requests
24 and disseminations and the costs relating to any other special
25 factors or circumstances required by statute or rule. The
26 maximum fees established by the Authority pursuant to this

1 Section may be waived or reduced at the discretion of a
2 criminal justice agency.

3 (Source: P.A. 94-365, eff. 7-29-05.)

4 (20 ILCS 2635/9) (from Ch. 38, par. 1609)

5 Sec. 9. Procedural Requirements for Disseminating
6 Conviction Information.

7 (A) In accordance with the time parameters of Section 6
8 and the requirements of subsection (B) of this Section 9, the
9 Illinois State Police ~~Department~~ shall either: (1) transmit
10 conviction information to the requester, including an
11 explanation of any code or abbreviation; (2) explain to the
12 requester why the information requested cannot be transmitted;
13 or (3) inform the requester of any deficiency in the request.

14 (B) Prior to a non-automated dissemination or within 30
15 days subsequent to an automated dissemination made pursuant to
16 this Act, the Illinois State Police ~~Department~~ shall first
17 conduct a formal update inquiry and review to make certain
18 that the information disseminated is complete, except (1) in
19 cases of exigency, (2) upon request of another criminal
20 justice agency, (3) for conviction information that is less
21 than 30 days old, or (4) for information intentionally
22 fabricated upon the express written authorization of the
23 Director of the Illinois State Police to support undercover
24 law enforcement efforts.

25 It shall be the responsibility of the Illinois State

1 ~~Police Department~~ to retain a record of every extra-agency
2 dissemination of conviction information for a period of not
3 less than 3 years. Such records shall be subject to audit by
4 the Illinois State Police Department, and shall, upon request,
5 be supplied to the individual to whom the information pertains
6 for requests from members of the general public, corporations,
7 organizations, employers, employment agencies, labor
8 organizations and non-criminal justice agencies. At a minimum,
9 the following information shall be recorded and retained by
10 the Illinois State Police Department:

11 (1) The name of the individual to whom the
12 disseminated information pertains;

13 (2) The name of the individual requesting the
14 information;

15 (3) The date of the request;

16 (4) The name and address of the private individual,
17 corporation, organization, employer, employment agency,
18 labor organization or non-criminal justice agency
19 receiving the information; and

20 (5) The date of the dissemination.

21 (Source: P.A. 91-357, eff. 7-29-99.)

22 (20 ILCS 2635/10) (from Ch. 38, par. 1610)

23 Sec. 10. Dissemination requests Based Upon Fingerprint
24 Identification. When fingerprint identification accompanies a
25 request for conviction information maintained by the Illinois

1 State Police Department, an appropriate statement shall be
2 issued by the Illinois State Police Department indicating that
3 the information furnished by the Illinois State Police
4 ~~Department~~ positively pertains to the individual whose
5 fingerprints were submitted and that the response contains all
6 the conviction information that has been reported to the
7 Illinois State Police Department pursuant to Section 2.1 of
8 the Criminal Identification Act "~~An Act in relation to~~
9 ~~criminal identification and investigation~~", approved July 2,
10 1931, as amended.

11 (Source: P.A. 85-922.)

12 (20 ILCS 2635/11) (from Ch. 38, par. 1611)

13 Sec. 11. Dissemination requests Not Based Upon Fingerprint
14 Identification. (A) When a requester is not legally mandated
15 to submit positive fingerprint identification to the Illinois
16 State Police Department or when a requester is precluded from
17 submitting positive fingerprint identification to the Illinois
18 State Police Department due to exigency, an appropriate
19 warning shall be issued by the Illinois State Police
20 ~~Department~~ indicating that the information furnished cannot be
21 identified with certainty as pertaining to the individual
22 named in the request and may only be relied upon as being
23 accurate and complete if the requester has first complied with
24 the requirements of subsection (B) of Section 7.

25 (B) If the identifying information submitted by the

1 requester to the Illinois State Police ~~Department~~ corresponds
2 to more than one individual found in the files maintained by
3 the Illinois State Police ~~Department~~, the Illinois State
4 Police ~~Department~~ shall not disclose the information to the
5 requester, unless it is determined by the Illinois State
6 Police ~~Department~~ that dissemination is still warranted due to
7 exigency or to administer the criminal laws. In such
8 instances, the Illinois State Police ~~Department~~ may require
9 the requester to submit additional identifying information or
10 fingerprints in the form and manner prescribed by the Illinois
11 State Police ~~Department~~.

12 (Source: P.A. 85-922.)

13 (20 ILCS 2635/12) (from Ch. 38, par. 1612)

14 Sec. 12. Error Notification and Correction Procedure. It
15 is the duty and responsibility of the Illinois State Police
16 ~~Department~~ to maintain accurate and complete criminal history
17 record information and to correct or update such information
18 after determination by audit, individual review and challenge
19 procedures, or by other verifiable means, that it is
20 incomplete or inaccurate. Except as may be required for a
21 longer period of time by Illinois law, the Illinois State
22 Police ~~Department~~ shall notify a requester if a subsequent
23 disposition of conviction or a subsequent modification of
24 conviction information has been reported to the Illinois State
25 Police ~~Department~~ within 30 days of responding to the

1 requester.

2 (Source: P.A. 85-922.)

3 (20 ILCS 2635/13) (from Ch. 38, par. 1613)

4 Sec. 13. Limitation on Further Dissemination. Unless
5 otherwise permitted by law or in the case of exigency, the
6 subsequent dissemination of conviction information furnished
7 by the Illinois State Police ~~Department~~ pursuant to this Act
8 shall only be permitted by a requester for the 30 day period
9 immediately following receipt of the information. Except as
10 permitted in this Section, any requester still wishing to
11 further disseminate or to rely on the accuracy and
12 completeness of conviction information more than 30 days from
13 receipt of the information from the Illinois State Police
14 ~~Department~~ shall initiate a new request to the Illinois State
15 Police ~~Department~~ for current information.

16 (Source: P.A. 88-368.)

17 (20 ILCS 2635/14) (from Ch. 38, par. 1614)

18 Sec. 14. Judicial Remedies. (A) The Attorney General or a
19 State's Attorney may bring suit in the circuit courts to
20 prevent and restrain violations of this Act and to enforce the
21 reporting provisions of Section 2.1 of the Criminal
22 Identification Act "~~An Act in relation to criminal~~
23 ~~identification and investigation~~", approved July 2, 1931, as
24 amended. The Illinois State Police ~~Department~~ may request the

1 Attorney General to bring any such action authorized by this
2 subsection.

3 (B) An individual aggrieved by a violation of this Act by a
4 State agency or unit of local government shall have the right
5 to pursue a civil action for damages or other appropriate
6 legal or equitable remedy, including an action to compel the
7 Illinois State Police Department ~~Department~~ to disclose or correct
8 conviction information in its files, once administrative
9 remedies have been exhausted.

10 (C) Any civil action for damages alleging the negligent
11 dissemination of inaccurate or incomplete conviction
12 information by a State agency or by a unit of local government
13 in violation of this Act may only be brought against the State
14 agency or unit of local government and shall not be brought
15 against any employee or official thereof.

16 (D) Civil remedies authorized by this Section may be
17 brought in any circuit court of the State of Illinois in the
18 county in which the violation occurs or in the county where the
19 State agency or unit of local government is situated; except
20 all damage claims against the State of Illinois for violations
21 of this Act shall be determined by the Court of Claims.

22 (Source: P.A. 85-922.)

23 (20 ILCS 2635/15) (from Ch. 38, par. 1615)

24 Sec. 15. Civil Damages. (A) In any action brought pursuant
25 to this Act, an individual aggrieved by any violation of this

1 Act shall be entitled to recover actual and general
2 compensatory damages for each violation, together with costs
3 and attorney's fees reasonably incurred, consistent with
4 Section 16 of this Act. In addition, an individual aggrieved
5 by a willful violation of this Act shall be entitled to recover
6 \$1,000. In addition, an individual aggrieved by a non-willful
7 violation of this Act for which there has been dissemination
8 of inaccurate or incomplete conviction information shall be
9 entitled to recover \$200; provided, however, if conviction
10 information is determined to be incomplete or inaccurate, by
11 audit, by individual review and challenge procedures, or by
12 other verifiable means, then the individual aggrieved shall
13 only be entitled to recover such amount if the Illinois State
14 Police Department fails to correct the information within 30
15 days.

16 (B) For the purposes of this Act, the State of Illinois
17 shall be liable for damages as provided in this Section and for
18 attorney's fees and litigation costs as provided in Section 16
19 of this Act. All damage claims against the State of Illinois or
20 any of its agencies for violations of this Act shall be
21 determined by the Court of Claims.

22 (C) For purposes of limiting the amount of civil damages
23 that may be assessed against the State of Illinois or a unit of
24 local government pursuant to this Section, a State agency, a
25 unit of local government, and the officials or employees of a
26 State agency or a unit of local government may in good faith

1 rely upon the assurance of another State agency or unit of
2 local government that conviction information is maintained or
3 disseminated in compliance with the provisions of this Act.
4 However, such reliance shall not constitute a defense with
5 respect to equitable or declaratory relief.

6 (D) For purposes of limiting the amount of damages that
7 may be assessed against the State of Illinois pursuant to this
8 Section, the Illinois State Police Department may in good
9 faith presume that the conviction information reported to it
10 by a clerk of the circuit court or a criminal justice agency is
11 accurate. However, such presumption shall not constitute a
12 defense with respect to equitable or declaratory relief.

13 (Source: P.A. 85-922.)

14 (20 ILCS 2635/17) (from Ch. 38, par. 1617)

15 Sec. 17. Administrative Sanctions. The Illinois State
16 Police Department shall refuse to comply with any request to
17 furnish conviction information maintained in its files, if the
18 requester has not acted in accordance with the requirements of
19 this Act or rules and regulations issued pursuant thereto. The
20 requester may appeal such a refusal by the Illinois State
21 Police Department to the Director. Upon written application by
22 the requester, the Director shall hold a hearing to determine
23 whether dissemination of the requested information would be in
24 violation of this Act or rules and regulations issued pursuant
25 to it or other federal or State law pertaining to the

1 collection, maintenance or dissemination of criminal history
2 record information. When the Director finds such a violation,
3 the Illinois State Police ~~Department~~ shall be prohibited from
4 disseminating conviction information to the requester, under
5 such terms and conditions and for such periods of time as the
6 Director deems appropriate.

7 (Source: P.A. 85-922.)

8 (20 ILCS 2635/19) (from Ch. 38, par. 1619)

9 Sec. 19. Coordinating and Implementing Policy. The
10 Illinois State Police ~~Department~~ shall adopt rules to
11 prescribe the appropriate form, manner and fees for complying
12 with the requirements of this Act. The Authority shall adopt
13 rules to prescribe form, manner and maximum fees which the
14 Authority is authorized to establish pursuant to subsection
15 (B) of Section 8 of this Act. Such rulemaking is subject to the
16 provisions of the Illinois Administrative Procedure Act.

17 (Source: P.A. 85-922.)

18 (20 ILCS 2635/20) (from Ch. 38, par. 1620)

19 Sec. 20. State Liability and Indemnification of Units of
20 Local Government. (A) The State of Illinois shall guarantee
21 the accuracy and completeness of conviction information
22 disseminated by the Illinois State Police ~~Department~~ that is
23 based upon fingerprint identification. The State of Illinois
24 shall not be liable for the accuracy and completeness of any

1 information disseminated upon identifying information other
2 than fingerprints.

3 (B) The State of Illinois shall indemnify a clerk of the
4 circuit court, a criminal justice agency, and their employees
5 and officials from, and against, all damage claims brought by
6 others due to dissemination by the Illinois State Police
7 ~~Department~~ of inaccurate or incomplete conviction information
8 based upon positive fingerprint identification, provided that
9 the conviction information in question was initially reported
10 to the Illinois State Police ~~Department~~ accurately and in the
11 timely manner mandated by Section 2.1 of the Criminal
12 Identification Act ~~"An Act in relation to criminal~~
13 ~~identification and investigation", approved July 2, 1931, as~~
14 ~~amended.~~

15 (Source: P.A. 85-922.)

16 (20 ILCS 2635/21) (from Ch. 38, par. 1621)

17 Sec. 21. Audits. The Illinois State Police ~~Department~~
18 shall regularly conduct representative audits of the criminal
19 history record keeping and criminal history record reporting
20 policies, practices, and procedures of the repositories for
21 such information in Illinois to ensure compliance with the
22 provisions of this Act and Section 2.1 of the Criminal
23 Identification Act ~~"An Act in relation to criminal~~
24 ~~identification and investigation", approved July 2, 1931, as~~
25 ~~amended.~~ The findings of such audits shall be reported to the

1 Governor, General Assembly, and, upon request, to members of
2 the general public.

3 (Source: P.A. 85-922.)

4 Section 230. The Criminal Diversion Racial Impact Data
5 Collection Act is amended by changing Sections 5 and 15 as
6 follows:

7 (20 ILCS 2637/5)

8 (Section scheduled to be repealed on December 31, 2021)

9 Sec. 5. Legislative intent. Racial and ethnic disparity in
10 the criminal justice system, or the over-representation of
11 certain minority groups compared to their representation in
12 the general population, has been well documented, along with
13 the harmful effects of such disproportionality. There is no
14 single cause of the racial and ethnic disparity evident at
15 every stage of the criminal justice system; suggested causes
16 have included differing patterns of criminal activity, law
17 enforcement activity, and discretionary decisions of criminal
18 justice practitioners, along with effects of legislative
19 policies. In order to make progress in reducing this harmful
20 phenomenon, information on the racial composition of offenders
21 at each stage of the criminal justice system must be
22 systematically gathered and analyzed to lay the foundation for
23 determining the impact of proposed remedies. Gaps of
24 information at any stage will hamper valid analysis at

1 subsequent stages. At the earliest stages of the criminal
2 justice system, systematic statewide information on arrested
3 persons, including race and ethnicity, is collected in the
4 Illinois State Police Criminal History Record Information
5 System. However, under the Criminal Identification Act,
6 systematic statewide information on the racial and ethnic
7 composition of adults diverted from arrest by law enforcement
8 and diverted from prosecution by each county's State's
9 Attorney's office is not available. Therefore, it is the
10 intent of this legislation to provide a mechanism by which
11 statewide data on the race and ethnicity of offenders diverted
12 from the criminal justice system before the filing of a court
13 case can be provided by the criminal justice entity involved
14 for future racial disparity impact analyses of the criminal
15 justice system.

16 (Source: P.A. 99-666, eff. 1-1-17.)

17 (20 ILCS 2637/15)

18 (Section scheduled to be repealed on December 31, 2021)

19 Sec. 15. Reporting; publication.

20 (a) Under the reporting guidelines for law enforcement
21 agencies in Sections 2.1, 4.5, and 5 of the Criminal
22 Identification Act, the Authority shall determine and report
23 the number of persons arrested and released without being
24 charged, and report the racial and ethnic composition of those
25 persons.

1 (b) Under the reporting guidelines for State's Attorneys
2 in Sections 2.1, 4.5, and 5 of the Criminal Identification
3 Act, the Authority shall determine and report the number of
4 persons for which formal charges were dismissed, and the race
5 and ethnicity of those persons.

6 (c) Under the reporting guidelines for circuit court
7 clerks in Sections 2.1, 4.5, and 5 of the Criminal
8 Identification Act, the Authority shall determine and report
9 the number of persons admitted to a diversion from prosecution
10 program, and the racial and ethnic composition of those
11 persons, separated by each type of diversion program.

12 (d) The Authority shall publish the information received
13 and an assessment of the quality of the information received,
14 aggregated to the county level in the case of law enforcement
15 reports, on its publicly available website for the previous
16 calendar year, as affirmed by each reporting agency at the
17 time of its report submission.

18 (e) The Authority, Illinois ~~Department of~~ State Police,
19 Administrative Office of the Illinois Courts, and Illinois
20 State's Attorneys Association may collaborate on any necessary
21 training concerning the provisions of this Act.

22 (Source: P.A. 99-666, eff. 1-1-17.)

23 Section 235. The Statewide Organized Gang Database Act is
24 amended by changing Sections 5 and 10 as follows:

1 (20 ILCS 2640/5)

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

3 ~~"Department" means the Department of State Police.~~

4 "Director" means the Director of the Illinois State
5 Police.

6 "Organized gang" has the meaning ascribed to it in Section
7 10 of the Illinois Streetgang Terrorism Omnibus Prevention
8 Act.

9 A "SWORD terminal" is an interactive computerized
10 communication and processing unit that permits a direct
11 on-line communication with the Illinois ~~Department of~~ State
12 Police's central data repository, the Statewide Organized Gang
13 Database (SWORD).

14 (Source: P.A. 87-932; 88-467.)

15 (20 ILCS 2640/10)

16 Sec. 10. Duties of the Illinois State Police ~~Department~~.

17 The Illinois State Police ~~Department~~ may:

18 (a) provide a uniform reporting format for the entry of
19 pertinent information regarding the report of an arrested
20 organized gang member or organized gang affiliate into SWORD;

21 (b) notify all law enforcement agencies that reports of
22 arrested organized gang members or organized gang affiliates
23 shall be entered into the database as soon as the minimum level
24 of data specified by the Illinois State Police ~~Department~~ is
25 available to the reporting agency, and that no waiting period

1 for the entry of that data exists;

2 (c) develop and implement a policy for notifying law
3 enforcement agencies of the emergence of new organized gangs,
4 or the change of a name or other identifying sign by an
5 existing organized gang;

6 (d) compile and retain information regarding organized
7 gangs and their members and affiliates, in a manner that
8 allows the information to be used by law enforcement and other
9 agencies, deemed appropriate by the Director, for
10 investigative purposes;

11 (e) compile and maintain a historic data repository
12 relating to organized gangs and their members and affiliates
13 in order to develop and improve techniques utilized by law
14 enforcement agencies and prosecutors in the investigation,
15 apprehension, and prosecution of members and affiliates of
16 organized gangs;

17 (f) create a quality control program regarding
18 confirmation of organized gang membership and organized gang
19 affiliation data, timeliness and accuracy of information
20 entered into SWORD, and performance audits of all entering
21 agencies;

22 (g) locate all law enforcement agencies that could, in the
23 opinion of the Director, benefit from access to SWORD, and
24 notify them of its existence; and

25 (h) cooperate with all law enforcement agencies wishing to
26 gain access to the SWORD system, and facilitate their entry

1 into the system and their continued maintenance of access to
2 it.

3 (Source: P.A. 87-932.)

4 Section 240. The Statewide Senior Citizen Victimizer
5 Database Act is amended by changing Sections 5 and 10 as
6 follows:

7 (20 ILCS 2645/5)

8 Sec. 5. Definitions. In this Act:

9 ~~"Department" means Department of State Police.~~

10 "Director" means the Director of the Illinois State
11 Police.

12 "Senior citizen" means a person of the age of 60 years or
13 older.

14 "Senior citizen victimizer" means a person who has been
15 arrested for committing an offense against a senior citizen.

16 "Statewide Senior Citizen Victimizer Database Terminal"
17 means an interactive computerized communication and processing
18 unit that permits direct on-line communication with the
19 Illinois ~~Department of~~ State Police's Statewide Senior Citizen
20 Victimizer Database.

21 (Source: P.A. 92-246, eff. 1-1-02.)

22 (20 ILCS 2645/10)

23 Sec. 10. Duties of the Illinois State Police ~~Department~~.

1 The Illinois State Police ~~Department~~ may:

2 (a) Provide a uniform reporting format for the entry of
3 pertinent information regarding the report of an arrested
4 senior citizen victimizer into the Senior Citizen Victimizer
5 Database Terminal;

6 (b) Notify all law enforcement agencies that reports of
7 arrested senior citizen victimizers shall be entered into the
8 database as soon as the minimum level of data of information
9 specified by the Illinois State Police ~~Department~~ is available
10 to the reporting agency, and that no waiting period for the
11 entry of that data exists;

12 (c) Compile and maintain a data repository relating to
13 senior citizen victimizers in order to gather information
14 regarding the various modus operandi used to victimize senior
15 citizens, groups that tend to routinely target senior
16 citizens, areas of the State that senior citizen victimizers
17 tend to frequent, and the type of persons senior citizen
18 victimizers routinely target;

19 (d) Develop and improve techniques used by law enforcement
20 agencies and prosecutors in the investigation, apprehension,
21 and prosecution of senior citizen victimizers;

22 (e) Locate all law enforcement agencies that could, in the
23 opinion of the Director, benefit from access to the Statewide
24 Senior Citizen Victimizer Database, and notify them of its
25 existence; and

26 (f) Cooperate with all law enforcement agencies wishing to

1 gain access to the Statewide Senior Citizen Victimizer
2 Database system, and to facilitate their entry into the system
3 and to their continued maintenance of access to it.

4 (Source: P.A. 92-246, eff. 1-1-02.)

5 Section 245. The Department of Transportation Law of the
6 Civil Administrative Code of Illinois is amended by changing
7 Sections 2705-90, 2705-125, 2705-317, 2705-505.5, and
8 2705-505.6 as follows:

9 (20 ILCS 2705/2705-90) (was 20 ILCS 2705/49.31)

10 Sec. 2705-90. Criminal history record information from
11 Illinois Department of State Police. Whenever the Department
12 is authorized or required by law to consider some aspect of
13 criminal history record information for the purpose of
14 carrying out its statutory powers and responsibilities, then,
15 upon request and payment of fees in conformance with the
16 requirements of Section 2605-400 of the Illinois Department of
17 State Police Law ~~(20 ILCS 2605/2605-400)~~, the Illinois
18 ~~Department of~~ State Police is authorized to furnish, pursuant
19 to positive identification, the information contained in State
20 files that is necessary to fulfill the request.

21 (Source: P.A. 91-239, eff. 1-1-00.)

22 (20 ILCS 2705/2705-125) (was 20 ILCS 2705/49.22)

23 Sec. 2705-125. Safety inspection of motor vehicles;

1 transfer from various State agencies. The Department has the
2 power to administer, exercise, and enforce the rights, powers,
3 and duties presently vested in the Illinois ~~Department of~~
4 State Police and the Division of State Troopers under the
5 Illinois Vehicle Inspection Law, in the Illinois Commerce
6 Commission, in the State Board of Education, and in the
7 Secretary of State under laws relating to the safety
8 inspection of motor vehicles operated by common carriers, of
9 school buses, and of motor vehicles used in the transportation
10 of school children and motor vehicles used in driver exam
11 training schools for hire licensed under Article IV of the
12 Illinois Driver Licensing Law or under any other law relating
13 to the safety inspection of motor vehicles of the second
14 division as defined in the Illinois Vehicle Code.

15 (Source: P.A. 96-740, eff. 1-1-10.)

16 (20 ILCS 2705/2705-317)

17 Sec. 2705-317. Safe Routes to School Construction Program.

18 (a) Upon enactment of a federal transportation bill with a
19 dedicated fund available to states for safe routes to schools,
20 the Department, in cooperation with the State Board of
21 Education and the Illinois ~~Department of~~ State Police, shall
22 establish and administer a Safe Routes to School Construction
23 Program for the construction of bicycle and pedestrian safety
24 and traffic-calming projects using the federal Safe Routes to
25 Schools Program funds.

1 (b) The Department shall make construction grants
2 available to local governmental agencies under the Safe Routes
3 to School Construction Program based on the results of a
4 statewide competition that requires submission of Safe Routes
5 to School proposals for funding and that rates those proposals
6 on all of the following factors:

7 (1) Demonstrated needs of the grant applicant.

8 (2) Potential of the proposal for reducing child
9 injuries and fatalities.

10 (3) Potential of the proposal for encouraging
11 increased walking and bicycling among students.

12 (4) Identification of safety hazards.

13 (5) Identification of current and potential walking
14 and bicycling routes to school.

15 (6) Consultation and support for projects by
16 school-based associations, local traffic engineers, local
17 elected officials, law enforcement agencies, and school
18 officials.

19 (7) Proximity to parks and other recreational
20 facilities.

21 With respect to the use of federal Safe Routes to Schools
22 Program funds, prior to the award of a construction grant or
23 the use of those funds for a Safe Routes to School project
24 encompassing a highway, the Department shall consult with and
25 obtain approval from the Illinois ~~Department of~~ State Police
26 and the highway authority with jurisdiction to ensure that the

1 Safe Routes to School proposal is consistent with a statewide
2 pedestrian safety statistical analysis.

3 (c) On March 30, 2006 and each March 30th thereafter, the
4 Department shall submit a report to the General Assembly
5 listing and describing the projects funded under the Safe
6 Routes to School Construction Program.

7 (d) The Department shall study the effectiveness of the
8 Safe Routes to School Construction Program, with particular
9 emphasis on the Program's effectiveness in reducing traffic
10 accidents and its contribution to improving safety and
11 reducing the number of child injuries and fatalities in the
12 vicinity of a Safe Routes to School project. The Department
13 shall submit a report to the General Assembly on or before
14 December 31, 2006 regarding the results of the study.

15 (e) The Department, the State Board of Education, and the
16 Illinois ~~Department of~~ State Police may adopt any rules
17 necessary to implement this Section.

18 (Source: P.A. 94-493, eff. 8-8-05.)

19 (20 ILCS 2705/2705-505.5)

20 Sec. 2705-505.5. Child abduction message signs. The
21 Department of Transportation shall coordinate with the
22 Illinois ~~Department of~~ State Police in the use of electronic
23 message signs on roads and highways in the vicinity of a child
24 abduction to immediately provide critical information to the
25 public.

1 (Source: P.A. 93-310, eff. 7-23-03.)

2 (20 ILCS 2705/2705-505.6)

3 Sec. 2705-505.6. Endangered Missing Persons Advisory
4 message signs. The Department of Transportation shall
5 coordinate with the Illinois ~~Department of~~ State Police in the
6 use of electronic message signs on roads and highways to
7 immediately provide critical information to the public
8 concerning missing persons who are believed to be high risk,
9 missing persons with Alzheimer's disease, other related
10 dementia, or other dementia-like cognitive impairment, as
11 allowed by federal guidelines.

12 (Source: P.A. 99-322, eff. 1-1-16.)

13 Section 255. The State Fire Marshal Act is amended by
14 changing Section 2 as follows:

15 (20 ILCS 2905/2) (from Ch. 127 1/2, par. 2)

16 Sec. 2. The Office shall have the following powers and
17 duties:

18 1. To exercise the rights, powers and duties which
19 have been vested by law in the Illinois ~~Department of~~
20 State Police as the successor of the Department of Public
21 Safety, State Fire Marshal, inspectors, officers and
22 employees of the State Fire Marshal, including arson
23 investigation. Arson investigations conducted by the State

1 Fire Marshal's Office shall be conducted by State Fire
2 Marshal Arson Investigator Special Agents, who shall be
3 peace officers as provided in the Peace Officer Fire
4 Investigation Act.

5 2. To keep a record, as may be required by law, of all
6 fires occurring in the State, together with all facts,
7 statistics and circumstances, including the origin of
8 fires.

9 3. To exercise the rights, powers and duties which
10 have been vested in the Illinois ~~Department of State~~
11 Police by the "Boiler and Pressure Vessel Safety Act",
12 ~~approved August 7, 1951, as amended.~~

13 4. To administer the Illinois Fire Protection Training
14 Act.

15 5. To aid in the establishment and maintenance of the
16 training facilities and programs of the Illinois Fire
17 Service Institute.

18 6. To disburse Federal grants for fire protection
19 purposes to units of local government.

20 7. To pay to or in behalf of the City of Chicago for
21 the maintenance, expenses, facilities and structures
22 directly incident to the Chicago Fire Department training
23 program. Such payments may be made either as
24 reimbursements for expenditures previously made by the
25 City, or as payments at the time the City has incurred an
26 obligation which is then due and payable for such

1 expenditures. Payments for the Chicago Fire Department
2 training program shall be made only for those expenditures
3 which are not claimable by the City under "An Act relating
4 to fire protection training", certified November 9, 1971,
5 as amended.

6 8. To administer grants to areas not located in a fire
7 protection district or in a municipality which provides
8 fire protection services, to defray the organizational
9 expenses of forming a fire protection district.

10 9. In cooperation with the Illinois Environmental
11 Protection Agency, to administer the Illinois Leaking
12 Underground Storage Tank program in accordance with
13 Section 4 of this Act and Section 22.12 of the
14 Environmental Protection Act.

15 10. To expend state and federal funds as appropriated
16 by the General Assembly.

17 11. To provide technical assistance, to areas not
18 located in a fire protection district or in a municipality
19 which provides fire protection service, to form a fire
20 protection district, to join an existing district, or to
21 establish a municipal fire department, whichever is
22 applicable.

23 12. To exercise such other powers and duties as may be
24 vested in the Office by law.

25 (Source: P.A. 100-67, eff. 8-11-17.)

1 Section 260. The Division of Banking Act is amended by
2 changing Section 5 as follows:

3 (20 ILCS 3205/5) (from Ch. 17, par. 455)

4 Sec. 5. Powers. In addition to all the other powers and
5 duties provided by law, the Commissioner shall have the
6 following powers:

7 (a) To exercise the rights, powers and duties formerly
8 vested by law in the Director of Financial Institutions under
9 the Illinois Banking Act.

10 (b) To exercise the rights, powers and duties formerly
11 vested by law in the Department of Financial Institutions
12 under "An act to provide for and regulate the administration
13 of trusts by trust companies", approved June 15, 1887, as
14 amended.

15 (c) To exercise the rights, powers and duties formerly
16 vested by law in the Director of Financial Institutions under
17 "An act authorizing foreign corporations, including banks and
18 national banking associations domiciled in other states, to
19 act in a fiduciary capacity in this state upon certain
20 conditions herein set forth", approved July 13, 1953, as
21 amended.

22 (c-5) To exercise all of the rights, powers, and duties
23 granted to the Director or Secretary under the Illinois
24 Banking Act, the Corporate Fiduciary Act, the Electronic Fund
25 Transfer Act, the Illinois Bank Holding Company Act of 1957,

1 the Savings Bank Act, the Illinois Savings and Loan Act of
2 1985, the Savings and Loan Share and Account Act, the
3 Residential Mortgage License Act of 1987, and the Pawnbroker
4 Regulation Act.

5 (c-15) To enter into cooperative agreements with
6 appropriate federal and out-of-state state regulatory agencies
7 to conduct and otherwise perform any examination of a
8 regulated entity as authorized under the Illinois Banking Act,
9 the Corporate Fiduciary Act, the Electronic Fund Transfer Act,
10 the Illinois Bank Holding Company Act of 1957, the Savings
11 Bank Act, the Illinois Savings and Loan Act of 1985, the
12 Residential Mortgage License Act of 1987, and the Pawnbroker
13 Regulation Act.

14 (d) Whenever the Commissioner is authorized or required by
15 law to consider or to make findings regarding the character of
16 incorporators, directors, management personnel, or other
17 relevant individuals under the Illinois Banking Act, the
18 Corporate Fiduciary Act, the Pawnbroker Regulation Act, or at
19 other times as the Commissioner deems necessary for the
20 purpose of carrying out the Commissioner's statutory powers
21 and responsibilities, the Commissioner shall consider criminal
22 history record information, including nonconviction
23 information, pursuant to the Criminal Identification Act. The
24 Commissioner shall, in the form and manner required by the
25 Illinois Department of State Police and the Federal Bureau of
26 Investigation, cause to be conducted a criminal history record

1 investigation to obtain information currently contained in the
2 files of the Illinois ~~Department of~~ State Police or the
3 Federal Bureau of Investigation, provided that the
4 Commissioner need not cause additional criminal history record
5 investigations to be conducted on individuals for whom the
6 Commissioner, a federal bank regulatory agency, or any other
7 government agency has caused such investigations to have been
8 conducted previously unless such additional investigations are
9 otherwise required by law or unless the Commissioner deems
10 such additional investigations to be necessary for the
11 purposes of carrying out the Commissioner's statutory powers
12 and responsibilities. The Illinois ~~Department of~~ State Police
13 shall provide, on the Commissioner's request, information
14 concerning criminal charges and their disposition currently on
15 file with respect to a relevant individual. Information
16 obtained as a result of an investigation under this Section
17 shall be used in determining eligibility to be an
18 incorporator, director, management personnel, or other
19 relevant individual in relation to a financial institution or
20 other entity supervised by the Commissioner. Upon request and
21 payment of fees in conformance with the requirements of
22 Section 2605-400 of the Illinois ~~Department of~~ State Police
23 Law (~~20 ILCS 2605/2605-400~~), the Illinois ~~Department of~~ State
24 Police is authorized to furnish, pursuant to positive
25 identification, such information contained in State files as
26 is necessary to fulfill the request.

1 (e) When issuing charters, permits, licenses, or other
2 authorizations, the Commissioner may impose such terms and
3 conditions on the issuance as he deems necessary or
4 appropriate. Failure to abide by those terms and conditions
5 may result in the revocation of the issuance, the imposition
6 of corrective orders, or the imposition of civil money
7 penalties.

8 (f) If the Commissioner has reasonable cause to believe
9 that any entity that has not submitted an application for
10 authorization or licensure is conducting any activity that
11 would otherwise require authorization or licensure by the
12 Commissioner, the Commissioner shall have the power to
13 subpoena witnesses, to compel their attendance, to require the
14 production of any relevant books, papers, accounts, and
15 documents, and to conduct an examination of the entity in
16 order to determine whether the entity is subject to
17 authorization or licensure by the Commissioner or the
18 Division. If the Secretary determines that the entity is
19 subject to authorization or licensure by the Secretary, then
20 the Secretary shall have the power to issue orders against or
21 take any other action, including initiating a receivership
22 against the unauthorized or unlicensed entity.

23 (g) The Commissioner may, through the Attorney General,
24 request the circuit court of any county to issue an injunction
25 to restrain any person from violating the provisions of any
26 Act administered by the Commissioner.

1 (h) Whenever the Commissioner is authorized to take any
2 action or required by law to consider or make findings, the
3 Commissioner may delegate or appoint, in writing, an officer
4 or employee of the Division to take that action or make that
5 finding.

6 (i) Whenever the Secretary determines that it is in the
7 public's interest, he or she may publish any cease and desist
8 order or other enforcement action issued by the Division.

9 (Source: P.A. 96-1365, eff. 7-28-10; 97-492, eff. 1-1-12.)

10 Section 265. The Illinois Emergency Management Agency Act
11 is amended by changing Section 5 as follows:

12 (20 ILCS 3305/5) (from Ch. 127, par. 1055)

13 Sec. 5. Illinois Emergency Management Agency.

14 (a) There is created within the executive branch of the
15 State Government an Illinois Emergency Management Agency and a
16 Director of the Illinois Emergency Management Agency, herein
17 called the "Director" who shall be the head thereof. The
18 Director shall be appointed by the Governor, with the advice
19 and consent of the Senate, and shall serve for a term of 2
20 years beginning on the third Monday in January of the
21 odd-numbered year, and until a successor is appointed and has
22 qualified; except that the term of the first Director
23 appointed under this Act shall expire on the third Monday in
24 January, 1989. The Director shall not hold any other

1 remunerative public office. For terms ending before December
2 31, 2019, the Director shall receive an annual salary as set by
3 the Compensation Review Board. For terms beginning after the
4 effective date of this amendatory Act of the 100th General
5 Assembly, the annual salary of the Director shall be as
6 provided in Section 5-300 of the Civil Administrative Code of
7 Illinois.

8 (b) The Illinois Emergency Management Agency shall obtain,
9 under the provisions of the Personnel Code, technical,
10 clerical, stenographic and other administrative personnel, and
11 may make expenditures within the appropriation therefor as may
12 be necessary to carry out the purpose of this Act. The agency
13 created by this Act is intended to be a successor to the agency
14 created under the Illinois Emergency Services and Disaster
15 Agency Act of 1975 and the personnel, equipment, records, and
16 appropriations of that agency are transferred to the successor
17 agency as of June 30, 1988 (the effective date of this Act).

18 (c) The Director, subject to the direction and control of
19 the Governor, shall be the executive head of the Illinois
20 Emergency Management Agency and the State Emergency Response
21 Commission and shall be responsible under the direction of the
22 Governor, for carrying out the program for emergency
23 management of this State. The Director shall also maintain
24 liaison and cooperate with the emergency management
25 organizations of this State and other states and of the
26 federal government.

1 (d) The Illinois Emergency Management Agency shall take an
2 integral part in the development and revision of political
3 subdivision emergency operations plans prepared under
4 paragraph (f) of Section 10. To this end it shall employ or
5 otherwise secure the services of professional and technical
6 personnel capable of providing expert assistance to the
7 emergency services and disaster agencies. These personnel
8 shall consult with emergency services and disaster agencies on
9 a regular basis and shall make field examinations of the
10 areas, circumstances, and conditions that particular political
11 subdivision emergency operations plans are intended to apply.

12 (e) The Illinois Emergency Management Agency and political
13 subdivisions shall be encouraged to form an emergency
14 management advisory committee composed of private and public
15 personnel representing the emergency management phases of
16 mitigation, preparedness, response, and recovery. The Local
17 Emergency Planning Committee, as created under the Illinois
18 Emergency Planning and Community Right to Know Act, shall
19 serve as an advisory committee to the emergency services and
20 disaster agency or agencies serving within the boundaries of
21 that Local Emergency Planning Committee planning district for:

22 (1) the development of emergency operations plan
23 provisions for hazardous chemical emergencies; and

24 (2) the assessment of emergency response capabilities
25 related to hazardous chemical emergencies.

26 (f) The Illinois Emergency Management Agency shall:

1 (1) Coordinate the overall emergency management
2 program of the State.

3 (2) Cooperate with local governments, the federal
4 government and any public or private agency or entity in
5 achieving any purpose of this Act and in implementing
6 emergency management programs for mitigation,
7 preparedness, response, and recovery.

8 (2.5) Develop a comprehensive emergency preparedness
9 and response plan for any nuclear accident in accordance
10 with Section 65 of the Nuclear Safety Law of 2004 and in
11 development of the Illinois Nuclear Safety Preparedness
12 program in accordance with Section 8 of the Illinois
13 Nuclear Safety Preparedness Act.

14 (2.6) Coordinate with the Department of Public Health
15 with respect to planning for and responding to public
16 health emergencies.

17 (3) Prepare, for issuance by the Governor, executive
18 orders, proclamations, and regulations as necessary or
19 appropriate in coping with disasters.

20 (4) Promulgate rules and requirements for political
21 subdivision emergency operations plans that are not
22 inconsistent with and are at least as stringent as
23 applicable federal laws and regulations.

24 (5) Review and approve, in accordance with Illinois
25 Emergency Management Agency rules, emergency operations
26 plans for those political subdivisions required to have an

1 emergency services and disaster agency pursuant to this
2 Act.

3 (5.5) Promulgate rules and requirements for the
4 political subdivision emergency management exercises,
5 including, but not limited to, exercises of the emergency
6 operations plans.

7 (5.10) Review, evaluate, and approve, in accordance
8 with Illinois Emergency Management Agency rules, political
9 subdivision emergency management exercises for those
10 political subdivisions required to have an emergency
11 services and disaster agency pursuant to this Act.

12 (6) Determine requirements of the State and its
13 political subdivisions for food, clothing, and other
14 necessities in event of a disaster.

15 (7) Establish a register of persons with types of
16 emergency management training and skills in mitigation,
17 preparedness, response, and recovery.

18 (8) Establish a register of government and private
19 response resources available for use in a disaster.

20 (9) Expand the Earthquake Awareness Program and its
21 efforts to distribute earthquake preparedness materials to
22 schools, political subdivisions, community groups, civic
23 organizations, and the media. Emphasis will be placed on
24 those areas of the State most at risk from an earthquake.
25 Maintain the list of all school districts, hospitals,
26 airports, power plants, including nuclear power plants,

1 lakes, dams, emergency response facilities of all types,
2 and all other major public or private structures which are
3 at the greatest risk of damage from earthquakes under
4 circumstances where the damage would cause subsequent harm
5 to the surrounding communities and residents.

6 (10) Disseminate all information, completely and
7 without delay, on water levels for rivers and streams and
8 any other data pertaining to potential flooding supplied
9 by the Division of Water Resources within the Department
10 of Natural Resources to all political subdivisions to the
11 maximum extent possible.

12 (11) Develop agreements, if feasible, with medical
13 supply and equipment firms to supply resources as are
14 necessary to respond to an earthquake or any other
15 disaster as defined in this Act. These resources will be
16 made available upon notifying the vendor of the disaster.
17 Payment for the resources will be in accordance with
18 Section 7 of this Act. The Illinois Department of Public
19 Health shall determine which resources will be required
20 and requested.

21 (11.5) In coordination with the Illinois ~~Department of~~
22 State Police, develop and implement a community outreach
23 program to promote awareness among the State's parents and
24 children of child abduction prevention and response.

25 (12) Out of funds appropriated for these purposes,
26 award capital and non-capital grants to Illinois hospitals

1 or health care facilities located outside of a city with a
2 population in excess of 1,000,000 to be used for purposes
3 that include, but are not limited to, preparing to respond
4 to mass casualties and disasters, maintaining and
5 improving patient safety and quality of care, and
6 protecting the confidentiality of patient information. No
7 single grant for a capital expenditure shall exceed
8 \$300,000. No single grant for a non-capital expenditure
9 shall exceed \$100,000. In awarding such grants, preference
10 shall be given to hospitals that serve a significant
11 number of Medicaid recipients, but do not qualify for
12 disproportionate share hospital adjustment payments under
13 the Illinois Public Aid Code. To receive such a grant, a
14 hospital or health care facility must provide funding of
15 at least 50% of the cost of the project for which the grant
16 is being requested. In awarding such grants the Illinois
17 Emergency Management Agency shall consider the
18 recommendations of the Illinois Hospital Association.

19 (13) Do all other things necessary, incidental or
20 appropriate for the implementation of this Act.

21 (g) The Illinois Emergency Management Agency is authorized
22 to make grants to various higher education institutions,
23 public K-12 school districts, area vocational centers as
24 designated by the State Board of Education, inter-district
25 special education cooperatives, regional safe schools, and
26 nonpublic K-12 schools for safety and security improvements.

1 For the purpose of this subsection (g), "higher education
2 institution" means a public university, a public community
3 college, or an independent, not-for-profit or for-profit
4 higher education institution located in this State. Grants
5 made under this subsection (g) shall be paid out of moneys
6 appropriated for that purpose from the Build Illinois Bond
7 Fund. The Illinois Emergency Management Agency shall adopt
8 rules to implement this subsection (g). These rules may
9 specify: (i) the manner of applying for grants; (ii) project
10 eligibility requirements; (iii) restrictions on the use of
11 grant moneys; (iv) the manner in which the various higher
12 education institutions must account for the use of grant
13 moneys; and (v) any other provision that the Illinois
14 Emergency Management Agency determines to be necessary or
15 useful for the administration of this subsection (g).

16 (g-5) The Illinois Emergency Management Agency is
17 authorized to make grants to not-for-profit organizations
18 which are exempt from federal income taxation under section
19 501(c)(3) of the Federal Internal Revenue Code for eligible
20 security improvements that assist the organization in
21 preventing, preparing for, or responding to acts of terrorism.
22 The Director shall establish procedures and forms by which
23 applicants may apply for a grant and procedures for
24 distributing grants to recipients. The procedures shall
25 require each applicant to do the following:

26 (1) identify and substantiate prior threats or attacks

1 by a terrorist organization, network, or cell against the
2 not-for-profit organization;

3 (2) indicate the symbolic or strategic value of one or
4 more sites that renders the site a possible target of
5 terrorism;

6 (3) discuss potential consequences to the organization
7 if the site is damaged, destroyed, or disrupted by a
8 terrorist act;

9 (4) describe how the grant will be used to integrate
10 organizational preparedness with broader State and local
11 preparedness efforts;

12 (5) submit a vulnerability assessment conducted by
13 experienced security, law enforcement, or military
14 personnel, and a description of how the grant award will
15 be used to address the vulnerabilities identified in the
16 assessment; and

17 (6) submit any other relevant information as may be
18 required by the Director.

19 The Agency is authorized to use funds appropriated for the
20 grant program described in this subsection (g-5) to administer
21 the program.

22 (h) Except as provided in Section 17.5 of this Act, any
23 moneys received by the Agency from donations or sponsorships
24 shall be deposited in the Emergency Planning and Training Fund
25 and used by the Agency, subject to appropriation, to
26 effectuate planning and training activities.

1 (i) The Illinois Emergency Management Agency may by rule
2 assess and collect reasonable fees for attendance at
3 Agency-sponsored conferences to enable the Agency to carry out
4 the requirements of this Act. Any moneys received under this
5 subsection shall be deposited in the Emergency Planning and
6 Training Fund and used by the Agency, subject to
7 appropriation, for planning and training activities.

8 (j) The Illinois Emergency Management Agency is authorized
9 to make grants to other State agencies, public universities,
10 units of local government, and statewide mutual aid
11 organizations to enhance statewide emergency preparedness and
12 response.

13 (Source: P.A. 100-444, eff. 1-1-18; 100-508, eff. 9-15-17;
14 100-587, eff. 6-4-18; 100-863, eff. 8-14-18; 100-1179, eff.
15 1-18-19.)

16 Section 270. The Nuclear Safety Law of 2004 is amended by
17 changing Sections 40 and 70 as follows:

18 (20 ILCS 3310/40)

19 Sec. 40. Regulation of nuclear safety. The Illinois
20 Emergency Management Agency shall have primary responsibility
21 for the coordination and oversight of all State governmental
22 functions concerning the regulation of nuclear power,
23 including low level waste management, environmental
24 monitoring, and transportation of nuclear waste. Functions

1 performed by the Illinois ~~Department of~~ State Police and the
2 Department of Transportation in the area of nuclear safety, on
3 the effective date of this Act, may continue to be performed by
4 these agencies but under the direction of the Illinois
5 Emergency Management Agency. All other governmental functions
6 regulating nuclear safety shall be coordinated by the Illinois
7 Emergency Management Agency.

8 (Source: P.A. 93-1029, eff. 8-25-04.)

9 (20 ILCS 3310/70)

10 Sec. 70. Nuclear and radioactive materials transportation
11 plan. The Illinois Emergency Management Agency shall formulate
12 a comprehensive plan regarding the transportation of nuclear
13 and radioactive materials in Illinois. The Illinois Emergency
14 Management Agency shall have primary responsibility for all
15 State governmental regulation of the transportation of nuclear
16 and radioactive materials, insofar as the regulation pertains
17 to the public health and safety. This responsibility shall
18 include but not be limited to the authority to oversee and
19 coordinate regulatory functions performed by the Department of
20 Transportation, the Illinois ~~Department of~~ State Police, and
21 the Illinois Commerce Commission.

22 (Source: P.A. 93-1029, eff. 8-25-04.)

23 Section 275. The Illinois Power Agency Act is amended by
24 changing Section 1-110 as follows:

1 (20 ILCS 3855/1-110)

2 Sec. 1-110. State Police reimbursement. The Agency shall
3 reimburse the Illinois ~~Department of~~ State Police for any
4 expenses associated with security at facilities from the
5 Illinois Power Agency Facilities Fund.

6 (Source: P.A. 95-481, eff. 8-28-07.)

7 Section 280. The Illinois Criminal Justice Information Act
8 is amended by changing Sections 4 and 9.1 as follows:

9 (20 ILCS 3930/4) (from Ch. 38, par. 210-4)

10 Sec. 4. Illinois Criminal Justice Information Authority;
11 creation, membership, and meetings. There is created an
12 Illinois Criminal Justice Information Authority consisting of
13 25 members. The membership of the Authority shall consist of
14 the Illinois Attorney General, or his or her designee, the
15 Director of Corrections, the Director of the Illinois State
16 Police, the Director of Public Health, the Director of
17 Children and Family Services, the Sheriff of Cook County, the
18 State's Attorney of Cook County, the clerk of the circuit
19 court of Cook County, the President of the Cook County Board of
20 Commissioners, the Superintendent of the Chicago Police
21 Department, the Director of the Office of the State's
22 Attorneys Appellate Prosecutor, the Executive Director of the
23 Illinois Law Enforcement Training Standards Board, the State

1 Appellate Defender, the Public Defender of Cook County, and
2 the following additional members, each of whom shall be
3 appointed by the Governor: a circuit court clerk, a sheriff, a
4 State's Attorney of a county other than Cook, a Public
5 Defender of a county other than Cook, a chief of police, and 6
6 members of the general public.

7 Members appointed on and after the effective date of this
8 amendatory Act of the 98th General Assembly shall be confirmed
9 by the Senate.

10 The Governor from time to time shall designate a Chairman
11 of the Authority from the membership. All members of the
12 Authority appointed by the Governor shall serve at the
13 pleasure of the Governor for a term not to exceed 4 years. The
14 initial appointed members of the Authority shall serve from
15 January, 1983 until the third Monday in January, 1987 or until
16 their successors are appointed.

17 The Authority shall meet at least quarterly, and all
18 meetings of the Authority shall be called by the Chairman.

19 (Source: P.A. 97-1151, eff. 1-25-13; 98-955, eff. 8-15-14.)

20 (20 ILCS 3930/9.1)

21 Sec. 9.1. Criminal Justice Information Projects Fund. The
22 Criminal Justice Information Projects Fund is hereby created
23 as a special fund in the State Treasury. Grants and other
24 moneys obtained by the Authority from governmental entities
25 (other than the federal government), private sources, and

1 not-for-profit organizations for use in investigating criminal
2 justice issues or undertaking other criminal justice
3 information projects, or pursuant to the uses identified in
4 Section 21.10 of the Illinois Lottery Law, shall be deposited
5 into the Fund. Moneys in the Fund may be used by the Authority,
6 subject to appropriation, for undertaking such projects and
7 for the operating and other expenses of the Authority
8 incidental to those projects, and for the costs associated
9 with making grants from the Prescription Pill and Drug
10 Disposal Fund. The moneys deposited into the Criminal Justice
11 Information Projects Fund under Sections 15-15 and 15-35 of
12 the Criminal and Traffic Assessment Act shall be appropriated
13 to and administered by the Illinois Criminal Justice
14 Information Authority for distribution to fund Illinois
15 ~~Department of~~ State Police drug task forces and Metropolitan
16 Enforcement Groups by dividing the funds equally by the total
17 number of Illinois ~~Department of~~ State Police drug task forces
18 and Illinois Metropolitan Enforcement Groups. Any interest
19 earned on moneys in the Fund must be deposited into the Fund.

20 (Source: P.A. 100-647, eff. 7-30-18; 100-987, eff. 7-1-19;
21 101-81, eff. 7-12-19.)

22 Section 285. The Laboratory Review Board Act is amended by
23 changing Section 2 as follows:

24 (20 ILCS 3980/2) (from Ch. 111 1/2, par. 8002)

1 Sec. 2. There is hereby created the Laboratory Review
2 Board (hereinafter referred to as the Board), which shall
3 consist of 7 persons, one each appointed by the Director of
4 Agriculture, the Director of Natural Resources, the Secretary
5 of Human Services, the Director of Public Health, the Director
6 of the Illinois State Police, the Director of the
7 Environmental Protection Agency, and the Illinois Secretary of
8 Transportation. Members of the Board shall serve at the
9 pleasure of their appointing authorities.

10 (Source: P.A. 89-445, eff. 2-7-96; 89-507, eff. 7-1-97.)

11 Section 290. The Law Enforcement and Fire Fighting Medal
12 of Honor Act is amended by changing Section 2001 as follows:

13 (20 ILCS 3985/2001) (from Ch. 127, par. 3852-1)

14 Sec. 2001. There is created the Law Enforcement Medal of
15 Honor Committee, referred to in this Article as the Committee.
16 The Committee shall consist of the Director of the Illinois
17 ~~Department of~~ State Police, the Superintendent of the Chicago
18 Police Department, the Executive Director of the Illinois Law
19 Enforcement Training Standards Board, and the following
20 persons appointed by the Governor: a sheriff, a chief of
21 police from other than Chicago, a representative of a
22 statewide law enforcement officer organization and a retired
23 Illinois law enforcement officer. Of the appointed members,
24 the sheriff and police chief shall each serve a 2-year term and

1 the organization representative and retired officer shall each
2 serve a one-year term. The Governor shall appoint initial
3 members within 3 months of the effective date of this Act.

4 Members of the Committee shall serve without compensation
5 but shall be reimbursed for actual expenses incurred in the
6 performance of their duties from funds appropriated to the
7 Office of the Governor for such purpose.

8 (Source: P.A. 91-357, eff. 7-29-99.)

9 Section 295. The Illinois Motor Vehicle Theft Prevention
10 and Insurance Verification Act is amended by changing Sections
11 4 and 8.5 as follows:

12 (20 ILCS 4005/4) (from Ch. 95 1/2, par. 1304)

13 (Section scheduled to be repealed on January 1, 2025)

14 Sec. 4. There is hereby created an Illinois Motor Vehicle
15 Theft Prevention and Insurance Verification Council, which
16 shall exercise its powers, duties and responsibilities. There
17 shall be 11 members of the Council consisting of the Secretary
18 of State or his designee, the Director of the Illinois
19 ~~Department of~~ State Police, the State's Attorney of Cook
20 County, the Superintendent of the Chicago Police Department,
21 and the following 7 additional members, each of whom shall be
22 appointed by the Secretary of State: a state's attorney of a
23 county other than Cook, a chief executive law enforcement
24 official from a jurisdiction other than the City of Chicago, 5

1 representatives of insurers authorized to write motor vehicle
2 insurance in this State, all of whom shall be domiciled in this
3 State.

4 The Director shall be the Chairman of the Council. All
5 members of the Council appointed by the Secretary shall serve
6 at the discretion of the Secretary for a term not to exceed 4
7 years. The Council shall meet at least quarterly.

8 (Source: P.A. 100-373, eff. 1-1-18.)

9 (20 ILCS 4005/8.5)

10 (Section scheduled to be repealed on January 1, 2025)

11 Sec. 8.5. State Police Motor Vehicle Theft Prevention
12 Trust Fund. The State Police Motor Vehicle Theft Prevention
13 Trust Fund is created as a trust fund in the State treasury.
14 The State Treasurer shall be the custodian of the Trust Fund.
15 The Trust Fund is established to receive funds from the
16 Illinois Motor Vehicle Theft Prevention and Insurance
17 Verification Council. All interest earned from the investment
18 or deposit of moneys accumulated in the Trust Fund shall be
19 deposited into the Trust Fund. Moneys in the Trust Fund shall
20 be used by the Illinois ~~Department of~~ State Police for motor
21 vehicle theft prevention purposes.

22 (Source: P.A. 100-373, eff. 1-1-18.)

23 Section 305. The Social Security Number Protection Task
24 Force Act is amended by changing Section 10 as follows:

1 (20 ILCS 4040/10)

2 Sec. 10. Social Security Number Protection Task Force.

3 (a) The Social Security Number Protection Task Force is
4 created within the Office of the Attorney General. The
5 Attorney General is responsible for administering the
6 activities of the Task Force. The Task Force shall consist of
7 the following members:

8 (1) Two members representing the House of
9 Representatives, appointed by the Speaker of the House of
10 Representatives;

11 (2) Two members representing the House of
12 Representatives, appointed by the Minority Leader of the
13 House of Representatives;

14 (3) Two members representing the Senate, appointed by
15 the President of the Senate;

16 (4) Two members representing the Senate, appointed by
17 the Minority Leader of the Senate;

18 (5) One member, who shall serve as the chairperson of
19 the Task Force, representing the Office of the Attorney
20 General, appointed by the Attorney General;

21 (6) One member representing the Office of the
22 Secretary of State, appointed by the Secretary of State;

23 (7) One member representing the Office of the
24 Governor, appointed by the Governor;

25 (8) One member representing the Department of Natural

1 Resources, appointed by the Director of Natural Resources;

2 (9) One member representing the Department of
3 Healthcare and Family Services, appointed by the Director
4 of Healthcare and Family Services;

5 (10) One member representing the Department of
6 Revenue, appointed by the Director of Revenue;

7 (11) One member representing the Illinois Department
8 ~~of~~ State Police, appointed by the Director of the Illinois
9 State Police;

10 (12) One member representing the Department of
11 Employment Security, appointed by the Director of
12 Employment Security;

13 (13) One member representing the Illinois Courts,
14 appointed by the Director of the Administrative Office of
15 the Illinois Courts;

16 (14) One member representing the Department on Aging,
17 appointed by the Director of the Department on Aging;

18 (15) One member appointed by the Director of Central
19 Management Services;

20 (16) One member appointed by the Executive Director of
21 the Board of Higher Education;

22 (17) One member appointed by the Secretary of Human
23 Services;

24 (18) Three members appointed by the chairperson of the
25 Task Force, representing local-governmental
26 organizations, who may include representatives of clerks

1 of the circuit court, recorders of deeds, counties, and
2 municipalities;

3 (19) One member representing the Office of the State
4 Comptroller, appointed by the Comptroller; and

5 (20) One member representing school administrators,
6 appointed by the State Superintendent of Education.

7 (b) The Task Force shall examine the procedures used by
8 the State to protect an individual against the unauthorized
9 disclosure of his or her social security number when the State
10 requires the individual to provide his or her social security
11 number to an officer or agency of the State.

12 (c) The Task Force shall report its findings and
13 recommendations, including its recommendations concerning a
14 unique identification number system under Section 15, to the
15 Governor, the Attorney General, the Secretary of State, and
16 the General Assembly no later than December 31 of each year.

17 (Source: P.A. 94-611, eff. 8-18-05; 95-331, eff. 8-21-07;
18 95-482, eff. 8-28-07.)

19 Section 310. The Commission to Study Disproportionate
20 Justice Impact Act is amended by changing Section 10 as
21 follows:

22 (20 ILCS 4085/10)

23 Sec. 10. Composition. The Commission shall be composed of
24 the following members:

1 (a) Two members of the Senate appointed by the Senate
2 President, one of whom the President shall designate to
3 serve as co-chair, and two members of the Senate appointed
4 by the Minority Leader of the Senate.

5 (b) Two members of the House of Representatives
6 appointed by the Speaker of the House of Representatives,
7 one of whom the Speaker shall designate to serve as
8 co-chair, and two members of the House of Representatives
9 appointed by the Minority Leader of the House of
10 Representatives.

11 (c) The following persons or their designees:

12 (1) the Attorney General,

13 (2) the Chief Judge of the Circuit Court of Cook
14 County,

15 (3) the Director of the Illinois State Police,

16 (4) the Superintendent of the Chicago Police
17 Department,

18 (5) the sheriff of Cook County,

19 (6) the State Appellate Defender,

20 (7) the Cook County Public Defender,

21 (8) the Director of the Office of the State's
22 Attorneys Appellate Prosecutor,

23 (9) the Cook County State's Attorney,

24 (10) the Executive Director of the Criminal
25 Justice Information Authority,

26 (11) the Director of Corrections,

1 (12) the Director of Juvenile Justice, and
2 (13) the Executive Director of the Illinois
3 African-American Family Commission.

4 (d) The co-chairs may name up to 8 persons,
5 representing minority communities within Illinois, groups
6 involved in the improvement of the administration of
7 justice, behavioral health, criminal justice, law
8 enforcement, and the rehabilitation of former inmates,
9 community groups, and other interested parties.

10 (Source: P.A. 95-995, eff. 6-1-09.)

11 Section 315. The Racial and Ethnic Impact Research Task
12 Force Act is amended by changing Section 10 as follows:

13 (20 ILCS 5025/10)

14 Sec. 10. Racial and Ethnic Impact Research Task Force.
15 There is created the Racial and Ethnic Impact Research Task
16 Force, composed of the following members:

17 (1) Two members of the Senate appointed by the Senate
18 President, one of whom the President shall designate to
19 serve as co-chair, and 2 members of the Senate appointed
20 by the Minority Leader of the Senate.

21 (2) Two members of the House of Representatives
22 appointed by the Speaker of the House of Representatives,
23 one of whom the Speaker shall designate to serve as
24 co-chair, and 2 members of the House of Representatives

1 appointed by the Minority Leader of the House of
2 Representatives.

3 (3) The following persons or their designees:

4 (A) the Attorney General,

5 (B) the Chief Judge of the Circuit Court of Cook
6 County,

7 (C) the Director of the Illinois State Police,

8 (D) the Superintendent of the Chicago Police
9 Department,

10 (E) the Sheriff of Cook County,

11 (F) the State Appellate Defender,

12 (G) the Cook County Public Defender,

13 (H) the Director of the Office of the State's
14 Attorneys Appellate Prosecutor,

15 (I) the Cook County State's Attorney,

16 (J) the Executive Director of the Illinois
17 Criminal Justice Information Authority,

18 (K) the Director of Corrections,

19 (L) the Director of Juvenile Justice, and

20 (M) the Executive Director of the Illinois
21 African-American Family Commission.

22 (4) The co-chairs may name up to 8 persons,
23 representing minority communities within Illinois, groups
24 involved in the improvement of the administration of
25 justice, behavioral health, criminal justice, law
26 enforcement, and the rehabilitation of former inmates,

1 community groups, and other interested parties.

2 (Source: P.A. 97-433, eff. 8-16-11.)

3 Section 330. The State Finance Act is amended by changing
4 Sections 6z-82, 6z-99, 6z-106, 8.3, 8.37, 8p, and 14 as
5 follows:

6 (30 ILCS 105/6z-82)

7 Sec. 6z-82. State Police Operations Assistance Fund.

8 (a) There is created in the State treasury a special fund
9 known as the State Police Operations Assistance Fund. The Fund
10 shall receive revenue under the Criminal and Traffic
11 Assessment Act. The Fund may also receive revenue from grants,
12 donations, appropriations, and any other legal source.

13 (b) The Illinois ~~Department of~~ State Police may use moneys
14 in the Fund to finance any of its lawful purposes or functions.

15 (c) Expenditures may be made from the Fund only as
16 appropriated by the General Assembly by law.

17 (d) Investment income that is attributable to the
18 investment of moneys in the Fund shall be retained in the Fund
19 for the uses specified in this Section.

20 (e) The State Police Operations Assistance Fund shall not
21 be subject to administrative chargebacks.

22 (f) Notwithstanding any other provision of State law to
23 the contrary, on or after July 1, 2012, and until June 30,
24 2013, in addition to any other transfers that may be provided

1 for by law, at the direction of and upon notification from the
 2 Director of the Illinois State Police, the State Comptroller
 3 shall direct and the State Treasurer shall transfer amounts
 4 into the State Police Operations Assistance Fund from the
 5 designated funds not exceeding the following totals:

6	State Police Vehicle Fund	\$2,250,000
7	State Police Wireless Service	
8	Emergency Fund	\$2,500,000
9	State Police Services Fund	\$3,500,000

10 (Source: P.A. 100-987, eff. 7-1-19.)

11 (30 ILCS 105/6z-99)

12 Sec. 6z-99. The Mental Health Reporting Fund.

13 (a) There is created in the State treasury a special fund
 14 known as the Mental Health Reporting Fund. The Fund shall
 15 receive revenue under the Firearm Concealed Carry Act. The
 16 Fund may also receive revenue from grants, pass-through
 17 grants, donations, appropriations, and any other legal source.

18 (b) The Illinois ~~Department of~~ State Police and Department
 19 of Human Services shall coordinate to use moneys in the Fund to
 20 finance their respective duties of collecting and reporting
 21 data on mental health records and ensuring that mental health
 22 firearm possession prohibitors are enforced as set forth under
 23 the Firearm Concealed Carry Act and the Firearm Owners
 24 Identification Card Act. Any surplus in the Fund beyond what
 25 is necessary to ensure compliance with mental health reporting

1 under these Acts shall be used by the Department of Human
2 Services for mental health treatment programs.

3 (c) Investment income that is attributable to the
4 investment of moneys in the Fund shall be retained in the Fund
5 for the uses specified in this Section.

6 (Source: P.A. 98-63, eff. 7-9-13; 98-756, eff. 7-16-14.)

7 (30 ILCS 105/6z-106)

8 Sec. 6z-106. State Police Law Enforcement Administration
9 Fund.

10 (a) There is created in the State treasury a special fund
11 known as the State Police Law Enforcement Administration Fund.
12 The Fund shall receive revenue under subsection (c) of Section
13 10-5 of the Criminal and Traffic Assessment Act. The Fund may
14 also receive revenue from grants, donations, appropriations,
15 and any other legal source.

16 (b) The Illinois ~~Department of~~ State Police may use moneys
17 in the Fund to finance any of its lawful purposes or functions;
18 however, the primary purpose shall be to finance State Police
19 cadet classes in May and October of each year.

20 (c) Expenditures may be made from the Fund only as
21 appropriated by the General Assembly by law.

22 (d) Investment income that is attributable to the
23 investment of moneys in the Fund shall be retained in the Fund
24 for the uses specified in this Section.

25 (e) The State Police Law Enforcement Administration Fund

1 shall not be subject to administrative chargebacks.

2 (Source: P.A. 100-987, eff. 7-1-19; 101-81, eff. 7-12-19.)

3 (30 ILCS 105/8.3) (from Ch. 127, par. 144.3)

4 Sec. 8.3. Money in the Road Fund shall, if and when the
5 State of Illinois incurs any bonded indebtedness for the
6 construction of permanent highways, be set aside and used for
7 the purpose of paying and discharging annually the principal
8 and interest on that bonded indebtedness then due and payable,
9 and for no other purpose. The surplus, if any, in the Road Fund
10 after the payment of principal and interest on that bonded
11 indebtedness then annually due shall be used as follows:

12 first -- to pay the cost of administration of Chapters
13 2 through 10 of the Illinois Vehicle Code, except the cost
14 of administration of Articles I and II of Chapter 3 of that
15 Code, and to pay the costs of the Executive Ethics
16 Commission for oversight and administration of the Chief
17 Procurement Officer for transportation; and

18 secondly -- for expenses of the Department of
19 Transportation for construction, reconstruction,
20 improvement, repair, maintenance, operation, and
21 administration of highways in accordance with the
22 provisions of laws relating thereto, or for any purpose
23 related or incident to and connected therewith, including
24 the separation of grades of those highways with railroads
25 and with highways and including the payment of awards made

1 by the Illinois Workers' Compensation Commission under the
2 terms of the Workers' Compensation Act or Workers'
3 Occupational Diseases Act for injury or death of an
4 employee of the Division of Highways in the Department of
5 Transportation; or for the acquisition of land and the
6 erection of buildings for highway purposes, including the
7 acquisition of highway right-of-way or for investigations
8 to determine the reasonably anticipated future highway
9 needs; or for making of surveys, plans, specifications and
10 estimates for and in the construction and maintenance of
11 flight strips and of highways necessary to provide access
12 to military and naval reservations, to defense industries
13 and defense-industry sites, and to the sources of raw
14 materials and for replacing existing highways and highway
15 connections shut off from general public use at military
16 and naval reservations and defense-industry sites, or for
17 the purchase of right-of-way, except that the State shall
18 be reimbursed in full for any expense incurred in building
19 the flight strips; or for the operating and maintaining of
20 highway garages; or for patrolling and policing the public
21 highways and conserving the peace; or for the operating
22 expenses of the Department relating to the administration
23 of public transportation programs; or, during fiscal year
24 2020 only, for the purposes of a grant not to exceed
25 \$8,394,800 to the Regional Transportation Authority on
26 behalf of PACE for the purpose of ADA/Para-transit

1 expenses; or, during fiscal year 2021 only, for the
2 purposes of a grant not to exceed \$8,394,800 to the
3 Regional Transportation Authority on behalf of PACE for
4 the purpose of ADA/Para-transit expenses; or for any of
5 those purposes or any other purpose that may be provided
6 by law.

7 Appropriations for any of those purposes are payable from
8 the Road Fund. Appropriations may also be made from the Road
9 Fund for the administrative expenses of any State agency that
10 are related to motor vehicles or arise from the use of motor
11 vehicles.

12 Beginning with fiscal year 1980 and thereafter, no Road
13 Fund monies shall be appropriated to the following Departments
14 or agencies of State government for administration, grants, or
15 operations; but this limitation is not a restriction upon
16 appropriating for those purposes any Road Fund monies that are
17 eligible for federal reimbursement:

- 18 1. Department of Public Health;
- 19 2. Department of Transportation, only with respect to
20 subsidies for one-half fare Student Transportation and
21 Reduced Fare for Elderly, except fiscal year 2020 only
22 when no more than \$17,570,000 may be expended and except
23 fiscal year 2021 only when no more than \$17,570,000 may be
24 expended;
- 25 3. Department of Central Management Services, except
26 for expenditures incurred for group insurance premiums of

1 appropriate personnel;

2 4. Judicial Systems and Agencies.

3 Beginning with fiscal year 1981 and thereafter, no Road
4 Fund monies shall be appropriated to the following Departments
5 or agencies of State government for administration, grants, or
6 operations; but this limitation is not a restriction upon
7 appropriating for those purposes any Road Fund monies that are
8 eligible for federal reimbursement:

9 1. Illinois Department of State Police, except for
10 expenditures with respect to the Division of Patrol
11 Operations and Division of Criminal Investigation
12 ~~Operations~~;

13 2. Department of Transportation, only with respect to
14 Intercity Rail Subsidies, except fiscal year 2020 only
15 when no more than \$50,000,000 may be expended and except
16 fiscal year 2021 only when no more than \$50,000,000 may be
17 expended, and Rail Freight Services.

18 Beginning with fiscal year 1982 and thereafter, no Road
19 Fund monies shall be appropriated to the following Departments
20 or agencies of State government for administration, grants, or
21 operations; but this limitation is not a restriction upon
22 appropriating for those purposes any Road Fund monies that are
23 eligible for federal reimbursement: Department of Central
24 Management Services, except for awards made by the Illinois
25 Workers' Compensation Commission under the terms of the
26 Workers' Compensation Act or Workers' Occupational Diseases

1 Act for injury or death of an employee of the Division of
2 Highways in the Department of Transportation.

3 Beginning with fiscal year 1984 and thereafter, no Road
4 Fund monies shall be appropriated to the following Departments
5 or agencies of State government for administration, grants, or
6 operations; but this limitation is not a restriction upon
7 appropriating for those purposes any Road Fund monies that are
8 eligible for federal reimbursement:

9 1. Illinois Department of State Police, except not
10 more than 40% of the funds appropriated for the Division
11 of Patrol Operations and Division of Criminal
12 Investigation Operations;

13 2. State Officers.

14 Beginning with fiscal year 1984 and thereafter, no Road
15 Fund monies shall be appropriated to any Department or agency
16 of State government for administration, grants, or operations
17 except as provided hereafter; but this limitation is not a
18 restriction upon appropriating for those purposes any Road
19 Fund monies that are eligible for federal reimbursement. It
20 shall not be lawful to circumvent the above appropriation
21 limitations by governmental reorganization or other methods.
22 Appropriations shall be made from the Road Fund only in
23 accordance with the provisions of this Section.

24 Money in the Road Fund shall, if and when the State of
25 Illinois incurs any bonded indebtedness for the construction
26 of permanent highways, be set aside and used for the purpose of

1 paying and discharging during each fiscal year the principal
2 and interest on that bonded indebtedness as it becomes due and
3 payable as provided in the Transportation Bond Act, and for no
4 other purpose. The surplus, if any, in the Road Fund after the
5 payment of principal and interest on that bonded indebtedness
6 then annually due shall be used as follows:

7 first -- to pay the cost of administration of Chapters
8 2 through 10 of the Illinois Vehicle Code; and

9 secondly -- no Road Fund monies derived from fees,
10 excises, or license taxes relating to registration,
11 operation and use of vehicles on public highways or to
12 fuels used for the propulsion of those vehicles, shall be
13 appropriated or expended other than for costs of
14 administering the laws imposing those fees, excises, and
15 license taxes, statutory refunds and adjustments allowed
16 thereunder, administrative costs of the Department of
17 Transportation, including, but not limited to, the
18 operating expenses of the Department relating to the
19 administration of public transportation programs, payment
20 of debts and liabilities incurred in construction and
21 reconstruction of public highways and bridges, acquisition
22 of rights-of-way for and the cost of construction,
23 reconstruction, maintenance, repair, and operation of
24 public highways and bridges under the direction and
25 supervision of the State, political subdivision, or
26 municipality collecting those monies, or during fiscal

1 year 2020 only for the purposes of a grant not to exceed
2 \$8,394,800 to the Regional Transportation Authority on
3 behalf of PACE for the purpose of ADA/Para-transit
4 expenses, or during fiscal year 2021 only for the purposes
5 of a grant not to exceed \$8,394,800 to the Regional
6 Transportation Authority on behalf of PACE for the purpose
7 of ADA/Para-transit expenses, and the costs for patrolling
8 and policing the public highways (by State, political
9 subdivision, or municipality collecting that money) for
10 enforcement of traffic laws. The separation of grades of
11 such highways with railroads and costs associated with
12 protection of at-grade highway and railroad crossing shall
13 also be permissible.

14 Appropriations for any of such purposes are payable from
15 the Road Fund or the Grade Crossing Protection Fund as
16 provided in Section 8 of the Motor Fuel Tax Law.

17 Except as provided in this paragraph, beginning with
18 fiscal year 1991 and thereafter, no Road Fund monies shall be
19 appropriated to the Illinois ~~Department of~~ State Police for
20 the purposes of this Section in excess of its total fiscal year
21 1990 Road Fund appropriations for those purposes unless
22 otherwise provided in Section 5g of this Act. For fiscal years
23 2003, 2004, 2005, 2006, and 2007 only, no Road Fund monies
24 shall be appropriated to the Department of State Police for
25 the purposes of this Section in excess of \$97,310,000. For
26 fiscal year 2008 only, no Road Fund monies shall be

1 appropriated to the Department of State Police for the
2 purposes of this Section in excess of \$106,100,000. For fiscal
3 year 2009 only, no Road Fund monies shall be appropriated to
4 the Department of State Police for the purposes of this
5 Section in excess of \$114,700,000. Beginning in fiscal year
6 2010, no road fund moneys shall be appropriated to the
7 Illinois ~~Department of~~ State Police. It shall not be lawful to
8 circumvent this limitation on appropriations by governmental
9 reorganization or other methods unless otherwise provided in
10 Section 5g of this Act.

11 In fiscal year 1994, no Road Fund monies shall be
12 appropriated to the Secretary of State for the purposes of
13 this Section in excess of the total fiscal year 1991 Road Fund
14 appropriations to the Secretary of State for those purposes,
15 plus \$9,800,000. It shall not be lawful to circumvent this
16 limitation on appropriations by governmental reorganization or
17 other method.

18 Beginning with fiscal year 1995 and thereafter, no Road
19 Fund monies shall be appropriated to the Secretary of State
20 for the purposes of this Section in excess of the total fiscal
21 year 1994 Road Fund appropriations to the Secretary of State
22 for those purposes. It shall not be lawful to circumvent this
23 limitation on appropriations by governmental reorganization or
24 other methods.

25 Beginning with fiscal year 2000, total Road Fund
26 appropriations to the Secretary of State for the purposes of

1 this Section shall not exceed the amounts specified for the
2 following fiscal years:

3	Fiscal Year 2000	\$80,500,000;
4	Fiscal Year 2001	\$80,500,000;
5	Fiscal Year 2002	\$80,500,000;
6	Fiscal Year 2003	\$130,500,000;
7	Fiscal Year 2004	\$130,500,000;
8	Fiscal Year 2005	\$130,500,000;
9	Fiscal Year 2006	\$130,500,000;
10	Fiscal Year 2007	\$130,500,000;
11	Fiscal Year 2008	\$130,500,000;
12	Fiscal Year 2009	\$130,500,000.

13 For fiscal year 2010, no road fund moneys shall be
14 appropriated to the Secretary of State.

15 Beginning in fiscal year 2011, moneys in the Road Fund
16 shall be appropriated to the Secretary of State for the
17 exclusive purpose of paying refunds due to overpayment of fees
18 related to Chapter 3 of the Illinois Vehicle Code unless
19 otherwise provided for by law.

20 It shall not be lawful to circumvent this limitation on
21 appropriations by governmental reorganization or other
22 methods.

23 No new program may be initiated in fiscal year 1991 and
24 thereafter that is not consistent with the limitations imposed
25 by this Section for fiscal year 1984 and thereafter, insofar
26 as appropriation of Road Fund monies is concerned.

1 Nothing in this Section prohibits transfers from the Road
2 Fund to the State Construction Account Fund under Section 5e
3 of this Act; nor to the General Revenue Fund, as authorized by
4 Public Act 93-25.

5 The additional amounts authorized for expenditure in this
6 Section by Public Acts 92-0600, 93-0025, 93-0839, and 94-91
7 shall be repaid to the Road Fund from the General Revenue Fund
8 in the next succeeding fiscal year that the General Revenue
9 Fund has a positive budgetary balance, as determined by
10 generally accepted accounting principles applicable to
11 government.

12 The additional amounts authorized for expenditure by the
13 Secretary of State and the Department of State Police in this
14 Section by Public Act 94-91 shall be repaid to the Road Fund
15 from the General Revenue Fund in the next succeeding fiscal
16 year that the General Revenue Fund has a positive budgetary
17 balance, as determined by generally accepted accounting
18 principles applicable to government.

19 (Source: P.A. 100-23, eff. 7-6-17; 100-587, eff. 6-4-18;
20 100-863, eff.8-14-18; 101-10, eff. 6-5-19; 101-636, eff.
21 6-10-20.)

22 (30 ILCS 105/8.37)

23 Sec. 8.37. State Police Wireless Service Emergency Fund.

24 (a) The State Police Wireless Service Emergency Fund is
25 created as a special fund in the State Treasury.

1 (b) Grants or surcharge funds allocated to the Illinois
2 ~~Department of~~ State Police from the Statewide 9-1-1 Fund shall
3 be deposited into the State Police Wireless Service Emergency
4 Fund and shall be used in accordance with Section 30 of the
5 Emergency Telephone System Act.

6 (c) On July 1, 1999, the State Comptroller and State
7 Treasurer shall transfer \$1,300,000 from the General Revenue
8 Fund to the State Police Wireless Service Emergency Fund. On
9 June 30, 2003 the State Comptroller and State Treasurer shall
10 transfer \$1,300,000 from the State Police Wireless Service
11 Emergency Fund to the General Revenue Fund.

12 (Source: P.A. 100-20, eff. 7-1-17.)

13 (30 ILCS 105/8p)

14 Sec. 8p. State Police Streetgang-Related Crime Fund.

15 (a) The State Police Streetgang-Related Crime Fund is
16 created as a special fund in the State treasury.

17 (b) All moneys collected and payable to the Illinois
18 ~~Department of~~ State Police from the State Police
19 Streetgang-Related Crime Fund shall be appropriated to and
20 administered by the Illinois ~~Department of~~ State Police for
21 operations and initiatives to combat and prevent
22 streetgang-related crime.

23 (c) The State Police Streetgang-Related Crime Fund shall
24 not be subject to administrative chargebacks.

25 (Source: P.A. 100-987, eff. 7-1-19.)

1 (30 ILCS 105/14) (from Ch. 127, par. 150)

2 Sec. 14. The item "personal services", when used in an
3 appropriation Act, means the reward or recompense made for
4 personal services rendered for the State by an officer or
5 employee of the State or of an instrumentality thereof, or for
6 the purpose of Section 14a of this Act, or any amount required
7 or authorized to be deducted from the salary of any such person
8 under the provisions of Section 30c of this Act, or any
9 retirement or tax law, or both, or deductions from the salary
10 of any such person under the Social Security Enabling Act or
11 deductions from the salary of such person pursuant to the
12 Voluntary Payroll Deductions Act of 1983.

13 If no home is furnished to a person who is a full-time
14 chaplain employed by the State or a former full-time chaplain
15 retired from State employment, 20% of the salary or pension
16 paid to that person for his personal services to the State as
17 chaplain are considered to be a rental allowance paid to him to
18 rent or otherwise provide a home. This amendatory Act of 1973
19 applies to State salary amounts received after December 31,
20 1973.

21 When any appropriation payable from trust funds or federal
22 funds includes an item for personal services but does not
23 include a separate item for State contribution for employee
24 group insurance, the State contribution for employee group
25 insurance in relation to employees paid under that personal

1 services line item shall also be payable under that personal
2 services line item.

3 When any appropriation payable from trust funds or federal
4 funds includes an item for personal services but does not
5 include a separate item for employee retirement contributions
6 paid by the employer, the State contribution for employee
7 retirement contributions paid by the employer in relation to
8 employees paid under that personal services line item shall
9 also be payable under that personal services line item.

10 The item "personal services", when used in an
11 appropriation Act, shall also mean and include a payment to a
12 State retirement system by a State agency to discharge a debt
13 arising from the over-refund to an employee of retirement
14 contributions. The payment to a State retirement system
15 authorized by this paragraph shall not be construed to release
16 the employee from his or her obligation to return to the State
17 the amount of the over-refund.

18 The item "personal services", when used in an
19 appropriation Act, also includes a payment to reimburse the
20 Department of Central Management Services for temporary total
21 disability benefit payments in accordance with subdivision (9)
22 of Section 405-105 of the Department of Central Management
23 Services Law ~~(20 ILCS 405/405-105)~~.

24 Beginning July 1, 1993, the item "personal services" and
25 related line items, when used in an appropriation Act or this
26 Act, shall also mean and include back wage claims of State

1 officers and employees to the extent those claims have not
2 been satisfied from the back wage appropriation to the
3 Department of Central Management Services in the preceding
4 fiscal year, as provided in Section 14b of this Act and
5 subdivision (13) of Section 405-105 of the Department of
6 Central Management Services Law ~~(20 ILCS 405/405-105)~~.

7 The item "personal services", when used with respect to
8 State police officers in an appropriation Act, also includes a
9 payment for the burial expenses of a State police officer
10 killed in the line of duty, made in accordance with Section
11 12.2 of the Illinois State Police Act and any rules adopted
12 under that Section.

13 For State fiscal year 2005, the item "personal services",
14 when used in an appropriation Act, also includes payments for
15 employee retirement contributions paid by the employer.

16 (Source: P.A. 93-839, eff. 7-30-04.)

17 Section 335. The State Officers and Employees Money
18 Disposition Act is amended by changing Section 2 as follows:

19 (30 ILCS 230/2) (from Ch. 127, par. 171)

20 Sec. 2. Accounts of money received; payment into State
21 treasury.

22 (a) Every officer, board, commission, commissioner,
23 department, institution, arm or agency brought within the
24 provisions of this Act by Section 1 shall keep in proper books

1 a detailed itemized account of all moneys received for or on
2 behalf of the State of Illinois, showing the date of receipt,
3 the payor, and purpose and amount, and the date and manner of
4 disbursement as hereinafter provided, and, unless a different
5 time of payment is expressly provided by law or by rules or
6 regulations promulgated under subsection (b) of this Section,
7 shall pay into the State treasury the gross amount of money so
8 received on the day of actual physical receipt with respect to
9 any single item of receipt exceeding \$10,000, within 24 hours
10 of actual physical receipt with respect to an accumulation of
11 receipts of \$10,000 or more, or within 48 hours of actual
12 physical receipt with respect to an accumulation of receipts
13 exceeding \$500 but less than \$10,000, disregarding holidays,
14 Saturdays and Sundays, after the receipt of same, without any
15 deduction on account of salaries, fees, costs, charges,
16 expenses or claims of any description whatever; provided that:

17 (1) the provisions of (i) Section 2505-475 of the
18 Department of Revenue Law ~~(20 ILCS 2505/2505-475)~~, (ii)
19 any specific taxing statute authorizing a claim for credit
20 procedure instead of the actual making of refunds, (iii)
21 Section 505 of the Illinois Controlled Substances Act,
22 (iv) Section 85 of the Methamphetamine Control and
23 Community Protection Act, authorizing the Director of the
24 Illinois State Police to dispose of forfeited property,
25 which includes the sale and disposition of the proceeds of
26 the sale of forfeited property, and the Department of

1 Central Management Services to be reimbursed for costs
2 incurred with the sales of forfeited vehicles, boats or
3 aircraft and to pay to bona fide or innocent purchasers,
4 conditional sales vendors or mortgagees of such vehicles,
5 boats or aircraft their interest in such vehicles, boats
6 or aircraft, and (v) Section 6b-2 of the State Finance
7 Act, establishing procedures for handling cash receipts
8 from the sale of pari-mutuel wagering tickets, shall not
9 be deemed to be in conflict with the requirements of this
10 Section;

11 (2) any fees received by the State Registrar of Vital
12 Records pursuant to the Vital Records Act which are
13 insufficient in amount may be returned by the Registrar as
14 provided in that Act;

15 (3) any fees received by the Department of Public
16 Health under the Food Handling Regulation Enforcement Act
17 that are submitted for renewal of an expired food service
18 sanitation manager certificate may be returned by the
19 Director as provided in that Act;

20 (3.5) the State Treasurer may permit the deduction of
21 fees by third-party unclaimed property examiners from the
22 property recovered by the examiners for the State of
23 Illinois during examinations of holders located outside
24 the State under which the Office of the Treasurer has
25 agreed to pay for the examinations based upon a
26 percentage, in accordance with the Revised Uniform

1 Unclaimed Property Act, of the property recovered during
2 the examination; and

3 (4) if the amount of money received does not exceed
4 \$500, such money may be retained and need not be paid into
5 the State treasury until the total amount of money so
6 received exceeds \$500, or until the next succeeding 1st or
7 15th day of each month (or until the next business day if
8 these days fall on Sunday or a holiday), whichever is
9 earlier, at which earlier time such money shall be paid
10 into the State treasury, except that if a local bank or
11 savings and loan association account has been authorized
12 by law, any balances shall be paid into the State treasury
13 on Monday of each week if more than \$500 is to be deposited
14 in any fund.

15 Single items of receipt exceeding \$10,000 received after 2
16 p.m. on a working day may be deemed to have been received on
17 the next working day for purposes of fulfilling the
18 requirement that the item be deposited on the day of actual
19 physical receipt.

20 No money belonging to or left for the use of the State
21 shall be expended or applied except in consequence of an
22 appropriation made by law and upon the warrant of the State
23 Comptroller. However, payments made by the Comptroller to
24 persons by direct deposit need not be made upon the warrant of
25 the Comptroller, but if not made upon a warrant, shall be made
26 in accordance with Section 9.02 of the State Comptroller Act.

1 All moneys so paid into the State treasury shall, unless
2 required by some statute to be held in the State treasury in a
3 separate or special fund, be covered into the General Revenue
4 Fund in the State treasury. Moneys received in the form of
5 checks, drafts or similar instruments shall be properly
6 endorsed, if necessary, and delivered to the State Treasurer
7 for collection. The State Treasurer shall remit such collected
8 funds to the depositing officer, board, commission,
9 commissioner, department, institution, arm or agency by
10 Treasurers Draft or through electronic funds transfer. The
11 draft or notification of the electronic funds transfer shall
12 be provided to the State Comptroller to allow deposit into the
13 appropriate fund.

14 (b) Different time periods for the payment of public funds
15 into the State treasury or to the State Treasurer, in excess of
16 the periods established in subsection (a) of this Section, but
17 not in excess of 30 days after receipt of such funds, may be
18 established and revised from time to time by rules or
19 regulations promulgated jointly by the State Treasurer and the
20 State Comptroller in accordance with the Illinois
21 Administrative Procedure Act. The different time periods
22 established by rule or regulation under this subsection may
23 vary according to the nature and amounts of the funds
24 received, the locations at which the funds are received,
25 whether compliance with the deposit requirements specified in
26 subsection (a) of this Section would be cost effective, and

1 such other circumstances and conditions as the promulgating
2 authorities consider to be appropriate. The Treasurer and the
3 Comptroller shall review all such different time periods
4 established pursuant to this subsection every 2 years from the
5 establishment thereof and upon such review, unless it is
6 determined that it is economically unfeasible for the agency
7 to comply with the provisions of subsection (a), shall repeal
8 such different time period.

9 (Source: P.A. 100-22, eff. 1-1-18.)

10 Section 340. The Illinois Procurement Code is amended by
11 changing Section 25-75 as follows:

12 (30 ILCS 500/25-75)

13 Sec. 25-75. Purchase of motor vehicles.

14 (a) Beginning on the effective date of this amendatory Act
15 of the 94th General Assembly, all gasoline-powered vehicles
16 purchased from State funds must be flexible fuel vehicles.
17 Beginning July 1, 2007, all gasoline-powered vehicles
18 purchased from State funds must be flexible fuel or fuel
19 efficient hybrid vehicles. For purposes of this Section,
20 "flexible fuel vehicles" are automobiles or light trucks that
21 operate on either gasoline or E-85 (85% ethanol, 15% gasoline)
22 fuel and "Fuel efficient hybrid vehicles" are automobiles or
23 light trucks that use a gasoline or diesel engine and an
24 electric motor to provide power and gain at least a 20%

1 increase in combined US-EPA city-highway fuel economy over the
2 equivalent or most-similar conventionally-powered model.

3 (b) On and after the effective date of this amendatory Act
4 of the 94th General Assembly, any vehicle purchased from State
5 funds that is fueled by diesel fuel shall be certified by the
6 manufacturer to run on 5% biodiesel (B5) fuel.

7 (b-5) On and after January 1, 2016, 15% of passenger
8 vehicles, other than Department of Corrections vehicles,
9 Secretary of State vehicles (except for mid-sized sedans), and
10 Illinois ~~Department of State~~ Police patrol vehicles, purchased
11 with State funds shall be vehicles fueled by electricity,
12 electricity and gasohol (hybrids or plug-in hybrids),
13 compressed natural gas, liquid petroleum gas, or liquid
14 natural gas, including dedicated or non-dedicated fuel type
15 vehicles.

16 (c) The Chief Procurement Officer may determine that
17 certain vehicle procurements are exempt from this Section
18 based on intended use or other reasonable considerations such
19 as health and safety of Illinois citizens.

20 (Source: P.A. 98-442, eff. 1-1-14; 98-759, eff. 7-16-14;
21 99-406, eff. 1-1-16.)

22 Section 345. The State Property Control Act is amended by
23 changing Sections 7, 7b and 7c as follows:

24 (30 ILCS 605/7) (from Ch. 127, par. 133b10)

1 Sec. 7. Disposition of transferable property.

2 (a) Except as provided in subsection (c), whenever a
3 responsible officer considers it advantageous to the State to
4 dispose of transferable property by trading it in for credit
5 on a replacement of like nature, the responsible officer shall
6 report the trade-in and replacement to the administrator on
7 forms furnished by the latter. The exchange, trade or transfer
8 of "textbooks" as defined in Section 18-17 of the School Code
9 between schools or school districts pursuant to regulations
10 adopted by the State Board of Education under that Section
11 shall not constitute a disposition of transferable property
12 within the meaning of this Section, even though such exchange,
13 trade or transfer occurs within 5 years after the textbooks
14 are first provided for loan pursuant to Section 18-17 of the
15 School Code.

16 (b) Except as provided in subsection (c), whenever it is
17 deemed necessary to dispose of any item of transferable
18 property, the administrator shall proceed to dispose of the
19 property by sale or scrapping as the case may be, in whatever
20 manner he considers most advantageous and most profitable to
21 the State. Items of transferable property which would
22 ordinarily be scrapped and disposed of by burning or by burial
23 in a landfill may be examined and a determination made whether
24 the property should be recycled. This determination and any
25 sale of recyclable property shall be in accordance with rules
26 promulgated by the Administrator.

1 When the administrator determines that property is to be
2 disposed of by sale, he shall offer it first to the
3 municipalities, counties, and school districts of the State
4 and to charitable, not-for-profit educational and public
5 health organizations, including but not limited to medical
6 institutions, clinics, hospitals, health centers, schools,
7 colleges, universities, child care centers, museums, nursing
8 homes, programs for the elderly, food banks, State Use
9 Sheltered Workshops and the Boy and Girl Scouts of America,
10 for purchase at an appraised value. Notice of inspection or
11 viewing dates and property lists shall be distributed in the
12 manner provided in rules and regulations promulgated by the
13 Administrator for that purpose.

14 Electronic data processing equipment purchased and charged
15 to appropriations may, at the discretion of the administrator,
16 be sold, pursuant to contracts entered into by the Director of
17 Central Management Services or the heads of agencies exempt
18 from "The Illinois Purchasing Act". However such equipment
19 shall not be sold at prices less than the purchase cost thereof
20 or depreciated value as determined by the administrator. No
21 sale of the electronic data processing equipment and lease to
22 the State by the purchaser of such equipment shall be made
23 under this Act unless the Director of Central Management
24 Services finds that such contracts are financially
25 advantageous to the State.

26 Disposition of other transferable property by sale, except

1 sales directly to local governmental units, school districts,
2 and not-for-profit educational, charitable and public health
3 organizations, shall be subject to the following minimum
4 conditions:

5 (1) The administrator shall cause the property to be
6 advertised for sale to the highest responsible bidder,
7 stating time, place, and terms of such sale at least 7 days
8 prior to the time of sale and at least once in a newspaper
9 having a general circulation in the county where the
10 property is to be sold.

11 (2) If no acceptable bids are received, the
12 administrator may then sell the property in whatever
13 manner he considers most advantageous and most profitable
14 to the State.

15 (c) Notwithstanding any other provision of this Act, an
16 agency covered by this Act may transfer books, serial
17 publications, or other library materials that are transferable
18 property, or that have been withdrawn from the agency's
19 library collection through a regular collection evaluation
20 process, to any of the following entities:

21 (1) Another agency covered by this Act located in
22 Illinois.

23 (2) A State supported university library located in
24 Illinois.

25 (3) A tax-supported public library located in
26 Illinois, including a library established by a public

1 library district.

2 (4) A library system organized under the Illinois
3 Library System Act or any library located in Illinois that
4 is a member of such a system.

5 (5) A non-profit agency, located in or outside
6 Illinois.

7 A transfer of property under this subsection is not
8 subject to the requirements of subsection (a) or (b).

9 In addition, an agency covered by this Act may sell or
10 exchange books, serial publications, and other library
11 materials that have been withdrawn from its library collection
12 through a regular collection evaluation process. Those items
13 may be sold to the public at library book sales or to book
14 dealers or may be offered through exchange to book dealers or
15 other organizations. Revenues generated from the sale of
16 withdrawn items shall be retained by the agency in a separate
17 account to be used solely for the purchase of library
18 materials; except that in the case of the State Library,
19 revenues from the sale of withdrawn items shall be deposited
20 into the State Library Fund to be used for the purposes stated
21 in Section 25 of the State Library Act.

22 For purposes of this subsection (c), "library materials"
23 means physical entities of any substance that serve as
24 carriers of information, including, without limitation, books,
25 serial publications, periodicals, microforms, graphics, audio
26 or video recordings, and machine readable data files.

1 (d) Notwithstanding any other provision of this Act, the
2 Director of the Illinois State Police may dispose of a service
3 firearm or police badge issued or previously issued to a
4 retiring or separating State Police officer as provided in
5 Section 17b of the Illinois State Police Act. The Director of
6 Natural Resources may dispose of a service firearm or police
7 badge issued previously to a retiring Conservation Police
8 Officer as provided in Section 805-538 of the Department of
9 Natural Resources (Conservation) Law of the Civil
10 Administrative Code of Illinois. The Director of the Secretary
11 of State Department of Police may dispose of a service firearm
12 or police badge issued or previously issued to a retiring
13 Secretary of State Police officer, inspector, or investigator
14 as provided in Section 2-116 of the Illinois Vehicle Code. The
15 Office of the State Fire Marshal may dispose of a service
16 firearm or badge previously issued to a State Fire Marshal
17 Arson Investigator Special Agent who is honorably retiring or
18 separating in good standing as provided in subsection (c) of
19 Section 1 of the Peace Officer Fire Investigation Act.

20 (Source: P.A. 100-931, eff. 8-17-18.)

21 (30 ILCS 605/7b)

22 Sec. 7b. Maintenance and operation of Illinois State
23 Police vehicles. All proceeds received by the Department of
24 Central Management Services under this Act from the sale of
25 vehicles operated by the Illinois ~~Department of~~ State Police

1 shall be deposited into the State Police Vehicle Maintenance
2 Fund.

3 The State Police Vehicle Maintenance Fund is created as a
4 special fund in the State treasury. All moneys in the State
5 Police Vehicle Maintenance Fund, subject to appropriation,
6 shall be used by the Illinois ~~Department of~~ State Police for
7 the maintenance and operation of vehicles for that Department.
8 (Source: P.A. 101-636, eff. 6-10-20.)

9 (30 ILCS 605/7c)

10 Sec. 7c. Acquisition of Illinois State Police vehicles.
11 The State Police Vehicle Fund is created as a special fund in
12 the State treasury. All moneys in the Fund, subject to
13 appropriation, shall be used by the Illinois ~~Department of~~
14 State Police:

15 (1) for the acquisition of vehicles for that
16 Department; or

17 (2) for debt service on bonds issued to finance the
18 acquisition of vehicles for that Department.

19 (Source: P.A. 100-987, eff. 7-1-19.)

20 Section 350. The State Vehicle Identification Act is
21 amended by changing Section 4 as follows:

22 (30 ILCS 610/4) (from Ch. 127, par. 133e4)

23 Sec. 4. This Act shall not apply to vehicles used by

1 elective State officers, by executive heads of State agencies
2 and departments, by presidents of colleges or universities
3 placed under control of officers of this State, or by any
4 employee of a State agency or department in the performance of
5 investigative services exclusively when the executive head
6 thereof has requested an exception in writing, and such
7 exception has been approved in writing by the Department, on
8 the basis that the identification would hamper the individual
9 employee in the routine performance of his investigative
10 duties. A record, open to public inspection, shall be kept by
11 the Department of all such exceptions approved by it.

12 This Act shall not apply to vehicles assigned to the use of
13 the Illinois Department of State Police and the Division of
14 Law Enforcement of the Department of Natural Resources, and
15 the executive heads thereof shall have within their discretion
16 determination of the type of markings or identification, if
17 any, to be affixed to vehicles assigned to said Department or
18 Division nor shall this Act apply to vehicles assigned to the
19 use of Secretary of State police officers.

20 (Source: P.A. 89-445, eff. 2-7-96.)

21 Section 355. The Intergovernmental Drug Laws Enforcement
22 Act is amended by changing Sections 2.01, 3, 4, 5, and 5.1 as
23 follows:

24 (30 ILCS 715/2.01) (from Ch. 56 1/2, par. 1702.01)

1 Sec. 2.01. ~~"Department" means the Department of State~~
2 ~~Police and~~ "Director" means the Director of the Illinois State
3 Police.

4 (Source: P.A. 84-25.)

5 (30 ILCS 715/3) (from Ch. 56 1/2, par. 1703)

6 Sec. 3. A Metropolitan Enforcement Group which meets the
7 minimum criteria established in this Section is eligible to
8 receive State grants to help defray the costs of operation. To
9 be eligible a MEG must:

10 (1) Be established and operating pursuant to
11 intergovernmental contracts written and executed in
12 conformity with the Intergovernmental Cooperation Act, and
13 involve 2 or more units of local government.

14 (2) Establish a MEG Policy Board composed of an
15 elected official, or his designee, and the chief law
16 enforcement officer, or his designee, from each
17 participating unit of local government to oversee the
18 operations of the MEG and make such reports to the
19 Illinois ~~Department of~~ State Police as the Illinois State
20 Police ~~Department~~ may require.

21 (3) Designate a single appropriate elected official of
22 a participating unit of local government to act as the
23 financial officer of the MEG for all participating units
24 of local government and to receive funds for the operation
25 of the MEG.

1 (4) Limit its operations to enforcement of drug laws;
2 enforcement of Sections 24-2.1, 24-2.2, 24-3, 24-3.1,
3 24-3.3, 24-3.4, 24-4, and 24-5 and subsections 24-1(a)(4),
4 24-1(a)(6), 24-1(a)(7), 24-1(a)(9), 24-1(a)(10), and
5 24-1(c) of the Criminal Code of 2012; and the
6 investigation of streetgang related offenses.

7 (5) Cooperate with the Illinois ~~Department of~~ State
8 Police in order to assure compliance with this Act and to
9 enable the Illinois State Police ~~Department~~ to fulfill its
10 duties under this Act, and supply the Illinois State
11 Police ~~Department~~ with all information the Illinois State
12 Police ~~Department~~ deems necessary therefor.

13 (6) Receive funding of at least 50% of the total
14 operating budget of the MEG from the participating units
15 of local government.

16 (Source: P.A. 97-1150, eff. 1-25-13.)

17 (30 ILCS 715/4) (from Ch. 56 1/2, par. 1704)

18 Sec. 4. The Illinois ~~Department of~~ State Police shall
19 monitor the operations of all MEG units and determine their
20 eligibility to receive State grants under this Act. From the
21 moneys appropriated annually by the General Assembly for this
22 purpose, the Director shall determine and certify to the
23 Comptroller the amount of the grant to be made to each
24 designated MEG financial officer. The amount of the State
25 grant which a MEG may receive hereunder may not exceed 50% of

1 the total operating budget of that MEG.

2 (Source: P.A. 84-25.)

3 (30 ILCS 715/5) (from Ch. 56 1/2, par. 1705)

4 Sec. 5. The Illinois ~~Department of~~ State Police shall
5 coordinate the operations of all MEG units and may establish
6 such reasonable rules and regulations and conduct those
7 investigations the Director deems necessary to carry out its
8 duties under this Act, including the establishment of forms
9 for reporting by each MEG to the Illinois State Police
10 ~~Department~~.

11 (Source: P.A. 84-25.)

12 (30 ILCS 715/5.1) (from Ch. 56 1/2, par. 1705.1)

13 Sec. 5.1. The Director may assign the functions and duties
14 created under this Act to be administered by the Illinois
15 ~~Department of~~ State Police, Division of Investigation.

16 (Source: P.A. 84-25.)

17 Section 360. The State Mandates Act is amended by changing
18 Section 8.40 as follows:

19 (30 ILCS 805/8.40)

20 Sec. 8.40. Exempt mandate.

21 (a) Notwithstanding Sections 6 and 8 of this Act, no
22 reimbursement by the State is required for the implementation

1 of any mandate created by Public Act 99-683, 99-745, or
2 99-905.

3 (b) Notwithstanding Sections 6 and 8 of this Act, no
4 reimbursement by the State is required for the implementation
5 of any mandate created by Section 40 of the Illinois State
6 Police Act and Section 10.19 of the Illinois Police Training
7 Act.

8 (Source: P.A. 99-683, eff. 7-29-16; 99-711, eff. 1-1-17;
9 99-745, eff. 8-5-16; 99-905, eff. 11-29-16; 100-201, eff.
10 8-18-17.)

11 Section 365. The Illinois Income Tax Act is amended by
12 changing Section 1109 as follows:

13 (35 ILCS 5/1109) (from Ch. 120, par. 11-1109)

14 Sec. 1109. Demand and Seizure. In addition to any other
15 remedy provided for by the laws of this State, if the tax
16 imposed by this Act is not paid within the time required by
17 this Act, the Department, or some person designated by it, may
18 cause a demand to be made on the taxpayer for the payment
19 thereof. If such tax remains unpaid for 10 days after such
20 demand has been made and no proceedings have been taken to
21 review the same, the Department may issue a warrant directed
22 to any sheriff or other person authorized to serve process,
23 commanding the sheriff or other person to levy upon the
24 property and rights to property (whether real or personal,

1 tangible or intangible) of the taxpayer, without exemption,
2 found within his jurisdiction, for the payment of the amount
3 thereof with the added penalties, interest and the cost of
4 executing the warrant. The term "levy" includes the power of
5 distraint and seizure by any means. In any case in which the
6 warrant to levy has been issued, the sheriff or other person to
7 whom the warrant was directed may seize and sell such property
8 or rights to property. Such warrant shall be returned to the
9 Department together with the money collected by virtue thereof
10 within the time therein specified, which shall not be less
11 than 20 nor more than 90 days from the date of the warrant. The
12 sheriff or other person to whom such warrant is directed shall
13 proceed in the same manner as prescribed by law in respect to
14 the enforcement against property upon judgments by a court,
15 and shall be entitled to the same fees for his services in
16 executing the warrant, to be collected in the same manner. The
17 Department, or some officer, employee or agent designated by
18 it, is hereby authorized to bid for and purchase any property
19 sold under the provisions hereof. No proceedings for a levy
20 under this Section shall be commenced more than 20 years after
21 the latest date for filing of the notice of lien under the
22 provisions of Section 1103, without regard to whether such
23 notice was actually filed.

24 Any officer or employee of the Department designated in
25 writing by the Director is authorized to serve process under
26 this Section to levy upon accounts or other intangible assets

1 of a taxpayer held by a financial organization, as defined in
2 Section 1501 of this Act. In addition to any other provisions
3 of this Section, any officer or employee of the Department
4 designated in writing by the Director may levy upon the
5 following property and rights to property belonging to a
6 taxpayer: contractual payments, accounts and notes receivable
7 and other evidences of debt, and interest on bonds, by serving
8 a notice of levy on the person making such payment. Levy shall
9 not be made until the Department has caused a demand to be made
10 on the taxpayer in the manner provided above. In addition to
11 any other provisions of this Section, any officer or employee
12 of the Department designated in writing by the Director, may
13 levy upon the salary, wages, commissions and bonuses of any
14 employee, including officers, employees, or elected officials
15 of the United States as authorized by Section 5520a of the
16 Government Organization and Employees Act (5 U.S.C. 5520a),
17 but not upon the salary or wages of officers, employees, or
18 elected officials of any state other than this State, by
19 serving a notice of levy on the employer, as defined in Section
20 701(d). Levy shall not be made until the Department has caused
21 a demand to be made on the employee in the manner provided
22 above. The provisions of Section 12-803 of the Code of Civil
23 Procedure relating to maximum compensation subject to
24 collection under wage deduction orders shall apply to all
25 levies made upon compensation under this Section. To the
26 extent of the amount due on the levy, the employer or other

1 person making payments to the taxpayer shall hold any
2 non-exempt wages or other payments due or which subsequently
3 come due. The levy or balance due thereon is a lien on wages or
4 other payments due at the time of the service of the notice of
5 levy, and such lien shall continue as to subsequent earnings
6 and other payments until the total amount due upon the levy is
7 paid, except that such lien on subsequent earnings or other
8 payments shall terminate sooner if the employment relationship
9 is terminated or if the notice of levy is rescinded or
10 modified. The employer or other person making payments to the
11 taxpayer shall file, on or before the return dates stated in
12 the notice of levy (which shall not be more often than
13 bimonthly) a written answer under oath to interrogatories,
14 setting forth the amount due as wages or other payments to the
15 taxpayer for the payment periods ending immediately prior to
16 the appropriate return date. A lien obtained hereunder shall
17 have priority over any subsequent lien obtained pursuant to
18 Section 12-808 of the Code of Civil Procedure, except that
19 liens for the support of a spouse or dependent children shall
20 have priority over all liens obtained hereunder.

21 In any case where property or rights to property have been
22 seized by an officer of the Illinois ~~Department of~~ State
23 Police, or successor agency thereto, under the authority of a
24 warrant to levy issued by the Department of Revenue, the
25 Department of Revenue may take possession of and may sell such
26 property or rights to property and the Department of Revenue

1 may contract with third persons to conduct sales of such
2 property or rights to the property. In the conduct of such
3 sales, the Department of Revenue shall proceed in the same
4 manner as is prescribed by law for proceeding against property
5 to enforce judgments which are entered by a circuit court of
6 this State. If, in the Department of Revenue's opinion, no
7 offer to purchase at such sale is acceptable and the State's
8 interest would be better served by retaining the property for
9 sale at a later date, then the Department may decline to accept
10 any bid and may retain the property for sale at a later date.
11 (Source: P.A. 89-399, eff. 8-20-95.)

12 Section 370. The Cigarette Use Tax Act is amended by
13 changing Section 3-10 as follows:

14 (35 ILCS 135/3-10)

15 Sec. 3-10. Cigarette enforcement.

16 (a) Prohibitions. It is unlawful for any person:

17 (1) to sell or distribute in this State; to acquire,
18 hold, own, possess, or transport, for sale or distribution
19 in this State; or to import, or cause to be imported into
20 this State for sale or distribution in this State:

21 (A) any cigarettes the package of which:

22 (i) bears any statement, label, stamp,
23 sticker, or notice indicating that the
24 manufacturer did not intend the cigarettes to be

1 sold, distributed, or used in the United States,
2 including but not limited to labels stating "For
3 Export Only", "U.S. Tax Exempt", "For Use Outside
4 U.S.", or similar wording; or

5 (ii) does not comply with:

6 (aa) all requirements imposed by or
7 pursuant to federal law regarding warnings and
8 other information on packages of cigarettes
9 manufactured, packaged, or imported for sale,
10 distribution, or use in the United States,
11 including but not limited to the precise
12 warning labels specified in the federal
13 Cigarette Labeling and Advertising Act, 15
14 U.S.C. 1333; and

15 (bb) all federal trademark and copyright
16 laws;

17 (B) any cigarettes imported into the United States
18 in violation of 26 U.S.C. 5754 or any other federal
19 law, or implementing federal regulations;

20 (C) any cigarettes that such person otherwise
21 knows or has reason to know the manufacturer did not
22 intend to be sold, distributed, or used in the United
23 States; or

24 (D) any cigarettes for which there has not been
25 submitted to the Secretary of the U.S. Department of
26 Health and Human Services the list or lists of the

1 ingredients added to tobacco in the manufacture of the
2 cigarettes required by the federal Cigarette Labeling
3 and Advertising Act, 15 U.S.C. 1335a;

4 (2) to alter the package of any cigarettes, prior to
5 sale or distribution to the ultimate consumer, so as to
6 remove, conceal, or obscure:

7 (A) any statement, label, stamp, sticker, or
8 notice described in subdivision (a)(1)(A)(i) of this
9 Section;

10 (B) any health warning that is not specified in,
11 or does not conform with the requirements of, the
12 federal Cigarette Labeling and Advertising Act, 15
13 U.S.C. 1333; or

14 (3) to affix any stamp required pursuant to this Act
15 to the package of any cigarettes described in subdivision
16 (a)(1) of this Section or altered in violation of
17 subdivision (a)(2).

18 (b) Documentation. On the first business day of each
19 month, each person licensed to affix the State tax stamp to
20 cigarettes shall file with the Department, for all cigarettes
21 imported into the United States to which the person has
22 affixed the tax stamp in the preceding month:

23 (1) a copy of:

24 (A) the permit issued pursuant to the Internal
25 Revenue Code, 26 U.S.C. 5713, to the person importing
26 the cigarettes into the United States allowing the

1 person to import the cigarettes; and

2 (B) the customs form containing, with respect to
3 the cigarettes, the internal revenue tax information
4 required by the U.S. Bureau of Alcohol, Tobacco and
5 Firearms;

6 (2) a statement, signed by the person under penalty of
7 perjury, which shall be treated as confidential by the
8 Department and exempt from disclosure under the Freedom of
9 Information Act, identifying the brand and brand styles of
10 all such cigarettes, the quantity of each brand style of
11 such cigarettes, the supplier of such cigarettes, and the
12 person or persons, if any, to whom such cigarettes have
13 been conveyed for resale; and a separate statement, signed
14 by the individual under penalty of perjury, which shall
15 not be treated as confidential or exempt from disclosure,
16 separately identifying the brands and brand styles of such
17 cigarettes; and

18 (3) a statement, signed by an officer of the
19 manufacturer or importer under penalty of perjury,
20 certifying that the manufacturer or importer has complied
21 with:

22 (A) the package health warning and ingredient
23 reporting requirements of the federal Cigarette
24 Labeling and Advertising Act, 15 U.S.C. 1333 and
25 1335a, with respect to such cigarettes; and

26 (B) the provisions of Exhibit T of the Master

1 Settlement Agreement entered in the case of People of
2 the State of Illinois v. Philip Morris, et al.
3 (Circuit Court of Cook County, No. 96-L13146),
4 including a statement indicating whether the
5 manufacturer is, or is not, a participating tobacco
6 manufacturer within the meaning of Exhibit T.

7 (c) Administrative sanctions.

8 (1) Upon finding that a distributor, secondary
9 distributor, retailer, or a person has committed any of
10 the acts prohibited by subsection (a), knowing or having
11 reason to know that he or she has done so, or upon finding
12 that a distributor or person has failed to comply with any
13 requirement of subsection (b), the Department may revoke
14 or suspend the license or licenses of any distributor,
15 retailer, or secondary distributor pursuant to the
16 procedures set forth in Section 6 and impose on the
17 distributor, secondary distributor, retailer, or person, a
18 civil penalty in an amount not to exceed the greater of
19 500% of the retail value of the cigarettes involved or
20 \$5,000.

21 (2) Cigarettes that are acquired, held, owned,
22 possessed, transported in, imported into, or sold or
23 distributed in this State in violation of this Section
24 shall be deemed contraband under this Act and are subject
25 to seizure and forfeiture as provided in this Act, and all
26 such cigarettes seized and forfeited shall be destroyed or

1 maintained and used in an undercover capacity. Such
2 cigarettes shall be deemed contraband whether the
3 violation of this Section is knowing or otherwise.

4 (d) Unfair trade practices. In addition to any other
5 penalties provided for in this Act, a violation of subsection
6 (a) or subsection (b) of this Section shall constitute an
7 unlawful practice as provided in the Consumer Fraud and
8 Deceptive Business Practices Act.

9 (d-1) Retailers who are licensed under Section 4g of the
10 Cigarette Tax Act and secondary distributors shall not be
11 liable under subsections (c)(1) and (d) of this Section for
12 unknowingly possessing, selling, or distributing to consumers
13 or users cigarettes identified in subsection (a)(1) of this
14 Section if the cigarettes possessed, sold, or distributed by
15 the licensed retailer were obtained from a distributor or
16 secondary distributor licensed under this Act or the Cigarette
17 Tax Act.

18 (d-2) Criminal Penalties. A distributor, secondary
19 distributor, retailer, or person who violates subsection (a),
20 or a distributor, secondary distributor, or person who
21 violates subsection (b) of this Section shall be guilty of a
22 Class 4 felony.

23 (e) Unfair cigarette sales. For purposes of the Trademark
24 Registration and Protection Act and the Counterfeit Trademark
25 Act, cigarettes imported or reimported into the United States
26 for sale or distribution under any trade name, trade dress, or

1 trademark that is the same as, or is confusingly similar to,
2 any trade name, trade dress, or trademark used for cigarettes
3 manufactured in the United States for sale or distribution in
4 the United States shall be presumed to have been purchased
5 outside of the ordinary channels of trade.

6 (f) General provisions.

7 (1) This Section shall be enforced by the Department;
8 provided that, at the request of the Director of Revenue
9 or the Director's duly authorized agent, the Illinois
10 State Police ~~police~~ and all local police authorities shall
11 enforce the provisions of this Section. The Attorney
12 General has concurrent power with the State's Attorney of
13 any county to enforce this Section.

14 (2) For the purpose of enforcing this Section, the
15 Director of Revenue and any agency to which the Director
16 has delegated enforcement responsibility pursuant to
17 subdivision (f)(1) may request information from any State
18 or local agency and may share information with and request
19 information from any federal agency and any agency of any
20 other state or any local agency of any other state.

21 (3) In addition to any other remedy provided by law,
22 including enforcement as provided in subdivision (f)(1),
23 any person may bring an action for appropriate injunctive
24 or other equitable relief for a violation of this Section;
25 actual damages, if any, sustained by reason of the
26 violation; and, as determined by the court, interest on

1 the damages from the date of the complaint, taxable costs,
2 and reasonable attorney's fees. If the trier of fact finds
3 that the violation is flagrant, it may increase recovery
4 to an amount not in excess of 3 times the actual damages
5 sustained by reason of the violation.

6 (g) Definitions. As used in this Section:

7 "Importer" means that term as defined in 26 U.S.C.
8 5702(1).

9 "Package" means that term as defined in 15 U.S.C. 1332(4).

10 (h) Applicability.

11 (1) This Section does not apply to:

12 (A) cigarettes allowed to be imported or brought
13 into the United States for personal use; and

14 (B) cigarettes sold or intended to be sold as
15 duty-free merchandise by a duty-free sales enterprise
16 in accordance with the provisions of 19 U.S.C. 1555(b)
17 and any implementing regulations; except that this
18 Section shall apply to any such cigarettes that are
19 brought back into the customs territory for resale
20 within the customs territory.

21 (2) The penalties provided in this Section are in
22 addition to any other penalties imposed under other
23 provision of law.

24 (Source: P.A. 98-1055, eff. 1-1-16.)

25 Section 380. The Illinois Pension Code is amended by

1 changing Sections 14-103.05, 14-110, 14-123.1, and 14-124 as
2 follows:

3 (40 ILCS 5/14-103.05) (from Ch. 108 1/2, par. 14-103.05)
4 Sec. 14-103.05. Employee.

5 (a) Any person employed by a Department who receives
6 salary for personal services rendered to the Department on a
7 warrant issued pursuant to a payroll voucher certified by a
8 Department and drawn by the State Comptroller upon the State
9 Treasurer, including an elected official described in
10 subparagraph (d) of Section 14-104, shall become an employee
11 for purpose of membership in the Retirement System on the
12 first day of such employment.

13 A person entering service on or after January 1, 1972 and
14 prior to January 1, 1984 shall become a member as a condition
15 of employment and shall begin making contributions as of the
16 first day of employment.

17 A person entering service on or after January 1, 1984
18 shall, upon completion of 6 months of continuous service which
19 is not interrupted by a break of more than 2 months, become a
20 member as a condition of employment. Contributions shall begin
21 the first of the month after completion of the qualifying
22 period.

23 A person employed by the Chicago Metropolitan Agency for
24 Planning on the effective date of this amendatory Act of the
25 95th General Assembly who was a member of this System as an

1 employee of the Chicago Area Transportation Study and makes an
2 election under Section 14-104.13 to participate in this System
3 for his or her employment with the Chicago Metropolitan Agency
4 for Planning.

5 The qualifying period of 6 months of service is not
6 applicable to: (1) a person who has been granted credit for
7 service in a position covered by the State Universities
8 Retirement System, the Teachers' Retirement System of the
9 State of Illinois, the General Assembly Retirement System, or
10 the Judges Retirement System of Illinois unless that service
11 has been forfeited under the laws of those systems; (2) a
12 person entering service on or after July 1, 1991 in a
13 noncovered position; (3) a person to whom Section 14-108.2a or
14 14-108.2b applies; or (4) a person to whom subsection (a-5) of
15 this Section applies.

16 (a-5) A person entering service on or after December 1,
17 2010 shall become a member as a condition of employment and
18 shall begin making contributions as of the first day of
19 employment. A person serving in the qualifying period on
20 December 1, 2010 will become a member on December 1, 2010 and
21 shall begin making contributions as of December 1, 2010.

22 (b) The term "employee" does not include the following:

23 (1) members of the State Legislature, and persons
24 electing to become members of the General Assembly
25 Retirement System pursuant to Section 2-105;

26 (2) incumbents of offices normally filled by vote of

1 the people;

2 (3) except as otherwise provided in this Section, any
3 person appointed by the Governor with the advice and
4 consent of the Senate unless that person elects to
5 participate in this system;

6 (3.1) any person serving as a commissioner of an
7 ethics commission created under the State Officials and
8 Employees Ethics Act unless that person elects to
9 participate in this system with respect to that service as
10 a commissioner;

11 (3.2) any person serving as a part-time employee in
12 any of the following positions: Legislative Inspector
13 General, Special Legislative Inspector General, employee
14 of the Office of the Legislative Inspector General,
15 Executive Director of the Legislative Ethics Commission,
16 or staff of the Legislative Ethics Commission, regardless
17 of whether he or she is in active service on or after July
18 8, 2004 (the effective date of Public Act 93-685), unless
19 that person elects to participate in this System with
20 respect to that service; in this item (3.2), a "part-time
21 employee" is a person who is not required to work at least
22 35 hours per week;

23 (3.3) any person who has made an election under
24 Section 1-123 and who is serving either as legal counsel
25 in the Office of the Governor or as Chief Deputy Attorney
26 General;

1 (4) except as provided in Section 14-108.2 or
2 14-108.2c, any person who is covered or eligible to be
3 covered by the Teachers' Retirement System of the State of
4 Illinois, the State Universities Retirement System, or the
5 Judges Retirement System of Illinois;

6 (5) an employee of a municipality or any other
7 political subdivision of the State;

8 (6) any person who becomes an employee after June 30,
9 1979 as a public service employment program participant
10 under the Federal Comprehensive Employment and Training
11 Act and whose wages or fringe benefits are paid in whole or
12 in part by funds provided under such Act;

13 (7) enrollees of the Illinois Young Adult Conservation
14 Corps program, administered by the Department of Natural
15 Resources, authorized grantee pursuant to Title VIII of
16 the "Comprehensive Employment and Training Act of 1973",
17 29 USC 993, as now or hereafter amended;

18 (8) enrollees and temporary staff of programs
19 administered by the Department of Natural Resources under
20 the Youth Conservation Corps Act of 1970;

21 (9) any person who is a member of any professional
22 licensing or disciplinary board created under an Act
23 administered by the Department of Professional Regulation
24 or a successor agency or created or re-created after the
25 effective date of this amendatory Act of 1997, and who
26 receives per diem compensation rather than a salary,

1 notwithstanding that such per diem compensation is paid by
2 warrant issued pursuant to a payroll voucher; such persons
3 have never been included in the membership of this System,
4 and this amendatory Act of 1987 (P.A. 84-1472) is not
5 intended to effect any change in the status of such
6 persons;

7 (10) any person who is a member of the Illinois Health
8 Care Cost Containment Council, and receives per diem
9 compensation rather than a salary, notwithstanding that
10 such per diem compensation is paid by warrant issued
11 pursuant to a payroll voucher; such persons have never
12 been included in the membership of this System, and this
13 amendatory Act of 1987 is not intended to effect any
14 change in the status of such persons;

15 (11) any person who is a member of the Oil and Gas
16 Board created by Section 1.2 of the Illinois Oil and Gas
17 Act, and receives per diem compensation rather than a
18 salary, notwithstanding that such per diem compensation is
19 paid by warrant issued pursuant to a payroll voucher;

20 (12) a person employed by the State Board of Higher
21 Education in a position with the Illinois Century Network
22 as of June 30, 2004, who remains continuously employed
23 after that date by the Department of Central Management
24 Services in a position with the Illinois Century Network
25 and participates in the Article 15 system with respect to
26 that employment;

1 (13) any person who first becomes a member of the
2 Civil Service Commission on or after January 1, 2012;

3 (14) any person, other than the Director of Employment
4 Security, who first becomes a member of the Board of
5 Review of the Department of Employment Security on or
6 after January 1, 2012;

7 (15) any person who first becomes a member of the
8 Civil Service Commission on or after January 1, 2012;

9 (16) any person who first becomes a member of the
10 Illinois Liquor Control Commission on or after January 1,
11 2012;

12 (17) any person who first becomes a member of the
13 Secretary of State Merit Commission on or after January 1,
14 2012;

15 (18) any person who first becomes a member of the
16 Human Rights Commission on or after January 1, 2012 unless
17 he or she is eligible to participate in accordance with
18 subsection (d) of this Section;

19 (19) any person who first becomes a member of the
20 State Mining Board on or after January 1, 2012;

21 (20) any person who first becomes a member of the
22 Property Tax Appeal Board on or after January 1, 2012;

23 (21) any person who first becomes a member of the
24 Illinois Racing Board on or after January 1, 2012;

25 (22) any person who first becomes a member of the
26 Illinois ~~Department of~~ State Police Merit Board on or

1 after January 1, 2012;

2 (23) any person who first becomes a member of the
3 Illinois State Toll Highway Authority on or after January
4 1, 2012; or

5 (24) any person who first becomes a member of the
6 Illinois State Board of Elections on or after January 1,
7 2012.

8 (c) An individual who represents or is employed as an
9 officer or employee of a statewide labor organization that
10 represents members of this System may participate in the
11 System and shall be deemed an employee, provided that (1) the
12 individual has previously earned creditable service under this
13 Article, (2) the individual files with the System an
14 irrevocable election to become a participant within 6 months
15 after the effective date of this amendatory Act of the 94th
16 General Assembly, and (3) the individual does not receive
17 credit for that employment under any other provisions of this
18 Code. An employee under this subsection (c) is responsible for
19 paying to the System both (i) employee contributions based on
20 the actual compensation received for service with the labor
21 organization and (ii) employer contributions based on the
22 percentage of payroll certified by the board; all or any part
23 of these contributions may be paid on the employee's behalf or
24 picked up for tax purposes (if authorized under federal law)
25 by the labor organization.

26 A person who is an employee as defined in this subsection

1 (c) may establish service credit for similar employment prior
2 to becoming an employee under this subsection by paying to the
3 System for that employment the contributions specified in this
4 subsection, plus interest at the effective rate from the date
5 of service to the date of payment. However, credit shall not be
6 granted under this subsection (c) for any such prior
7 employment for which the applicant received credit under any
8 other provision of this Code or during which the applicant was
9 on a leave of absence.

10 (d) A person appointed as a member of the Human Rights
11 Commission on or after June 1, 2019 may elect to participate in
12 the System and shall be deemed an employee. Service and
13 contributions shall begin on the first payroll period
14 immediately following the employee's election to participate
15 in the System.

16 A person who is an employee as described in this
17 subsection (d) may establish service credit for employment as
18 a Human Rights Commissioner that occurred on or after June 1,
19 2019 and before establishing service under this subsection by
20 paying to the System for that employment the contributions
21 specified in paragraph (1) of subsection (a) of Section
22 14-133, plus regular interest from the date of service to the
23 date of payment.

24 (Source: P.A. 101-10, eff. 6-5-19.)

25 (40 ILCS 5/14-110) (from Ch. 108 1/2, par. 14-110)

1 Sec. 14-110. Alternative retirement annuity.

2 (a) Any member who has withdrawn from service with not
3 less than 20 years of eligible creditable service and has
4 attained age 55, and any member who has withdrawn from service
5 with not less than 25 years of eligible creditable service and
6 has attained age 50, regardless of whether the attainment of
7 either of the specified ages occurs while the member is still
8 in service, shall be entitled to receive at the option of the
9 member, in lieu of the regular or minimum retirement annuity,
10 a retirement annuity computed as follows:

11 (i) for periods of service as a noncovered employee:
12 if retirement occurs on or after January 1, 2001, 3% of
13 final average compensation for each year of creditable
14 service; if retirement occurs before January 1, 2001, 2
15 1/4% of final average compensation for each of the first
16 10 years of creditable service, 2 1/2% for each year above
17 10 years to and including 20 years of creditable service,
18 and 2 3/4% for each year of creditable service above 20
19 years; and

20 (ii) for periods of eligible creditable service as a
21 covered employee: if retirement occurs on or after January
22 1, 2001, 2.5% of final average compensation for each year
23 of creditable service; if retirement occurs before January
24 1, 2001, 1.67% of final average compensation for each of
25 the first 10 years of such service, 1.90% for each of the
26 next 10 years of such service, 2.10% for each year of such

1 service in excess of 20 but not exceeding 30, and 2.30% for
2 each year in excess of 30.

3 Such annuity shall be subject to a maximum of 75% of final
4 average compensation if retirement occurs before January 1,
5 2001 or to a maximum of 80% of final average compensation if
6 retirement occurs on or after January 1, 2001.

7 These rates shall not be applicable to any service
8 performed by a member as a covered employee which is not
9 eligible creditable service. Service as a covered employee
10 which is not eligible creditable service shall be subject to
11 the rates and provisions of Section 14-108.

12 (b) For the purpose of this Section, "eligible creditable
13 service" means creditable service resulting from service in
14 one or more of the following positions:

15 (1) State policeman;

16 (2) fire fighter in the fire protection service of a
17 department;

18 (3) air pilot;

19 (4) special agent;

20 (5) investigator for the Secretary of State;

21 (6) conservation police officer;

22 (7) investigator for the Department of Revenue or the
23 Illinois Gaming Board;

24 (8) security employee of the Department of Human
25 Services;

26 (9) Central Management Services security police

1 officer;

2 (10) security employee of the Department of
3 Corrections or the Department of Juvenile Justice;

4 (11) dangerous drugs investigator;

5 (12) investigator for the Illinois ~~Department of~~ State
6 Police;

7 (13) investigator for the Office of the Attorney
8 General;

9 (14) controlled substance inspector;

10 (15) investigator for the Office of the State's
11 Attorneys Appellate Prosecutor;

12 (16) Commerce Commission police officer;

13 (17) arson investigator;

14 (18) State highway maintenance worker;

15 (19) security employee of the Department of Innovation
16 and Technology; or

17 (20) transferred employee.

18 A person employed in one of the positions specified in
19 this subsection is entitled to eligible creditable service for
20 service credit earned under this Article while undergoing the
21 basic police training course approved by the Illinois Law
22 Enforcement Training Standards Board, if completion of that
23 training is required of persons serving in that position. For
24 the purposes of this Code, service during the required basic
25 police training course shall be deemed performance of the
26 duties of the specified position, even though the person is

1 not a sworn peace officer at the time of the training.

2 A person under paragraph (20) is entitled to eligible
3 creditable service for service credit earned under this
4 Article on and after his or her transfer by Executive Order No.
5 2003-10, Executive Order No. 2004-2, or Executive Order No.
6 2016-1.

7 (c) For the purposes of this Section:

8 (1) The term "State policeman" includes any title or
9 position in the Illinois ~~Department of~~ State Police that
10 is held by an individual employed under the Illinois State
11 Police Act.

12 (2) The term "fire fighter in the fire protection
13 service of a department" includes all officers in such
14 fire protection service including fire chiefs and
15 assistant fire chiefs.

16 (3) The term "air pilot" includes any employee whose
17 official job description on file in the Department of
18 Central Management Services, or in the department by which
19 he is employed if that department is not covered by the
20 Personnel Code, states that his principal duty is the
21 operation of aircraft, and who possesses a pilot's
22 license; however, the change in this definition made by
23 this amendatory Act of 1983 shall not operate to exclude
24 any noncovered employee who was an "air pilot" for the
25 purposes of this Section on January 1, 1984.

26 (4) The term "special agent" means any person who by

1 reason of employment by the Division of Narcotic Control,
2 the Bureau of Investigation or, after July 1, 1977, the
3 Division of Criminal Investigation, the Division of
4 Internal Investigation, the Division of Operations, the
5 Division of Patrol Operations, or any other Division or
6 organizational entity in the Illinois ~~Department of~~ State
7 Police is vested by law with duties to maintain public
8 order, investigate violations of the criminal law of this
9 State, enforce the laws of this State, make arrests and
10 recover property. The term "special agent" includes any
11 title or position in the Illinois ~~Department of~~ State
12 Police that is held by an individual employed under the
13 Illinois State Police Act.

14 (5) The term "investigator for the Secretary of State"
15 means any person employed by the Office of the Secretary
16 of State and vested with such investigative duties as
17 render him ineligible for coverage under the Social
18 Security Act by reason of Sections 218(d)(5)(A),
19 218(d)(8)(D) and 218(1)(1) of that Act.

20 A person who became employed as an investigator for
21 the Secretary of State between January 1, 1967 and
22 December 31, 1975, and who has served as such until
23 attainment of age 60, either continuously or with a single
24 break in service of not more than 3 years duration, which
25 break terminated before January 1, 1976, shall be entitled
26 to have his retirement annuity calculated in accordance

1 with subsection (a), notwithstanding that he has less than
2 20 years of credit for such service.

3 (6) The term "Conservation Police Officer" means any
4 person employed by the Division of Law Enforcement of the
5 Department of Natural Resources and vested with such law
6 enforcement duties as render him ineligible for coverage
7 under the Social Security Act by reason of Sections
8 218(d)(5)(A), 218(d)(8)(D), and 218(1)(1) of that Act. The
9 term "Conservation Police Officer" includes the positions
10 of Chief Conservation Police Administrator and Assistant
11 Conservation Police Administrator.

12 (7) The term "investigator for the Department of
13 Revenue" means any person employed by the Department of
14 Revenue and vested with such investigative duties as
15 render him ineligible for coverage under the Social
16 Security Act by reason of Sections 218(d)(5)(A),
17 218(d)(8)(D) and 218(1)(1) of that Act.

18 The term "investigator for the Illinois Gaming Board"
19 means any person employed as such by the Illinois Gaming
20 Board and vested with such peace officer duties as render
21 the person ineligible for coverage under the Social
22 Security Act by reason of Sections 218(d)(5)(A),
23 218(d)(8)(D), and 218(1)(1) of that Act.

24 (8) The term "security employee of the Department of
25 Human Services" means any person employed by the
26 Department of Human Services who (i) is employed at the

1 Chester Mental Health Center and has daily contact with
2 the residents thereof, (ii) is employed within a security
3 unit at a facility operated by the Department and has
4 daily contact with the residents of the security unit,
5 (iii) is employed at a facility operated by the Department
6 that includes a security unit and is regularly scheduled
7 to work at least 50% of his or her working hours within
8 that security unit, or (iv) is a mental health police
9 officer. "Mental health police officer" means any person
10 employed by the Department of Human Services in a position
11 pertaining to the Department's mental health and
12 developmental disabilities functions who is vested with
13 such law enforcement duties as render the person
14 ineligible for coverage under the Social Security Act by
15 reason of Sections 218(d)(5)(A), 218(d)(8)(D) and
16 218(1)(1) of that Act. "Security unit" means that portion
17 of a facility that is devoted to the care, containment,
18 and treatment of persons committed to the Department of
19 Human Services as sexually violent persons, persons unfit
20 to stand trial, or persons not guilty by reason of
21 insanity. With respect to past employment, references to
22 the Department of Human Services include its predecessor,
23 the Department of Mental Health and Developmental
24 Disabilities.

25 The changes made to this subdivision (c)(8) by Public
26 Act 92-14 apply to persons who retire on or after January

1 1, 2001, notwithstanding Section 1-103.1.

2 (9) "Central Management Services security police
3 officer" means any person employed by the Department of
4 Central Management Services who is vested with such law
5 enforcement duties as render him ineligible for coverage
6 under the Social Security Act by reason of Sections
7 218(d)(5)(A), 218(d)(8)(D) and 218(1)(1) of that Act.

8 (10) For a member who first became an employee under
9 this Article before July 1, 2005, the term "security
10 employee of the Department of Corrections or the
11 Department of Juvenile Justice" means any employee of the
12 Department of Corrections or the Department of Juvenile
13 Justice or the former Department of Personnel, and any
14 member or employee of the Prisoner Review Board, who has
15 daily contact with inmates or youth by working within a
16 correctional facility or Juvenile facility operated by the
17 Department of Juvenile Justice or who is a parole officer
18 or an employee who has direct contact with committed
19 persons in the performance of his or her job duties. For a
20 member who first becomes an employee under this Article on
21 or after July 1, 2005, the term means an employee of the
22 Department of Corrections or the Department of Juvenile
23 Justice who is any of the following: (i) officially
24 headquartered at a correctional facility or Juvenile
25 facility operated by the Department of Juvenile Justice,
26 (ii) a parole officer, (iii) a member of the apprehension

1 unit, (iv) a member of the intelligence unit, (v) a member
2 of the sort team, or (vi) an investigator.

3 (11) The term "dangerous drugs investigator" means any
4 person who is employed as such by the Department of Human
5 Services.

6 (12) The term "investigator for the Illinois
7 ~~Department of State Police~~" means a person employed by the
8 Illinois Department of State Police who is vested under
9 Section 4 of the Narcotic Control Division Abolition Act
10 with such law enforcement powers as render him ineligible
11 for coverage under the Social Security Act by reason of
12 Sections 218(d)(5)(A), 218(d)(8)(D) and 218(1)(1) of that
13 Act.

14 (13) "Investigator for the Office of the Attorney
15 General" means any person who is employed as such by the
16 Office of the Attorney General and is vested with such
17 investigative duties as render him ineligible for coverage
18 under the Social Security Act by reason of Sections
19 218(d)(5)(A), 218(d)(8)(D) and 218(1)(1) of that Act. For
20 the period before January 1, 1989, the term includes all
21 persons who were employed as investigators by the Office
22 of the Attorney General, without regard to social security
23 status.

24 (14) "Controlled substance inspector" means any person
25 who is employed as such by the Department of Professional
26 Regulation and is vested with such law enforcement duties

1 as render him ineligible for coverage under the Social
2 Security Act by reason of Sections 218(d)(5)(A),
3 218(d)(8)(D) and 218(1)(1) of that Act. The term
4 "controlled substance inspector" includes the Program
5 Executive of Enforcement and the Assistant Program
6 Executive of Enforcement.

7 (15) The term "investigator for the Office of the
8 State's Attorneys Appellate Prosecutor" means a person
9 employed in that capacity on a full time basis under the
10 authority of Section 7.06 of the State's Attorneys
11 Appellate Prosecutor's Act.

12 (16) "Commerce Commission police officer" means any
13 person employed by the Illinois Commerce Commission who is
14 vested with such law enforcement duties as render him
15 ineligible for coverage under the Social Security Act by
16 reason of Sections 218(d)(5)(A), 218(d)(8)(D), and
17 218(1)(1) of that Act.

18 (17) "Arson investigator" means any person who is
19 employed as such by the Office of the State Fire Marshal
20 and is vested with such law enforcement duties as render
21 the person ineligible for coverage under the Social
22 Security Act by reason of Sections 218(d)(5)(A),
23 218(d)(8)(D), and 218(1)(1) of that Act. A person who was
24 employed as an arson investigator on January 1, 1995 and
25 is no longer in service but not yet receiving a retirement
26 annuity may convert his or her creditable service for

1 employment as an arson investigator into eligible
2 creditable service by paying to the System the difference
3 between the employee contributions actually paid for that
4 service and the amounts that would have been contributed
5 if the applicant were contributing at the rate applicable
6 to persons with the same social security status earning
7 eligible creditable service on the date of application.

8 (18) The term "State highway maintenance worker" means
9 a person who is either of the following:

10 (i) A person employed on a full-time basis by the
11 Illinois Department of Transportation in the position
12 of highway maintainer, highway maintenance lead
13 worker, highway maintenance lead/lead worker, heavy
14 construction equipment operator, power shovel
15 operator, or bridge mechanic; and whose principal
16 responsibility is to perform, on the roadway, the
17 actual maintenance necessary to keep the highways that
18 form a part of the State highway system in serviceable
19 condition for vehicular traffic.

20 (ii) A person employed on a full-time basis by the
21 Illinois State Toll Highway Authority in the position
22 of equipment operator/laborer H-4, equipment
23 operator/laborer H-6, welder H-4, welder H-6,
24 mechanical/electrical H-4, mechanical/electrical H-6,
25 water/sewer H-4, water/sewer H-6, sign maker/hanger
26 H-4, sign maker/hanger H-6, roadway lighting H-4,

1 roadway lighting H-6, structural H-4, structural H-6,
2 painter H-4, or painter H-6; and whose principal
3 responsibility is to perform, on the roadway, the
4 actual maintenance necessary to keep the Authority's
5 tollways in serviceable condition for vehicular
6 traffic.

7 (19) The term "security employee of the Department of
8 Innovation and Technology" means a person who was a
9 security employee of the Department of Corrections or the
10 Department of Juvenile Justice, was transferred to the
11 Department of Innovation and Technology pursuant to
12 Executive Order 2016-01, and continues to perform similar
13 job functions under that Department.

14 (20) "Transferred employee" means an employee who was
15 transferred to the Department of Central Management
16 Services by Executive Order No. 2003-10 or Executive Order
17 No. 2004-2 or transferred to the Department of Innovation
18 and Technology by Executive Order No. 2016-1, or both, and
19 was entitled to eligible creditable service for services
20 immediately preceding the transfer.

21 (d) A security employee of the Department of Corrections
22 or the Department of Juvenile Justice, a security employee of
23 the Department of Human Services who is not a mental health
24 police officer, and a security employee of the Department of
25 Innovation and Technology shall not be eligible for the
26 alternative retirement annuity provided by this Section unless

1 he or she meets the following minimum age and service
2 requirements at the time of retirement:

3 (i) 25 years of eligible creditable service and age
4 55; or

5 (ii) beginning January 1, 1987, 25 years of eligible
6 creditable service and age 54, or 24 years of eligible
7 creditable service and age 55; or

8 (iii) beginning January 1, 1988, 25 years of eligible
9 creditable service and age 53, or 23 years of eligible
10 creditable service and age 55; or

11 (iv) beginning January 1, 1989, 25 years of eligible
12 creditable service and age 52, or 22 years of eligible
13 creditable service and age 55; or

14 (v) beginning January 1, 1990, 25 years of eligible
15 creditable service and age 51, or 21 years of eligible
16 creditable service and age 55; or

17 (vi) beginning January 1, 1991, 25 years of eligible
18 creditable service and age 50, or 20 years of eligible
19 creditable service and age 55.

20 Persons who have service credit under Article 16 of this
21 Code for service as a security employee of the Department of
22 Corrections or the Department of Juvenile Justice, or the
23 Department of Human Services in a position requiring
24 certification as a teacher may count such service toward
25 establishing their eligibility under the service requirements
26 of this Section; but such service may be used only for

1 establishing such eligibility, and not for the purpose of
2 increasing or calculating any benefit.

3 (e) If a member enters military service while working in a
4 position in which eligible creditable service may be earned,
5 and returns to State service in the same or another such
6 position, and fulfills in all other respects the conditions
7 prescribed in this Article for credit for military service,
8 such military service shall be credited as eligible creditable
9 service for the purposes of the retirement annuity prescribed
10 in this Section.

11 (f) For purposes of calculating retirement annuities under
12 this Section, periods of service rendered after December 31,
13 1968 and before October 1, 1975 as a covered employee in the
14 position of special agent, conservation police officer, mental
15 health police officer, or investigator for the Secretary of
16 State, shall be deemed to have been service as a noncovered
17 employee, provided that the employee pays to the System prior
18 to retirement an amount equal to (1) the difference between
19 the employee contributions that would have been required for
20 such service as a noncovered employee, and the amount of
21 employee contributions actually paid, plus (2) if payment is
22 made after July 31, 1987, regular interest on the amount
23 specified in item (1) from the date of service to the date of
24 payment.

25 For purposes of calculating retirement annuities under
26 this Section, periods of service rendered after December 31,

1 1968 and before January 1, 1982 as a covered employee in the
2 position of investigator for the Department of Revenue shall
3 be deemed to have been service as a noncovered employee,
4 provided that the employee pays to the System prior to
5 retirement an amount equal to (1) the difference between the
6 employee contributions that would have been required for such
7 service as a noncovered employee, and the amount of employee
8 contributions actually paid, plus (2) if payment is made after
9 January 1, 1990, regular interest on the amount specified in
10 item (1) from the date of service to the date of payment.

11 (g) A State policeman may elect, not later than January 1,
12 1990, to establish eligible creditable service for up to 10
13 years of his service as a policeman under Article 3, by filing
14 a written election with the Board, accompanied by payment of
15 an amount to be determined by the Board, equal to (i) the
16 difference between the amount of employee and employer
17 contributions transferred to the System under Section 3-110.5,
18 and the amounts that would have been contributed had such
19 contributions been made at the rates applicable to State
20 policemen, plus (ii) interest thereon at the effective rate
21 for each year, compounded annually, from the date of service
22 to the date of payment.

23 Subject to the limitation in subsection (i), a State
24 policeman may elect, not later than July 1, 1993, to establish
25 eligible creditable service for up to 10 years of his service
26 as a member of the County Police Department under Article 9, by

1 filing a written election with the Board, accompanied by
2 payment of an amount to be determined by the Board, equal to
3 (i) the difference between the amount of employee and employer
4 contributions transferred to the System under Section 9-121.10
5 and the amounts that would have been contributed had those
6 contributions been made at the rates applicable to State
7 policemen, plus (ii) interest thereon at the effective rate
8 for each year, compounded annually, from the date of service
9 to the date of payment.

10 (h) Subject to the limitation in subsection (i), a State
11 policeman or investigator for the Secretary of State may elect
12 to establish eligible creditable service for up to 12 years of
13 his service as a policeman under Article 5, by filing a written
14 election with the Board on or before January 31, 1992, and
15 paying to the System by January 31, 1994 an amount to be
16 determined by the Board, equal to (i) the difference between
17 the amount of employee and employer contributions transferred
18 to the System under Section 5-236, and the amounts that would
19 have been contributed had such contributions been made at the
20 rates applicable to State policemen, plus (ii) interest
21 thereon at the effective rate for each year, compounded
22 annually, from the date of service to the date of payment.

23 Subject to the limitation in subsection (i), a State
24 policeman, conservation police officer, or investigator for
25 the Secretary of State may elect to establish eligible
26 creditable service for up to 10 years of service as a sheriff's

1 law enforcement employee under Article 7, by filing a written
2 election with the Board on or before January 31, 1993, and
3 paying to the System by January 31, 1994 an amount to be
4 determined by the Board, equal to (i) the difference between
5 the amount of employee and employer contributions transferred
6 to the System under Section 7-139.7, and the amounts that
7 would have been contributed had such contributions been made
8 at the rates applicable to State policemen, plus (ii) interest
9 thereon at the effective rate for each year, compounded
10 annually, from the date of service to the date of payment.

11 Subject to the limitation in subsection (i), a State
12 policeman, conservation police officer, or investigator for
13 the Secretary of State may elect to establish eligible
14 creditable service for up to 5 years of service as a police
15 officer under Article 3, a policeman under Article 5, a
16 sheriff's law enforcement employee under Article 7, a member
17 of the county police department under Article 9, or a police
18 officer under Article 15 by filing a written election with the
19 Board and paying to the System an amount to be determined by
20 the Board, equal to (i) the difference between the amount of
21 employee and employer contributions transferred to the System
22 under Section 3-110.6, 5-236, 7-139.8, 9-121.10, or 15-134.4
23 and the amounts that would have been contributed had such
24 contributions been made at the rates applicable to State
25 policemen, plus (ii) interest thereon at the effective rate
26 for each year, compounded annually, from the date of service

1 to the date of payment.

2 Subject to the limitation in subsection (i), an
3 investigator for the Office of the Attorney General, or an
4 investigator for the Department of Revenue, may elect to
5 establish eligible creditable service for up to 5 years of
6 service as a police officer under Article 3, a policeman under
7 Article 5, a sheriff's law enforcement employee under Article
8 7, or a member of the county police department under Article 9
9 by filing a written election with the Board within 6 months
10 after August 25, 2009 (the effective date of Public Act
11 96-745) and paying to the System an amount to be determined by
12 the Board, equal to (i) the difference between the amount of
13 employee and employer contributions transferred to the System
14 under Section 3-110.6, 5-236, 7-139.8, or 9-121.10 and the
15 amounts that would have been contributed had such
16 contributions been made at the rates applicable to State
17 policemen, plus (ii) interest thereon at the actuarially
18 assumed rate for each year, compounded annually, from the date
19 of service to the date of payment.

20 Subject to the limitation in subsection (i), a State
21 policeman, conservation police officer, investigator for the
22 Office of the Attorney General, an investigator for the
23 Department of Revenue, or investigator for the Secretary of
24 State may elect to establish eligible creditable service for
25 up to 5 years of service as a person employed by a
26 participating municipality to perform police duties, or law

1 enforcement officer employed on a full-time basis by a forest
2 preserve district under Article 7, a county corrections
3 officer, or a court services officer under Article 9, by
4 filing a written election with the Board within 6 months after
5 August 25, 2009 (the effective date of Public Act 96-745) and
6 paying to the System an amount to be determined by the Board,
7 equal to (i) the difference between the amount of employee and
8 employer contributions transferred to the System under
9 Sections 7-139.8 and 9-121.10 and the amounts that would have
10 been contributed had such contributions been made at the rates
11 applicable to State policemen, plus (ii) interest thereon at
12 the actuarially assumed rate for each year, compounded
13 annually, from the date of service to the date of payment.

14 (i) The total amount of eligible creditable service
15 established by any person under subsections (g), (h), (j),
16 (k), (l), (l-5), and (o) of this Section shall not exceed 12
17 years.

18 (j) Subject to the limitation in subsection (i), an
19 investigator for the Office of the State's Attorneys Appellate
20 Prosecutor or a controlled substance inspector may elect to
21 establish eligible creditable service for up to 10 years of
22 his service as a policeman under Article 3 or a sheriff's law
23 enforcement employee under Article 7, by filing a written
24 election with the Board, accompanied by payment of an amount
25 to be determined by the Board, equal to (1) the difference
26 between the amount of employee and employer contributions

1 transferred to the System under Section 3-110.6 or 7-139.8,
2 and the amounts that would have been contributed had such
3 contributions been made at the rates applicable to State
4 policemen, plus (2) interest thereon at the effective rate for
5 each year, compounded annually, from the date of service to
6 the date of payment.

7 (k) Subject to the limitation in subsection (i) of this
8 Section, an alternative formula employee may elect to
9 establish eligible creditable service for periods spent as a
10 full-time law enforcement officer or full-time corrections
11 officer employed by the federal government or by a state or
12 local government located outside of Illinois, for which credit
13 is not held in any other public employee pension fund or
14 retirement system. To obtain this credit, the applicant must
15 file a written application with the Board by March 31, 1998,
16 accompanied by evidence of eligibility acceptable to the Board
17 and payment of an amount to be determined by the Board, equal
18 to (1) employee contributions for the credit being
19 established, based upon the applicant's salary on the first
20 day as an alternative formula employee after the employment
21 for which credit is being established and the rates then
22 applicable to alternative formula employees, plus (2) an
23 amount determined by the Board to be the employer's normal
24 cost of the benefits accrued for the credit being established,
25 plus (3) regular interest on the amounts in items (1) and (2)
26 from the first day as an alternative formula employee after

1 the employment for which credit is being established to the
2 date of payment.

3 (1) Subject to the limitation in subsection (i), a
4 security employee of the Department of Corrections may elect,
5 not later than July 1, 1998, to establish eligible creditable
6 service for up to 10 years of his or her service as a policeman
7 under Article 3, by filing a written election with the Board,
8 accompanied by payment of an amount to be determined by the
9 Board, equal to (i) the difference between the amount of
10 employee and employer contributions transferred to the System
11 under Section 3-110.5, and the amounts that would have been
12 contributed had such contributions been made at the rates
13 applicable to security employees of the Department of
14 Corrections, plus (ii) interest thereon at the effective rate
15 for each year, compounded annually, from the date of service
16 to the date of payment.

17 (1-5) Subject to the limitation in subsection (i) of this
18 Section, a State policeman may elect to establish eligible
19 creditable service for up to 5 years of service as a full-time
20 law enforcement officer employed by the federal government or
21 by a state or local government located outside of Illinois for
22 which credit is not held in any other public employee pension
23 fund or retirement system. To obtain this credit, the
24 applicant must file a written application with the Board no
25 later than 3 years after the effective date of this amendatory
26 Act of the 101st General Assembly, accompanied by evidence of

1 eligibility acceptable to the Board and payment of an amount
2 to be determined by the Board, equal to (1) employee
3 contributions for the credit being established, based upon the
4 applicant's salary on the first day as an alternative formula
5 employee after the employment for which credit is being
6 established and the rates then applicable to alternative
7 formula employees, plus (2) an amount determined by the Board
8 to be the employer's normal cost of the benefits accrued for
9 the credit being established, plus (3) regular interest on the
10 amounts in items (1) and (2) from the first day as an
11 alternative formula employee after the employment for which
12 credit is being established to the date of payment.

13 (m) The amendatory changes to this Section made by this
14 amendatory Act of the 94th General Assembly apply only to: (1)
15 security employees of the Department of Juvenile Justice
16 employed by the Department of Corrections before the effective
17 date of this amendatory Act of the 94th General Assembly and
18 transferred to the Department of Juvenile Justice by this
19 amendatory Act of the 94th General Assembly; and (2) persons
20 employed by the Department of Juvenile Justice on or after the
21 effective date of this amendatory Act of the 94th General
22 Assembly who are required by subsection (b) of Section
23 3-2.5-15 of the Unified Code of Corrections to have any
24 bachelor's or advanced degree from an accredited college or
25 university or, in the case of persons who provide vocational
26 training, who are required to have adequate knowledge in the

1 skill for which they are providing the vocational training.

2 (n) A person employed in a position under subsection (b)
3 of this Section who has purchased service credit under
4 subsection (j) of Section 14-104 or subsection (b) of Section
5 14-105 in any other capacity under this Article may convert up
6 to 5 years of that service credit into service credit covered
7 under this Section by paying to the Fund an amount equal to (1)
8 the additional employee contribution required under Section
9 14-133, plus (2) the additional employer contribution required
10 under Section 14-131, plus (3) interest on items (1) and (2) at
11 the actuarially assumed rate from the date of the service to
12 the date of payment.

13 (o) Subject to the limitation in subsection (i), a
14 conservation police officer, investigator for the Secretary of
15 State, Commerce Commission police officer, investigator for
16 the Department of Revenue or the Illinois Gaming Board, or
17 arson investigator subject to subsection (g) of Section 1-160
18 may elect to convert up to 8 years of service credit
19 established before the effective date of this amendatory Act
20 of the 101st General Assembly as a conservation police
21 officer, investigator for the Secretary of State, Commerce
22 Commission police officer, investigator for the Department of
23 Revenue or the Illinois Gaming Board, or arson investigator
24 under this Article into eligible creditable service by filing
25 a written election with the Board no later than one year after
26 the effective date of this amendatory Act of the 101st General

1 Assembly, accompanied by payment of an amount to be determined
2 by the Board equal to (i) the difference between the amount of
3 the employee contributions actually paid for that service and
4 the amount of the employee contributions that would have been
5 paid had the employee contributions been made as a noncovered
6 employee serving in a position in which eligible creditable
7 service, as defined in this Section, may be earned, plus (ii)
8 interest thereon at the effective rate for each year,
9 compounded annually, from the date of service to the date of
10 payment.

11 (Source: P.A. 100-19, eff. 1-1-18; 100-611, eff. 7-20-18;
12 101-610, eff. 1-1-20.)

13 (40 ILCS 5/14-123.1) (from Ch. 108 1/2, par. 14-123.1)

14 Sec. 14-123.1. Temporary disability benefit.

15 (a) A member who has at least 18 months of creditable
16 service and who becomes physically or mentally incapacitated
17 to perform the duties of his position shall receive a
18 temporary disability benefit, provided that:

19 (1) the agency responsible for determining the
20 liability of the State (i) has formally denied all
21 employer-paid temporary total disability benefits under
22 the Workers' Compensation Act or the Workers' Occupational
23 Diseases Act and an appeal of that denial is pending
24 before the Illinois Workers' Compensation Commission, or
25 (ii) has granted and then terminated for any reason an

1 employer-paid temporary total disability benefit and the
2 member has filed a petition for a hearing under Section
3 19(b) or Section 19(b-1) of the Workers' Compensation Act
4 or Section 19(b) or Section 19(b-1) of the Workers'
5 Occupational Diseases Act;

6 (2) application is made after the date that the
7 disability results in loss of pay, and after the date the
8 agency responsible for determining the liability of the
9 State under the Workers' Compensation Act or Workers'
10 Occupational Diseases Act has formally denied or
11 terminated the employer-paid temporary total disability
12 benefit; and

13 (3) proper proof is received from one or more licensed
14 health care professionals designated by the Board
15 certifying that the member is mentally or physically
16 incapacitated.

17 (b) In the case of a denial of benefits, the temporary
18 disability benefit shall begin to accrue on the 31st day of
19 absence from work on account of disability, but the benefit
20 shall not become actually payable to the member until the
21 expiration of 31 days from the day upon which the member last
22 received or had a right to receive any compensation.

23 In the case of termination of an employer-paid temporary
24 total disability benefit, the temporary disability benefit
25 under this Section shall be calculated from the day following
26 the date of termination of the employer-paid benefit or the

1 31st day of absence from work on account of disability,
2 whichever is later, but shall not become payable to the member
3 until (i) the member's right to an employer-paid temporary
4 total disability benefit is denied as a result of the hearing
5 held under Section 19(b) or Section 19(b-1) of the Workers'
6 Compensation Act or Section 19(b) or Section 19(b-1) of the
7 Workers' Occupational Diseases Act or (ii) the expiration of
8 30 days from the date of termination of the employer-paid
9 benefit, whichever occurs first. If a terminated employer-paid
10 temporary total disability benefit is resumed or replaced with
11 another employer-paid disability benefit and the resumed or
12 replacement benefit is later terminated and the member again
13 files a petition for a hearing under Section 19(b) or Section
14 19(b-1) of the Workers' Compensation Act or Section 19(b) or
15 Section 19(b-1) of the Workers' Occupational Diseases Act, the
16 member may again become eligible to receive a temporary
17 disability benefit under this Section. The waiting period
18 before the temporary disability benefit under this Section
19 becomes payable applies each time that the benefit is
20 reinstated.

21 The benefit shall continue to accrue until the first of
22 the following events occurs:

23 (1) the disability ceases;

24 (2) the member engages in gainful employment;

25 (3) the end of the month in which the member attains

26 age 65, in the case of benefits commencing prior to

1 attainment of age 60;

2 (4) the end of the month following the fifth
3 anniversary of the effective date of the benefit in the
4 case of benefits commencing on or after attainment of age
5 60;

6 (5) the end of the month in which the death of the
7 member occurs;

8 (6) the end of the month in which the aggregate period
9 for which temporary disability payments have been made
10 becomes equal to 1/2 of the member's total period of
11 creditable service, not including the time for which he
12 has received a temporary disability benefit or
13 nonoccupational disability benefit; for purposes of this
14 item (6) only, in the case of a member to whom Section
15 14-108.2a or 14-108.2b applies and who, at the time
16 disability commences, is performing services for the
17 Illinois Department of Public Health or the Illinois
18 ~~Department~~ of State Police relating to the transferred
19 functions referred to in that Section and has less than 10
20 years of creditable service under this Article, the
21 member's "total period of creditable service" shall be
22 augmented by an amount equal to (i) one half of the
23 member's period of creditable service in the Fund
24 established under Article 8 (excluding any creditable
25 service over 20 years), minus (ii) the amount of the
26 member's creditable service under this Article;

1 (7) a payment is made on the member's claim pursuant
2 to a determination made by the agency responsible for
3 determining the liability of the State under the Workers'
4 Compensation Act or the Workers' Occupational Diseases
5 Act;

6 (8) a final determination is made on the member's
7 claim by the Illinois Workers' Compensation Commission.

8 (c) The temporary disability benefit shall be 50% of the
9 member's final average compensation at the date of disability.

10 If a covered employee is eligible under the Social
11 Security Act for a disability benefit before attaining the
12 Social Security full retirement age, or a retirement benefit
13 on or after attaining the Social Security full retirement age,
14 then the amount of the member's temporary disability benefit
15 shall be reduced by the amount of primary benefit the member is
16 eligible to receive under the Social Security Act, whether or
17 not such eligibility came about as the result of service as a
18 covered employee under this Article. The Board may make such
19 reduction pending a determination of eligibility if it appears
20 that the employee may be so eligible, and shall make an
21 appropriate adjustment if necessary after such determination
22 has been made. The amount of temporary disability benefit
23 payable under this Article shall not be reduced by reason of
24 any increase in benefits payable under the Social Security Act
25 which occurs after the reduction required by this paragraph
26 has been applied. As used in this subsection, "Social Security

1 full retirement age" means the age at which an individual is
2 eligible to receive full Social Security retirement benefits.

3 (d) The temporary disability benefit provided under this
4 Section is intended as a temporary payment of occupational or
5 nonoccupational disability benefit, whichever is appropriate,
6 in cases in which the occupational or nonoccupational
7 character of the disability has not been finally determined.

8 When an employer-paid disability benefit is paid or
9 resumed, the Board shall calculate the benefit that is payable
10 under Section 14-123 and shall deduct from the benefit payable
11 under Section 14-123 the amounts already paid under this
12 Section; those amounts shall then be treated as if they had
13 been paid under Section 14-123.

14 When a final determination of the character of the
15 disability has been made by the Illinois Workers' Compensation
16 Commission, or by settlement between the parties to the
17 disputed claim, the Board shall calculate the benefit that is
18 payable under Section 14-123 or 14-124, whichever is
19 applicable, and shall deduct from such benefit the amounts
20 already paid under this Section; such amounts shall then be
21 treated as if they had been paid under such Section 14-123 or
22 14-124.

23 (e) Any excess benefits paid under this Section shall be
24 subject to recovery by the System from benefits payable under
25 the Workers' Compensation Act or the Workers' Occupational
26 Diseases Act or from third parties as provided in Section

1 14-129, or from any other benefits payable either to the
2 member or on his behalf under this Article. A member who
3 accepts benefits under this Section acknowledges and
4 authorizes these recovery rights of the System.

5 (f) Service credits under the State Universities
6 Retirement System and the Teachers' Retirement System of the
7 State of Illinois shall be considered for the purposes of
8 determining temporary disability benefit eligibility under
9 this Section, and for determining the total period of time for
10 which such benefits are payable.

11 (g) The Board shall prescribe rules and regulations
12 governing the filing of claims for temporary disability
13 benefits, and the investigation, control and supervision of
14 such claims.

15 (h) References in this Section to employer-paid benefits
16 include benefits paid for by the State, either directly or
17 through a program of insurance or self-insurance, whether paid
18 through the member's own department or through some other
19 department or entity; but the term does not include benefits
20 paid by the System under this Article.

21 (Source: P.A. 101-54, eff. 7-12-19.)

22 (40 ILCS 5/14-124) (from Ch. 108 1/2, par. 14-124)

23 Sec. 14-124. Nonoccupational disability benefit. A member
24 with at least 1 1/2 years of creditable service may be granted
25 a nonoccupational disability benefit, if:

1 (1) application for the benefit is made to the system
2 by the member in writing after the commencement of
3 disability;

4 (2) the member is found upon medical examination to be
5 mentally or physically incapacitated to perform the duties
6 of the member's position;

7 (3) the disability resulted from a cause other than an
8 injury or illness sustained in connection with the
9 member's performance of duty as a State employee;

10 (4) the member has been granted a leave of absence for
11 disability at the time of commencement of disability.
12 Renewal of a disability leave of absence shall not be
13 required for the continued payment of benefits; and

14 (5) the member has used all accumulated sick leave
15 available at the beginning of the leave of absence for
16 disability.

17 The benefit shall begin to accrue on the latest of (i) the
18 31st day of absence from work on account of disability
19 (including any periods of such absence for which sick pay was
20 received); or (ii) the day following the day on which the
21 member last receives or has a right to receive any
22 compensation as an employee, including any sick pay. The
23 benefit shall continue to accrue until the first of the
24 following to occur:

25 (a) the date on which disability ceases;

26 (b) the end of the month in which the member attains

1 age 65 in the case of benefits commencing prior to
2 attainment of age 60;

3 (c) the end of the month following the fifth
4 anniversary of the effective date of the benefit, or of
5 the temporary disability benefit if one was received, in
6 the case of benefits commencing on or after attainment of
7 age 60;

8 (d) the end of the month in which the aggregate period
9 for which non-occupational disability and temporary
10 disability benefit payments have been made becomes equal
11 to 1/2 of the member's total period of creditable service,
12 not including the time during which he has received a
13 temporary disability benefit or nonoccupational disability
14 benefit; for purposes of this item (d) only, in the case of
15 a member to whom Section 14-108.2a or 14-108.2b applies
16 and who, at the time disability commences, is performing
17 services for the Illinois Department of Public Health or
18 the Illinois ~~Department~~ of State Police relating to the
19 transferred functions referred to in that Section and has
20 less than 10 years of creditable service under this
21 Article, the member's "total period of creditable service"
22 shall be augmented by an amount equal to (i) one half of
23 the member's period of creditable service in the Fund
24 established under Article 8 (excluding any creditable
25 service over 20 years), minus (ii) the amount of the
26 member's creditable service under this Article;

1 (e) the date on which the member engages in gainful
2 employment;

3 (f) the end of the month in which the death of the
4 member occurs.

5 If disability has ceased and the member again becomes
6 disabled within 60 days from date of resumption of State
7 employment, and if the disability is due to the same cause for
8 which he received nonoccupational disability benefit
9 immediately preceding such reentry into service, the 30 days
10 waiting period prescribed for the receipt of benefits is
11 waived as to such new period of disability.

12 A member shall be considered disabled only when the board
13 has received:

14 (a) a written certificate by one or more licensed
15 health care professionals designated by the board,
16 certifying that the member is disabled and unable properly
17 to perform the duties of his position at the time of
18 disability; and

19 (b) the employee certifies that he is not and has not
20 been engaged in gainful employment.

21 The board shall prescribe rules and regulations governing
22 the filing of claims for nonoccupational disability benefits,
23 and the investigation, control and supervision of such claims.

24 Service credits under the State Universities Retirement
25 System and the Teachers' Retirement System of the State of
26 Illinois shall be considered for the purposes of

1 nonoccupational disability benefit eligibility under this
2 Article and for the total period of time for which such
3 benefits are payable.

4 (Source: P.A. 101-54, eff. 7-12-19.)

5 Section 385. The State Pension Funds Continuing
6 Appropriation Act is amended by changing Section 1.2 as
7 follows:

8 (40 ILCS 15/1.2)

9 Sec. 1.2. Appropriations for the State Employees'
10 Retirement System.

11 (a) From each fund from which an amount is appropriated
12 for personal services to a department or other employer under
13 Article 14 of the Illinois Pension Code, there is hereby
14 appropriated to that department or other employer, on a
15 continuing annual basis for each State fiscal year, an
16 additional amount equal to the amount, if any, by which (1) an
17 amount equal to the percentage of the personal services line
18 item for that department or employer from that fund for that
19 fiscal year that the Board of Trustees of the State Employees'
20 Retirement System of Illinois has certified under Section
21 14-135.08 of the Illinois Pension Code to be necessary to meet
22 the State's obligation under Section 14-131 of the Illinois
23 Pension Code for that fiscal year, exceeds (2) the amounts
24 otherwise appropriated to that department or employer from

1 that fund for State contributions to the State Employees'
2 Retirement System for that fiscal year.

3 (a-1) (Blank).

4 (a-2) (Blank).

5 (a-3) (Blank).

6 (a-4) If a Prior Fiscal Year Shortfall is certified under
7 subsection (k) of Section 14-131 of the Illinois Pension Code,
8 there is hereby appropriated to the State Employees'
9 Retirement System of Illinois on a continuing basis from the
10 General Revenue Fund an additional aggregate amount equal to
11 the Prior Fiscal Year Shortfall.

12 (b) The continuing appropriations provided for by this
13 Section shall first be available in State fiscal year 1996.

14 (c) Beginning in Fiscal Year 2005, any continuing
15 appropriation under this Section arising out of an
16 appropriation for personal services from the Road Fund to the
17 Illinois Department of State Police or the Secretary of State
18 shall be payable from the General Revenue Fund rather than the
19 Road Fund.

20 (d) (Blank).

21 (e) (Blank).

22 (f) (Blank).

23 (Source: P.A. 100-23, eff. 7-6-17; 100-587, eff. 6-4-18;
24 101-10, eff. 6-5-19.)

25 Section 390. The Illinois Police Training Act is amended

1 by changing Sections 3, 6.1, 9, 10.10, 10.19, and 10.21 as
2 follows:

3 (50 ILCS 705/3) (from Ch. 85, par. 503)

4 Sec. 3. Board - composition - appointments - tenure -
5 vacancies. The Board shall be composed of 18 members selected
6 as follows: The Attorney General of the State of Illinois, the
7 Director of the Illinois State Police, the Director of
8 Corrections, the Superintendent of the Chicago Police
9 Department, the Sheriff of Cook County, the Clerk of the
10 Circuit Court of Cook County, and the following to be
11 appointed by the Governor: 2 mayors or village presidents of
12 Illinois municipalities, 2 Illinois county sheriffs from
13 counties other than Cook County, 2 managers of Illinois
14 municipalities, 2 chiefs of municipal police departments in
15 Illinois having no Superintendent of the Police Department on
16 the Board, 2 citizens of Illinois who shall be members of an
17 organized enforcement officers' association, one active member
18 of a statewide association representing sheriffs, and one
19 active member of a statewide association representing
20 municipal police chiefs. The appointments of the Governor
21 shall be made on the first Monday of August in 1965 with 3 of
22 the appointments to be for a period of one year, 3 for 2 years,
23 and 3 for 3 years. Their successors shall be appointed in like
24 manner for terms to expire the first Monday of August each 3
25 years thereafter. All members shall serve until their

1 respective successors are appointed and qualify. Vacancies
2 shall be filled by the Governor for the unexpired terms.

3 (Source: P.A. 99-651, eff. 7-28-16; 100-995, eff. 8-20-18.)

4 (50 ILCS 705/6.1)

5 Sec. 6.1. Decertification of full-time and part-time
6 police officers.

7 (a) The Board must review police officer conduct and
8 records to ensure that no police officer is certified or
9 provided a valid waiver if that police officer has been
10 convicted of, or entered a plea of guilty to, a felony offense
11 under the laws of this State or any other state which if
12 committed in this State would be punishable as a felony. The
13 Board must also ensure that no police officer is certified or
14 provided a valid waiver if that police officer has been
15 convicted of, or entered a plea of guilty to, on or after the
16 effective date of this amendatory Act of 1999 of any
17 misdemeanor specified in this Section or if committed in any
18 other state would be an offense similar to Section 11-1.50,
19 11-6, 11-9.1, 11-14, 11-17, 11-19, 12-2, 12-15, 16-1, 17-1,
20 17-2, 28-3, 29-1, 31-1, 31-6, 31-7, 32-4a, or 32-7 of the
21 Criminal Code of 1961 or the Criminal Code of 2012, to
22 subdivision (a)(1) or (a)(2)(C) of Section 11-14.3 of the
23 Criminal Code of 1961 or the Criminal Code of 2012, or
24 subsection (a) of Section 17-32 of the Criminal Code of 1961 or
25 the Criminal Code of 2012, or to Section 5 or 5.2 of the

1 Cannabis Control Act. The Board must appoint investigators to
2 enforce the duties conferred upon the Board by this Act.

3 (b) It is the responsibility of the sheriff or the chief
4 executive officer of every local law enforcement agency or
5 department within this State to report to the Board any
6 arrest, conviction, or plea of guilty of any officer for an
7 offense identified in this Section.

8 (c) It is the duty and responsibility of every full-time
9 and part-time police officer in this State to report to the
10 Board within 30 days, and the officer's sheriff or chief
11 executive officer, of his or her arrest, conviction, or plea
12 of guilty for an offense identified in this Section. Any
13 full-time or part-time police officer who knowingly makes,
14 submits, causes to be submitted, or files a false or
15 untruthful report to the Board must have his or her
16 certificate or waiver immediately decertified or revoked.

17 (d) Any person, or a local or State agency, or the Board is
18 immune from liability for submitting, disclosing, or releasing
19 information of arrests, convictions, or pleas of guilty in
20 this Section as long as the information is submitted,
21 disclosed, or released in good faith and without malice. The
22 Board has qualified immunity for the release of the
23 information.

24 (e) Any full-time or part-time police officer with a
25 certificate or waiver issued by the Board who is convicted of,
26 or entered a plea of guilty to, any offense described in this

1 Section immediately becomes decertified or no longer has a
2 valid waiver. The decertification and invalidity of waivers
3 occurs as a matter of law. Failure of a convicted person to
4 report to the Board his or her conviction as described in this
5 Section or any continued law enforcement practice after
6 receiving a conviction is a Class 4 felony.

7 (f) The Board's investigators are peace officers and have
8 all the powers possessed by policemen in cities and by
9 sheriff's, and these investigators may exercise those powers
10 anywhere in the State. An investigator shall not have peace
11 officer status or exercise police powers unless he or she
12 successfully completes the basic police training course
13 mandated and approved by the Board or the Board waives the
14 training requirement by reason of the investigator's prior law
15 enforcement experience, training, or both. The Board shall not
16 waive the training requirement unless the investigator has had
17 a minimum of 5 years experience as a sworn officer of a local,
18 State, or federal law enforcement agency.

19 (g) The Board must request and receive information and
20 assistance from any federal, state, or local governmental
21 agency as part of the authorized criminal background
22 investigation. The Illinois ~~Department of~~ State Police must
23 process, retain, and additionally provide and disseminate
24 information to the Board concerning criminal charges, arrests,
25 convictions, and their disposition, that have been filed
26 before, on, or after the effective date of this amendatory Act

1 of the 91st General Assembly against a basic academy
2 applicant, law enforcement applicant, or law enforcement
3 officer whose fingerprint identification cards are on file or
4 maintained by the Illinois ~~Department of~~ State Police. The
5 Federal Bureau of Investigation must provide the Board any
6 criminal history record information contained in its files
7 pertaining to law enforcement officers or any applicant to a
8 Board certified basic law enforcement academy as described in
9 this Act based on fingerprint identification. The Board must
10 make payment of fees to the Illinois ~~Department of~~ State
11 Police for each fingerprint card submission in conformance
12 with the requirements of paragraph 22 of Section 55a of the
13 Civil Administrative Code of Illinois.

14 (h) A police officer who has been certified or granted a
15 valid waiver shall also be decertified or have his or her
16 waiver revoked upon a determination by the Illinois Labor
17 Relations Board State Panel that he or she, while under oath,
18 has knowingly and willfully made false statements as to a
19 material fact going to an element of the offense of murder. If
20 an appeal is filed, the determination shall be stayed.

21 (1) In the case of an acquittal on a charge of murder,
22 a verified complaint may be filed:

23 (A) by the defendant; or

24 (B) by a police officer with personal knowledge of
25 perjured testimony.

26 The complaint must allege that a police officer, while

1 under oath, knowingly and willfully made false statements
2 as to a material fact going to an element of the offense of
3 murder. The verified complaint must be filed with the
4 Executive Director of the Illinois Law Enforcement
5 Training Standards Board within 2 years of the judgment of
6 acquittal.

7 (2) Within 30 days, the Executive Director of the
8 Illinois Law Enforcement Training Standards Board shall
9 review the verified complaint and determine whether the
10 verified complaint is frivolous and without merit, or
11 whether further investigation is warranted. The Illinois
12 Law Enforcement Training Standards Board shall notify the
13 officer and the Executive Director of the Illinois Labor
14 Relations Board State Panel of the filing of the complaint
15 and any action taken thereon. If the Executive Director of
16 the Illinois Law Enforcement Training Standards Board
17 determines that the verified complaint is frivolous and
18 without merit, it shall be dismissed. The Executive
19 Director of the Illinois Law Enforcement Training
20 Standards Board has sole discretion to make this
21 determination and this decision is not subject to appeal.

22 (i) If the Executive Director of the Illinois Law
23 Enforcement Training Standards Board determines that the
24 verified complaint warrants further investigation, he or she
25 shall refer the matter to a task force of investigators
26 created for this purpose. This task force shall consist of 8

1 sworn police officers: 2 from the Illinois State Police, 2
2 from the City of Chicago Police Department, 2 from county
3 police departments, and 2 from municipal police departments.
4 These investigators shall have a minimum of 5 years of
5 experience in conducting criminal investigations. The
6 investigators shall be appointed by the Executive Director of
7 the Illinois Law Enforcement Training Standards Board. Any
8 officer or officers acting in this capacity pursuant to this
9 statutory provision will have statewide police authority while
10 acting in this investigative capacity. Their salaries and
11 expenses for the time spent conducting investigations under
12 this paragraph shall be reimbursed by the Illinois Law
13 Enforcement Training Standards Board.

14 (j) Once the Executive Director of the Illinois Law
15 Enforcement Training Standards Board has determined that an
16 investigation is warranted, the verified complaint shall be
17 assigned to an investigator or investigators. The investigator
18 or investigators shall conduct an investigation of the
19 verified complaint and shall write a report of his or her
20 findings. This report shall be submitted to the Executive
21 Director of the Illinois Labor Relations Board State Panel.

22 Within 30 days, the Executive Director of the Illinois
23 Labor Relations Board State Panel shall review the
24 investigative report and determine whether sufficient evidence
25 exists to conduct an evidentiary hearing on the verified
26 complaint. If the Executive Director of the Illinois Labor

1 Relations Board State Panel determines upon his or her review
2 of the investigatory report that a hearing should not be
3 conducted, the complaint shall be dismissed. This decision is
4 in the Executive Director's sole discretion, and this
5 dismissal may not be appealed.

6 If the Executive Director of the Illinois Labor Relations
7 Board State Panel determines that there is sufficient evidence
8 to warrant a hearing, a hearing shall be ordered on the
9 verified complaint, to be conducted by an administrative law
10 judge employed by the Illinois Labor Relations Board State
11 Panel. The Executive Director of the Illinois Labor Relations
12 Board State Panel shall inform the Executive Director of the
13 Illinois Law Enforcement Training Standards Board and the
14 person who filed the complaint of either the dismissal of the
15 complaint or the issuance of the complaint for hearing. The
16 Executive Director shall assign the complaint to the
17 administrative law judge within 30 days of the decision
18 granting a hearing.

19 (k) In the case of a finding of guilt on the offense of
20 murder, if a new trial is granted on direct appeal, or a state
21 post-conviction evidentiary hearing is ordered, based on a
22 claim that a police officer, under oath, knowingly and
23 willfully made false statements as to a material fact going to
24 an element of the offense of murder, the Illinois Labor
25 Relations Board State Panel shall hold a hearing to determine
26 whether the officer should be decertified if an interested

1 party requests such a hearing within 2 years of the court's
2 decision. The complaint shall be assigned to an administrative
3 law judge within 30 days so that a hearing can be scheduled.

4 At the hearing, the accused officer shall be afforded the
5 opportunity to:

6 (1) Be represented by counsel of his or her own
7 choosing;

8 (2) Be heard in his or her own defense;

9 (3) Produce evidence in his or her defense;

10 (4) Request that the Illinois Labor Relations Board
11 State Panel compel the attendance of witnesses and
12 production of related documents including but not limited
13 to court documents and records.

14 Once a case has been set for hearing, the verified
15 complaint shall be referred to the Department of Professional
16 Regulation. That office shall prosecute the verified complaint
17 at the hearing before the administrative law judge. The
18 Department of Professional Regulation shall have the
19 opportunity to produce evidence to support the verified
20 complaint and to request the Illinois Labor Relations Board
21 State Panel to compel the attendance of witnesses and the
22 production of related documents, including, but not limited
23 to, court documents and records. The Illinois Labor Relations
24 Board State Panel shall have the power to issue subpoenas
25 requiring the attendance of and testimony of witnesses and the
26 production of related documents including, but not limited to,

1 court documents and records and shall have the power to
2 administer oaths.

3 The administrative law judge shall have the responsibility
4 of receiving into evidence relevant testimony and documents,
5 including court records, to support or disprove the
6 allegations made by the person filing the verified complaint
7 and, at the close of the case, hear arguments. If the
8 administrative law judge finds that there is not clear and
9 convincing evidence to support the verified complaint that the
10 police officer has, while under oath, knowingly and willfully
11 made false statements as to a material fact going to an element
12 of the offense of murder, the administrative law judge shall
13 make a written recommendation of dismissal to the Illinois
14 Labor Relations Board State Panel. If the administrative law
15 judge finds that there is clear and convincing evidence that
16 the police officer has, while under oath, knowingly and
17 willfully made false statements as to a material fact that
18 goes to an element of the offense of murder, the
19 administrative law judge shall make a written recommendation
20 so concluding to the Illinois Labor Relations Board State
21 Panel. The hearings shall be transcribed. The Executive
22 Director of the Illinois Law Enforcement Training Standards
23 Board shall be informed of the administrative law judge's
24 recommended findings and decision and the Illinois Labor
25 Relations Board State Panel's subsequent review of the
26 recommendation.

1 (1) An officer named in any complaint filed pursuant to
2 this Act shall be indemnified for his or her reasonable
3 attorney's fees and costs by his or her employer. These fees
4 shall be paid in a regular and timely manner. The State, upon
5 application by the public employer, shall reimburse the public
6 employer for the accused officer's reasonable attorney's fees
7 and costs. At no time and under no circumstances will the
8 accused officer be required to pay his or her own reasonable
9 attorney's fees or costs.

10 (m) The accused officer shall not be placed on unpaid
11 status because of the filing or processing of the verified
12 complaint until there is a final non-appealable order
13 sustaining his or her guilt and his or her certification is
14 revoked. Nothing in this Act, however, restricts the public
15 employer from pursuing discipline against the officer in the
16 normal course and under procedures then in place.

17 (n) The Illinois Labor Relations Board State Panel shall
18 review the administrative law judge's recommended decision and
19 order and determine by a majority vote whether or not there was
20 clear and convincing evidence that the accused officer, while
21 under oath, knowingly and willfully made false statements as
22 to a material fact going to the offense of murder. Within 30
23 days of service of the administrative law judge's recommended
24 decision and order, the parties may file exceptions to the
25 recommended decision and order and briefs in support of their
26 exceptions with the Illinois Labor Relations Board State

1 Panel. The parties may file responses to the exceptions and
2 briefs in support of the responses no later than 15 days after
3 the service of the exceptions. If exceptions are filed by any
4 of the parties, the Illinois Labor Relations Board State Panel
5 shall review the matter and make a finding to uphold, vacate,
6 or modify the recommended decision and order. If the Illinois
7 Labor Relations Board State Panel concludes that there is
8 clear and convincing evidence that the accused officer, while
9 under oath, knowingly and willfully made false statements as
10 to a material fact going to an element of the offense murder,
11 the Illinois Labor Relations Board State Panel shall inform
12 the Illinois Law Enforcement Training Standards Board and the
13 Illinois Law Enforcement Training Standards Board shall revoke
14 the accused officer's certification. If the accused officer
15 appeals that determination to the Appellate Court, as provided
16 by this Act, he or she may petition the Appellate Court to stay
17 the revocation of his or her certification pending the court's
18 review of the matter.

19 (o) None of the Illinois Labor Relations Board State
20 Panel's findings or determinations shall set any precedent in
21 any of its decisions decided pursuant to the Illinois Public
22 Labor Relations Act by the Illinois Labor Relations Board
23 State Panel or the courts.

24 (p) A party aggrieved by the final order of the Illinois
25 Labor Relations Board State Panel may apply for and obtain
26 judicial review of an order of the Illinois Labor Relations

1 Board State Panel, in accordance with the provisions of the
2 Administrative Review Law, except that such judicial review
3 shall be afforded directly in the Appellate Court for the
4 district in which the accused officer resides. Any direct
5 appeal to the Appellate Court shall be filed within 35 days
6 from the date that a copy of the decision sought to be reviewed
7 was served upon the party affected by the decision.

8 (q) Interested parties. Only interested parties to the
9 criminal prosecution in which the police officer allegedly,
10 while under oath, knowingly and willfully made false
11 statements as to a material fact going to an element of the
12 offense of murder may file a verified complaint pursuant to
13 this Section. For purposes of this Section, "interested
14 parties" shall be limited to the defendant and any police
15 officer who has personal knowledge that the police officer who
16 is the subject of the complaint has, while under oath,
17 knowingly and willfully made false statements as to a material
18 fact going to an element of the offense of murder.

19 (r) Semi-annual reports. The Executive Director of the
20 Illinois Labor Relations Board shall submit semi-annual
21 reports to the Governor, President, and Minority Leader of the
22 Senate, and to the Speaker and Minority Leader of the House of
23 Representatives beginning on June 30, 2004, indicating:

24 (1) the number of verified complaints received since
25 the date of the last report;

26 (2) the number of investigations initiated since the

1 date of the last report;

2 (3) the number of investigations concluded since the
3 date of the last report;

4 (4) the number of investigations pending as of the
5 reporting date;

6 (5) the number of hearings held since the date of the
7 last report; and

8 (6) the number of officers decertified since the date
9 of the last report.

10 (Source: P.A. 101-187, eff. 1-1-20.)

11 (50 ILCS 705/9) (from Ch. 85, par. 509)

12 Sec. 9. A special fund is hereby established in the State
13 Treasury to be known as the Traffic and Criminal Conviction
14 Surcharge Fund. Moneys in this Fund shall be expended as
15 follows:

16 (1) a portion of the total amount deposited in the
17 Fund may be used, as appropriated by the General Assembly,
18 for the ordinary and contingent expenses of the Illinois
19 Law Enforcement Training Standards Board;

20 (2) a portion of the total amount deposited in the
21 Fund shall be appropriated for the reimbursement of local
22 governmental agencies participating in training programs
23 certified by the Board, in an amount equaling 1/2 of the
24 total sum paid by such agencies during the State's
25 previous fiscal year for mandated training for

1 probationary police officers or probationary county
2 corrections officers and for optional advanced and
3 specialized law enforcement or county corrections
4 training; these reimbursements may include the costs for
5 tuition at training schools, the salaries of trainees
6 while in schools, and the necessary travel and room and
7 board expenses for each trainee; if the appropriations
8 under this paragraph (2) are not sufficient to fully
9 reimburse the participating local governmental agencies,
10 the available funds shall be apportioned among such
11 agencies, with priority first given to repayment of the
12 costs of mandatory training given to law enforcement
13 officer or county corrections officer recruits, then to
14 repayment of costs of advanced or specialized training for
15 permanent police officers or permanent county corrections
16 officers;

17 (3) a portion of the total amount deposited in the
18 Fund may be used to fund the Intergovernmental Law
19 Enforcement Officer's In-Service Training Act, veto
20 overridden October 29, 1981, as now or hereafter amended,
21 at a rate and method to be determined by the board;

22 (4) a portion of the Fund also may be used by the
23 Illinois ~~Department of~~ State Police for expenses incurred
24 in the training of employees from any State, county or
25 municipal agency whose function includes enforcement of
26 criminal or traffic law;

1 (5) a portion of the Fund may be used by the Board to
2 fund grant-in-aid programs and services for the training
3 of employees from any county or municipal agency whose
4 functions include corrections or the enforcement of
5 criminal or traffic law;

6 (6) for fiscal years 2013 through 2017 only, a portion
7 of the Fund also may be used by the Department of State
8 Police to finance any of its lawful purposes or functions;

9 (7) a portion of the Fund may be used by the Board,
10 subject to appropriation, to administer grants to local
11 law enforcement agencies for the purpose of purchasing
12 bulletproof vests under the Law Enforcement Officer
13 Bulletproof Vest Act; and

14 (8) a portion of the Fund may be used by the Board to
15 create a law enforcement grant program available for units
16 of local government to fund crime prevention programs,
17 training, and interdiction efforts, including enforcement
18 and prevention efforts, relating to the illegal cannabis
19 market and driving under the influence of cannabis.

20 All payments from the Traffic and Criminal Conviction
21 Surcharge Fund shall be made each year from moneys
22 appropriated for the purposes specified in this Section. No
23 more than 50% of any appropriation under this Act shall be
24 spent in any city having a population of more than 500,000. The
25 State Comptroller and the State Treasurer shall from time to
26 time, at the direction of the Governor, transfer from the

1 Traffic and Criminal Conviction Surcharge Fund to the General
2 Revenue Fund in the State Treasury such amounts as the
3 Governor determines are in excess of the amounts required to
4 meet the obligations of the Traffic and Criminal Conviction
5 Surcharge Fund.

6 (Source: P.A. 100-987, eff. 7-1-19; 101-27, eff. 6-25-19.)

7 (50 ILCS 705/10.10)

8 Sec. 10.10. Training in child abduction and missing
9 endangered senior alert system.

10 (a) The Board shall conduct training programs for law
11 enforcement personnel of local governmental agencies in the
12 statewide coordinated child abduction alert system developed
13 under Section 2605-480 of the Illinois ~~Department of~~ State
14 Police Law of the Civil Administrative Code of Illinois and
15 the statewide coordinated missing endangered senior alert
16 system developed under Section 2605-375 of the Illinois
17 ~~Department of~~ State Police Law of the Civil Administrative
18 Code of Illinois.

19 (b) The Board shall conduct a training program for law
20 enforcement personnel of local governmental agencies in the
21 statewide Alzheimer's disease, other related dementia, or
22 other dementia-like cognitive impairment coordinated Silver
23 Search Awareness Program and toolkit developed under Section
24 2605-485 of the Illinois ~~Department of~~ State Police Law of the
25 Civil Administrative Code of Illinois. The Board shall adopt

1 written protocols and guidelines for the handling of missing
2 persons cases involving Alzheimer's disease, other related
3 dementia, or other dementia-like cognitive impairment based
4 upon protocols developed by the Silver Search Task Force in
5 conjunction with the Illinois ~~Department of~~ State Police on or
6 before July 1, 2016.

7 (Source: P.A. 99-322, eff. 1-1-16.)

8 (50 ILCS 705/10.19)

9 Sec. 10.19. Training; administration of epinephrine.

10 (a) This Section, along with Section 40 of the Illinois
11 State Police Act, may be referred to as the Annie LeGere Law.

12 (b) For purposes of this Section, "epinephrine
13 auto-injector" means a single-use device used for the
14 automatic injection of a pre-measured dose of epinephrine into
15 the human body prescribed in the name of a local governmental
16 agency.

17 (c) The Board shall conduct or approve an optional
18 advanced training program for police officers to recognize and
19 respond to anaphylaxis, including the administration of an
20 epinephrine auto-injector. The training must include, but is
21 not limited to:

22 (1) how to recognize symptoms of an allergic reaction;

23 (2) how to respond to an emergency involving an
24 allergic reaction;

25 (3) how to administer an epinephrine auto-injector;

1 (4) how to respond to an individual with a known
2 allergy as well as an individual with a previously unknown
3 allergy;

4 (5) a test demonstrating competency of the knowledge
5 required to recognize anaphylaxis and administer an
6 epinephrine auto-injector; and

7 (6) other criteria as determined in rules adopted by
8 the Board.

9 (d) A local governmental agency may authorize a police
10 officer who has completed an optional advanced training
11 program under subsection (c) to carry, administer, or assist
12 with the administration of epinephrine auto-injectors provided
13 by the local governmental agency whenever he or she is
14 performing official duties.

15 (e) A local governmental agency that authorizes its
16 officers to carry and administer epinephrine auto-injectors
17 under subsection (d) must establish a policy to control the
18 acquisition, storage, transportation, administration, and
19 disposal of epinephrine auto-injectors and to provide
20 continued training in the administration of epinephrine
21 auto-injectors.

22 (f) A physician, physician's assistant with prescriptive
23 authority, or advanced practice registered nurse with
24 prescriptive authority may provide a standing protocol or
25 prescription for epinephrine auto-injectors in the name of a
26 local governmental agency to be maintained for use when

1 necessary.

2 (g) When a police officer administers an epinephrine
3 auto-injector in good faith, the police officer and local
4 governmental agency, and its employees and agents, including a
5 physician, physician's assistant with prescriptive authority,
6 or advanced practice registered nurse with prescriptive
7 authority who provides a standing order or prescription for an
8 epinephrine auto-injector, incur no civil or professional
9 liability, except for willful and wanton conduct, as a result
10 of any injury or death arising from the use of an epinephrine
11 auto-injector.

12 (Source: P.A. 99-711, eff. 1-1-17; 100-201, eff. 8-18-17;
13 100-648, eff. 7-31-18.)

14 (50 ILCS 705/10.21)

15 Sec. 10.21. Training; sexual assault and sexual abuse.

16 (a) The Illinois Law Enforcement Training Standards Board
17 shall conduct or approve training programs in trauma-informed
18 responses and investigations of sexual assault and sexual
19 abuse, which include, but is not limited to, the following:

20 (1) recognizing the symptoms of trauma;

21 (2) understanding the role trauma has played in a
22 victim's life;

23 (3) responding to the needs and concerns of a victim;

24 (4) delivering services in a compassionate, sensitive,
25 and nonjudgmental manner;

1 (5) interviewing techniques in accordance with the
2 curriculum standards in subsection (f) of this Section;

3 (6) understanding cultural perceptions and common
4 myths of sexual assault and sexual abuse;

5 (7) report writing techniques in accordance with the
6 curriculum standards in subsection (f) of this Section;
7 and

8 (8) recognizing special sensitivities of victims due
9 to: age, including those under the age of 13; gender; or
10 other qualifications.

11 (b) This training must be presented in all full and
12 part-time basic law enforcement academies on or before July 1,
13 2018.

14 (c) Agencies employing law enforcement officers must
15 present this training to all law enforcement officers within 3
16 years after January 1, 2017 (the effective date of Public Act
17 99-801) and must present in-service training on sexual assault
18 and sexual abuse response and report writing training
19 requirements every 3 years.

20 (d) Agencies employing law enforcement officers who
21 conduct sexual assault and sexual abuse investigations must
22 provide specialized training to these officers on sexual
23 assault and sexual abuse investigations within 2 years after
24 January 1, 2017 (the effective date of Public Act 99-801) and
25 must present in-service training on sexual assault and sexual
26 abuse investigations to these officers every 3 years.

1 (e) Instructors providing this training shall have
2 successfully completed training on evidence-based,
3 trauma-informed, victim-centered response to cases of sexual
4 assault and sexual abuse and have experience responding to
5 sexual assault and sexual abuse cases.

6 (f) The Board shall adopt rules, in consultation with the
7 Office of the Illinois Attorney General and the Illinois
8 ~~Department of~~ State Police, to determine the specific training
9 requirements for these courses, including, but not limited to,
10 the following:

11 (1) evidence-based curriculum standards for report
12 writing and immediate response to sexual assault and
13 sexual abuse, including trauma-informed, victim-centered,
14 age sensitive, interview techniques, which have been
15 demonstrated to minimize retraumatization, for
16 probationary police officers and all law enforcement
17 officers; and

18 (2) evidence-based curriculum standards for
19 trauma-informed, victim-centered, age sensitive
20 investigation and interviewing techniques, which have been
21 demonstrated to minimize retraumatization, for cases of
22 sexual assault and sexual abuse for law enforcement
23 officers who conduct sexual assault and sexual abuse
24 investigations.

25 (Source: P.A. 99-801, eff. 1-1-17; 100-201, eff. 8-18-17;
26 100-910, eff. 1-1-19.)

1 Section 395. The Uniform Crime Reporting Act is amended by
2 changing Sections 5-5, 5-10, 5-12, 5-15, 5-20, and 5-30 as
3 follows:

4 (50 ILCS 709/5-5)

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

6 "Arrest-related death" means any death of an individual
7 while the individual's freedom to leave is restricted by a law
8 enforcement officer while the officer is on duty, or otherwise
9 acting within the scope of his or her employment, including
10 any death resulting from a motor vehicle accident, if the law
11 enforcement officer was engaged in direct action against the
12 individual or the individual's vehicle during the process of
13 apprehension. "Arrest-related death" does not include the
14 death of law enforcement personnel.

15 ~~"Department" means the Department of State Police.~~

16 "Domestic crime" means any crime attempted or committed
17 between a victim and offender who have a domestic
18 relationship, both current and past.

19 "Hate crime" has the same meaning as defined under Section
20 12-7.1 of the Criminal Code of 2012.

21 "Law enforcement agency" means an agency of this State or
22 unit of local government which is vested by law or ordinance
23 with the duty to maintain public order and to enforce criminal
24 law or ordinances.

1 "Law enforcement officer" or "officer" means any officer,
2 agent, or employee of this State or a unit of local government
3 authorized by law or by a government agency to engage in or
4 supervise the prevention, detection, or investigation of any
5 violation of criminal law, or authorized by law to supervise
6 accused persons or sentenced criminal offenders.

7 (Source: P.A. 99-352, eff. 1-1-16.)

8 (50 ILCS 709/5-10)

9 Sec. 5-10. Central repository of crime statistics. The
10 Illinois Department of State Police shall be a central
11 repository and custodian of crime statistics for the State and
12 shall have all the power necessary to carry out the purposes of
13 this Act, including the power to demand and receive
14 cooperation in the submission of crime statistics from all law
15 enforcement agencies. All data and information provided to the
16 Illinois State Police Department under this Act must be
17 provided in a manner and form prescribed by the Illinois State
18 Police Department. On an annual basis, the Illinois State
19 Police Department shall make available compilations of crime
20 statistics required to be reported by each law enforcement
21 agency.

22 (Source: P.A. 99-352, eff. 1-1-16.)

23 (50 ILCS 709/5-12)

24 Sec. 5-12. Monthly reporting. All law enforcement agencies

1 shall submit to the Illinois ~~Department of~~ State Police on a
2 monthly basis the following:

3 (1) beginning January 1, 2016, a report on any
4 arrest-related death that shall include information
5 regarding the deceased, the officer, any weapon used by
6 the officer or the deceased, and the circumstances of the
7 incident. The Illinois State Police ~~Department~~ shall
8 submit on a quarterly basis all information collected
9 under this paragraph (1) to the Illinois Criminal Justice
10 Information Authority, contingent upon updated federal
11 guidelines regarding the Uniform Crime Reporting Program;

12 (2) beginning January 1, 2017, a report on any
13 instance when a law enforcement officer discharges his or
14 her firearm causing a non-fatal injury to a person, during
15 the performance of his or her official duties or in the
16 line of duty;

17 (3) a report of incident-based information on hate
18 crimes including information describing the offense,
19 location of the offense, type of victim, offender, and
20 bias motivation. If no hate crime incidents occurred
21 during a reporting month, the law enforcement agency must
22 submit a no incident record, as required by the Illinois
23 State Police ~~Department~~;

24 (4) a report on any incident of an alleged commission
25 of a domestic crime, that shall include information
26 regarding the victim, offender, date and time of the

1 incident, any injury inflicted, any weapons involved in
2 the commission of the offense, and the relationship
3 between the victim and the offender;

4 (5) data on an index of offenses selected by the
5 Illinois State Police Department based on the seriousness
6 of the offense, frequency of occurrence of the offense,
7 and likelihood of being reported to law enforcement. The
8 data shall include the number of index crime offenses
9 committed and number of associated arrests; and

10 (6) data on offenses and incidents reported by schools
11 to local law enforcement. The data shall include offenses
12 defined as an attack against school personnel,
13 intimidation offenses, drug incidents, and incidents
14 involving weapons.

15 (Source: P.A. 99-352, eff. 1-1-16.)

16 (50 ILCS 709/5-15)

17 Sec. 5-15. Supplemental homicide reporting. Beginning
18 July 1, 2016, each law enforcement agency shall submit to the
19 Illinois State Police Department incident-based information on
20 any criminal homicide. The data shall be provided quarterly by
21 law enforcement agencies containing information as specified
22 by the Illinois State Police Department.

23 (Source: P.A. 99-352, eff. 1-1-16.)

24 (50 ILCS 709/5-20)

1 Sec. 5-20. Reporting compliance. The Illinois Department
2 ~~of~~ State Police shall annually report to the Illinois Law
3 Enforcement Training Standards Board any law enforcement
4 agency not in compliance with the reporting requirements under
5 this Act. A law enforcement agency's compliance with the
6 reporting requirements under this Act shall be a factor
7 considered by the Illinois Law Enforcement Training Standards
8 Board in awarding grant funding under the Law Enforcement
9 Camera Grant Act.

10 (Source: P.A. 99-352, eff. 1-1-16.)

11 (50 ILCS 709/5-30)

12 Sec. 5-30. Rulemaking authority. The Illinois State
13 Police Department is vested with the full power to adopt and
14 prescribe reasonable rules for the purpose of administering
15 the provisions of this Act and conditions under which all data
16 is collected.

17 (Source: P.A. 99-352, eff. 1-1-16.)

18 Section 400. The Missing Persons Identification Act is
19 amended by changing Sections 5, 10, 15, and 20 as follows:

20 (50 ILCS 722/5)

21 (Text of Section before amendment by P.A. 101-266)

22 Sec. 5. Missing person reports.

23 (a) Report acceptance. All law enforcement agencies shall

1 accept without delay any report of a missing person.
2 Acceptance of a missing person report filed in person may not
3 be refused on any ground. No law enforcement agency may refuse
4 to accept a missing person report:

5 (1) on the basis that the missing person is an adult;

6 (2) on the basis that the circumstances do not
7 indicate foul play;

8 (3) on the basis that the person has been missing for a
9 short period of time;

10 (4) on the basis that the person has been missing a
11 long period of time;

12 (5) on the basis that there is no indication that the
13 missing person was in the jurisdiction served by the law
14 enforcement agency at the time of the disappearance;

15 (6) on the basis that the circumstances suggest that
16 the disappearance may be voluntary;

17 (7) on the basis that the reporting individual does
18 not have personal knowledge of the facts;

19 (8) on the basis that the reporting individual cannot
20 provide all of the information requested by the law
21 enforcement agency;

22 (9) on the basis that the reporting individual lacks a
23 familial or other relationship with the missing person;

24 (9-5) on the basis of the missing person's mental
25 state or medical condition; or

26 (10) for any other reason.

1 (b) Manner of reporting. All law enforcement agencies
2 shall accept missing person reports in person. Law enforcement
3 agencies are encouraged to accept reports by phone or by
4 electronic or other media to the extent that such reporting is
5 consistent with law enforcement policies or practices.

6 (c) Contents of report. In accepting a report of a missing
7 person, the law enforcement agency shall attempt to gather
8 relevant information relating to the disappearance. The law
9 enforcement agency shall attempt to gather at the time of the
10 report information that shall include, but shall not be
11 limited to, the following:

12 (1) the name of the missing person, including
13 alternative names used;

14 (2) the missing person's date of birth;

15 (3) the missing person's identifying marks, such as
16 birthmarks, moles, tattoos, and scars;

17 (4) the missing person's height and weight;

18 (5) the missing person's gender;

19 (6) the missing person's race;

20 (7) the missing person's current hair color and true
21 or natural hair color;

22 (8) the missing person's eye color;

23 (9) the missing person's prosthetics, surgical
24 implants, or cosmetic implants;

25 (10) the missing person's physical anomalies;

26 (11) the missing person's blood type, if known;

1 (12) the missing person's driver's license number, if
2 known;

3 (13) the missing person's social security number, if
4 known;

5 (14) a photograph of the missing person; recent
6 photographs are preferable and the agency is encouraged to
7 attempt to ascertain the approximate date the photograph
8 was taken;

9 (15) a description of the clothing the missing person
10 was believed to be wearing;

11 (16) a description of items that might be with the
12 missing person, such as jewelry, accessories, and shoes or
13 boots;

14 (17) information on the missing person's electronic
15 communications devices, such as cellular telephone numbers
16 and e-mail addresses;

17 (18) the reasons why the reporting individual believes
18 that the person is missing;

19 (19) the name and location of the missing person's
20 school or employer, if known;

21 (20) the name and location of the missing person's
22 dentist or primary care physician or provider, or both, if
23 known;

24 (21) any circumstances that may indicate that the
25 disappearance was not voluntary;

26 (22) any circumstances that may indicate that the

1 missing person may be at risk of injury or death;

2 (23) a description of the possible means of
3 transportation of the missing person, including make,
4 model, color, license number, and Vehicle Identification
5 Number of a vehicle;

6 (24) any identifying information about a known or
7 possible abductor or person last seen with the missing
8 person, or both, including:

9 (A) name;

10 (B) a physical description;

11 (C) date of birth;

12 (D) identifying marks;

13 (E) the description of possible means of
14 transportation, including make, model, color, license
15 number, and Vehicle Identification Number of a
16 vehicle;

17 (F) known associates;

18 (25) any other information that may aid in locating
19 the missing person; and

20 (26) the date of last contact.

21 (d) Notification and follow up action.

22 (1) Notification. The law enforcement agency shall
23 notify the person making the report, a family member, or
24 other person in a position to assist the law enforcement
25 agency in its efforts to locate the missing person of the
26 following:

1 (A) general information about the handling of the
2 missing person case or about intended efforts in the
3 case to the extent that the law enforcement agency
4 determines that disclosure would not adversely affect
5 its ability to locate or protect the missing person or
6 to apprehend or prosecute any person criminally
7 involved in the disappearance;

8 (B) that the person should promptly contact the
9 law enforcement agency if the missing person remains
10 missing in order to provide additional information and
11 materials that will aid in locating the missing person
12 such as the missing person's credit cards, debit
13 cards, banking information, and cellular telephone
14 records; and

15 (C) that any DNA samples provided for the missing
16 person case are provided on a voluntary basis and will
17 be used solely to help locate or identify the missing
18 person and will not be used for any other purpose.

19 The law enforcement agency, upon acceptance of a
20 missing person report, shall inform the reporting citizen
21 of one of 2 resources, based upon the age of the missing
22 person. If the missing person is under 18 years of age,
23 contact information for the National Center for Missing
24 and Exploited Children shall be given. If the missing
25 person is age 18 or older, contact information for the
26 National Center for Missing Adults shall be given.

1 Agencies handling the remains of a missing person who
2 is deceased must notify the agency handling the missing
3 person's case. Documented efforts must be made to locate
4 family members of the deceased person to inform them of
5 the death and location of the remains of their family
6 member.

7 The law enforcement agency is encouraged to make
8 available informational materials, through publications or
9 electronic or other media, that advise the public about
10 how the information or materials identified in this
11 subsection are used to help locate or identify missing
12 persons.

13 (2) Follow up action. If the person identified in the
14 missing person report remains missing after 30 days, and
15 the additional information and materials specified below
16 have not been received, the law enforcement agency shall
17 attempt to obtain:

18 (A) DNA samples from family members or from the
19 missing person along with any needed documentation, or
20 both, including any consent forms, required for the
21 use of State or federal DNA databases, including, but
22 not limited to, the Local DNA Index System (LDIS),
23 State DNA Index System (SDIS), and National DNA Index
24 System (NDIS);

25 (B) an authorization to release dental or skeletal
26 x-rays of the missing person;

1 (C) any additional photographs of the missing
2 person that may aid the investigation or an
3 identification; the law enforcement agency is not
4 required to obtain written authorization before it
5 releases publicly any photograph that would aid in the
6 investigation or identification of the missing person;

7 (D) dental information and x-rays; and

8 (E) fingerprints.

9 (3) All DNA samples obtained in missing person cases
10 shall be immediately forwarded to the Illinois ~~Department~~
11 ~~of~~ State Police for analysis. The Illinois ~~Department of~~
12 State Police shall establish procedures for determining
13 how to prioritize analysis of the samples relating to
14 missing person cases.

15 (4) This subsection shall not be interpreted to
16 preclude a law enforcement agency from attempting to
17 obtain the materials identified in this subsection before
18 the expiration of the 30-day period.

19 (Source: P.A. 99-244, eff. 1-1-16; 99-581, eff. 1-1-17.)

20 (Text of Section after amendment by P.A. 101-266)

21 Sec. 5. Missing person reports.

22 (a) Report acceptance. All law enforcement agencies shall
23 accept without delay any report of a missing person and may
24 attempt to obtain a DNA sample from the missing person or a DNA
25 reference sample created from family members' DNA samples for

1 submission under paragraph (1) of subsection (c) of Section
2 10. Acceptance of a missing person report filed in person may
3 not be refused on any ground. No law enforcement agency may
4 refuse to accept a missing person report:

5 (1) on the basis that the missing person is an adult;

6 (2) on the basis that the circumstances do not
7 indicate foul play;

8 (3) on the basis that the person has been missing for a
9 short period of time;

10 (4) on the basis that the person has been missing a
11 long period of time;

12 (5) on the basis that there is no indication that the
13 missing person was in the jurisdiction served by the law
14 enforcement agency at the time of the disappearance;

15 (6) on the basis that the circumstances suggest that
16 the disappearance may be voluntary;

17 (7) on the basis that the reporting individual does
18 not have personal knowledge of the facts;

19 (8) on the basis that the reporting individual cannot
20 provide all of the information requested by the law
21 enforcement agency;

22 (9) on the basis that the reporting individual lacks a
23 familial or other relationship with the missing person;

24 (9-5) on the basis of the missing person's mental
25 state or medical condition; or

26 (10) for any other reason.

1 (b) Manner of reporting. All law enforcement agencies
2 shall accept missing person reports in person. Law enforcement
3 agencies are encouraged to accept reports by phone or by
4 electronic or other media to the extent that such reporting is
5 consistent with law enforcement policies or practices.

6 (c) Contents of report. In accepting a report of a missing
7 person, the law enforcement agency shall attempt to gather
8 relevant information relating to the disappearance. The law
9 enforcement agency shall attempt to gather at the time of the
10 report information that shall include, but shall not be
11 limited to, the following:

12 (1) the name of the missing person, including
13 alternative names used;

14 (2) the missing person's date of birth;

15 (3) the missing person's identifying marks, such as
16 birthmarks, moles, tattoos, and scars;

17 (4) the missing person's height and weight;

18 (5) the missing person's gender;

19 (6) the missing person's race;

20 (7) the missing person's current hair color and true
21 or natural hair color;

22 (8) the missing person's eye color;

23 (9) the missing person's prosthetics, surgical
24 implants, or cosmetic implants;

25 (10) the missing person's physical anomalies;

26 (11) the missing person's blood type, if known;

1 (12) the missing person's driver's license number, if
2 known;

3 (13) the missing person's social security number, if
4 known;

5 (14) a photograph of the missing person; recent
6 photographs are preferable and the agency is encouraged to
7 attempt to ascertain the approximate date the photograph
8 was taken;

9 (15) a description of the clothing the missing person
10 was believed to be wearing;

11 (16) a description of items that might be with the
12 missing person, such as jewelry, accessories, and shoes or
13 boots;

14 (17) information on the missing person's electronic
15 communications devices, such as cellular telephone numbers
16 and e-mail addresses;

17 (18) the reasons why the reporting individual believes
18 that the person is missing;

19 (19) the name and location of the missing person's
20 school or employer, if known;

21 (20) the name and location of the missing person's
22 dentist or primary care physician or provider, or both, if
23 known;

24 (21) any circumstances that may indicate that the
25 disappearance was not voluntary;

26 (22) any circumstances that may indicate that the

1 missing person may be at risk of injury or death;

2 (23) a description of the possible means of
3 transportation of the missing person, including make,
4 model, color, license number, and Vehicle Identification
5 Number of a vehicle;

6 (24) any identifying information about a known or
7 possible abductor or person last seen with the missing
8 person, or both, including:

9 (A) name;

10 (B) a physical description;

11 (C) date of birth;

12 (D) identifying marks;

13 (E) the description of possible means of
14 transportation, including make, model, color, license
15 number, and Vehicle Identification Number of a
16 vehicle;

17 (F) known associates;

18 (25) any other information that may aid in locating
19 the missing person; and

20 (26) the date of last contact.

21 (d) Notification and follow up action.

22 (1) Notification. The law enforcement agency shall
23 notify the person making the report, a family member, or
24 other person in a position to assist the law enforcement
25 agency in its efforts to locate the missing person of the
26 following:

1 (A) general information about the handling of the
2 missing person case or about intended efforts in the
3 case to the extent that the law enforcement agency
4 determines that disclosure would not adversely affect
5 its ability to locate or protect the missing person or
6 to apprehend or prosecute any person criminally
7 involved in the disappearance;

8 (B) that the person should promptly contact the
9 law enforcement agency if the missing person remains
10 missing in order to provide additional information and
11 materials that will aid in locating the missing person
12 such as the missing person's credit cards, debit
13 cards, banking information, and cellular telephone
14 records; and

15 (C) that any DNA samples provided for the missing
16 person case are provided on a voluntary basis and will
17 be used solely to help locate or identify the missing
18 person and will not be used for any other purpose.

19 The law enforcement agency, upon acceptance of a
20 missing person report, shall inform the reporting citizen
21 of one of 2 resources, based upon the age of the missing
22 person. If the missing person is under 18 years of age,
23 contact information for the National Center for Missing
24 and Exploited Children shall be given. If the missing
25 person is age 18 or older, contact information for the
26 National Missing and Unidentified Persons System (NamUs)

1 organization shall be given.

2 The law enforcement agency is encouraged to make
3 available informational materials, through publications or
4 electronic or other media, that advise the public about
5 how the information or materials identified in this
6 subsection are used to help locate or identify missing
7 persons.

8 (2) Follow up action. If the person identified in the
9 missing person report remains missing after 30 days, but
10 not more than 60 days, the law enforcement agency may
11 generate a report of the missing person within the
12 National Missing and Unidentified Persons System (NamUs),
13 and the law enforcement agency may attempt to obtain the
14 additional information and materials that have not been
15 received, specified below:

16 (A) DNA samples from family members or from the
17 missing person along with any needed documentation, or
18 both, including any consent forms, required for the
19 use of State or federal DNA databases, including, but
20 not limited to, the Local DNA Index System (LDIS),
21 State DNA Index System (SDIS), National DNA Index
22 System (NDIS), and National Missing and Unidentified
23 Persons System (NamUs) partner laboratories;

24 (B) an authorization to release dental or skeletal
25 x-rays of the missing person;

26 (C) any additional photographs of the missing

1 person that may aid the investigation or an
2 identification; the law enforcement agency is not
3 required to obtain written authorization before it
4 releases publicly any photograph that would aid in the
5 investigation or identification of the missing person;

6 (D) dental information and x-rays; and

7 (E) fingerprints.

8 (3) Samples collected for DNA analysis may be
9 submitted to a National Missing and Unidentified Persons
10 System (NamUs) partner laboratory or other resource where
11 DNA profiles are entered into local, State, and national
12 DNA Index Systems within 60 days. The Illinois ~~Department~~
13 ~~of~~ State Police shall establish procedures for determining
14 how to prioritize analysis of the samples relating to
15 missing person cases. All DNA samples obtained in missing
16 person cases from family members of the missing person may
17 not be retained after the location or identification of
18 the remains of the missing person unless there is a search
19 warrant signed by a court of competent jurisdiction.

20 (4) This subsection shall not be interpreted to
21 preclude a law enforcement agency from attempting to
22 obtain the materials identified in this subsection before
23 the expiration of the 30-day period. The responsible law
24 enforcement agency may make a National Missing and
25 Unidentified Persons System (NamUs) report on the missing
26 person within 60 days after the report of the

1 disappearance of the missing person.

2 (5) Law enforcement agencies are encouraged to
3 establish written protocols for the handling of missing
4 person cases to accomplish the purposes of this Act.

5 (Source: P.A. 101-266, eff. 1-1-21.)

6 (50 ILCS 722/10)

7 (Text of Section before amendment by P.A. 101-266)

8 Sec. 10. Law enforcement analysis and reporting of missing
9 person information.

10 (a) Prompt determination of high-risk missing person.

11 (1) Definition. "High-risk missing person" means a
12 person whose whereabouts are not currently known and whose
13 circumstances indicate that the person may be at risk of
14 injury or death. The circumstances that indicate that a
15 person is a high-risk missing person include, but are not
16 limited to, any of the following:

17 (A) the person is missing as a result of a stranger
18 abduction;

19 (B) the person is missing under suspicious
20 circumstances;

21 (C) the person is missing under unknown
22 circumstances;

23 (D) the person is missing under known dangerous
24 circumstances;

25 (E) the person is missing more than 30 days;

1 (F) the person has already been designated as a
2 high-risk missing person by another law enforcement
3 agency;

4 (G) there is evidence that the person is at risk
5 because:

6 (i) the person is in need of medical
7 attention, including but not limited to persons
8 with dementia-like symptoms, or prescription
9 medication;

10 (ii) the person does not have a pattern of
11 running away or disappearing;

12 (iii) the person may have been abducted by a
13 non-custodial parent;

14 (iv) the person is mentally impaired,
15 including, but not limited to, a person having a
16 developmental disability, as defined in Section
17 1-106 of the Mental Health and Developmental
18 Disabilities Code, or a person having an
19 intellectual disability, as defined in Section
20 1-116 of the Mental Health and Developmental
21 Disabilities Code;

22 (v) the person is under the age of 21;

23 (vi) the person has been the subject of past
24 threats or acts of violence;

25 (vii) the person has eloped from a nursing
26 home;

1 (G-5) the person is a veteran or active duty
2 member of the United States Armed Forces, the National
3 Guard, or any reserve component of the United States
4 Armed Forces who is believed to have a physical or
5 mental health condition that is related to his or her
6 service; or

7 (H) any other factor that may, in the judgment of
8 the law enforcement official, indicate that the
9 missing person may be at risk.

10 (2) Law enforcement risk assessment.

11 (A) Upon initial receipt of a missing person
12 report, the law enforcement agency shall immediately
13 determine whether there is a basis to determine that
14 the missing person is a high-risk missing person.

15 (B) If a law enforcement agency has previously
16 determined that a missing person is not a high-risk
17 missing person, but obtains new information, it shall
18 immediately determine whether the information
19 indicates that the missing person is a high-risk
20 missing person.

21 (C) Law enforcement agencies are encouraged to
22 establish written protocols for the handling of
23 missing person cases to accomplish the purposes of
24 this Act.

25 (3) Law enforcement agency reports.

26 (A) The responding local law enforcement agency

1 shall immediately enter all collected information
2 relating to the missing person case in the Law
3 Enforcement Agencies Data System (LEADS) and the
4 National Crime Information Center (NCIC) databases.
5 The information shall be provided in accordance with
6 applicable guidelines relating to the databases. The
7 information shall be entered as follows:

8 (i) All appropriate DNA profiles, as
9 determined by the Illinois ~~Department of~~ State
10 Police, shall be uploaded into the missing person
11 databases of the State DNA Index System (SDIS) and
12 National DNA Index System (NDIS) after completion
13 of the DNA analysis and other procedures required
14 for database entry.

15 (ii) Information relevant to the Federal
16 Bureau of Investigation's Violent Criminal
17 Apprehension Program shall be entered as soon as
18 possible.

19 (iii) The Illinois ~~Department of~~ State Police
20 shall ensure that persons entering data relating
21 to medical or dental records in State or federal
22 databases are specifically trained to understand
23 and correctly enter the information sought by
24 these databases. The Illinois ~~Department of~~ State
25 Police shall either use a person with specific
26 expertise in medical or dental records for this

1 purpose or consult with a chief medical examiner,
2 forensic anthropologist, or odontologist to ensure
3 the accuracy and completeness of information
4 entered into the State and federal databases.

5 (B) The Illinois ~~Department of~~ State Police shall
6 immediately notify all law enforcement agencies within
7 this State and the surrounding region of the
8 information that will aid in the prompt location and
9 safe return of the high-risk missing person.

10 (C) The local law enforcement agencies that
11 receive the notification from the Illinois ~~Department~~
12 ~~of~~ State Police shall notify officers to be on the
13 lookout for the missing person or a suspected
14 abductor.

15 (D) Pursuant to any applicable State criteria,
16 local law enforcement agencies shall also provide for
17 the prompt use of an Amber Alert in cases involving
18 abducted children; or use of the Endangered Missing
19 Person Advisory in appropriate high risk cases.

20 (Source: P.A. 100-631, eff. 1-1-19; 100-662, eff. 1-1-19;
21 100-835, eff. 1-1-19; 101-81, eff. 7-12-19.)

22 (Text of Section after amendment by P.A. 101-266)

23 Sec. 10. Law enforcement analysis and reporting of missing
24 person information.

25 (a) Prompt determination and definition of a high-risk

1 missing person.

2 (1) Definition. "High-risk missing person" means a
3 person whose whereabouts are not currently known and whose
4 circumstances indicate that the person may be at risk of
5 injury or death. The circumstances that indicate that a
6 person is a high-risk missing person include, but are not
7 limited to, any of the following:

8 (A) the person is missing as a result of a stranger
9 abduction;

10 (B) the person is missing under suspicious
11 circumstances;

12 (C) the person is missing under unknown
13 circumstances;

14 (D) the person is missing under known dangerous
15 circumstances;

16 (E) the person is missing more than 30 days;

17 (F) the person has already been designated as a
18 high-risk missing person by another law enforcement
19 agency;

20 (G) there is evidence that the person is at risk
21 because:

22 (i) the person is in need of medical
23 attention, including but not limited to persons
24 with dementia-like symptoms, or prescription
25 medication;

26 (ii) the person does not have a pattern of

1 running away or disappearing;

2 (iii) the person may have been abducted by a
3 non-custodial parent;

4 (iv) the person is mentally impaired,
5 including, but not limited to, a person having a
6 developmental disability, as defined in Section
7 1-106 of the Mental Health and Developmental
8 Disabilities Code, or a person having an
9 intellectual disability, as defined in Section
10 1-116 of the Mental Health and Developmental
11 Disabilities Code;

12 (v) the person is under the age of 21;

13 (vi) the person has been the subject of past
14 threats or acts of violence;

15 (vii) the person has eloped from a nursing
16 home;

17 (G-5) the person is a veteran or active duty
18 member of the United States Armed Forces, the National
19 Guard, or any reserve component of the United States
20 Armed Forces who is believed to have a physical or
21 mental health condition that is related to his or her
22 service; or

23 (H) any other factor that may, in the judgment of
24 the law enforcement official, indicate that the
25 missing person may be at risk.

26 (b) Law enforcement risk assessment.

1 (1) Upon initial receipt of a missing person report,
2 the law enforcement agency shall immediately determine
3 whether there is a basis to determine that the missing
4 person is a high-risk missing person.

5 (2) If a law enforcement agency has previously
6 determined that a missing person is not a high-risk
7 missing person, but obtains new information, it shall
8 immediately determine whether the information indicates
9 that the missing person is a high-risk missing person.

10 (3) Law enforcement agencies are encouraged to
11 establish written protocols for the handling of missing
12 person cases to accomplish the purposes of this Act.

13 (c) Law enforcement reporting.

14 (1) The responding local law enforcement agency shall
15 immediately enter all collected information relating to
16 the missing person case in the Law Enforcement Agencies
17 Data System (LEADS) and the National Crime Information
18 Center (NCIC) databases and the National Missing and
19 Unidentified Persons System (NamUs) within 45 days after
20 the receipt of the report, or in the case of a high risk
21 missing person, within 30 days after the receipt of the
22 report. If the DNA sample submission is to a National
23 Missing and Unidentified Persons System (NamUs) partner
24 laboratory, the DNA profile may be uploaded by the partner
25 laboratory to the National DNA Index System (NDIS). A
26 packet submission of all relevant reports and DNA samples

1 may be sent to the National Missing and Unidentified
2 Persons System (NamUs) within 30 days for any high-risk
3 missing person cases. The information shall be provided in
4 accordance with applicable guidelines relating to the
5 databases. The information shall be entered as follows:

6 (A) If Illinois ~~Department of~~ State Police
7 laboratories are utilized in lieu of National Missing
8 and Unidentified Persons System (NamUs) partner
9 laboratories, all appropriate DNA profiles, as
10 determined by the Illinois ~~Department of~~ State Police,
11 shall be uploaded into the missing person databases of
12 the State DNA Index System (SDIS) and National DNA
13 Index System (NDIS) after completion of the DNA
14 analysis and other procedures required for database
15 entry. The responding local law enforcement agency may
16 submit any DNA samples voluntarily obtained from
17 family members to a National Missing and Unidentified
18 Persons System (NamUs) partner laboratory for DNA
19 analysis within 30 days. A notation of DNA submission
20 may be made within the National Missing and
21 Unidentified Persons System (NamUs) record.

22 (B) Information relevant to the Federal Bureau of
23 Investigation's Violent Criminal Apprehension Program
24 shall be entered as soon as possible.

25 (C) The Illinois ~~Department of~~ State Police shall
26 ensure that persons entering data relating to medical

1 or dental records in State or federal databases are
2 specifically trained to understand and correctly enter
3 the information sought by these databases. The
4 Illinois ~~Department of~~ State Police shall either use a
5 person with specific expertise in medical or dental
6 records for this purpose or consult with a chief
7 medical examiner, forensic anthropologist, or
8 odontologist to ensure the accuracy and completeness
9 of information entered into the State and federal
10 databases.

11 (2) The Illinois ~~Department of~~ State Police shall
12 immediately notify all law enforcement agencies within
13 this State and the surrounding region of the information
14 that will aid in the prompt location and safe return of the
15 high-risk missing person.

16 (3) The local law enforcement agencies that receive
17 the notification from the Illinois ~~Department of~~ State
18 Police shall notify officers to be on the lookout for the
19 missing person or a suspected abductor.

20 (4) Pursuant to any applicable State criteria, local
21 law enforcement agencies shall also provide for the prompt
22 use of an Amber Alert in cases involving abducted
23 children; or use of the Endangered Missing Person Advisory
24 in appropriate high risk cases.

25 (Source: P.A. 100-631, eff. 1-1-19; 100-662, eff. 1-1-19;
26 100-835, eff. 1-1-19; 101-81, eff. 7-12-19; 101-266, eff.

1 1-1-21.)

2 (50 ILCS 722/15)

3 Sec. 15. Reporting of unidentified persons and human
4 remains.

5 (a) Handling of death scene investigations.

6 (1) The Illinois ~~Department of~~ State Police shall
7 provide information to local law enforcement agencies
8 about best practices for handling death scene
9 investigations.

10 (2) The Illinois ~~Department of~~ State Police shall
11 identify any publications or training opportunities that
12 may be available to local law enforcement agencies or law
13 enforcement officers and coroners and medical examiners
14 concerning the handling of death scene investigations.

15 (b) Law enforcement reports.

16 (1) Before performing any death scene investigation
17 deemed appropriate under the circumstances, the official
18 with custody of the human remains shall ensure that the
19 coroner or medical examiner of the county in which the
20 deceased was found has been notified.

21 (2) Any coroner or medical examiner with custody of
22 human remains that are not identified within 24 hours of
23 discovery shall promptly notify the Illinois ~~Department of~~
24 State Police of the location of those remains.

25 (3) If the coroner or medical examiner with custody of

1 remains cannot determine whether or not the remains found
2 are human, the coroner or medical examiner shall notify
3 the Illinois ~~Department of~~ State Police of the existence
4 of possible human remains.

5 (Source: P.A. 95-192, eff. 8-16-07.)

6 (50 ILCS 722/20)

7 Sec. 20. Unidentified persons or human remains
8 identification responsibilities.

9 (a) In this Section, "assisting law enforcement agency"
10 means a law enforcement agency with jurisdiction acting under
11 the request and direction of the medical examiner or coroner
12 to assist with human remains identification.

13 (a-5) If the official with custody of the human remains is
14 not a coroner or medical examiner, the official shall
15 immediately notify the coroner or medical examiner of the
16 county in which the remains were found. The coroner or medical
17 examiner shall go to the scene and take charge of the remains.

18 (b) Notwithstanding any other action deemed appropriate
19 for the handling of the human remains, the assisting law
20 enforcement agency, medical examiner, or coroner shall make
21 reasonable attempts to promptly identify human remains. This
22 does not include historic or prehistoric skeletal remains.
23 These actions shall include, but are not limited to, obtaining
24 the following when possible:

25 (1) photographs of the human remains (prior to an

- 1 autopsy);
- 2 (2) dental and skeletal X-rays;
- 3 (3) photographs of items found on or with the human
- 4 remains;
- 5 (4) fingerprints from the remains;
- 6 (5) tissue samples suitable for DNA analysis;
- 7 (6) (blank); and
- 8 (7) any other information that may support
- 9 identification efforts.

10 (c) No medical examiner or coroner or any other person

11 shall dispose of, or engage in actions that will materially

12 affect the unidentified human remains before the assisting law

13 enforcement agency, medical examiner, or coroner obtains items

14 essential for human identification efforts listed in

15 subsection (b) of this Section.

16 (d) Cremation of unidentified human remains is prohibited.

17 (e) (Blank).

18 (f) The assisting law enforcement agency, medical

19 examiner, or coroner shall seek support from appropriate State

20 and federal agencies, including National Missing and

21 Unidentified Persons System resources to facilitate prompt

22 identification of human remains. This support may include, but

23 is not limited to, fingerprint comparison; forensic

24 odontology; nuclear or mitochondrial DNA analysis, or both;

25 and forensic anthropology.

26 (f-5) Fingerprints from the unidentified remains,

1 including partial prints, shall be submitted to the Illinois
2 ~~Department of~~ State Police or other resource for the purpose
3 of attempting to identify the deceased. The coroner or medical
4 examiner shall cause a dental examination to be performed by a
5 forensic odontologist for the purpose of dental charting,
6 comparison to missing person records, or both. Tissue samples
7 collected for DNA analysis shall be submitted within 30 days
8 of the recovery of the remains to a National Missing and
9 Unidentified Persons System partner laboratory or other
10 resource where DNA profiles are entered into the National DNA
11 Index System upon completion of testing. Forensic
12 anthropological analysis of the remains shall also be
13 considered.

14 (g) (Blank).

15 (g-2) The medical examiner or coroner shall report the
16 unidentified human remains and the location where the remains
17 were found to the Illinois ~~Department of~~ State Police within
18 24 hours of discovery as mandated by Section 15 of this Act.
19 The assisting law enforcement agency, medical examiner, or
20 coroner shall contact the Illinois ~~Department of~~ State Police
21 to request the creation of a National Crime Information Center
22 Unidentified Person record within 5 days of the discovery of
23 the remains. The assisting law enforcement agency, medical
24 examiner, or coroner shall provide the Illinois ~~Department of~~
25 State Police all information required for National Crime
26 Information Center entry. Upon notification, the Illinois

1 ~~Department of~~ State Police shall create the Unidentified
2 Person record without unnecessary delay.

3 (g-5) The assisting law enforcement agency, medical
4 examiner, or coroner shall obtain a National Crime Information
5 Center number from the Illinois ~~Department of~~ State Police to
6 verify entry and maintain this number within the unidentified
7 human remains case file. A National Crime Information Center
8 Unidentified Person record shall remain on file indefinitely
9 or until action is taken by the originating agency to clear or
10 cancel the record. The assisting law enforcement agency,
11 medical examiner, or coroner shall notify the Illinois
12 ~~Department of~~ State Police of necessary record modifications
13 or cancellation if identification is made.

14 (h) (Blank).

15 (h-5) The assisting law enforcement agency, medical
16 examiner, or coroner shall create an unidentified person
17 record in the National Missing and Unidentified Persons System
18 prior to the submission of samples or within 30 days of the
19 discovery of the remains, if no identification has been made.
20 The entry shall include all available case information
21 including fingerprint data and dental charts. Samples shall be
22 submitted to a National Missing and Unidentified Persons
23 System partner laboratory for DNA analysis within 30 Days. A
24 notation of DNA submission shall be made within the National
25 Missing and Unidentified Persons System Unidentified Person
26 record.

1 (i) Nothing in this Act shall be interpreted to preclude
2 any assisting law enforcement agency, medical examiner,
3 coroner, or the Illinois ~~Department of~~ State Police from
4 pursuing other efforts to identify human remains including
5 efforts to publicize information, descriptions, or photographs
6 related to the investigation.

7 (j) For historic or prehistoric human skeletal remains
8 determined by an anthropologist to be older than 100 years,
9 jurisdiction shall be transferred to the Department of Natural
10 Resources for further investigation under the Archaeological
11 and Paleontological Resources Protection Act.

12 (Source: P.A. 100-901, eff. 1-1-19; 101-81, eff. 7-12-19.)

13 Section 410. The Police and Community Relations
14 Improvement Act is amended by changing Section 1-10 as
15 follows:

16 (50 ILCS 727/1-10)

17 Sec. 1-10. Investigation of officer-involved deaths;
18 requirements.

19 (a) Each law enforcement agency shall have a written
20 policy regarding the investigation of officer-involved deaths
21 that involve a law enforcement officer employed by that law
22 enforcement agency.

23 (b) Each officer-involved death investigation shall be
24 conducted by at least 2 investigators, or an entity or agency

1 comprised of at least 2 investigators, one of whom is the lead
2 investigator. The lead investigator shall be a person
3 certified by the Illinois Law Enforcement Training Standards
4 Board as a Lead Homicide Investigator, or similar training
5 approved by the Illinois Law Enforcement Training Standards
6 Board or the Illinois ~~Department of~~ State Police, or similar
7 training provided at an Illinois Law Enforcement Training
8 Standards Board certified school. No investigator involved in
9 the investigation may be employed by the law enforcement
10 agency that employs the officer involved in the
11 officer-involved death, unless the investigator is employed by
12 the Illinois ~~Department of~~ State Police and is not assigned to
13 the same division or unit as the officer involved in the death.

14 (c) In addition to the requirements of subsection (b) of
15 this Section, if the officer-involved death being investigated
16 involves a motor vehicle accident, at least one investigator
17 shall be certified by the Illinois Law Enforcement Training
18 Standards Board as a Crash Reconstruction Specialist, or
19 similar training approved by the Illinois Law Enforcement
20 Training Standards Board or the Illinois ~~Department of~~ State
21 Police, or similar training provided at an Illinois Law
22 Enforcement Training Standards Board certified school.
23 Notwithstanding the requirements of subsection (b) of this
24 Section, the policy for a law enforcement agency, when the
25 officer-involved death being investigated involves a motor
26 vehicle collision, may allow the use of an investigator who is

1 employed by that law enforcement agency and who is certified
2 by the Illinois Law Enforcement Training Standards Board as a
3 Crash Reconstruction Specialist, or similar training approved
4 by the Illinois Law Enforcement Training and Standards Board,
5 or similar certified training approved by the Illinois
6 ~~Department of~~ State Police, or similar training provided at an
7 Illinois Law Enforcement Training and Standards Board
8 certified school.

9 (d) The investigators conducting the investigation shall,
10 in an expeditious manner, provide a complete report to the
11 State's Attorney of the county in which the officer-involved
12 death occurred.

13 (e) If the State's Attorney, or a designated special
14 prosecutor, determines there is no basis to prosecute the law
15 enforcement officer involved in the officer-involved death, or
16 if the law enforcement officer is not otherwise charged or
17 indicted, the investigators shall publicly release a report.

18 (Source: P.A. 99-352, eff. 1-1-16.)

19 Section 415. The Emergency Telephone System Act is amended
20 by changing Sections 2, 7, 8, 10, 12, 15.1, 15.4b, 15.5, 15.6,
21 15.6a, 15.6b, 17.5, 19, 20, 30, 40, 50, 55, 75, and 80 as
22 follows:

23 (50 ILCS 750/2) (from Ch. 134, par. 32)

24 (Section scheduled to be repealed on December 31, 2021)

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

3 "9-1-1 network" means the network used for the delivery of
4 9-1-1 calls and messages over dedicated and redundant
5 facilities to a primary or backup 9-1-1 PSAP that meets P.01
6 grade of service standards for basic 9-1-1 and enhanced 9-1-1
7 services or meets national I3 industry call delivery standards
8 for Next Generation 9-1-1 services.

9 "9-1-1 system" means the geographic area that has been
10 granted an order of authority by the Commission or the
11 Statewide 9-1-1 Administrator to use "9-1-1" as the primary
12 emergency telephone number.

13 "9-1-1 Authority" includes an Emergency Telephone System
14 Board, Joint Emergency Telephone System Board, and a qualified
15 governmental entity. "9-1-1 Authority" includes the Illinois
16 ~~Department of~~ State Police only to the extent it provides
17 9-1-1 services under this Act.

18 "Administrator" means the Statewide 9-1-1 Administrator.

19 "Advanced service" means any telecommunications service
20 with or without dynamic bandwidth allocation, including, but
21 not limited to, ISDN Primary Rate Interface (PRI), that,
22 through the use of a DS-1, T-1, or other un-channelized or
23 multi-channel transmission facility, is capable of
24 transporting either the subscriber's inter-premises voice
25 telecommunications services to the public switched network or
26 the subscriber's 9-1-1 calls to the public agency.

1 "ALI" or "automatic location identification" means, in an
2 E9-1-1 system, the automatic display at the public safety
3 answering point of the caller's telephone number, the address
4 or location of the telephone, and supplementary emergency
5 services information.

6 "ANI" or "automatic number identification" means the
7 automatic display of the 9-1-1 calling party's number on the
8 PSAP monitor.

9 "Automatic alarm" and "automatic alerting device" mean any
10 device that will access the 9-1-1 system for emergency
11 services upon activation.

12 "Backup PSAP" means a public safety answering point that
13 serves as an alternate to the PSAP for enhanced systems and is
14 at a different location and operates independently from the
15 PSAP. A backup PSAP may accept overflow calls from the PSAP or
16 be activated if the primary PSAP is disabled.

17 "Board" means an Emergency Telephone System Board or a
18 Joint Emergency Telephone System Board created pursuant to
19 Section 15.4.

20 "Carrier" includes a telecommunications carrier and a
21 wireless carrier.

22 "Commission" means the Illinois Commerce Commission.

23 "Computer aided dispatch" or "CAD" means a computer-based
24 system that aids PSAP telecommunicators by automating selected
25 dispatching and recordkeeping activities.

26 "Direct dispatch method" means a 9-1-1 service that

1 provides for the direct dispatch by a PSAP telecommunicator of
2 the appropriate unit upon receipt of an emergency call and the
3 decision as to the proper action to be taken.

4 ~~"Department" means the Department of State Police.~~

5 "DS-1, T-1, or similar un-channelized or multi-channel
6 transmission facility" means a facility that can transmit and
7 receive a bit rate of at least 1.544 megabits per second
8 (Mbps).

9 "Dynamic bandwidth allocation" means the ability of the
10 facility or customer to drop and add channels, or adjust
11 bandwidth, when needed in real time for voice or data
12 purposes.

13 "Enhanced 9-1-1" or "E9-1-1" means a telephone system that
14 includes network switching, database and PSAP premise elements
15 capable of providing automatic location identification data,
16 selective routing, selective transfer, fixed transfer, and a
17 call back number, including any enhanced 9-1-1 service so
18 designated by the Federal Communications Commission in its
19 report and order in WC Dockets Nos. 04-36 and 05-196, or any
20 successor proceeding.

21 "ETSB" means an emergency telephone system board appointed
22 by the corporate authorities of any county or municipality
23 that provides for the management and operation of a 9-1-1
24 system.

25 "Hearing-impaired individual" means a person with a
26 permanent hearing loss who can regularly and routinely

1 communicate by telephone only through the aid of devices which
2 can send and receive written messages over the telephone
3 network.

4 "Hosted supplemental 9-1-1 service" means a database
5 service that:

6 (1) electronically provides information to 9-1-1 call
7 takers when a call is placed to 9-1-1;

8 (2) allows telephone subscribers to provide
9 information to 9-1-1 to be used in emergency scenarios;

10 (3) collects a variety of formatted data relevant to
11 9-1-1 and first responder needs, which may include, but is
12 not limited to, photographs of the telephone subscribers,
13 physical descriptions, medical information, household
14 data, and emergency contacts;

15 (4) allows for information to be entered by telephone
16 subscribers through a secure website where they can elect
17 to provide as little or as much information as they
18 choose;

19 (5) automatically displays data provided by telephone
20 subscribers to 9-1-1 call takers for all types of
21 telephones when a call is placed to 9-1-1 from a
22 registered and confirmed phone number;

23 (6) supports the delivery of telephone subscriber
24 information through a secure internet connection to all
25 emergency telephone system boards;

26 (7) works across all 9-1-1 call taking equipment and

1 allows for the easy transfer of information into a
2 computer aided dispatch system; and

3 (8) may be used to collect information pursuant to an
4 Illinois Premise Alert Program as defined in the Illinois
5 Premise Alert Program (PAP) Act.

6 "Interconnected voice over Internet protocol provider" or
7 "Interconnected VoIP provider" has the meaning given to that
8 term under Section 13-235 of the Public Utilities Act.

9 "Joint ETSB" means a Joint Emergency Telephone System
10 Board established by intergovernmental agreement of two or
11 more municipalities or counties, or a combination thereof, to
12 provide for the management and operation of a 9-1-1 system.

13 "Local public agency" means any unit of local government
14 or special purpose district located in whole or in part within
15 this State that provides or has authority to provide
16 firefighting, police, ambulance, medical, or other emergency
17 services.

18 "Mechanical dialer" means any device that either manually
19 or remotely triggers a dialing device to access the 9-1-1
20 system.

21 "Master Street Address Guide" or "MSAG" is a database of
22 street names and house ranges within their associated
23 communities defining emergency service zones (ESZs) and their
24 associated emergency service numbers (ESNs) to enable proper
25 routing of 9-1-1 calls.

26 "Mobile telephone number" or "MTN" means the telephone

1 number assigned to a wireless telephone at the time of initial
2 activation.

3 "Network connections" means the number of voice grade
4 communications channels directly between a subscriber and a
5 telecommunications carrier's public switched network, without
6 the intervention of any other telecommunications carrier's
7 switched network, which would be required to carry the
8 subscriber's inter-premises traffic and which connection
9 either (1) is capable of providing access through the public
10 switched network to a 9-1-1 Emergency Telephone System, if one
11 exists, or (2) if no system exists at the time a surcharge is
12 imposed under Section 15.3, that would be capable of providing
13 access through the public switched network to the local 9-1-1
14 Emergency Telephone System if one existed. Where multiple
15 voice grade communications channels are connected to a
16 telecommunications carrier's public switched network through a
17 private branch exchange (PBX) service, there shall be
18 determined to be one network connection for each trunk line
19 capable of transporting either the subscriber's inter-premises
20 traffic to the public switched network or the subscriber's
21 9-1-1 calls to the public agency. Where multiple voice grade
22 communications channels are connected to a telecommunications
23 carrier's public switched network through centrex type
24 service, the number of network connections shall be equal to
25 the number of PBX trunk equivalents for the subscriber's
26 service or other multiple voice grade communication channels

1 facility, as determined by reference to any generally
2 applicable exchange access service tariff filed by the
3 subscriber's telecommunications carrier with the Commission.

4 "Network costs" means those recurring costs that directly
5 relate to the operation of the 9-1-1 network as determined by
6 the Statewide 9-1-1 Administrator with the advice of the
7 Statewide 9-1-1 Advisory Board, which may include, but need
8 not be limited to, some or all of the following: costs for
9 interoffice trunks, selective routing charges, transfer lines
10 and toll charges for 9-1-1 services, Automatic Location
11 Information (ALI) database charges, independent local exchange
12 carrier charges and non-system provider charges, carrier
13 charges for third party database for on-site customer premises
14 equipment, back-up PSAP trunks for non-system providers,
15 periodic database updates as provided by carrier (also known
16 as "ALI data dump"), regional ALI storage charges, circuits
17 for call delivery (fiber or circuit connection), NG9-1-1
18 costs, and all associated fees, taxes, and surcharges on each
19 invoice. "Network costs" shall not include radio circuits or
20 toll charges that are other than for 9-1-1 services.

21 "Next generation 9-1-1" or "NG9-1-1" means an Internet
22 Protocol-based (IP-based) system comprised of managed ESInets,
23 functional elements and applications, and databases that
24 replicate traditional E9-1-1 features and functions and
25 provide additional capabilities. "NG9-1-1" systems are
26 designed to provide access to emergency services from all

1 connected communications sources, and provide multimedia data
2 capabilities for PSAPs and other emergency services
3 organizations.

4 "NG9-1-1 costs" means those recurring costs that directly
5 relate to the Next Generation 9-1-1 service as determined by
6 the Statewide 9-1-1 Advisory Board, including, but not limited
7 to, costs for Emergency System Routing Proxy (ESRP), Emergency
8 Call Routing Function/Location Validation Function (ECRF/LVF),
9 Spatial Information Function (SIF), the Border Control
10 Function (BCF), and the Emergency Services Internet Protocol
11 networks (ESInets), legacy network gateways, and all
12 associated fees, taxes, and surcharges on each invoice.

13 "Private branch exchange" or "PBX" means a private
14 telephone system and associated equipment located on the
15 user's property that provides communications between internal
16 stations and external networks.

17 "Private business switch service" means network and
18 premises based systems including a VoIP, Centrex type service,
19 or PBX service, even though key telephone systems or
20 equivalent telephone systems registered with the Federal
21 Communications Commission under 47 C.F.R. Part 68 are directly
22 connected to Centrex type and PBX systems. "Private business
23 switch service" does not include key telephone systems or
24 equivalent telephone systems registered with the Federal
25 Communications Commission under 47 C.F.R. Part 68 when not
26 used in conjunction with a VoIP, Centrex type, or PBX systems.

1 "Private business switch service" typically includes, but is
2 not limited to, private businesses, corporations, and
3 industries where the telecommunications service is primarily
4 for conducting business.

5 "Private residential switch service" means network and
6 premise based systems including a VoIP, Centrex type service,
7 or PBX service or key telephone systems or equivalent
8 telephone systems registered with the Federal Communications
9 Commission under 47 C.F.R. Part 68 that are directly connected
10 to a VoIP, Centrex type service, or PBX systems equipped for
11 switched local network connections or 9-1-1 system access to
12 residential end users through a private telephone switch.

13 "Private residential switch service" does not include key
14 telephone systems or equivalent telephone systems registered
15 with the Federal Communications Commission under 47 C.F.R.
16 Part 68 when not used in conjunction with a VoIP, Centrex type,
17 or PBX systems. "Private residential switch service" typically
18 includes, but is not limited to, apartment complexes,
19 condominiums, and campus or university environments where
20 shared tenant service is provided and where the usage of the
21 telecommunications service is primarily residential.

22 "Public agency" means the State, and any unit of local
23 government or special purpose district located in whole or in
24 part within this State, that provides or has authority to
25 provide firefighting, police, ambulance, medical, or other
26 emergency services.

1 "Public safety agency" means a functional division of a
2 public agency that provides firefighting, police, medical, or
3 other emergency services to respond to and manage emergency
4 incidents. For the purpose of providing wireless service to
5 users of 9-1-1 emergency services, as expressly provided for
6 in this Act, the Illinois ~~Department of~~ State Police may be
7 considered a public safety agency.

8 "Public safety answering point" or "PSAP" is a set of
9 call-takers authorized by a governing body and operating under
10 common management that receive 9-1-1 calls and asynchronous
11 event notifications for a defined geographic area and
12 processes those calls and events according to a specified
13 operational policy.

14 "Qualified governmental entity" means a unit of local
15 government authorized to provide 9-1-1 services pursuant to
16 this Act where no emergency telephone system board exists.

17 "Referral method" means a 9-1-1 service in which the PSAP
18 telecommunicator provides the calling party with the telephone
19 number of the appropriate public safety agency or other
20 provider of emergency services.

21 "Regular service" means any telecommunications service,
22 other than advanced service, that is capable of transporting
23 either the subscriber's inter-premises voice
24 telecommunications services to the public switched network or
25 the subscriber's 9-1-1 calls to the public agency.

26 "Relay method" means a 9-1-1 service in which the PSAP

1 telecommunicator takes the pertinent information from a caller
2 and relays that information to the appropriate public safety
3 agency or other provider of emergency services.

4 "Remit period" means the billing period, one month in
5 duration, for which a wireless carrier remits a surcharge and
6 provides subscriber information by zip code to the Illinois
7 State Police Department, in accordance with Section 20 of this
8 Act.

9 "Secondary Answering Point" or "SAP" means a location,
10 other than a PSAP, that is able to receive the voice, data, and
11 call back number of E9-1-1 or NG9-1-1 emergency calls
12 transferred from a PSAP and completes the call taking process
13 by dispatching police, medical, fire, or other emergency
14 responders.

15 "Statewide wireless emergency 9-1-1 system" means all
16 areas of the State where an emergency telephone system board
17 or, in the absence of an emergency telephone system board, a
18 qualified governmental entity, has not declared its intention
19 for one or more of its public safety answering points to serve
20 as a primary wireless 9-1-1 public safety answering point for
21 its jurisdiction. The operator of the statewide wireless
22 emergency 9-1-1 system shall be the Illinois Department of
23 State Police.

24 "System" means the communications equipment and related
25 software applications required to produce a response by the
26 appropriate emergency public safety agency or other provider

1 of emergency services as a result of an emergency call being
2 placed to 9-1-1.

3 "System provider" means the contracted entity providing
4 9-1-1 network and database services.

5 "Telecommunications carrier" means those entities included
6 within the definition specified in Section 13-202 of the
7 Public Utilities Act, and includes those carriers acting as
8 resellers of telecommunications services. "Telecommunications
9 carrier" includes telephone systems operating as mutual
10 concerns. "Telecommunications carrier" does not include a
11 wireless carrier.

12 "Telecommunications technology" means equipment that can
13 send and receive written messages over the telephone network.

14 "Transfer method" means a 9-1-1 service in which the PSAP
15 telecommunicator receiving a call transfers that call to the
16 appropriate public safety agency or other provider of
17 emergency services.

18 "Transmitting messages" shall have the meaning given to
19 that term under Section 8-11-2 of the Illinois Municipal Code.

20 "Trunk line" means a transmission path, or group of
21 transmission paths, connecting a subscriber's PBX to a
22 telecommunications carrier's public switched network. In the
23 case of regular service, each voice grade communications
24 channel or equivalent amount of bandwidth capable of
25 transporting either the subscriber's inter-premises voice
26 telecommunications services to the public switched network or

1 the subscriber's 9-1-1 calls to the public agency shall be
2 considered a trunk line, even if it is bundled with other
3 channels or additional bandwidth. In the case of advanced
4 service, each DS-1, T-1, or other un-channelized or
5 multi-channel transmission facility that is capable of
6 transporting either the subscriber's inter-premises voice
7 telecommunications services to the public switched network or
8 the subscriber's 9-1-1 calls to the public agency shall be
9 considered a single trunk line, even if it contains multiple
10 voice grade communications channels or otherwise supports 2 or
11 more voice grade calls at a time; provided, however, that each
12 additional increment of up to 24 voice grade channels of
13 transmission capacity that is capable of transporting either
14 the subscriber's inter-premises voice telecommunications
15 services to the public switched network or the subscriber's
16 9-1-1 calls to the public agency shall be considered an
17 additional trunk line.

18 "Unmanned backup PSAP" means a public safety answering
19 point that serves as an alternate to the PSAP at an alternate
20 location and is typically unmanned but can be activated if the
21 primary PSAP is disabled.

22 "Virtual answering point" or "VAP" means a temporary or
23 nonpermanent location that is capable of receiving an
24 emergency call, contains a fully functional worksite that is
25 not bound to a specific location, but rather is portable and
26 scalable, connecting emergency call takers or dispatchers to

1 the work process, and is capable of completing the call
2 dispatching process.

3 "Voice-impaired individual" means a person with a
4 permanent speech disability which precludes oral
5 communication, who can regularly and routinely communicate by
6 telephone only through the aid of devices which can send and
7 receive written messages over the telephone network.

8 "Wireless carrier" means a provider of two-way cellular,
9 broadband PCS, geographic area 800 MHZ and 900 MHZ Commercial
10 Mobile Radio Service (CMRS), Wireless Communications Service
11 (WCS), or other Commercial Mobile Radio Service (CMRS), as
12 defined by the Federal Communications Commission, offering
13 radio communications that may provide fixed, mobile, radio
14 location, or satellite communication services to individuals
15 or businesses within its assigned spectrum block and
16 geographical area or that offers real-time, two-way voice
17 service that is interconnected with the public switched
18 network, including a reseller of such service.

19 "Wireless enhanced 9-1-1" means the ability to relay the
20 telephone number of the originator of a 9-1-1 call and
21 location information from any mobile handset or text telephone
22 device accessing the wireless system to the designated
23 wireless public safety answering point as set forth in the
24 order of the Federal Communications Commission, FCC Docket No.
25 94-102, adopted June 12, 1996, with an effective date of
26 October 1, 1996, and any subsequent amendment thereto.

1 "Wireless public safety answering point" means the
2 functional division of a 9-1-1 authority accepting wireless
3 9-1-1 calls.

4 "Wireless subscriber" means an individual or entity to
5 whom a wireless service account or number has been assigned by
6 a wireless carrier, other than an account or number associated
7 with prepaid wireless telecommunication service.

8 (Source: P.A. 99-6, eff. 1-1-16; 100-20, eff. 7-1-17.)

9 (50 ILCS 750/7) (from Ch. 134, par. 37)

10 (Section scheduled to be repealed on December 31, 2021)

11 Sec. 7. The General Assembly finds that, because of
12 overlapping jurisdiction of public agencies, public safety
13 agencies and telephone service areas, the Administrator, with
14 the advice and recommendation of the Statewide 9-1-1 Advisory
15 Board, shall establish a general overview or plan to
16 effectuate the purposes of this Act within the time frame
17 provided in this Act. In order to insure that proper
18 preparation and implementation of emergency telephone systems
19 are accomplished by all public agencies as required under this
20 Act, the Illinois State Police Department, with the advice and
21 assistance of the Attorney General, shall secure compliance by
22 public agencies as provided in this Act.

23 (Source: P.A. 99-6, eff. 1-1-16; 100-20, eff. 7-1-17.)

24 (50 ILCS 750/8) (from Ch. 134, par. 38)

1 (Section scheduled to be repealed on December 31, 2021)

2 Sec. 8. The Administrator, with the advice and
3 recommendation of the Statewide 9-1-1 Advisory Board, shall
4 coordinate the implementation of systems established under
5 this Act. To assist with this coordination, all systems
6 authorized to operate under this Act shall register with the
7 Administrator information regarding its composition and
8 organization, including, but not limited to, identification of
9 all PSAPs, SAPs, VAPs, Backup PSAPs, and Unmanned Backup
10 PSAPs. The Illinois State Police ~~Department~~ may adopt rules
11 for the administration of this Section.

12 (Source: P.A. 99-6, eff. 1-1-16; 100-20, eff. 7-1-17.)

13 (50 ILCS 750/10) (from Ch. 134, par. 40)

14 (Section scheduled to be repealed on December 31, 2021)

15 Sec. 10. (a) The Administrator, with the advice and
16 recommendation of the Statewide 9-1-1 Advisory Board, shall
17 establish uniform technical and operational standards for all
18 9-1-1 systems in Illinois. All findings, orders, decisions,
19 rules, and regulations issued or promulgated by the Commission
20 under this Act or any other Act establishing or conferring
21 power on the Commission with respect to emergency
22 telecommunications services, shall continue in force.
23 Notwithstanding the provisions of this Section, where
24 applicable, the Administrator shall, with the advice and
25 recommendation of the Statewide 9-1-1 Advisory Board, amend

1 the Commission's findings, orders, decisions, rules, and
2 regulations to conform to the specific provisions of this Act
3 as soon as practicable after the effective date of this
4 amendatory Act of the 99th General Assembly.

5 (b) The Illinois State Police ~~Department~~ may adopt
6 emergency rules necessary to implement the provisions of this
7 amendatory Act of the 99th General Assembly under subsection
8 (t) of Section 5-45 of the Illinois Administrative Procedure
9 Act.

10 (c) Nothing in this Act shall deprive the Commission of
11 any authority to regulate the provision by telecommunication
12 carriers or 9-1-1 system service providers of
13 telecommunication or other services under the Public Utilities
14 Act.

15 (d) For rules that implicate both the regulation of 9-1-1
16 authorities under this Act and the regulation of
17 telecommunication carriers and 9-1-1 system service providers
18 under the Public Utilities Act, the Illinois State Police
19 ~~Department~~ and the Commission may adopt joint rules necessary
20 for implementation.

21 (e) Any findings, orders, or decisions of the
22 Administrator under this Section shall be deemed a final
23 administrative decision and shall be subject to judicial
24 review under the Administrative Review Law.

25 (Source: P.A. 99-6, eff. 1-1-16; 100-20, eff. 7-1-17.)

1 (50 ILCS 750/12) (from Ch. 134, par. 42)

2 (Section scheduled to be repealed on December 31, 2021)

3 Sec. 12. The Attorney General may, on behalf of the
4 Illinois State Police Department or on his own initiative,
5 commence judicial proceedings to enforce compliance by any
6 public agency or public utility providing telephone service
7 with this Act.

8 (Source: P.A. 99-6, eff. 1-1-16; 100-20, eff. 7-1-17.)

9 (50 ILCS 750/15.1) (from Ch. 134, par. 45.1)

10 (Section scheduled to be repealed on December 31, 2021)

11 Sec. 15.1. Public body; exemption from civil liability for
12 developing or operating emergency telephone system.

13 (a) In no event shall a public agency, the Commission, the
14 Statewide 9-1-1 Advisory Board, the Administrator, the
15 Illinois Department of State Police, public safety agency,
16 public safety answering point, emergency telephone system
17 board, or unit of local government assuming the duties of an
18 emergency telephone system board, or carrier, or its officers,
19 employees, assigns, or agents be liable for any civil damages
20 or criminal liability that directly or indirectly results
21 from, or is caused by, any act or omission in the development,
22 design, installation, operation, maintenance, performance, or
23 provision of 9-1-1 service required by this Act, unless the
24 act or omission constitutes gross negligence, recklessness, or
25 intentional misconduct.

1 A unit of local government, the Commission, the Statewide
2 9-1-1 Advisory Board, the Administrator, the Illinois
3 ~~Department of State Police~~, public safety agency, public
4 safety answering point, emergency telephone system board, or
5 carrier, or its officers, employees, assigns, or agents, shall
6 not be liable for any form of civil damages or criminal
7 liability that directly or indirectly results from, or is
8 caused by, the release of subscriber information to any
9 governmental entity as required under the provisions of this
10 Act, unless the release constitutes gross negligence,
11 recklessness, or intentional misconduct.

12 (b) Exemption from civil liability for emergency
13 instructions is as provided in the Good Samaritan Act.

14 (c) This Section may not be offered as a defense in any
15 judicial proceeding brought by the Attorney General under
16 Section 12 to compel compliance with this Act.

17 (Source: P.A. 99-6, eff. 1-1-16; 100-20, eff. 7-1-17.)

18 (50 ILCS 750/15.4b)

19 (Section scheduled to be repealed on December 31, 2021)

20 Sec. 15.4b. Consolidation grants.

21 (a) The Administrator, with the advice and recommendation
22 of the Statewide 9-1-1 Advisory Board, shall administer a
23 9-1-1 System Consolidation Grant Program to defray costs
24 associated with 9-1-1 system consolidation of systems outside
25 of a municipality with a population in excess of 500,000. The

1 awarded grants will be used to offset non-recurring costs
2 associated with the consolidation of 9-1-1 systems and shall
3 not be used for ongoing operating costs associated with the
4 consolidated system. The Illinois State Police Department, in
5 consultation with the Administrator and the Statewide 9-1-1
6 Advisory Board, shall adopt rules defining the grant process
7 and criteria for issuing the grants. The grants should be
8 awarded based on criteria that include, but are not limited
9 to:

- 10 (1) reducing the number of transfers of a 9-1-1 call;
- 11 (2) reducing the infrastructure required to adequately
12 provide 9-1-1 network services;
- 13 (3) promoting cost savings from resource sharing among
14 9-1-1 systems;
- 15 (4) facilitating interoperability and resiliency for
16 the receipt of 9-1-1 calls;
- 17 (5) reducing the number of 9-1-1 systems or reducing
18 the number of PSAPs within a 9-1-1 system;
- 19 (6) cost saving resulting from 9-1-1 system
20 consolidation; and
- 21 (7) expanding E9-1-1 service coverage as a result of
22 9-1-1 system consolidation including to areas without
23 E9-1-1 service.

24 Priority shall be given first to counties not providing
25 9-1-1 service as of January 1, 2016, and next to other entities
26 consolidating as required under Section 15.4a of this Act.

1 (b) The 9-1-1 System Consolidation Grant application, as
2 defined by Illinois State Police ~~Department~~ rules, shall be
3 submitted electronically to the Administrator starting January
4 2, 2016, and every January 2 thereafter. The application shall
5 include a modified 9-1-1 system plan as required by this Act in
6 support of the consolidation plan. The Administrator shall
7 have until June 30, 2016 and every June 30 thereafter to
8 approve 9-1-1 System Consolidation grants and modified 9-1-1
9 system plans. Payment under the approved 9-1-1 System
10 Consolidation grants shall be contingent upon the final
11 approval of a modified 9-1-1 system plan.

12 (c) Existing and previously completed consolidation
13 projects shall be eligible to apply for reimbursement of costs
14 related to the consolidation incurred between 2010 and the
15 State fiscal year of the application.

16 (d) The 9-1-1 systems that receive grants under this
17 Section shall provide a report detailing grant fund usage to
18 the Administrator pursuant to Section 40 of this Act.

19 (Source: P.A. 99-6, eff. 1-1-16; 100-20, eff. 7-1-17.)

20 (50 ILCS 750/15.5)

21 (Section scheduled to be repealed on December 31, 2021)

22 Sec. 15.5. Private residential switch service 9-1-1
23 service.

24 (a) After June 30, 1995, an entity that provides or
25 operates private residential switch service and provides

1 telecommunications facilities or services to residents shall
2 provide to those residential end users the same level of 9-1-1
3 service as the public agency and the telecommunications
4 carrier are providing to other residential end users of the
5 local 9-1-1 system. This service shall include, but not be
6 limited to, the capability to identify the telephone number,
7 extension number, and the physical location that is the source
8 of the call to the number designated as the emergency
9 telephone number.

10 (b) The private residential switch operator is responsible
11 for forwarding end user automatic location identification
12 record information to the 9-1-1 system provider according to
13 the format, frequency, and procedures established by that
14 system provider.

15 (c) This Act does not apply to any PBX telephone extension
16 that uses radio transmissions to convey electrical signals
17 directly between the telephone extension and the serving PBX.

18 (d) An entity that violates this Section is guilty of a
19 business offense and shall be fined not less than \$1,000 and
20 not more than \$5,000.

21 (e) Nothing in this Section shall be construed to preclude
22 the Attorney General on behalf of the Illinois State Police
23 ~~Department~~ or on his or her own initiative, or any other
24 interested person, from seeking judicial relief, by mandamus,
25 injunction, or otherwise, to compel compliance with this
26 Section.

1 (Source: P.A. 99-6, eff. 1-1-16; 100-20, eff. 7-1-17.)

2 (50 ILCS 750/15.6)

3 (Section scheduled to be repealed on December 31, 2021)

4 Sec. 15.6. Enhanced 9-1-1 service; business service.

5 (a) After June 30, 2000, or within 18 months after
6 enhanced 9-1-1 service becomes available, any entity that
7 installs or operates a private business switch service and
8 provides telecommunications facilities or services to
9 businesses shall assure that the system is connected to the
10 public switched network in a manner that calls to 9-1-1 result
11 in automatic number and location identification. For buildings
12 having their own street address and containing workspace of
13 40,000 square feet or less, location identification shall
14 include the building's street address. For buildings having
15 their own street address and containing workspace of more than
16 40,000 square feet, location identification shall include the
17 building's street address and one distinct location
18 identification per 40,000 square feet of workspace. Separate
19 buildings containing workspace of 40,000 square feet or less
20 having a common public street address shall have a distinct
21 location identification for each building in addition to the
22 street address.

23 (b) Exemptions. Buildings containing workspace of more
24 than 40,000 square feet are exempt from the multiple location
25 identification requirements of subsection (a) if the building

1 maintains, at all times, alternative and adequate means of
2 signaling and responding to emergencies. Those means shall
3 include, but not be limited to, a telephone system that
4 provides the physical location of 9-1-1 calls coming from
5 within the building. Health care facilities are presumed to
6 meet the requirements of this paragraph if the facilities are
7 staffed with medical or nursing personnel 24 hours per day and
8 if an alternative means of providing information about the
9 source of an emergency call exists. Buildings under this
10 exemption must provide 9-1-1 service that provides the
11 building's street address.

12 Buildings containing workspace of more than 40,000 square
13 feet are exempt from subsection (a) if the building maintains,
14 at all times, alternative and adequate means of signaling and
15 responding to emergencies, including a telephone system that
16 provides the location of a 9-1-1 call coming from within the
17 building, and the building is serviced by its own medical,
18 fire and security personnel. Buildings under this exemption
19 are subject to emergency phone system certification by the
20 Administrator.

21 Buildings in communities not serviced by enhanced 9-1-1
22 service are exempt from subsection (a).

23 Correctional institutions and facilities, as defined in
24 subsection (d) of Section 3-1-2 of the Unified Code of
25 Corrections, are exempt from subsection (a).

26 (c) This Act does not apply to any PBX telephone extension

1 that uses radio transmissions to convey electrical signals
2 directly between the telephone extension and the serving PBX.

3 (d) An entity that violates this Section is guilty of a
4 business offense and shall be fined not less than \$1,000 and
5 not more than \$5,000.

6 (e) Nothing in this Section shall be construed to preclude
7 the Attorney General on behalf of the Illinois State Police
8 ~~Department~~ or on his or her own initiative, or any other
9 interested person, from seeking judicial relief, by mandamus,
10 injunction, or otherwise, to compel compliance with this
11 Section.

12 (f) The Illinois State Police ~~Department~~ may promulgate
13 rules for the administration of this Section.

14 (Source: P.A. 99-6, eff. 1-1-16; 100-20, eff. 7-1-17.)

15 (50 ILCS 750/15.6a)

16 (Section scheduled to be repealed on December 31, 2021)

17 Sec. 15.6a. Wireless emergency 9-1-1 service.

18 (a) The digits "9-1-1" shall be the designated emergency
19 telephone number within the wireless system.

20 (b) The Illinois State Police ~~Department~~ may set
21 non-discriminatory and uniform technical and operational
22 standards consistent with the rules of the Federal
23 Communications Commission for directing calls to authorized
24 public safety answering points. These standards shall not in
25 any way prescribe the technology or manner a wireless carrier

1 shall use to deliver wireless 9-1-1 or wireless E9-1-1 calls,
2 and these standards shall not exceed the requirements set by
3 the Federal Communications Commission; however, standards for
4 directing calls to the authorized public safety answering
5 point shall be included. The authority given to the Illinois
6 State Police Department in this Section is limited to setting
7 standards as set forth herein and does not constitute
8 authority to regulate wireless carriers.

9 (c) For the purpose of providing wireless 9-1-1 emergency
10 services, an emergency telephone system board or, in the
11 absence of an emergency telephone system board, a qualified
12 governmental entity, may declare its intention for one or more
13 of its public safety answering points to serve as a primary
14 wireless 9-1-1 public safety answering point for its
15 jurisdiction by notifying the Administrator in writing within
16 6 months after receiving its authority to operate a 9-1-1
17 system under this Act. In addition, 2 or more emergency
18 telephone system boards or qualified governmental entities
19 may, by virtue of an intergovernmental agreement, provide
20 wireless 9-1-1 service. Until the jurisdiction comes into
21 compliance with Section 15.4a of this Act, the Illinois
22 ~~Department of State Police~~ shall be the primary wireless 9-1-1
23 public safety answering point for any jurisdiction that did
24 not provide notice to the Illinois Commerce Commission and the
25 Illinois State Police Department prior to January 1, 2016.

26 (d) The Administrator, upon a request from a qualified

1 governmental entity or an emergency telephone system board and
2 with the advice and recommendation of the Statewide 9-1-1
3 Advisory Board, may grant authority to the emergency telephone
4 system board or a qualified governmental entity to provide
5 wireless 9-1-1 service in areas for which the Illinois State
6 Police Department has accepted wireless 9-1-1 responsibility.
7 The Administrator shall maintain a current list of all 9-1-1
8 systems and qualified governmental entities providing wireless
9 9-1-1 service under this Act.

10 (Source: P.A. 99-6, eff. 1-1-16; 100-20, eff. 7-1-17.)

11 (50 ILCS 750/15.6b)

12 (Section scheduled to be repealed on December 31, 2021)

13 Sec. 15.6b. Next Generation 9-1-1 service.

14 (a) The Administrator, with the advice and recommendation
15 of the Statewide 9-1-1 Advisory Board, shall develop and
16 implement a plan for a statewide Next Generation 9-1-1
17 network. The Next Generation 9-1-1 network must be an Internet
18 protocol-based platform that at a minimum provides:

19 (1) improved 9-1-1 call delivery;

20 (2) enhanced interoperability;

21 (3) increased ease of communication between 9-1-1
22 service providers, allowing immediate transfer of 9-1-1
23 calls, caller information, photos, and other data
24 statewide;

25 (4) a hosted solution with redundancy built in; and

1 (5) compliance with NENA Standards i3 Solution 08-003.

2 (b) By July 1, 2016, the Administrator, with the advice
3 and recommendation of the Statewide 9-1-1 Advisory Board,
4 shall design and issue a competitive request for a proposal to
5 secure the services of a consultant to complete a feasibility
6 study on the implementation of a statewide Next Generation
7 9-1-1 network in Illinois. By July 1, 2017, the consultant
8 shall complete the feasibility study and make recommendations
9 as to the appropriate procurement approach for developing a
10 statewide Next Generation 9-1-1 network.

11 (c) Within 12 months of the final report from the
12 consultant under subsection (b) of this Section, the Illinois
13 State Police Department shall procure and finalize a contract
14 with a vendor certified under Section 13-900 of the Public
15 Utilities Act to establish a statewide Next Generation 9-1-1
16 network. By July 1, 2021, the vendor shall implement a Next
17 Generation 9-1-1 network that allows 9-1-1 systems providing
18 9-1-1 service to Illinois residents to access the system
19 utilizing their current infrastructure if it meets the
20 standards adopted by the Illinois State Police Department.

21 (Source: P.A. 100-20, eff. 7-1-17; 101-639, eff. 6-12-20.)

22 (50 ILCS 750/17.5)

23 (Section scheduled to be repealed on December 31, 2021)

24 Sec. 17.5. 9-1-1 call transfer, forward, or relay.

25 (a) The General Assembly finds the following:

1 (1) Some 9-1-1 systems throughout this State do not
2 have a procedure in place to manually transfer, forward,
3 or relay 9-1-1 calls originating within one 9-1-1 system's
4 jurisdiction, but which should properly be answered and
5 dispatched by another 9-1-1 system, to the appropriate
6 9-1-1 system for answering and dispatch of first
7 responders.

8 (2) On January 1, 2016, the General Assembly gave
9 oversight authority of 9-1-1 systems to the Illinois
10 ~~Department of State Police~~.

11 (3) Since that date, the Illinois ~~Department of State~~
12 Police has authorized individual 9-1-1 systems in counties
13 and municipalities to implement and upgrade enhanced 9-1-1
14 systems throughout the State.

15 (b) The Illinois State Police ~~Department~~ shall prepare a
16 directory of all authorized 9-1-1 systems in the State. The
17 directory shall include an emergency 24/7 10-digit telephone
18 number for all primary public safety answering points located
19 in each 9-1-1 system to which 9-1-1 calls from another
20 jurisdiction can be transferred. This directory shall be made
21 available to each 9-1-1 authority for its use in establishing
22 standard operating procedures regarding calls outside its
23 9-1-1 jurisdiction.

24 (c) Each 9-1-1 system shall provide the Illinois State
25 Police ~~Department~~ with the following information:

26 (1) The name of the PSAP, a list of every

1 participating agency, and the county the PSAP is in,
2 including college and university public safety entities.

3 (2) The 24/7 10-digit emergency telephone number and
4 email address for the dispatch agency to which 9-1-1 calls
5 originating in another 9-1-1 jurisdiction can be
6 transferred or by which the PSAP can be contacted via
7 email to exchange information. Each 9-1-1 system shall
8 provide the Illinois State Police ~~Department~~ with any
9 changes to the participating agencies and this number and
10 email address immediately upon the change occurring. Each
11 9-1-1 system shall provide the PSAP information, the 24/7
12 10-digit emergency telephone number and email address to
13 the Manager of the Illinois State Police's ~~Department's~~
14 9-1-1 Program within 30 days of the effective date of this
15 amendatory Act of the 100th General Assembly.

16 (3) The standard operating procedure describing the
17 manner in which the 9-1-1 system will transfer, forward,
18 or relay 9-1-1 calls originating within its jurisdiction,
19 but which should properly be answered and dispatched by
20 another 9-1-1 system, to the appropriate 9-1-1 system.
21 Each 9-1-1 system shall provide the standard operating
22 procedures to the Manager of the Illinois State Police's
23 ~~Department's~~ 9-1-1 Program within 180 days after the
24 effective date of this amendatory Act of the 100th General
25 Assembly.

26 (Source: P.A. 100-20, eff. 7-1-17.)

1 (50 ILCS 750/19)

2 (Section scheduled to be repealed on December 31, 2021)

3 Sec. 19. Statewide 9-1-1 Advisory Board.

4 (a) Beginning July 1, 2015, there is created the Statewide
5 9-1-1 Advisory Board within the Illinois ~~Department of~~ State
6 Police. The Board shall consist of the following 11 voting
7 members:

8 (1) The Director of the Illinois State Police, or his
9 or her designee, who shall serve as chairman.

10 (2) The Executive Director of the Commission, or his
11 or her designee.

12 (3) Nine members appointed by the Governor as follows:

13 (A) one member representing the Illinois chapter
14 of the National Emergency Number Association, or his
15 or her designee;

16 (B) one member representing the Illinois chapter
17 of the Association of Public-Safety Communications
18 Officials, or his or her designee;

19 (C) one member representing a county 9-1-1 system
20 from a county with a population of less than 50,000;

21 (D) one member representing a county 9-1-1 system
22 from a county with a population between 50,000 and
23 250,000;

24 (E) one member representing a county 9-1-1 system
25 from a county with a population of more than 250,000;

1 (F) one member representing a municipality with a
2 population of less than 500,000 in a county with a
3 population in excess of 2,000,000;

4 (G) one member representing the Illinois
5 Association of Chiefs of Police;

6 (H) one member representing the Illinois Sheriffs'
7 Association; and

8 (I) one member representing the Illinois Fire
9 Chiefs Association.

10 The Governor shall appoint the following non-voting
11 members: (i) one member representing an incumbent local
12 exchange 9-1-1 system provider; (ii) one member representing a
13 non-incumbent local exchange 9-1-1 system provider; (iii) one
14 member representing a large wireless carrier; (iv) one member
15 representing an incumbent local exchange carrier; (v) one
16 member representing the Illinois Telecommunications
17 Association; (vi) one member representing the Cable Television
18 and Communication Association of Illinois; and (vii) one
19 member representing the Illinois State Ambulance Association.
20 The Speaker of the House of Representatives, the Minority
21 Leader of the House of Representatives, the President of the
22 Senate, and the Minority Leader of the Senate may each appoint
23 a member of the General Assembly to temporarily serve as a
24 non-voting member of the Board during the 12 months prior to
25 the repeal date of this Act to discuss legislative initiatives
26 of the Board.

1 (b) The Governor shall make initial appointments to the
2 Statewide 9-1-1 Advisory Board by August 31, 2015. Six of the
3 voting members appointed by the Governor shall serve an
4 initial term of 2 years, and the remaining voting members
5 appointed by the Governor shall serve an initial term of 3
6 years. Thereafter, each appointment by the Governor shall be
7 for a term of 3 years. Non-voting members shall serve for a
8 term of 3 years. Vacancies shall be filled in the same manner
9 as the original appointment. Persons appointed to fill a
10 vacancy shall serve for the balance of the unexpired term.

11 Members of the Statewide 9-1-1 Advisory Board shall serve
12 without compensation.

13 (c) The 9-1-1 Services Advisory Board, as constituted on
14 June 1, 2015 without the legislative members, shall serve in
15 the role of the Statewide 9-1-1 Advisory Board until all
16 appointments of voting members have been made by the Governor
17 under subsection (a) of this Section.

18 (d) The Statewide 9-1-1 Advisory Board shall:

19 (1) advise the Illinois ~~Department of~~ State Police and
20 the Statewide 9-1-1 Administrator on the oversight of
21 9-1-1 systems and the development and implementation of a
22 uniform statewide 9-1-1 system;

23 (2) make recommendations to the Governor and the
24 General Assembly regarding improvements to 9-1-1 services
25 throughout the State; and

26 (3) exercise all other powers and duties provided in

1 this Act.

2 (e) The Statewide 9-1-1 Advisory Board shall submit to the
3 General Assembly a report by March 1 of each year providing an
4 update on the transition to a statewide 9-1-1 system and
5 recommending any legislative action.

6 (f) The Illinois ~~Department of~~ State Police shall provide
7 administrative support to the Statewide 9-1-1 Advisory Board.

8 (Source: P.A. 99-6, eff. 6-29-15; 100-20, eff. 7-1-17.)

9 (50 ILCS 750/20)

10 (Section scheduled to be repealed on December 31, 2021)

11 Sec. 20. Statewide surcharge.

12 (a) On and after January 1, 2016, and except with respect
13 to those customers who are subject to surcharges as provided
14 in Sections 15.3 and 15.3a of this Act, a monthly surcharge
15 shall be imposed on all customers of telecommunications
16 carriers and wireless carriers as follows:

17 (1) Each telecommunications carrier shall impose a
18 monthly surcharge per network connection; provided,
19 however, the monthly surcharge shall not apply to a
20 network connection provided for use with pay telephone
21 services. Where multiple voice grade communications
22 channels are connected between the subscriber's premises
23 and a public switched network through private branch
24 exchange (PBX), centrex type service, or other multiple
25 voice grade communication channels facility, there shall

1 be imposed 5 such surcharges per network connection for
2 both regular service and advanced service provisioned
3 trunk lines. Until December 31, 2017, the surcharge shall
4 be \$0.87 per network connection and on and after January
5 1, 2018, the surcharge shall be \$1.50 per network
6 connection.

7 (2) Each wireless carrier shall impose and collect a
8 monthly surcharge per CMRS connection that either has a
9 telephone number within an area code assigned to Illinois
10 by the North American Numbering Plan Administrator or has
11 a billing address in this State. Until December 31, 2017,
12 the surcharge shall be \$0.87 per connection and on and
13 after January 1, 2018, the surcharge shall be \$1.50 per
14 connection.

15 (b) State and local taxes shall not apply to the
16 surcharges imposed under this Section.

17 (c) The surcharges imposed by this Section shall be stated
18 as a separately stated item on subscriber bills.

19 (d) The telecommunications carrier collecting the
20 surcharge may deduct and retain an amount not to exceed 3% of
21 the gross amount of surcharge collected to reimburse the
22 telecommunications carrier for the expense of accounting and
23 collecting the surcharge. On and after July 1, 2022, the
24 wireless carrier collecting a surcharge under this Section may
25 deduct and retain an amount not to exceed 3% of the gross
26 amount of the surcharge collected to reimburse the wireless

1 carrier for the expense of accounting and collecting the
2 surcharge.

3 (e) Surcharges imposed under this Section shall be
4 collected by the carriers and shall be remitted to the
5 Illinois State Police Department, either by check or
6 electronic funds transfer, by the end of the next calendar
7 month after the calendar month in which it was collected for
8 deposit into the Statewide 9-1-1 Fund. Carriers are not
9 required to remit surcharge moneys that are billed to
10 subscribers but not yet collected.

11 The first remittance by wireless carriers shall include
12 the number of subscribers by zip code, and the 9-digit zip code
13 if currently being used or later implemented by the carrier,
14 that shall be the means by which the Illinois State Police
15 ~~Department~~ shall determine distributions from the Statewide
16 9-1-1 Fund. This information shall be updated at least once
17 each year. Any carrier that fails to provide the zip code
18 information required under this subsection (e) shall be
19 subject to the penalty set forth in subsection (g) of this
20 Section.

21 (f) If, within 8 calendar days after it is due under
22 subsection (e) of this Section, a carrier does not remit the
23 surcharge or any portion thereof required under this Section,
24 then the surcharge or portion thereof shall be deemed
25 delinquent until paid in full, and the Illinois State Police
26 ~~Department~~ may impose a penalty against the carrier in an

1 amount equal to the greater of:

2 (1) \$25 for each month or portion of a month from the
3 time an amount becomes delinquent until the amount is paid
4 in full; or

5 (2) an amount equal to the product of 1% and the sum of
6 all delinquent amounts for each month or portion of a
7 month that the delinquent amounts remain unpaid.

8 A penalty imposed in accordance with this subsection (f)
9 for a portion of a month during which the carrier pays the
10 delinquent amount in full shall be prorated for each day of
11 that month that the delinquent amount was paid in full. Any
12 penalty imposed under this subsection (f) is in addition to
13 the amount of the delinquency and is in addition to any other
14 penalty imposed under this Section.

15 (g) If, within 8 calendar days after it is due, a wireless
16 carrier does not provide the number of subscribers by zip code
17 as required under subsection (e) of this Section, then the
18 report is deemed delinquent and the Illinois State Police
19 ~~Department~~ may impose a penalty against the carrier in an
20 amount equal to the greater of:

21 (1) \$25 for each month or portion of a month that the
22 report is delinquent; or

23 (2) an amount equal to the product of \$0.01 and the
24 number of subscribers served by the carrier for each month
25 or portion of a month that the delinquent report is not
26 provided.

1 A penalty imposed in accordance with this subsection (g)
2 for a portion of a month during which the carrier provides the
3 number of subscribers by zip code as required under subsection
4 (e) of this Section shall be prorated for each day of that
5 month during which the carrier had not provided the number of
6 subscribers by zip code as required under subsection (e) of
7 this Section. Any penalty imposed under this subsection (g) is
8 in addition to any other penalty imposed under this Section.

9 (h) A penalty imposed and collected in accordance with
10 subsection (f) or (g) of this Section shall be deposited into
11 the Statewide 9-1-1 Fund for distribution according to Section
12 30 of this Act.

13 (i) The Illinois State Police ~~Department~~ may enforce the
14 collection of any delinquent amount and any penalty due and
15 unpaid under this Section by legal action or in any other
16 manner by which the collection of debts due the State of
17 Illinois may be enforced under the laws of this State. The
18 Illinois State Police ~~Department~~ may excuse the payment of any
19 penalty imposed under this Section if the Administrator
20 determines that the enforcement of this penalty is unjust.

21 (j) Notwithstanding any provision of law to the contrary,
22 nothing shall impair the right of wireless carriers to recover
23 compliance costs for all emergency communications services
24 that are not reimbursed out of the Wireless Carrier
25 Reimbursement Fund directly from their wireless subscribers by
26 line-item charges on the wireless subscriber's bill. Those

1 compliance costs include all costs incurred by wireless
2 carriers in complying with local, State, and federal
3 regulatory or legislative mandates that require the
4 transmission and receipt of emergency communications to and
5 from the general public, including, but not limited to,
6 E9-1-1.

7 (Source: P.A. 99-6, eff. 1-1-16; 100-20, eff. 7-1-17.)

8 (50 ILCS 750/30)

9 (Section scheduled to be repealed on December 31, 2021)

10 Sec. 30. Statewide 9-1-1 Fund; surcharge disbursement.

11 (a) A special fund in the State treasury known as the
12 Wireless Service Emergency Fund shall be renamed the Statewide
13 9-1-1 Fund. Any appropriations made from the Wireless Service
14 Emergency Fund shall be payable from the Statewide 9-1-1 Fund.
15 The Fund shall consist of the following:

16 (1) 9-1-1 wireless surcharges assessed under the
17 Wireless Emergency Telephone Safety Act.

18 (2) 9-1-1 surcharges assessed under Section 20 of this
19 Act.

20 (3) Prepaid wireless 9-1-1 surcharges assessed under
21 Section 15 of the Prepaid Wireless 9-1-1 Surcharge Act.

22 (4) Any appropriations, grants, or gifts made to the
23 Fund.

24 (5) Any income from interest, premiums, gains, or
25 other earnings on moneys in the Fund.

1 (6) Money from any other source that is deposited in
2 or transferred to the Fund.

3 (b) Subject to appropriation and availability of funds,
4 the Illinois State Police Department shall distribute the
5 9-1-1 surcharges monthly as follows:

6 (1) From each surcharge collected and remitted under
7 Section 20 of this Act:

8 (A) \$0.013 shall be distributed monthly in equal
9 amounts to each County Emergency Telephone System
10 Board or qualified governmental entity in counties
11 with a population under 100,000 according to the most
12 recent census data which is authorized to serve as a
13 primary wireless 9-1-1 public safety answering point
14 for the county and to provide wireless 9-1-1 service
15 as prescribed by subsection (b) of Section 15.6a of
16 this Act, and which does provide such service.

17 (B) \$0.033 shall be transferred by the Comptroller
18 at the direction of the Illinois State Police
19 ~~Department~~ to the Wireless Carrier Reimbursement Fund
20 until June 30, 2017; from July 1, 2017 through June 30,
21 2018, \$0.026 shall be transferred; from July 1, 2018
22 through June 30, 2019, \$0.020 shall be transferred;
23 from July 1, 2019, through June 30, 2020, \$0.013 shall
24 be transferred; from July 1, 2020 through June 30,
25 2021, \$0.007 will be transferred; and after June 30,
26 2021, no transfer shall be made to the Wireless

1 Carrier Reimbursement Fund.

2 (C) Until December 31, 2017, \$0.007 and on and
3 after January 1, 2018, \$0.017 shall be used to cover
4 the Illinois State Police's ~~Department's~~
5 administrative costs.

6 (D) Beginning January 1, 2018, until June 30,
7 2020, \$0.12, and on and after July 1, 2020, \$0.04 shall
8 be used to make monthly proportional grants to the
9 appropriate 9-1-1 Authority currently taking wireless
10 9-1-1 based upon the United States Postal Zip Code of
11 the billing addresses of subscribers wireless
12 carriers.

13 (E) Until June 30, 2021, \$0.05 shall be used by the
14 Illinois State Police ~~Department~~ for grants for
15 NG9-1-1 expenses, with priority given to 9-1-1
16 Authorities that provide 9-1-1 service within the
17 territory of a Large Electing Provider as defined in
18 Section 13-406.1 of the Public Utilities Act.

19 (F) On and after July 1, 2020, \$0.13 shall be used
20 for the implementation of and continuing expenses for
21 the Statewide NG9-1-1 system.

22 (2) After disbursements under paragraph (1) of this
23 subsection (b), all remaining funds in the Statewide 9-1-1
24 Fund shall be disbursed in the following priority order:

25 (A) The Fund shall pay monthly to:

26 (i) the 9-1-1 Authorities that imposed

1 surcharges under Section 15.3 of this Act and were
2 required to report to the Illinois Commerce
3 Commission under Section 27 of the Wireless
4 Emergency Telephone Safety Act on October 1, 2014,
5 except a 9-1-1 Authority in a municipality with a
6 population in excess of 500,000, an amount equal
7 to the average monthly wireline and VoIP surcharge
8 revenue attributable to the most recent 12-month
9 period reported to the Illinois State Police
10 ~~Department~~ under that Section for the October 1,
11 2014 filing, subject to the power of the Illinois
12 State Police ~~Department~~ to investigate the amount
13 reported and adjust the number by order under
14 Article X of the Public Utilities Act, so that the
15 monthly amount paid under this item accurately
16 reflects one-twelfth of the aggregate wireline and
17 VoIP surcharge revenue properly attributable to
18 the most recent 12-month period reported to the
19 Commission; or

20 (ii) county qualified governmental entities
21 that did not impose a surcharge under Section 15.3
22 as of December 31, 2015, and counties that did not
23 impose a surcharge as of June 30, 2015, an amount
24 equivalent to their population multiplied by .37
25 multiplied by the rate of \$0.69; counties that are
26 not county qualified governmental entities and

1 that did not impose a surcharge as of December 31,
2 2015, shall not begin to receive the payment
3 provided for in this subsection until E9-1-1 and
4 wireless E9-1-1 services are provided within their
5 counties; or

6 (iii) counties without 9-1-1 service that had
7 a surcharge in place by December 31, 2015, an
8 amount equivalent to their population multiplied
9 by .37 multiplied by their surcharge rate as
10 established by the referendum.

11 (B) All 9-1-1 network costs for systems outside of
12 municipalities with a population of at least 500,000
13 shall be paid by the Illinois State Police ~~Department~~
14 directly to the vendors.

15 (C) All expenses incurred by the Administrator and
16 the Statewide 9-1-1 Advisory Board and costs
17 associated with procurement under Section 15.6b
18 including requests for information and requests for
19 proposals.

20 (D) Funds may be held in reserve by the Statewide
21 9-1-1 Advisory Board and disbursed by the Illinois
22 State Police ~~Department~~ for grants under Section 15.4b
23 of this Act and for NG9-1-1 expenses up to \$12.5
24 million per year in State fiscal years 2016 and 2017;
25 up to \$20 million in State fiscal year 2018; up to
26 \$20.9 million in State fiscal year 2019; up to \$15.3

1 million in State fiscal year 2020; up to \$16.2 million
2 in State fiscal year 2021; up to \$23.1 million in State
3 fiscal year 2022; and up to \$17.0 million per year for
4 State fiscal year 2023 and each year thereafter. The
5 amount held in reserve in State fiscal years 2018 and
6 2019 shall not be less than \$6.5 million.
7 Disbursements under this subparagraph (D) shall be
8 prioritized as follows: (i) consolidation grants
9 prioritized under subsection (a) of Section 15.4b of
10 this Act; (ii) NG9-1-1 expenses; and (iii)
11 consolidation grants under Section 15.4b of this Act
12 for consolidation expenses incurred between January 1,
13 2010, and January 1, 2016.

14 (E) All remaining funds per remit month shall be
15 used to make monthly proportional grants to the
16 appropriate 9-1-1 Authority currently taking wireless
17 9-1-1 based upon the United States Postal Zip Code of
18 the billing addresses of subscribers of wireless
19 carriers.

20 (c) The moneys deposited into the Statewide 9-1-1 Fund
21 under this Section shall not be subject to administrative
22 charges or chargebacks unless otherwise authorized by this
23 Act.

24 (d) Whenever two or more 9-1-1 Authorities consolidate,
25 the resulting Joint Emergency Telephone System Board shall be
26 entitled to the monthly payments that had theretofore been

1 made to each consolidating 9-1-1 Authority. Any reserves held
2 by any consolidating 9-1-1 Authority shall be transferred to
3 the resulting Joint Emergency Telephone System Board. Whenever
4 a county that has no 9-1-1 service as of January 1, 2016 enters
5 into an agreement to consolidate to create or join a Joint
6 Emergency Telephone System Board, the Joint Emergency
7 Telephone System Board shall be entitled to the monthly
8 payments that would have otherwise been paid to the county if
9 it had provided 9-1-1 service.

10 (Source: P.A. 100-20, eff. 7-1-17; 101-639, eff. 6-12-20.)

11 (50 ILCS 750/40)

12 (Section scheduled to be repealed on December 31, 2021)

13 Sec. 40. Financial reports.

14 (a) The Illinois State Police ~~Department~~ shall create
15 uniform accounting procedures, with such modification as may
16 be required to give effect to statutory provisions applicable
17 only to municipalities with a population in excess of 500,000,
18 that any emergency telephone system board, qualified
19 governmental entity, or unit of local government receiving
20 surcharge money pursuant to Section 15.3, 15.3a, or 30 of this
21 Act must follow.

22 (b) By January 31, 2018, and every January 31 thereafter,
23 each emergency telephone system board, qualified governmental
24 entity, or unit of local government receiving surcharge money
25 pursuant to Section 15.3, 15.3a, or 30 shall report to the

1 Illinois State Police ~~Department~~ audited financial statements
2 showing total revenue and expenditures for the period
3 beginning with the end of the period covered by the last
4 submitted report through the end of the previous calendar year
5 in a form and manner as prescribed by the Illinois State Police
6 ~~Department~~. Such financial information shall include:

7 (1) a detailed summary of revenue from all sources
8 including, but not limited to, local, State, federal, and
9 private revenues, and any other funds received;

10 (2) all expenditures made during the reporting period
11 from distributions under this Act;

12 (3) call data and statistics, when available, from the
13 reporting period, as specified by the Illinois State
14 Police ~~Department~~ and collected in accordance with any
15 reporting method established or required by the Illinois
16 State Police ~~Department~~;

17 (4) all costs associated with dispatching appropriate
18 public safety agencies to respond to 9-1-1 calls received
19 by the PSAP; and

20 (5) all funding sources and amounts of funding used
21 for costs described in paragraph (4) of this subsection
22 (b).

23 The emergency telephone system board, qualified
24 governmental entity, or unit of local government is
25 responsible for any costs associated with auditing such
26 financial statements. The Illinois State Police ~~Department~~

1 shall post the audited financial statements on the Illinois
2 State Police's ~~Department's~~ website.

3 (c) Along with its audited financial statement, each
4 emergency telephone system board, qualified governmental
5 entity, or unit of local government receiving a grant under
6 Section 15.4b of this Act shall include a report of the amount
7 of grant moneys received and how the grant moneys were used. In
8 case of a conflict between this requirement and the Grant
9 Accountability and Transparency Act, or with the rules of the
10 Governor's Office of Management and Budget adopted thereunder,
11 that Act and those rules shall control.

12 (d) If an emergency telephone system board or qualified
13 governmental entity that receives funds from the Statewide
14 9-1-1 Fund fails to file the 9-1-1 system financial reports as
15 required under this Section, the Illinois State Police
16 ~~Department~~ shall suspend and withhold monthly disbursements
17 otherwise due to the emergency telephone system board or
18 qualified governmental entity under Section 30 of this Act
19 until the report is filed.

20 Any monthly disbursements that have been withheld for 12
21 months or more shall be forfeited by the emergency telephone
22 system board or qualified governmental entity and shall be
23 distributed proportionally by the Illinois State Police
24 ~~Department~~ to compliant emergency telephone system boards and
25 qualified governmental entities that receive funds from the
26 Statewide 9-1-1 Fund.

1 Any emergency telephone system board or qualified
2 governmental entity not in compliance with this Section shall
3 be ineligible to receive any consolidation grant or
4 infrastructure grant issued under this Act.

5 (e) The Illinois State Police ~~Department~~ may adopt
6 emergency rules necessary to implement the provisions of this
7 Section.

8 (f) Any findings or decisions of the Illinois State Police
9 ~~Department~~ under this Section shall be deemed a final
10 administrative decision and shall be subject to judicial
11 review under the Administrative Review Law.

12 (g) Beginning October 1, 2017, the Illinois State Police
13 ~~Department~~ shall provide a quarterly report to the Board of
14 its expenditures from the Statewide 9-1-1 Fund for the prior
15 fiscal quarter.

16 (Source: P.A. 99-6, eff. 1-1-16; 100-20, eff. 7-1-17.)

17 (50 ILCS 750/50)

18 (Section scheduled to be repealed on December 31, 2021)

19 Sec. 50. Fund audits. The Auditor General shall conduct as
20 a part of its bi-annual audit, an audit of the Statewide 9-1-1
21 Fund and the Wireless Carrier Reimbursement Fund for
22 compliance with the requirements of this Act. The audit shall
23 include, but not be limited to, the following determinations:

24 (1) Whether detailed records of all receipts and
25 disbursements from the Statewide 9-1-1 Fund and the

1 Wireless Carrier Reimbursement Fund are being maintained.

2 (2) Whether administrative costs charged to the funds
3 are adequately documented and are reasonable.

4 (3) Whether the procedures for making disbursements
5 and grants and providing reimbursements in accordance with
6 the Act are adequate.

7 (4) The status of the implementation of statewide
8 9-1-1 service and Next Generation 9-1-1 service in
9 Illinois.

10 The Illinois Commerce Commission, the Illinois ~~Department~~
11 ~~of~~ State Police, and any other entity or person that may have
12 information relevant to the audit shall cooperate fully and
13 promptly with the Office of the Auditor General in conducting
14 the audit. The Auditor General shall commence the audit as
15 soon as possible and distribute the report upon completion in
16 accordance with Section 3-14 of the Illinois State Auditing
17 Act.

18 (Source: P.A. 99-6, eff. 1-1-16; 100-20, eff. 7-1-17.)

19 (50 ILCS 750/55)

20 (Section scheduled to be repealed on December 31, 2021)

21 Sec. 55. Public disclosure. Because of the highly
22 competitive nature of the telephone industry, public
23 disclosure of information about surcharge moneys paid by
24 carriers could have the effect of stifling competition to the
25 detriment of the public and the delivery of 9-1-1 services.

1 Therefore, the Illinois Commerce Commission, the Illinois
2 ~~Department of~~ State Police, governmental agencies, and
3 individuals with access to that information shall take
4 appropriate steps to prevent public disclosure of this
5 information. Information and data supporting the amount and
6 distribution of surcharge moneys collected and remitted by an
7 individual carrier shall be deemed exempt information for
8 purposes of the Freedom of Information Act and shall not be
9 publicly disclosed. The gross amount paid by all carriers
10 shall not be deemed exempt and may be publicly disclosed.

11 (Source: P.A. 99-6, eff. 1-1-16; 100-20, eff. 7-1-17.)

12 (50 ILCS 750/75)

13 (Section scheduled to be repealed on December 31, 2021)

14 Sec. 75. Transfer of rights, functions, powers, duties,
15 and property to Illinois ~~Department of~~ State Police; rules and
16 standards; savings provisions.

17 (a) On January 1, 2016, the rights, functions, powers, and
18 duties of the Illinois Commerce Commission as set forth in
19 this Act and the Wireless Emergency Telephone Safety Act
20 existing prior to January 1, 2016, are transferred to and
21 shall be exercised by the Illinois ~~Department of~~ State Police.
22 On or before January 1, 2016, the Commission shall transfer
23 and deliver to the Illinois State Police ~~Department~~ all books,
24 records, documents, property (real and personal), unexpended
25 appropriations, and pending business pertaining to the rights,

1 powers, duties, and functions transferred to the Illinois
2 State Police Department under Public Act 99-6.

3 (b) The rules and standards of the Commission that are in
4 effect on January 1, 2016 and that pertain to the rights,
5 powers, duties, and functions transferred to the Illinois
6 State Police Department under Public Act 99-6 shall become the
7 rules and standards of the Illinois State Police Department on
8 January 1, 2016, and shall continue in effect until amended or
9 repealed by the Illinois State Police Department.

10 Any rules pertaining to the rights, powers, duties, and
11 functions transferred to the Illinois State Police Department
12 under Public Act 99-6 that have been proposed by the
13 Commission but have not taken effect or been finally adopted
14 by January 1, 2016, shall become proposed rules of the
15 Illinois State Police Department on January 1, 2016, and any
16 rulemaking procedures that have already been completed by the
17 Commission for those proposed rules need not be repealed.

18 As soon as it is practical after January 1, 2016, the
19 Illinois State Police Department shall revise and clarify the
20 rules transferred to it under Public Act 99-6 to reflect the
21 transfer of rights, powers, duties, and functions effected by
22 Public Act 99-6 using the procedures for recodification of
23 rules available under the Illinois Administrative Procedure
24 Act, except that existing title, part, and section numbering
25 for the affected rules may be retained. The Illinois State
26 Police Department may propose and adopt under the Illinois

1 Administrative Procedure Act any other rules necessary to
2 consolidate and clarify those rules.

3 (c) The rights, powers, duties, and functions transferred
4 to the Illinois State Police Department by Public Act 99-6
5 shall be vested in and exercised by the Illinois State Police
6 ~~Department~~ subject to the provisions of this Act and the
7 Wireless Emergency Telephone Safety Act. An act done by the
8 Illinois State Police Department or an officer, employee, or
9 agent of the Illinois State Police Department in the exercise
10 of the transferred rights, powers, duties, and functions shall
11 have the same legal effect as if done by the Commission or an
12 officer, employee, or agent of the Commission.

13 The transfer of rights, powers, duties, and functions to
14 the Illinois State Police Department under Public Act 99-6
15 does not invalidate any previous action taken by or in respect
16 to the Commission, its officers, employees, or agents.
17 References to the Commission or its officers, employees, or
18 agents in any document, contract, agreement, or law shall, in
19 appropriate contexts, be deemed to refer to the Illinois State
20 Police Department or its officers, employees, or agents.

21 The transfer of rights, powers, duties, and functions to
22 the Illinois State Police Department under Public Act 99-6
23 does not affect any person's rights, obligations, or duties,
24 including any civil or criminal penalties applicable thereto,
25 arising out of those transferred rights, powers, duties, and
26 functions.

1 Public Act 99-6 does not affect any act done, ratified, or
2 cancelled, any right occurring or established, or any action
3 or proceeding commenced in an administrative, civil, or
4 criminal case before January 1, 2016. Any such action or
5 proceeding that pertains to a right, power, duty, or function
6 transferred to the Illinois State Police ~~Department~~ under
7 Public Act 99-6 that is pending on that date may be prosecuted,
8 defended, or continued by the Commission.

9 For the purposes of Section 9b of the State Finance Act,
10 the Illinois State Police ~~Department~~ is the successor to the
11 Commission with respect to the rights, duties, powers, and
12 functions transferred by Public Act 99-6.

13 (d) The Illinois State Police ~~Department~~ is authorized to
14 enter into an intergovernmental agreement with the Commission
15 for the purpose of having the Commission assist the Illinois
16 State Police ~~Department~~ and the Statewide 9-1-1 Administrator
17 in carrying out their duties and functions under this Act. The
18 agreement may provide for funding for the Commission for its
19 assistance to the Illinois State Police ~~Department~~ and the
20 Statewide 9-1-1 Administrator.

21 (Source: P.A. 99-6, eff. 6-29-15; 99-642, eff. 7-28-16;
22 100-20, eff. 7-1-17.)

23 (50 ILCS 750/80)

24 (Section scheduled to be repealed on December 31, 2021)

25 Sec. 80. Continuation of Act; validation.

1 (a) The General Assembly finds and declares that this
2 amendatory Act of the 100th General Assembly manifests the
3 intention of the General Assembly to extend the repeal of this
4 Act and have this Act continue in effect until December 31,
5 2020.

6 (b) This Section shall be deemed to have been in
7 continuous effect since July 1, 2017 and it shall continue to
8 be in effect henceforward until it is otherwise lawfully
9 repealed. All previously enacted amendments to this Act taking
10 effect on or after July 1, 2017, are hereby validated. All
11 actions taken in reliance on or under this Act by the Illinois
12 ~~Department of~~ State Police or any other person or entity are
13 hereby validated.

14 (c) In order to ensure the continuing effectiveness of
15 this Act, it is set forth in full and reenacted by this
16 amendatory Act of the 100th General Assembly. Striking and
17 underscoring are used only to show changes being made to the
18 base text. This reenactment is intended as a continuation of
19 this Act. It is not intended to supersede any amendment to this
20 Act that is enacted by the 100th General Assembly.

21 (Source: P.A. 100-20, eff. 7-1-17.)

22 Section 425. The Prepaid Wireless 9-1-1 Surcharge Act is
23 amended by changing Section 20 as follows:

24 (50 ILCS 753/20)

1 Sec. 20. Administration of prepaid wireless 9-1-1
2 surcharge.

3 (a) In the administration and enforcement of this Act, the
4 provisions of Sections 2a, 2b, 2c, 3, 4, 5, 5a, 5b, 5c, 5d, 5e,
5 5f, 5g, 5i, 5j, 6, 6a, 6b, 6c, 7, 8, 9, 10, 11, and 12 of the
6 Retailers' Occupation Tax Act that are not inconsistent with
7 this Act, and Section 3-7 of the Uniform Penalty and Interest
8 Act shall apply, as far as practicable, to the subject matter
9 of this Act to the same extent as if those provisions were
10 included in this Act. References to "taxes" in these
11 incorporated Sections shall be construed to apply to the
12 administration, payment, and remittance of all surcharges
13 under this Act. The Department shall establish registration
14 and payment procedures that substantially coincide with the
15 registration and payment procedures that apply to the
16 Retailers' Occupation Tax Act.

17 (b) A seller shall be permitted to deduct and retain 3% of
18 prepaid wireless 9-1-1 surcharges that are collected by the
19 seller from consumers and that are remitted and timely filed
20 with the Department. Beginning January 1, 2018, the seller is
21 allowed to deduct and retain a portion of the prepaid wireless
22 9-1-1 surcharges as authorized by this subsection only if the
23 return is filed electronically as provided in Section 3 of the
24 Retailers' Occupation Tax Act. Sellers who demonstrate that
25 they do not have access to the Internet or demonstrate
26 hardship in filing electronically may petition the Department

1 to waive the electronic filing requirement.

2 (c) Other than the amounts for deposit into the Municipal
3 Wireless Service Emergency Fund, the Department shall pay to
4 the State Treasurer all prepaid wireless E911 charges,
5 penalties, and interest collected under this Act for deposit
6 into the Statewide 9-1-1 Fund. On or before the 25th day of
7 each calendar month, the Department shall prepare and certify
8 to the Comptroller the amount available to the Illinois
9 ~~Department of~~ State Police for distribution out of the
10 Statewide 9-1-1 Fund. The amount certified shall be the amount
11 (not including credit memoranda) collected during the second
12 preceding calendar month by the Department plus an amount the
13 Department determines is necessary to offset any amounts which
14 were erroneously paid to a different taxing body. The amount
15 paid to the Statewide 9-1-1 Fund shall not include any amount
16 equal to the amount of refunds made during the second
17 preceding calendar month by the Department of Revenue to
18 retailers under this Act or any amount that the Department
19 determines is necessary to offset any amounts which were
20 payable to a different taxing body but were erroneously paid
21 to the Statewide 9-1-1 Fund. The Illinois ~~Department of~~ State
22 Police shall distribute the funds in accordance with Section
23 30 of the Emergency Telephone Safety Act. The Department may
24 deduct an amount, not to exceed 2% of remitted charges, to be
25 transferred into the Tax Compliance and Administration Fund to
26 reimburse the Department for its direct costs of administering

1 the collection and remittance of prepaid wireless 9-1-1
2 surcharges.

3 (d) The Department shall administer the collection of all
4 9-1-1 surcharges and may adopt and enforce reasonable rules
5 relating to the administration and enforcement of the
6 provisions of this Act as may be deemed expedient. The
7 Department shall require all surcharges collected under this
8 Act to be reported on existing forms or combined forms,
9 including, but not limited to, Form ST-1. Any overpayments
10 received by the Department for liabilities reported on
11 existing or combined returns shall be applied as an
12 overpayment of retailers' occupation tax, use tax, service
13 occupation tax, or service use tax liability.

14 (e) If a home rule municipality having a population in
15 excess of 500,000 as of the effective date of this amendatory
16 Act of the 97th General Assembly imposes an E911 surcharge
17 under subsection (a-5) of Section 15 of this Act, then the
18 Department shall pay to the State Treasurer all prepaid
19 wireless E911 charges, penalties, and interest collected for
20 deposit into the Municipal Wireless Service Emergency Fund.
21 All deposits into the Municipal Wireless Service Emergency
22 Fund shall be held by the State Treasurer as ex officio
23 custodian apart from all public moneys or funds of this State.
24 Any interest attributable to moneys in the Fund must be
25 deposited into the Fund. Moneys in the Municipal Wireless
26 Service Emergency Fund are not subject to appropriation. On or

1 before the 25th day of each calendar month, the Department
2 shall prepare and certify to the Comptroller the amount
3 available for disbursement to the home rule municipality out
4 of the Municipal Wireless Service Emergency Fund. The amount
5 to be paid to the Municipal Wireless Service Emergency Fund
6 shall be the amount (not including credit memoranda) collected
7 during the second preceding calendar month by the Department
8 plus an amount the Department determines is necessary to
9 offset any amounts which were erroneously paid to a different
10 taxing body. The amount paid to the Municipal Wireless Service
11 Emergency Fund shall not include any amount equal to the
12 amount of refunds made during the second preceding calendar
13 month by the Department to retailers under this Act or any
14 amount that the Department determines is necessary to offset
15 any amounts which were payable to a different taxing body but
16 were erroneously paid to the Municipal Wireless Service
17 Emergency Fund. Within 10 days after receipt by the
18 Comptroller of the certification provided for in this
19 subsection, the Comptroller shall cause the orders to be drawn
20 for the respective amounts in accordance with the directions
21 in the certification. The Department may deduct an amount, not
22 to exceed 2% of remitted charges, to be transferred into the
23 Tax Compliance and Administration Fund to reimburse the
24 Department for its direct costs of administering the
25 collection and remittance of prepaid wireless 9-1-1
26 surcharges.

1 (Source: P.A. 99-6, eff. 1-1-16; 100-303, eff. 8-24-17.)

2 Section 430. The Counties Code is amended by changing
3 Section 3-3013 as follows:

4 (55 ILCS 5/3-3013) (from Ch. 34, par. 3-3013)

5 Sec. 3-3013. Preliminary investigations; blood and urine
6 analysis; summoning jury; reports. Every coroner, whenever,
7 as soon as he knows or is informed that the dead body of any
8 person is found, or lying within his county, whose death is
9 suspected of being:

10 (a) A sudden or violent death, whether apparently
11 suicidal, homicidal or accidental, including but not
12 limited to deaths apparently caused or contributed to by
13 thermal, traumatic, chemical, electrical or radiational
14 injury, or a complication of any of them, or by drowning or
15 suffocation, or as a result of domestic violence as
16 defined in the Illinois Domestic Violence Act of 1986;

17 (b) A death due to a sex crime;

18 (c) A death where the circumstances are suspicious,
19 obscure, mysterious or otherwise unexplained or where, in
20 the written opinion of the attending physician, the cause
21 of death is not determined;

22 (d) A death where addiction to alcohol or to any drug
23 may have been a contributory cause; or

24 (e) A death where the decedent was not attended by a

1 licensed physician;
2 shall go to the place where the dead body is, and take charge
3 of the same and shall make a preliminary investigation into
4 the circumstances of the death. In the case of death without
5 attendance by a licensed physician the body may be moved with
6 the coroner's consent from the place of death to a mortuary in
7 the same county. Coroners in their discretion shall notify
8 such physician as is designated in accordance with Section
9 3-3014 to attempt to ascertain the cause of death, either by
10 autopsy or otherwise.

11 In cases of accidental death involving a motor vehicle in
12 which the decedent was (1) the operator or a suspected
13 operator of a motor vehicle, or (2) a pedestrian 16 years of
14 age or older, the coroner shall require that a blood specimen
15 of at least 30 cc., and if medically possible a urine specimen
16 of at least 30 cc. or as much as possible up to 30 cc., be
17 withdrawn from the body of the decedent in a timely fashion
18 after the accident causing his death, by such physician as has
19 been designated in accordance with Section 3-3014, or by the
20 coroner or deputy coroner or a qualified person designated by
21 such physician, coroner, or deputy coroner. If the county does
22 not maintain laboratory facilities for making such analysis,
23 the blood and urine so drawn shall be sent to the Illinois
24 ~~Department of~~ State Police or any other accredited or
25 State-certified laboratory for analysis of the alcohol, carbon
26 monoxide, and dangerous or narcotic drug content of such blood

1 and urine specimens. Each specimen submitted shall be
2 accompanied by pertinent information concerning the decedent
3 upon a form prescribed by such laboratory. Any person drawing
4 blood and urine and any person making any examination of the
5 blood and urine under the terms of this Division shall be
6 immune from all liability, civil or criminal, that might
7 otherwise be incurred or imposed.

8 In all other cases coming within the jurisdiction of the
9 coroner and referred to in subparagraphs (a) through (e)
10 above, blood, and whenever possible, urine samples shall be
11 analyzed for the presence of alcohol and other drugs. When the
12 coroner suspects that drugs may have been involved in the
13 death, either directly or indirectly, a toxicological
14 examination shall be performed which may include analyses of
15 blood, urine, bile, gastric contents and other tissues. When
16 the coroner suspects a death is due to toxic substances, other
17 than drugs, the coroner shall consult with the toxicologist
18 prior to collection of samples. Information submitted to the
19 toxicologist shall include information as to height, weight,
20 age, sex and race of the decedent as well as medical history,
21 medications used by and the manner of death of decedent.

22 When the coroner or medical examiner finds that the cause
23 of death is due to homicidal means, the coroner or medical
24 examiner shall cause blood and buccal specimens (tissue may be
25 submitted if no uncontaminated blood or buccal specimen can be
26 obtained), whenever possible, to be withdrawn from the body of

1 the decedent in a timely fashion. For proper preservation of
2 the specimens, collected blood and buccal specimens shall be
3 dried and tissue specimens shall be frozen if available
4 equipment exists. As soon as possible, but no later than 30
5 days after the collection of the specimens, the coroner or
6 medical examiner shall release those specimens to the police
7 agency responsible for investigating the death. As soon as
8 possible, but no later than 30 days after the receipt from the
9 coroner or medical examiner, the police agency shall submit
10 the specimens using the agency case number to a National DNA
11 Index System (NDIS) participating laboratory within this
12 State, such as the Illinois ~~Department of~~ State Police,
13 Division of Forensic Services, for analysis and categorizing
14 into genetic marker groupings. The results of the analysis and
15 categorizing into genetic marker groupings shall be provided
16 to the Illinois ~~Department of~~ State Police and shall be
17 maintained by the Illinois ~~Department of~~ State Police in the
18 State central repository in the same manner, and subject to
19 the same conditions, as provided in Section 5-4-3 of the
20 Unified Code of Corrections. The requirements of this
21 paragraph are in addition to any other findings, specimens, or
22 information that the coroner or medical examiner is required
23 to provide during the conduct of a criminal investigation.

24 In all counties, in cases of apparent suicide, homicide,
25 or accidental death or in other cases, within the discretion
26 of the coroner, the coroner may summon 8 persons of lawful age

1 from those persons drawn for petit jurors in the county. The
2 summons shall command these persons to present themselves
3 personally at such a place and time as the coroner shall
4 determine, and may be in any form which the coroner shall
5 determine and may incorporate any reasonable form of request
6 for acknowledgment ~~acknowledgement~~ which the coroner deems
7 practical and provides a reliable proof of service. The
8 summons may be served by first class mail. From the 8 persons
9 so summoned, the coroner shall select 6 to serve as the jury
10 for the inquest. Inquests may be continued from time to time,
11 as the coroner may deem necessary. The 6 jurors selected in a
12 given case may view the body of the deceased. If at any
13 continuation of an inquest one or more of the original jurors
14 shall be unable to continue to serve, the coroner shall fill
15 the vacancy or vacancies. A juror serving pursuant to this
16 paragraph shall receive compensation from the county at the
17 same rate as the rate of compensation that is paid to petit or
18 grand jurors in the county. The coroner shall furnish to each
19 juror without fee at the time of his discharge a certificate of
20 the number of days in attendance at an inquest, and, upon being
21 presented with such certificate, the county treasurer shall
22 pay to the juror the sum provided for his services.

23 In counties which have a jury commission, in cases of
24 apparent suicide or homicide or of accidental death, the
25 coroner may conduct an inquest. The jury commission shall
26 provide at least 8 jurors to the coroner, from whom the coroner

1 shall select any 6 to serve as the jury for the inquest.
2 Inquests may be continued from time to time as the coroner may
3 deem necessary. The 6 jurors originally chosen in a given case
4 may view the body of the deceased. If at any continuation of an
5 inquest one or more of the 6 jurors originally chosen shall be
6 unable to continue to serve, the coroner shall fill the
7 vacancy or vacancies. At the coroner's discretion, additional
8 jurors to fill such vacancies shall be supplied by the jury
9 commission. A juror serving pursuant to this paragraph in such
10 county shall receive compensation from the county at the same
11 rate as the rate of compensation that is paid to petit or grand
12 jurors in the county.

13 In every case in which a fire is determined to be a
14 contributing factor in a death, the coroner shall report the
15 death to the Office of the State Fire Marshal. The coroner
16 shall provide a copy of the death certificate (i) within 30
17 days after filing the permanent death certificate and (ii) in
18 a manner that is agreed upon by the coroner and the State Fire
19 Marshal.

20 In every case in which a drug overdose is determined to be
21 the cause or a contributing factor in the death, the coroner or
22 medical examiner shall report the death to the Department of
23 Public Health. The Department of Public Health shall adopt
24 rules regarding specific information that must be reported in
25 the event of such a death. If possible, the coroner shall
26 report the cause of the overdose. As used in this Section,

1 "overdose" has the same meaning as it does in Section 414 of
2 the Illinois Controlled Substances Act. The Department of
3 Public Health shall issue a semiannual report to the General
4 Assembly summarizing the reports received. The Department
5 shall also provide on its website a monthly report of overdose
6 death figures organized by location, age, and any other
7 factors, the Department deems appropriate.

8 In addition, in every case in which domestic violence is
9 determined to be a contributing factor in a death, the coroner
10 shall report the death to the Illinois ~~Department of~~ State
11 Police.

12 All deaths in State institutions and all deaths of wards
13 of the State or youth in care as defined in Section 4d of the
14 Children and Family Services Act in private care facilities or
15 in programs funded by the Department of Human Services under
16 its powers relating to mental health and developmental
17 disabilities or alcoholism and substance abuse or funded by
18 the Department of Children and Family Services shall be
19 reported to the coroner of the county in which the facility is
20 located. If the coroner has reason to believe that an
21 investigation is needed to determine whether the death was
22 caused by maltreatment or negligent care of the ward of the
23 State or youth in care as defined in Section 4d of the Children
24 and Family Services Act, the coroner may conduct a preliminary
25 investigation of the circumstances of such death as in cases
26 of death under circumstances set forth in paragraphs (a)

1 through (e) of this Section.

2 (Source: P.A. 100-159, eff. 8-18-17; 101-13, eff. 6-12-19.)

3 Section 435. The Illinois Municipal Code is amended by
4 changing Sections 10-1-7.1, 10-2.1-6, 10-2.1-6.1, 10-2.1-6.2,
5 10-2.1-6.3, and 11-32-1 as follows:

6 (65 ILCS 5/10-1-7.1)

7 Sec. 10-1-7.1. Original appointments; full-time fire
8 department.

9 (a) Applicability. Unless a commission elects to follow
10 the provisions of Section 10-1-7.2, this Section shall apply
11 to all original appointments to an affected full-time fire
12 department. Existing registers of eligibles shall continue to
13 be valid until their expiration dates, or up to a maximum of 2
14 years after August 4, 2011 (the effective date of Public Act
15 97-251) ~~this amendatory Act of the 97th General Assembly.~~

16 Notwithstanding any statute, ordinance, rule, or other law
17 to the contrary, all original appointments to an affected
18 department to which this Section applies shall be administered
19 in the manner provided for in this Section. Provisions of the
20 Illinois Municipal Code, municipal ordinances, and rules
21 adopted pursuant to such authority and other laws relating to
22 initial hiring of firefighters in affected departments shall
23 continue to apply to the extent they are compatible with this
24 Section, but in the event of a conflict between this Section

1 and any other law, this Section shall control.

2 A home rule or non-home rule municipality may not
3 administer its fire department process for original
4 appointments in a manner that is less stringent than this
5 Section. This Section is a limitation under subsection (i) of
6 Section 6 of Article VII of the Illinois Constitution on the
7 concurrent exercise by home rule units of the powers and
8 functions exercised by the State.

9 A municipality that is operating under a court order or
10 consent decree regarding original appointments to a full-time
11 fire department before August 4, 2011 (the effective date of
12 Public Act 97-251) ~~this amendatory Act of the 97th General~~
13 ~~Assembly~~ is exempt from the requirements of this Section for
14 the duration of the court order or consent decree.

15 Notwithstanding any other provision of this subsection
16 (a), this Section does not apply to a municipality with more
17 than 1,000,000 inhabitants.

18 (b) Original appointments. All original appointments made
19 to an affected fire department shall be made from a register of
20 eligibles established in accordance with the processes
21 established by this Section. Only persons who meet or exceed
22 the performance standards required by this Section shall be
23 placed on a register of eligibles for original appointment to
24 an affected fire department.

25 Whenever an appointing authority authorizes action to hire
26 a person to perform the duties of a firefighter or to hire a

1 firefighter-paramedic to fill a position that is a new
2 position or vacancy due to resignation, discharge, promotion,
3 death, the granting of a disability or retirement pension, or
4 any other cause, the appointing authority shall appoint to
5 that position the person with the highest ranking on the final
6 eligibility list. If the appointing authority has reason to
7 conclude that the highest ranked person fails to meet the
8 minimum standards for the position or if the appointing
9 authority believes an alternate candidate would better serve
10 the needs of the department, then the appointing authority has
11 the right to pass over the highest ranked person and appoint
12 either: (i) any person who has a ranking in the top 5% of the
13 register of eligibles or (ii) any person who is among the top 5
14 highest ranked persons on the list of eligibles if the number
15 of people who have a ranking in the top 5% of the register of
16 eligibles is less than 5 people.

17 Any candidate may pass on an appointment once without
18 losing his or her position on the register of eligibles. Any
19 candidate who passes a second time may be removed from the list
20 by the appointing authority provided that such action shall
21 not prejudice a person's opportunities to participate in
22 future examinations, including an examination held during the
23 time a candidate is already on the municipality's register of
24 eligibles.

25 The sole authority to issue certificates of appointment
26 shall be vested in the Civil Service Commission. All

1 certificates of appointment issued to any officer or member of
2 an affected department shall be signed by the chairperson and
3 secretary, respectively, of the commission upon appointment of
4 such officer or member to the affected department by the
5 commission. After being selected from the register of
6 eligibles to fill a vacancy in the affected department, each
7 appointee shall be presented with his or her certificate of
8 appointment on the day on which he or she is sworn in as a
9 classified member of the affected department. Firefighters who
10 were not issued a certificate of appointment when originally
11 appointed shall be provided with a certificate within 10 days
12 after making a written request to the chairperson of the Civil
13 Service Commission. Each person who accepts a certificate of
14 appointment and successfully completes his or her probationary
15 period shall be enrolled as a firefighter and as a regular
16 member of the fire department.

17 For the purposes of this Section, "firefighter" means any
18 person who has been prior to, on, or after August 4, 2011 (the
19 effective date of Public Act 97-251) ~~this amendatory Act of~~
20 ~~the 97th General Assembly~~ appointed to a fire department or
21 fire protection district or employed by a State university and
22 sworn or commissioned to perform firefighter duties or
23 paramedic duties, or both, except that the following persons
24 are not included: part-time firefighters; auxiliary, reserve,
25 or voluntary firefighters, including paid-on-call
26 firefighters; clerks and dispatchers or other civilian

1 employees of a fire department or fire protection district who
2 are not routinely expected to perform firefighter duties; and
3 elected officials.

4 (c) Qualification for placement on register of eligibles.
5 The purpose of establishing a register of eligibles is to
6 identify applicants who possess and demonstrate the mental
7 aptitude and physical ability to perform the duties required
8 of members of the fire department in order to provide the
9 highest quality of service to the public. To this end, all
10 applicants for original appointment to an affected fire
11 department shall be subject to examination and testing which
12 shall be public, competitive, and open to all applicants
13 unless the municipality shall by ordinance limit applicants to
14 residents of the municipality, county or counties in which the
15 municipality is located, State, or nation. Any examination and
16 testing procedure utilized under subsection (e) of this
17 Section shall be supported by appropriate validation evidence
18 and shall comply with all applicable State and federal laws.
19 Municipalities may establish educational, emergency medical
20 service licensure, and other prerequisites ~~prerequites~~ for
21 participation in an examination or for hire as a firefighter.
22 Any municipality may charge a fee to cover the costs of the
23 application process.

24 Residency requirements in effect at the time an individual
25 enters the fire service of a municipality cannot be made more
26 restrictive for that individual during his or her period of

1 service for that municipality, or be made a condition of
2 promotion, except for the rank or position of fire chief and
3 for no more than 2 positions that rank immediately below that
4 of the chief rank which are appointed positions pursuant to
5 the Fire Department Promotion Act.

6 No person who is 35 years of age or older shall be eligible
7 to take an examination for a position as a firefighter unless
8 the person has had previous employment status as a firefighter
9 in the regularly constituted fire department of the
10 municipality, except as provided in this Section. The age
11 limitation does not apply to:

12 (1) any person previously employed as a full-time
13 firefighter in a regularly constituted fire department of
14 (i) any municipality or fire protection district located
15 in Illinois, (ii) a fire protection district whose
16 obligations were assumed by a municipality under Section
17 21 of the Fire Protection District Act, or (iii) a
18 municipality whose obligations were taken over by a fire
19 protection district,

20 (2) any person who has served a municipality as a
21 regularly enrolled volunteer, paid-on-call, or part-time
22 firefighter for the 5 years immediately preceding the time
23 that the municipality begins to use full-time firefighters
24 to provide all or part of its fire protection service, or

25 (3) any person who turned 35 while serving as a member
26 of the active or reserve components of any of the branches

1 of the Armed Forces of the United States or the National
2 Guard of any state, whose service was characterized as
3 honorable or under honorable, if separated from the
4 military, and is currently under the age of 40.

5 No person who is under 21 years of age shall be eligible
6 for employment as a firefighter.

7 No applicant shall be examined concerning his or her
8 political or religious opinions or affiliations. The
9 examinations shall be conducted by the commissioners of the
10 municipality or their designees and agents.

11 No municipality shall require that any firefighter
12 appointed to the lowest rank serve a probationary employment
13 period of longer than one year of actual active employment,
14 which may exclude periods of training, or injury or illness
15 leaves, including duty related leave, in excess of 30 calendar
16 days. Notwithstanding anything to the contrary in this
17 Section, the probationary employment period limitation may be
18 extended for a firefighter who is required, as a condition of
19 employment, to be a licensed paramedic, during which time the
20 sole reason that a firefighter may be discharged without a
21 hearing is for failing to meet the requirements for paramedic
22 licensure.

23 In the event that any applicant who has been found
24 eligible for appointment and whose name has been placed upon
25 the final eligibility register provided for in this Division 1
26 has not been appointed to a firefighter position within one

1 year after the date of his or her physical ability
2 examination, the commission may cause a second examination to
3 be made of that applicant's physical ability prior to his or
4 her appointment. If, after the second examination, the
5 physical ability of the applicant shall be found to be less
6 than the minimum standard fixed by the rules of the
7 commission, the applicant shall not be appointed. The
8 applicant's name may be retained upon the register of
9 candidates eligible for appointment and when next reached for
10 certification and appointment that applicant may be again
11 examined as provided in this Section, and if the physical
12 ability of that applicant is found to be less than the minimum
13 standard fixed by the rules of the commission, the applicant
14 shall not be appointed, and the name of the applicant shall be
15 removed from the register.

16 (d) Notice, examination, and testing components. Notice of
17 the time, place, general scope, merit criteria for any
18 subjective component, and fee of every examination shall be
19 given by the commission, by a publication at least 2 weeks
20 preceding the examination: (i) in one or more newspapers
21 published in the municipality, or if no newspaper is published
22 therein, then in one or more newspapers with a general
23 circulation within the municipality, or (ii) on the
24 municipality's Internet website. Additional notice of the
25 examination may be given as the commission shall prescribe.

26 The examination and qualifying standards for employment of

1 firefighters shall be based on: mental aptitude, physical
2 ability, preferences, moral character, and health. The mental
3 aptitude, physical ability, and preference components shall
4 determine an applicant's qualification for and placement on
5 the final register of eligibles. The examination may also
6 include a subjective component based on merit criteria as
7 determined by the commission. Scores from the examination must
8 be made available to the public.

9 (e) Mental aptitude. No person who does not possess at
10 least a high school diploma or an equivalent high school
11 education shall be placed on a register of eligibles.
12 Examination of an applicant's mental aptitude shall be based
13 upon a written examination. The examination shall be practical
14 in character and relate to those matters that fairly test the
15 capacity of the persons examined to discharge the duties
16 performed by members of a fire department. Written
17 examinations shall be administered in a manner that ensures
18 the security and accuracy of the scores achieved.

19 (f) Physical ability. All candidates shall be required to
20 undergo an examination of their physical ability to perform
21 the essential functions included in the duties they may be
22 called upon to perform as a member of a fire department. For
23 the purposes of this Section, essential functions of the job
24 are functions associated with duties that a firefighter may be
25 called upon to perform in response to emergency calls. The
26 frequency of the occurrence of those duties as part of the fire

1 department's regular routine shall not be a controlling factor
2 in the design of examination criteria or evolutions selected
3 for testing. These physical examinations shall be open,
4 competitive, and based on industry standards designed to test
5 each applicant's physical abilities in the following
6 dimensions:

7 (1) Muscular strength to perform tasks and evolutions
8 that may be required in the performance of duties
9 including grip strength, leg strength, and arm strength.
10 Tests shall be conducted under anaerobic as well as
11 aerobic conditions to test both the candidate's speed and
12 endurance in performing tasks and evolutions. Tasks tested
13 may be based on standards developed, or approved, by the
14 local appointing authority.

15 (2) The ability to climb ladders, operate from
16 heights, walk or crawl in the dark along narrow and uneven
17 surfaces, and operate in proximity to hazardous
18 environments.

19 (3) The ability to carry out critical, time-sensitive,
20 and complex problem solving during physical exertion in
21 stressful and hazardous environments. The testing
22 environment may be hot and dark with tightly enclosed
23 spaces, flashing lights, sirens, and other distractions.

24 The tests utilized to measure each applicant's
25 capabilities in each of these dimensions may be tests based on
26 industry standards currently in use or equivalent tests

1 approved by the Joint Labor-Management Committee of the Office
2 of the State Fire Marshal.

3 Physical ability examinations administered under this
4 Section shall be conducted with a reasonable number of
5 proctors and monitors, open to the public, and subject to
6 reasonable regulations of the commission.

7 (g) Scoring of examination components. Appointing
8 authorities may create a preliminary eligibility register. A
9 person shall be placed on the list based upon his or her
10 passage of the written examination or the passage of the
11 written examination and the physical ability component.
12 Passage of the written examination means attaining the minimum
13 score set by the commission. Minimum scores should be set by
14 the commission so as to demonstrate a candidate's ability to
15 perform the essential functions of the job. The minimum score
16 set by the commission shall be supported by appropriate
17 validation evidence and shall comply with all applicable State
18 and federal laws. The appointing authority may conduct the
19 physical ability component and any subjective components
20 subsequent to the posting of the preliminary eligibility
21 register.

22 The examination components for an initial eligibility
23 register shall be graded on a 100-point scale. A person's
24 position on the list shall be determined by the following: (i)
25 the person's score on the written examination, (ii) the person
26 successfully passing the physical ability component, and (iii)

1 the person's results on any subjective component as described
2 in subsection (d).

3 In order to qualify for placement on the final eligibility
4 register, an applicant's score on the written examination,
5 before any applicable preference points or subjective points
6 are applied, shall be at or above the minimum score set by the
7 commission. The local appointing authority may prescribe the
8 score to qualify for placement on the final eligibility
9 register, but the score shall not be less than the minimum
10 score set by the commission.

11 The commission shall prepare and keep a register of
12 persons whose total score is not less than the minimum score
13 for passage and who have passed the physical ability
14 examination. These persons shall take rank upon the register
15 as candidates in the order of their relative excellence based
16 on the highest to the lowest total points scored on the mental
17 aptitude, subjective component, and preference components of
18 the test administered in accordance with this Section. No more
19 than 60 days after each examination, an initial eligibility
20 list shall be posted by the commission. The list shall include
21 the final grades of the candidates without reference to
22 priority of the time of examination and subject to claim for
23 preference credit.

24 Commissions may conduct additional examinations, including
25 without limitation a polygraph test, after a final eligibility
26 register is established and before it expires with the

1 candidates ranked by total score without regard to date of
2 examination. No more than 60 days after each examination, an
3 initial eligibility list shall be posted by the commission
4 showing the final grades of the candidates without reference
5 to priority of time of examination and subject to claim for
6 preference credit.

7 (h) Preferences. The following are preferences:

8 (1) Veteran preference. Persons who were engaged in
9 the military service of the United States for a period of
10 at least one year of active duty and who were honorably
11 discharged therefrom, or who are now or have been members
12 on inactive or reserve duty in such military or naval
13 service, shall be preferred for appointment to and
14 employment with the fire department of an affected
15 department.

16 (2) Fire cadet preference. Persons who have
17 successfully completed 2 years of study in fire techniques
18 or cadet training within a cadet program established under
19 the rules of the Joint Labor and Management Committee
20 (JLMC), as defined in Section 50 of the Fire Department
21 Promotion Act, may be preferred for appointment to and
22 employment with the fire department.

23 (3) Educational preference. Persons who have
24 successfully obtained an associate's degree in the field
25 of fire service or emergency medical services, or a
26 bachelor's degree from an accredited college or university

1 may be preferred for appointment to and employment with
2 the fire department.

3 (4) Paramedic preference. Persons who have obtained a
4 license as a paramedic may be preferred for appointment to
5 and employment with the fire department of an affected
6 department providing emergency medical services.

7 (5) Experience preference. All persons employed by a
8 municipality who have been paid-on-call or part-time
9 certified Firefighter II, certified Firefighter III, State
10 of Illinois or nationally licensed EMT, EMT-I, A-EMT, or
11 paramedic, or any combination of those capacities may be
12 awarded up to a maximum of 5 points. However, the
13 applicant may not be awarded more than 0.5 points for each
14 complete year of paid-on-call or part-time service.
15 Applicants from outside the municipality who were employed
16 as full-time firefighters or firefighter-paramedics by a
17 fire protection district or another municipality may be
18 awarded up to 5 experience preference points. However, the
19 applicant may not be awarded more than one point for each
20 complete year of full-time service.

21 Upon request by the commission, the governing body of
22 the municipality or in the case of applicants from outside
23 the municipality the governing body of any fire protection
24 district or any other municipality shall certify to the
25 commission, within 10 days after the request, the number
26 of years of successful paid-on-call, part-time, or

1 full-time service of any person. A candidate may not
2 receive the full amount of preference points under this
3 subsection if the amount of points awarded would place the
4 candidate before a veteran on the eligibility list. If
5 more than one candidate receiving experience preference
6 points is prevented from receiving all of their points due
7 to not being allowed to pass a veteran, the candidates
8 shall be placed on the list below the veteran in rank order
9 based on the totals received if all points under this
10 subsection were to be awarded. Any remaining ties on the
11 list shall be determined by lot.

12 (6) Residency preference. Applicants whose principal
13 residence is located within the fire department's
14 jurisdiction may be preferred for appointment to and
15 employment with the fire department.

16 (7) Additional preferences. Up to 5 additional
17 preference points may be awarded for unique categories
18 based on an applicant's experience or background as
19 identified by the commission.

20 (7.5) Apprentice preferences. A person who has
21 performed fire suppression service for a department as a
22 firefighter apprentice and otherwise meets ~~meet~~ the
23 qualifications for original appointment as a firefighter
24 specified in this Section may be awarded up to 20
25 preference points. To qualify for preference points, an
26 applicant shall have completed a minimum of 600 hours of

1 fire suppression work on a regular shift for the affected
2 fire department over a 12-month period. The fire
3 suppression work must be in accordance with Section
4 10-1-14 of this Division and the terms established by a
5 Joint Apprenticeship Committee included in a collective
6 bargaining agreement agreed between the employer and its
7 certified bargaining agent. An eligible applicant must
8 apply to the Joint Apprenticeship Committee for preference
9 points under this item. The Joint Apprenticeship Committee
10 shall evaluate the merit of the applicant's performance,
11 determine the preference points to be awarded, and certify
12 the amount of points awarded to the commissioners. The
13 commissioners may add the certified preference points to
14 the final grades achieved by the applicant on the other
15 components of the examination.

16 (8) Scoring of preferences. The commission shall give
17 preference for original appointment to persons designated
18 in item (1) by adding to the final grade that they receive
19 5 points for the recognized preference achieved. The
20 commission may give preference for original appointment to
21 persons designated in item (7.5) by adding to the final
22 grade the amount of points designated by the Joint
23 Apprenticeship Committee as defined in item (7.5). The
24 commission shall determine the number of preference points
25 for each category, except (1) and (7.5). The number of
26 preference points for each category shall range from 0 to

1 5, except item (7.5). In determining the number of
2 preference points, the commission shall prescribe that if
3 a candidate earns the maximum number of preference points
4 in all categories except item (7.5), that number may not
5 be less than 10 nor more than 30. The commission shall give
6 preference for original appointment to persons designated
7 in items (2) through (7) by adding the requisite number of
8 points to the final grade for each recognized preference
9 achieved. The numerical result thus attained shall be
10 applied by the commission in determining the final
11 eligibility list and appointment from the eligibility
12 list. The local appointing authority may prescribe the
13 total number of preference points awarded under this
14 Section, but the total number of preference points, except
15 item (7.5), shall not be less than 10 points or more than
16 30 points. Apprentice preference points may be added in
17 addition to other preference points awarded by the
18 commission.

19 No person entitled to any preference shall be required to
20 claim the credit before any examination held under the
21 provisions of this Section, but the preference shall be given
22 after the posting or publication of the initial eligibility
23 list or register at the request of a person entitled to a
24 credit before any certification or appointments are made from
25 the eligibility register, upon the furnishing of verifiable
26 evidence and proof of qualifying preference credit. Candidates

1 who are eligible for preference credit shall make a claim in
2 writing within 10 days after the posting of the initial
3 eligibility list, or the claim shall be deemed waived. Final
4 eligibility registers shall be established after the awarding
5 of verified preference points. However, apprentice preference
6 credit earned subsequent to the establishment of the final
7 eligibility register may be applied to the applicant's score
8 upon certification by the Joint Apprenticeship Committee to
9 the commission and the rank order of candidates on the final
10 eligibility register shall be adjusted accordingly. All
11 employment shall be subject to the commission's initial hire
12 background review including, but not limited to, criminal
13 history, employment history, moral character, oral
14 examination, and medical and psychological examinations, all
15 on a pass-fail basis. The medical and psychological
16 examinations must be conducted last, and may only be performed
17 after a conditional offer of employment has been extended.

18 Any person placed on an eligibility list who exceeds the
19 age requirement before being appointed to a fire department
20 shall remain eligible for appointment until the list is
21 abolished, or his or her name has been on the list for a period
22 of 2 years. No person who has attained the age of 35 years
23 shall be inducted into a fire department, except as otherwise
24 provided in this Section.

25 The commission shall strike off the names of candidates
26 for original appointment after the names have been on the list

1 for more than 2 years.

2 (i) Moral character. No person shall be appointed to a
3 fire department unless he or she is a person of good character;
4 not a habitual drunkard, a gambler, or a person who has been
5 convicted of a felony or a crime involving moral turpitude.
6 However, no person shall be disqualified from appointment to
7 the fire department because of the person's record of
8 misdemeanor convictions except those under Sections 11-6,
9 11-7, 11-9, 11-14, 11-15, 11-17, 11-18, 11-19, 12-2, 12-6,
10 12-15, 14-4, 16-1, 21.1-3, 24-3.1, 24-5, 25-1, 28-3, 31-1,
11 31-4, 31-6, 31-7, 32-1, 32-2, 32-3, 32-4, 32-8, and
12 subsections 1, 6, and 8 of Section 24-1 of the Criminal Code of
13 1961 or the Criminal Code of 2012, or arrest for any cause
14 without conviction thereon. Any such person who is in the
15 department may be removed on charges brought for violating
16 this subsection and after a trial as hereinafter provided.

17 A classifiable set of the fingerprints of every person who
18 is offered employment as a certificated member of an affected
19 fire department whether with or without compensation, shall be
20 furnished to the Illinois ~~Department of~~ State Police and to
21 the Federal Bureau of Investigation by the commission.

22 Whenever a commission is authorized or required by law to
23 consider some aspect of criminal history record information
24 for the purpose of carrying out its statutory powers and
25 responsibilities, then, upon request and payment of fees in
26 conformance with the requirements of Section 2605-400 of the

1 Illinois State Police Law of the Civil Administrative Code of
2 Illinois, the Illinois ~~Department~~ of State Police is
3 authorized to furnish, pursuant to positive identification,
4 the information contained in State files as is necessary to
5 fulfill the request.

6 (j) Temporary appointments. In order to prevent a stoppage
7 of public business, to meet extraordinary exigencies, or to
8 prevent material impairment of the fire department, the
9 commission may make temporary appointments, to remain in force
10 only until regular appointments are made under the provisions
11 of this Division, but never to exceed 60 days. No temporary
12 appointment of any one person shall be made more than twice in
13 any calendar year.

14 (k) A person who knowingly divulges or receives test
15 questions or answers before a written examination, or
16 otherwise knowingly violates or subverts any requirement of
17 this Section, commits a violation of this Section and may be
18 subject to charges for official misconduct.

19 A person who is the knowing recipient of test information
20 in advance of the examination shall be disqualified from the
21 examination or discharged from the position to which he or she
22 was appointed, as applicable, and otherwise subjected to
23 disciplinary actions.

24 (Source: P.A. 100-252, eff. 8-22-17; 101-489, eff. 8-23-19;
25 revised 11-26-19.)

1 (65 ILCS 5/10-2.1-6) (from Ch. 24, par. 10-2.1-6)
2 Sec. 10-2.1-6. Examination of applicants;
3 disqualifications.

4 (a) All applicants for a position in either the fire or
5 police department of the municipality shall be under 35 years
6 of age, shall be subject to an examination that shall be
7 public, competitive, and open to all applicants (unless the
8 council or board of trustees by ordinance limit applicants to
9 electors of the municipality, county, state or nation) and
10 shall be subject to reasonable limitations as to residence,
11 health, habits, and moral character. The municipality may not
12 charge or collect any fee from an applicant who has met all
13 prequalification standards established by the municipality for
14 any such position. With respect to a police department, a
15 veteran shall be allowed to exceed the maximum age provision
16 of this Section by the number of years served on active
17 military duty, but by no more than 10 years of active military
18 duty.

19 (b) Residency requirements in effect at the time an
20 individual enters the fire or police service of a municipality
21 (other than a municipality that has more than 1,000,000
22 inhabitants) cannot be made more restrictive for that
23 individual during his period of service for that municipality,
24 or be made a condition of promotion, except for the rank or
25 position of Fire or Police Chief.

26 (c) No person with a record of misdemeanor convictions

1 except those under Sections 11-1.50, 11-6, 11-7, 11-9, 11-14,
2 11-15, 11-17, 11-18, 11-19, 11-30, 11-35, 12-2, 12-6, 12-15,
3 14-4, 16-1, 21.1-3, 24-3.1, 24-5, 25-1, 28-3, 31-1, 31-4,
4 31-6, 31-7, 32-1, 32-2, 32-3, 32-4, and 32-8, subdivisions
5 (a) (1) and (a) (2) (C) of Section 11-14.3, and subsections (1),
6 (6) and (8) of Section 24-1 of the Criminal Code of 1961 or the
7 Criminal Code of 2012, or arrested for any cause but not
8 convicted on that cause shall be disqualified from taking the
9 examination to qualify for a position in the fire department
10 on grounds of habits or moral character.

11 (d) The age limitation in subsection (a) does not apply
12 (i) to any person previously employed as a policeman or
13 fireman in a regularly constituted police or fire department
14 of (I) any municipality, regardless of whether the
15 municipality is located in Illinois or in another state, or
16 (II) a fire protection district whose obligations were assumed
17 by a municipality under Section 21 of the Fire Protection
18 District Act, (ii) to any person who has served a municipality
19 as a regularly enrolled volunteer fireman for 5 years
20 immediately preceding the time that municipality begins to use
21 full time firemen to provide all or part of its fire protection
22 service, or (iii) to any person who has served as an auxiliary
23 police officer under Section 3.1-30-20 for at least 5 years
24 and is under 40 years of age, (iv) to any person who has served
25 as a deputy under Section 3-6008 of the Counties Code and
26 otherwise meets necessary training requirements, or (v) to any

1 person who has served as a sworn officer as a member of the
2 Illinois ~~Department of~~ State Police.

3 (e) Applicants who are 20 years of age and who have
4 successfully completed 2 years of law enforcement studies at
5 an accredited college or university may be considered for
6 appointment to active duty with the police department. An
7 applicant described in this subsection (e) who is appointed to
8 active duty shall not have power of arrest, nor shall the
9 applicant be permitted to carry firearms, until he or she
10 reaches 21 years of age.

11 (f) Applicants who are 18 years of age and who have
12 successfully completed 2 years of study in fire techniques,
13 amounting to a total of 4 high school credits, within the cadet
14 program of a municipality may be considered for appointment to
15 active duty with the fire department of any municipality.

16 (g) The council or board of trustees may by ordinance
17 provide that persons residing outside the municipality are
18 eligible to take the examination.

19 (h) The examinations shall be practical in character and
20 relate to those matters that will fairly test the capacity of
21 the persons examined to discharge the duties of the positions
22 to which they seek appointment. No person shall be appointed
23 to the police or fire department if he or she does not possess
24 a high school diploma or an equivalent high school education.
25 A board of fire and police commissioners may, by its rules,
26 require police applicants to have obtained an associate's

1 degree or a bachelor's degree as a prerequisite for
2 employment. The examinations shall include tests of physical
3 qualifications and health. A board of fire and police
4 commissioners may, by its rules, waive portions of the
5 required examination for police applicants who have previously
6 been full-time sworn officers of a regular police department
7 in any municipal, county, university, or State law enforcement
8 agency, provided they are certified by the Illinois Law
9 Enforcement Training Standards Board and have been with their
10 respective law enforcement agency within the State for at
11 least 2 years. No person shall be appointed to the police or
12 fire department if he or she has suffered the amputation of any
13 limb unless the applicant's duties will be only clerical or as
14 a radio operator. No applicant shall be examined concerning
15 his or her political or religious opinions or affiliations.
16 The examinations shall be conducted by the board of fire and
17 police commissioners of the municipality as provided in this
18 Division 2.1.

19 The requirement that a police applicant possess an
20 associate's degree under this subsection may be waived if one
21 or more of the following applies: (1) the applicant has served
22 for 24 months of honorable active duty in the United States
23 Armed Forces and has not been discharged dishonorably or under
24 circumstances other than honorable; (2) the applicant has
25 served for 180 days of active duty in the United States Armed
26 Forces in combat duty recognized by the Department of Defense

1 and has not been discharged dishonorably or under
2 circumstances other than honorable; or (3) the applicant has
3 successfully received credit for a minimum of 60 credit hours
4 toward a bachelor's degree from an accredited college or
5 university.

6 The requirement that a police applicant possess a
7 bachelor's degree under this subsection may be waived if one
8 or more of the following applies: (1) the applicant has served
9 for 36 months of honorable active duty in the United States
10 Armed Forces and has not been discharged dishonorably or under
11 circumstances other than honorable or (2) the applicant has
12 served for 180 days of active duty in the United States Armed
13 Forces in combat duty recognized by the Department of Defense
14 and has not been discharged dishonorably or under
15 circumstances other than honorable.

16 (i) No person who is classified by his local selective
17 service draft board as a conscientious objector, or who has
18 ever been so classified, may be appointed to the police
19 department.

20 (j) No person shall be appointed to the police or fire
21 department unless he or she is a person of good character and
22 not an habitual drunkard, gambler, or a person who has been
23 convicted of a felony or a crime involving moral turpitude. No
24 person, however, shall be disqualified from appointment to the
25 fire department because of his or her record of misdemeanor
26 convictions except those under Sections 11-1.50, 11-6, 11-7,

1 11-9, 11-14, 11-15, 11-17, 11-18, 11-19, 11-30, 11-35, 12-2,
2 12-6, 12-15, 14-4, 16-1, 21.1-3, 24-3.1, 24-5, 25-1, 28-3,
3 31-1, 31-4, 31-6, 31-7, 32-1, 32-2, 32-3, 32-4, and 32-8,
4 subdivisions (a)(1) and (a)(2)(C) of Section 11-14.3, and
5 subsections (1), (6) and (8) of Section 24-1 of the Criminal
6 Code of 1961 or the Criminal Code of 2012, or arrest for any
7 cause without conviction on that cause. Any such person who is
8 in the department may be removed on charges brought and after a
9 trial as provided in this Division 2.1.

10 (Source: P.A. 100-467, eff. 9-8-17.)

11 (65 ILCS 5/10-2.1-6.1) (from Ch. 24, par. 10-2.1-6.1)

12 Sec. 10-2.1-6.1. A classifiable set of the fingerprints of
13 every person who is now employed, or who hereafter becomes
14 employed, as a full time member of a regular fire or police
15 department of any municipality in this State, whether with or
16 without compensation, shall be furnished to the Illinois
17 ~~Department of~~ State Police and to the Federal Bureau of
18 Investigation by the board of fire or police commissioners or
19 other appropriate appointing authority, as the case may be.

20 (Source: P.A. 84-25.)

21 (65 ILCS 5/10-2.1-6.2) (from Ch. 24, par. 10-2.1-6.2)

22 Sec. 10-2.1-6.2. Whenever the Board of Fire and Police
23 Commissioners is authorized or required by law to consider
24 some aspect of criminal history record information for the

1 purpose of carrying out its statutory powers and
2 responsibilities, then, upon request and payment of fees in
3 conformance with the requirements of Section 2605-400 of the
4 Illinois Department of State Police Law (~~20 ILCS~~
5 ~~2605/2605-400~~), the Illinois Department of State Police is
6 authorized to furnish, pursuant to positive identification,
7 such information contained in State files as is necessary to
8 fulfill the request.

9 (Source: P.A. 91-239, eff. 1-1-00.)

10 (65 ILCS 5/10-2.1-6.3)

11 Sec. 10-2.1-6.3. Original appointments; full-time fire
12 department.

13 (a) Applicability. Unless a commission elects to follow
14 the provisions of Section 10-2.1-6.4, this Section shall apply
15 to all original appointments to an affected full-time fire
16 department. Existing registers of eligibles shall continue to
17 be valid until their expiration dates, or up to a maximum of 2
18 years after August 4, 2011 (the effective date of Public Act
19 97-251) ~~this amendatory Act of the 97th General Assembly.~~

20 Notwithstanding any statute, ordinance, rule, or other law
21 to the contrary, all original appointments to an affected
22 department to which this Section applies shall be administered
23 in the manner provided for in this Section. Provisions of the
24 Illinois Municipal Code, municipal ordinances, and rules
25 adopted pursuant to such authority and other laws relating to

1 initial hiring of firefighters in affected departments shall
2 continue to apply to the extent they are compatible with this
3 Section, but in the event of a conflict between this Section
4 and any other law, this Section shall control.

5 A home rule or non-home rule municipality may not
6 administer its fire department process for original
7 appointments in a manner that is less stringent than this
8 Section. This Section is a limitation under subsection (i) of
9 Section 6 of Article VII of the Illinois Constitution on the
10 concurrent exercise by home rule units of the powers and
11 functions exercised by the State.

12 A municipality that is operating under a court order or
13 consent decree regarding original appointments to a full-time
14 fire department before August 4, 2011 (the effective date of
15 Public Act 97-251) ~~this amendatory Act of the 97th General~~
16 ~~Assembly~~ is exempt from the requirements of this Section for
17 the duration of the court order or consent decree.

18 Notwithstanding any other provision of this subsection
19 (a), this Section does not apply to a municipality with more
20 than 1,000,000 inhabitants.

21 (b) Original appointments. All original appointments made
22 to an affected fire department shall be made from a register of
23 eligibles established in accordance with the processes
24 established by this Section. Only persons who meet or exceed
25 the performance standards required by this Section shall be
26 placed on a register of eligibles for original appointment to

1 an affected fire department.

2 Whenever an appointing authority authorizes action to hire
3 a person to perform the duties of a firefighter or to hire a
4 firefighter-paramedic to fill a position that is a new
5 position or vacancy due to resignation, discharge, promotion,
6 death, the granting of a disability or retirement pension, or
7 any other cause, the appointing authority shall appoint to
8 that position the person with the highest ranking on the final
9 eligibility list. If the appointing authority has reason to
10 conclude that the highest ranked person fails to meet the
11 minimum standards for the position or if the appointing
12 authority believes an alternate candidate would better serve
13 the needs of the department, then the appointing authority has
14 the right to pass over the highest ranked person and appoint
15 either: (i) any person who has a ranking in the top 5% of the
16 register of eligibles or (ii) any person who is among the top 5
17 highest ranked persons on the list of eligibles if the number
18 of people who have a ranking in the top 5% of the register of
19 eligibles is less than 5 people.

20 Any candidate may pass on an appointment once without
21 losing his or her position on the register of eligibles. Any
22 candidate who passes a second time may be removed from the list
23 by the appointing authority provided that such action shall
24 not prejudice a person's opportunities to participate in
25 future examinations, including an examination held during the
26 time a candidate is already on the municipality's register of

1 eligibles.

2 The sole authority to issue certificates of appointment
3 shall be vested in the board of fire and police commissioners.
4 All certificates of appointment issued to any officer or
5 member of an affected department shall be signed by the
6 chairperson and secretary, respectively, of the board upon
7 appointment of such officer or member to the affected
8 department by action of the board. After being selected from
9 the register of eligibles to fill a vacancy in the affected
10 department, each appointee shall be presented with his or her
11 certificate of appointment on the day on which he or she is
12 sworn in as a classified member of the affected department.
13 Firefighters who were not issued a certificate of appointment
14 when originally appointed shall be provided with a certificate
15 within 10 days after making a written request to the
16 chairperson of the board of fire and police commissioners.
17 Each person who accepts a certificate of appointment and
18 successfully completes his or her probationary period shall be
19 enrolled as a firefighter and as a regular member of the fire
20 department.

21 For the purposes of this Section, "firefighter" means any
22 person who has been prior to, on, or after August 4, 2011 (the
23 effective date of Public Act 97-251) ~~this amendatory Act of~~
24 ~~the 97th General Assembly~~ appointed to a fire department or
25 fire protection district or employed by a State university and
26 sworn or commissioned to perform firefighter duties or

1 paramedic duties, or both, except that the following persons
2 are not included: part-time firefighters; auxiliary, reserve,
3 or voluntary firefighters, including paid-on-call
4 firefighters; clerks and dispatchers or other civilian
5 employees of a fire department or fire protection district who
6 are not routinely expected to perform firefighter duties; and
7 elected officials.

8 (c) Qualification for placement on register of eligibles.
9 The purpose of establishing a register of eligibles is to
10 identify applicants who possess and demonstrate the mental
11 aptitude and physical ability to perform the duties required
12 of members of the fire department in order to provide the
13 highest quality of service to the public. To this end, all
14 applicants for original appointment to an affected fire
15 department shall be subject to examination and testing which
16 shall be public, competitive, and open to all applicants
17 unless the municipality shall by ordinance limit applicants to
18 residents of the municipality, county or counties in which the
19 municipality is located, State, or nation. Any examination and
20 testing procedure utilized under subsection (e) of this
21 Section shall be supported by appropriate validation evidence
22 and shall comply with all applicable State and federal laws.
23 Municipalities may establish educational, emergency medical
24 service licensure, and other prerequisites ~~prerequisites~~ for
25 participation in an examination or for hire as a firefighter.
26 Any municipality may charge a fee to cover the costs of the

1 application process.

2 Residency requirements in effect at the time an individual
3 enters the fire service of a municipality cannot be made more
4 restrictive for that individual during his or her period of
5 service for that municipality, or be made a condition of
6 promotion, except for the rank or position of fire chief and
7 for no more than 2 positions that rank immediately below that
8 of the chief rank which are appointed positions pursuant to
9 the Fire Department Promotion Act.

10 No person who is 35 years of age or older shall be eligible
11 to take an examination for a position as a firefighter unless
12 the person has had previous employment status as a firefighter
13 in the regularly constituted fire department of the
14 municipality, except as provided in this Section. The age
15 limitation does not apply to:

16 (1) any person previously employed as a full-time
17 firefighter in a regularly constituted fire department of
18 (i) any municipality or fire protection district located
19 in Illinois, (ii) a fire protection district whose
20 obligations were assumed by a municipality under Section
21 21 of the Fire Protection District Act, or (iii) a
22 municipality whose obligations were taken over by a fire
23 protection district,

24 (2) any person who has served a municipality as a
25 regularly enrolled volunteer, paid-on-call, or part-time
26 firefighter for the 5 years immediately preceding the time

1 that the municipality begins to use full-time firefighters
2 to provide all or part of its fire protection service, or

3 (3) any person who turned 35 while serving as a member
4 of the active or reserve components of any of the branches
5 of the Armed Forces of the United States or the National
6 Guard of any state, whose service was characterized as
7 honorable or under honorable, if separated from the
8 military, and is currently under the age of 40.

9 No person who is under 21 years of age shall be eligible
10 for employment as a firefighter.

11 No applicant shall be examined concerning his or her
12 political or religious opinions or affiliations. The
13 examinations shall be conducted by the commissioners of the
14 municipality or their designees and agents.

15 No municipality shall require that any firefighter
16 appointed to the lowest rank serve a probationary employment
17 period of longer than one year of actual active employment,
18 which may exclude periods of training, or injury or illness
19 leaves, including duty related leave, in excess of 30 calendar
20 days. Notwithstanding anything to the contrary in this
21 Section, the probationary employment period limitation may be
22 extended for a firefighter who is required, as a condition of
23 employment, to be a licensed paramedic, during which time the
24 sole reason that a firefighter may be discharged without a
25 hearing is for failing to meet the requirements for paramedic
26 licensure.

1 In the event that any applicant who has been found
2 eligible for appointment and whose name has been placed upon
3 the final eligibility register provided for in this Section
4 has not been appointed to a firefighter position within one
5 year after the date of his or her physical ability
6 examination, the commission may cause a second examination to
7 be made of that applicant's physical ability prior to his or
8 her appointment. If, after the second examination, the
9 physical ability of the applicant shall be found to be less
10 than the minimum standard fixed by the rules of the
11 commission, the applicant shall not be appointed. The
12 applicant's name may be retained upon the register of
13 candidates eligible for appointment and when next reached for
14 certification and appointment that applicant may be again
15 examined as provided in this Section, and if the physical
16 ability of that applicant is found to be less than the minimum
17 standard fixed by the rules of the commission, the applicant
18 shall not be appointed, and the name of the applicant shall be
19 removed from the register.

20 (d) Notice, examination, and testing components. Notice of
21 the time, place, general scope, merit criteria for any
22 subjective component, and fee of every examination shall be
23 given by the commission, by a publication at least 2 weeks
24 preceding the examination: (i) in one or more newspapers
25 published in the municipality, or if no newspaper is published
26 therein, then in one or more newspapers with a general

1 circulation within the municipality, or (ii) on the
2 municipality's Internet website. Additional notice of the
3 examination may be given as the commission shall prescribe.

4 The examination and qualifying standards for employment of
5 firefighters shall be based on: mental aptitude, physical
6 ability, preferences, moral character, and health. The mental
7 aptitude, physical ability, and preference components shall
8 determine an applicant's qualification for and placement on
9 the final register of eligibles. The examination may also
10 include a subjective component based on merit criteria as
11 determined by the commission. Scores from the examination must
12 be made available to the public.

13 (e) Mental aptitude. No person who does not possess at
14 least a high school diploma or an equivalent high school
15 education shall be placed on a register of eligibles.
16 Examination of an applicant's mental aptitude shall be based
17 upon a written examination. The examination shall be practical
18 in character and relate to those matters that fairly test the
19 capacity of the persons examined to discharge the duties
20 performed by members of a fire department. Written
21 examinations shall be administered in a manner that ensures
22 the security and accuracy of the scores achieved.

23 (f) Physical ability. All candidates shall be required to
24 undergo an examination of their physical ability to perform
25 the essential functions included in the duties they may be
26 called upon to perform as a member of a fire department. For

1 the purposes of this Section, essential functions of the job
2 are functions associated with duties that a firefighter may be
3 called upon to perform in response to emergency calls. The
4 frequency of the occurrence of those duties as part of the fire
5 department's regular routine shall not be a controlling factor
6 in the design of examination criteria or evolutions selected
7 for testing. These physical examinations shall be open,
8 competitive, and based on industry standards designed to test
9 each applicant's physical abilities in the following
10 dimensions:

11 (1) Muscular strength to perform tasks and evolutions
12 that may be required in the performance of duties
13 including grip strength, leg strength, and arm strength.
14 Tests shall be conducted under anaerobic as well as
15 aerobic conditions to test both the candidate's speed and
16 endurance in performing tasks and evolutions. Tasks tested
17 may be based on standards developed, or approved, by the
18 local appointing authority.

19 (2) The ability to climb ladders, operate from
20 heights, walk or crawl in the dark along narrow and uneven
21 surfaces, and operate in proximity to hazardous
22 environments.

23 (3) The ability to carry out critical, time-sensitive,
24 and complex problem solving during physical exertion in
25 stressful and hazardous environments. The testing
26 environment may be hot and dark with tightly enclosed

1 spaces, flashing lights, sirens, and other distractions.

2 The tests utilized to measure each applicant's
3 capabilities in each of these dimensions may be tests based on
4 industry standards currently in use or equivalent tests
5 approved by the Joint Labor-Management Committee of the Office
6 of the State Fire Marshal.

7 Physical ability examinations administered under this
8 Section shall be conducted with a reasonable number of
9 proctors and monitors, open to the public, and subject to
10 reasonable regulations of the commission.

11 (g) Scoring of examination components. Appointing
12 authorities may create a preliminary eligibility register. A
13 person shall be placed on the list based upon his or her
14 passage of the written examination or the passage of the
15 written examination and the physical ability component.
16 Passage of the written examination means attaining the minimum
17 score set by the commission. Minimum scores should be set by
18 the commission so as to demonstrate a candidate's ability to
19 perform the essential functions of the job. The minimum score
20 set by the commission shall be supported by appropriate
21 validation evidence and shall comply with all applicable State
22 and federal laws. The appointing authority may conduct the
23 physical ability component and any subjective components
24 subsequent to the posting of the preliminary eligibility
25 register.

26 The examination components for an initial eligibility

1 register shall be graded on a 100-point scale. A person's
2 position on the list shall be determined by the following: (i)
3 the person's score on the written examination, (ii) the person
4 successfully passing the physical ability component, and (iii)
5 the person's results on any subjective component as described
6 in subsection (d).

7 In order to qualify for placement on the final eligibility
8 register, an applicant's score on the written examination,
9 before any applicable preference points or subjective points
10 are applied, shall be at or above the minimum score as set by
11 the commission. The local appointing authority may prescribe
12 the score to qualify for placement on the final eligibility
13 register, but the score shall not be less than the minimum
14 score set by the commission.

15 The commission shall prepare and keep a register of
16 persons whose total score is not less than the minimum score
17 for passage and who have passed the physical ability
18 examination. These persons shall take rank upon the register
19 as candidates in the order of their relative excellence based
20 on the highest to the lowest total points scored on the mental
21 aptitude, subjective component, and preference components of
22 the test administered in accordance with this Section. No more
23 than 60 days after each examination, an initial eligibility
24 list shall be posted by the commission. The list shall include
25 the final grades of the candidates without reference to
26 priority of the time of examination and subject to claim for

1 preference credit.

2 Commissions may conduct additional examinations, including
3 without limitation a polygraph test, after a final eligibility
4 register is established and before it expires with the
5 candidates ranked by total score without regard to date of
6 examination. No more than 60 days after each examination, an
7 initial eligibility list shall be posted by the commission
8 showing the final grades of the candidates without reference
9 to priority of time of examination and subject to claim for
10 preference credit.

11 (h) Preferences. The following are preferences:

12 (1) Veteran preference. Persons who were engaged in
13 the military service of the United States for a period of
14 at least one year of active duty and who were honorably
15 discharged therefrom, or who are now or have been members
16 on inactive or reserve duty in such military or naval
17 service, shall be preferred for appointment to and
18 employment with the fire department of an affected
19 department.

20 (2) Fire cadet preference. Persons who have
21 successfully completed 2 years of study in fire techniques
22 or cadet training within a cadet program established under
23 the rules of the Joint Labor and Management Committee
24 (JLMC), as defined in Section 50 of the Fire Department
25 Promotion Act, may be preferred for appointment to and
26 employment with the fire department.

1 (3) Educational preference. Persons who have
2 successfully obtained an associate's degree in the field
3 of fire service or emergency medical services, or a
4 bachelor's degree from an accredited college or university
5 may be preferred for appointment to and employment with
6 the fire department.

7 (4) Paramedic preference. Persons who have obtained a
8 license as a paramedic shall be preferred for appointment
9 to and employment with the fire department of an affected
10 department providing emergency medical services.

11 (5) Experience preference. All persons employed by a
12 municipality who have been paid-on-call or part-time
13 certified Firefighter II, State of Illinois or nationally
14 licensed EMT, EMT-I, A-EMT, or any combination of those
15 capacities shall be awarded 0.5 point for each year of
16 successful service in one or more of those capacities, up
17 to a maximum of 5 points. Certified Firefighter III and
18 State of Illinois or nationally licensed paramedics shall
19 be awarded one point per year up to a maximum of 5 points.
20 Applicants from outside the municipality who were employed
21 as full-time firefighters or firefighter-paramedics by a
22 fire protection district or another municipality for at
23 least 2 years shall be awarded 5 experience preference
24 points. These additional points presuppose a rating scale
25 totaling 100 points available for the eligibility list. If
26 more or fewer points are used in the rating scale for the

1 eligibility list, the points awarded under this subsection
2 shall be increased or decreased by a factor equal to the
3 total possible points available for the examination
4 divided by 100.

5 Upon request by the commission, the governing body of
6 the municipality or in the case of applicants from outside
7 the municipality the governing body of any fire protection
8 district or any other municipality shall certify to the
9 commission, within 10 days after the request, the number
10 of years of successful paid-on-call, part-time, or
11 full-time service of any person. A candidate may not
12 receive the full amount of preference points under this
13 subsection if the amount of points awarded would place the
14 candidate before a veteran on the eligibility list. If
15 more than one candidate receiving experience preference
16 points is prevented from receiving all of their points due
17 to not being allowed to pass a veteran, the candidates
18 shall be placed on the list below the veteran in rank order
19 based on the totals received if all points under this
20 subsection were to be awarded. Any remaining ties on the
21 list shall be determined by lot.

22 (6) Residency preference. Applicants whose principal
23 residence is located within the fire department's
24 jurisdiction shall be preferred for appointment to and
25 employment with the fire department.

26 (7) Additional preferences. Up to 5 additional

1 preference points may be awarded for unique categories
2 based on an applicant's experience or background as
3 identified by the commission.

4 (7.5) Apprentice preferences. A person who has
5 performed fire suppression service for a department as a
6 firefighter apprentice and otherwise meets ~~meet~~ the
7 qualifications for original appointment as a firefighter
8 specified in this Section is ~~are~~ eligible to be awarded up
9 to 20 preference points. To qualify for preference points,
10 an applicant shall have completed a minimum of 600 hours
11 of fire suppression work on a regular shift for the
12 affected fire department over a 12-month period. The fire
13 suppression work must be in accordance with Section
14 10-2.1-4 of this Division and the terms established by a
15 Joint Apprenticeship Committee included in a collective
16 bargaining agreement agreed between the employer and its
17 certified bargaining agent. An eligible applicant must
18 apply to the Joint Apprenticeship Committee for preference
19 points under this item. The Joint Apprenticeship Committee
20 shall evaluate the merit of the applicant's performance,
21 determine the preference points to be awarded, and certify
22 the amount of points awarded to the commissioners. The
23 commissioners may add the certified preference points to
24 the final grades achieved by the applicant on the other
25 components of the examination.

26 (8) Scoring of preferences. The commission may give

1 preference for original appointment to persons designated
2 in item (1) by adding to the final grade that they receive
3 5 points for the recognized preference achieved. The
4 commission may give preference for original appointment to
5 persons designated in item (7.5) by adding to the final
6 grade the amount of points designated by the Joint
7 Apprenticeship Committee as defined in item (7.5). The
8 commission shall determine the number of preference points
9 for each category, except (1) and (7.5). The number of
10 preference points for each category shall range from 0 to
11 5, except item (7.5). In determining the number of
12 preference points, the commission shall prescribe that if
13 a candidate earns the maximum number of preference points
14 in all categories except item (7.5), that number may not
15 be less than 10 nor more than 30. The commission shall give
16 preference for original appointment to persons designated
17 in items (2) through (7) by adding the requisite number of
18 points to the final grade for each recognized preference
19 achieved. The numerical result thus attained shall be
20 applied by the commission in determining the final
21 eligibility list and appointment from the eligibility
22 list. The local appointing authority may prescribe the
23 total number of preference points awarded under this
24 Section, but the total number of preference points, except
25 item (7.5), shall not be less than 10 points or more than
26 30 points. Apprentice preference points may be added in

1 addition to other preference points awarded by the
2 commission.

3 No person entitled to any preference shall be required to
4 claim the credit before any examination held under the
5 provisions of this Section, but the preference may be given
6 after the posting or publication of the initial eligibility
7 list or register at the request of a person entitled to a
8 credit before any certification or appointments are made from
9 the eligibility register, upon the furnishing of verifiable
10 evidence and proof of qualifying preference credit. Candidates
11 who are eligible for preference credit may make a claim in
12 writing within 10 days after the posting of the initial
13 eligibility list, or the claim may be deemed waived. Final
14 eligibility registers may be established after the awarding of
15 verified preference points. However, apprentice preference
16 credit earned subsequent to the establishment of the final
17 eligibility register may be applied to the applicant's score
18 upon certification by the Joint Apprenticeship Committee to
19 the commission and the rank order of candidates on the final
20 eligibility register shall be adjusted accordingly. All
21 employment shall be subject to the commission's initial hire
22 background review, including, but not limited to, criminal
23 history, employment history, moral character, oral
24 examination, and medical and psychological examinations, all
25 on a pass-fail basis. The medical and psychological
26 examinations must be conducted last, and may only be performed

1 after a conditional offer of employment has been extended.

2 Any person placed on an eligibility list who exceeds the
3 age requirement before being appointed to a fire department
4 shall remain eligible for appointment until the list is
5 abolished, or his or her name has been on the list for a period
6 of 2 years. No person who has attained the age of 35 years
7 shall be inducted into a fire department, except as otherwise
8 provided in this Section.

9 The commission shall strike off the names of candidates
10 for original appointment after the names have been on the list
11 for more than 2 years.

12 (i) Moral character. No person shall be appointed to a
13 fire department unless he or she is a person of good character;
14 not a habitual drunkard, a gambler, or a person who has been
15 convicted of a felony or a crime involving moral turpitude.
16 However, no person shall be disqualified from appointment to
17 the fire department because of the person's record of
18 misdemeanor convictions except those under Sections 11-6,
19 11-7, 11-9, 11-14, 11-15, 11-17, 11-18, 11-19, 12-2, 12-6,
20 12-15, 14-4, 16-1, 21.1-3, 24-3.1, 24-5, 25-1, 28-3, 31-1,
21 31-4, 31-6, 31-7, 32-1, 32-2, 32-3, 32-4, 32-8, and
22 subsections 1, 6, and 8 of Section 24-1 of the Criminal Code of
23 1961 or the Criminal Code of 2012, or arrest for any cause
24 without conviction thereon. Any such person who is in the
25 department may be removed on charges brought for violating
26 this subsection and after a trial as hereinafter provided.

1 A classifiable set of the fingerprints of every person who
2 is offered employment as a certificated member of an affected
3 fire department whether with or without compensation, shall be
4 furnished to the Illinois ~~Department of~~ State Police and to
5 the Federal Bureau of Investigation by the commission.

6 Whenever a commission is authorized or required by law to
7 consider some aspect of criminal history record information
8 for the purpose of carrying out its statutory powers and
9 responsibilities, then, upon request and payment of fees in
10 conformance with the requirements of Section 2605-400 of the
11 Illinois State Police Law of the Civil Administrative Code of
12 Illinois, the Illinois ~~Department of~~ State Police is
13 authorized to furnish, pursuant to positive identification,
14 the information contained in State files as is necessary to
15 fulfill the request.

16 (j) Temporary appointments. In order to prevent a stoppage
17 of public business, to meet extraordinary exigencies, or to
18 prevent material impairment of the fire department, the
19 commission may make temporary appointments, to remain in force
20 only until regular appointments are made under the provisions
21 of this Division, but never to exceed 60 days. No temporary
22 appointment of any one person shall be made more than twice in
23 any calendar year.

24 (k) A person who knowingly divulges or receives test
25 questions or answers before a written examination, or
26 otherwise knowingly violates or subverts any requirement of

1 this Section, commits a violation of this Section and may be
2 subject to charges for official misconduct.

3 A person who is the knowing recipient of test information
4 in advance of the examination shall be disqualified from the
5 examination or discharged from the position to which he or she
6 was appointed, as applicable, and otherwise subjected to
7 disciplinary actions.

8 (Source: P.A. 100-252, eff. 8-22-17; 101-489, eff. 8-23-19;
9 revised 11-26-19.)

10 (65 ILCS 5/11-32-1) (from Ch. 24, par. 11-32-1)

11 Sec. 11-32-1. The corporate authorities of each
12 municipality may:

13 (1) provide for the regulation, safe construction,
14 installation, alteration, inspection, testing and maintenance
15 of heating, air conditioning and refrigerating systems
16 specified in this section.

17 (2) provide for examination, licensing and regulation of
18 heating, air conditioning and refrigeration contractors; and
19 fix the amount of license fees, not exceeding \$50, and the
20 terms and manner of issuing and revoking licenses of such
21 contractors.

22 (3) provide for the appointment of a board of examiners
23 which shall examine applicants for and issue licenses to such
24 contractors as are found capable and trustworthy.

25 A. The term "heating, air conditioning and refrigeration

1 contractor" means:

2 (a) any person engaged in the business of installing,
3 altering or servicing heating, air conditioning or
4 refrigerating systems;

5 (b) any private or municipally owned public utility if
6 such public utility installs heating, air conditioning or
7 refrigerating systems.

8 The term "heating, air conditioning and refrigeration
9 contractor" does not include: (i) any private or municipally
10 owned public utility, fuel supplier or dealer that supplies
11 fuel and services or repairs heating or air conditioning
12 appliances or equipment in connection with or as a part of
13 their business of supplying the fuel used in such appliances
14 or equipment; or (ii) any liquefied petroleum gas dealer
15 subject to "An Act to regulate the storage, transportation,
16 sale and use of liquefied petroleum gases", approved July 11,
17 1955, as now or hereafter amended, and the rules and
18 regulations of the Illinois ~~Department~~ of State Police
19 promulgated pursuant to such Act; or (iii) any electrical
20 contractor registered or licensed as such under the provisions
21 of this Act or any other statute.

22 B. The term "heating system" means any heating unit
23 intended to warm the atmosphere of any building or rooms
24 therein used for human occupancy.

25 C. The term "air conditioning system" means any air
26 conditioning unit designed to cool the atmosphere of any

1 building or rooms therein used for human occupancy, which unit
2 has a rated heat removal capacity in excess of 20,000 British
3 thermal units per hour; and also any such unit regardless of
4 size or rating that is installed in such a manner that it
5 projects from a building where pedestrian traffic will pass
6 below it.

7 D. The term "refrigerating system" means any refrigerating
8 unit, other than an air conditioning system as defined in this
9 section, which is to be used in conjunction with or as an aid
10 to any commercial enterprise but does not include a
11 refrigerating unit used for family household purposes.

12 Any heating, air conditioning and refrigeration contractor
13 properly licensed under paragraph (2) of this section in the
14 municipality of his principal place of business in this State
15 may install heating, air conditioning and refrigeration
16 systems in any other municipality without securing an
17 additional license, provided that such contractor complies
18 with the rules and regulations of the municipality where such
19 systems are installed.

20 (Source: P.A. 84-25.)

21 Section 440. The Fire Protection District Act is amended
22 by changing Section 16.06b as follows:

23 (70 ILCS 705/16.06b)

24 Sec. 16.06b. Original appointments; full-time fire

1 department.

2 (a) Applicability. Unless a commission elects to follow
3 the provisions of Section 16.06c, this Section shall apply to
4 all original appointments to an affected full-time fire
5 department. Existing registers of eligibles shall continue to
6 be valid until their expiration dates, or up to a maximum of 2
7 years after August 4, 2011 (the effective date of Public Act
8 97-251) ~~this amendatory Act of the 97th General Assembly~~.

9 Notwithstanding any statute, ordinance, rule, or other law
10 to the contrary, all original appointments to an affected
11 department to which this Section applies shall be administered
12 in a no less stringent manner than the manner provided for in
13 this Section. Provisions of the Illinois Municipal Code, Fire
14 Protection District Act, fire district ordinances, and rules
15 adopted pursuant to such authority and other laws relating to
16 initial hiring of firefighters in affected departments shall
17 continue to apply to the extent they are compatible with this
18 Section, but in the event of a conflict between this Section
19 and any other law, this Section shall control.

20 A fire protection district that is operating under a court
21 order or consent decree regarding original appointments to a
22 full-time fire department before August 4, 2011 (the effective
23 date of Public Act 97-251) ~~this amendatory Act of the 97th~~
24 ~~General Assembly~~ is exempt from the requirements of this
25 Section for the duration of the court order or consent decree.

26 (b) Original appointments. All original appointments made

1 to an affected fire department shall be made from a register of
2 eligibles established in accordance with the processes
3 required by this Section. Only persons who meet or exceed the
4 performance standards required by the Section shall be placed
5 on a register of eligibles for original appointment to an
6 affected fire department.

7 Whenever an appointing authority authorizes action to hire
8 a person to perform the duties of a firefighter or to hire a
9 firefighter-paramedic to fill a position that is a new
10 position or vacancy due to resignation, discharge, promotion,
11 death, the granting of a disability or retirement pension, or
12 any other cause, the appointing authority shall appoint to
13 that position the person with the highest ranking on the final
14 eligibility list. If the appointing authority has reason to
15 conclude that the highest ranked person fails to meet the
16 minimum standards for the position or if the appointing
17 authority believes an alternate candidate would better serve
18 the needs of the department, then the appointing authority has
19 the right to pass over the highest ranked person and appoint
20 either: (i) any person who has a ranking in the top 5% of the
21 register of eligibles or (ii) any person who is among the top 5
22 highest ranked persons on the list of eligibles if the number
23 of people who have a ranking in the top 5% of the register of
24 eligibles is less than 5 people.

25 Any candidate may pass on an appointment once without
26 losing his or her position on the register of eligibles. Any

1 candidate who passes a second time may be removed from the list
2 by the appointing authority provided that such action shall
3 not prejudice a person's opportunities to participate in
4 future examinations, including an examination held during the
5 time a candidate is already on the fire district's register of
6 eligibles.

7 The sole authority to issue certificates of appointment
8 shall be vested in the board of fire commissioners, or board of
9 trustees serving in the capacity of a board of fire
10 commissioners. All certificates of appointment issued to any
11 officer or member of an affected department shall be signed by
12 the chairperson and secretary, respectively, of the commission
13 upon appointment of such officer or member to the affected
14 department by action of the commission. After being selected
15 from the register of eligibles to fill a vacancy in the
16 affected department, each appointee shall be presented with
17 his or her certificate of appointment on the day on which he or
18 she is sworn in as a classified member of the affected
19 department. Firefighters who were not issued a certificate of
20 appointment when originally appointed shall be provided with a
21 certificate within 10 days after making a written request to
22 the chairperson of the board of fire commissioners, or board
23 of trustees serving in the capacity of a board of fire
24 commissioners. Each person who accepts a certificate of
25 appointment and successfully completes his or her probationary
26 period shall be enrolled as a firefighter and as a regular

1 member of the fire department.

2 For the purposes of this Section, "firefighter" means any
3 person who has been prior to, on, or after August 4, 2011 (the
4 effective date of Public Act 97-251) ~~this amendatory Act of~~
5 ~~the 97th General Assembly~~ appointed to a fire department or
6 fire protection district or employed by a State university and
7 sworn or commissioned to perform firefighter duties or
8 paramedic duties, or both, except that the following persons
9 are not included: part-time firefighters; auxiliary, reserve,
10 or voluntary firefighters, including paid-on-call
11 firefighters; clerks and dispatchers or other civilian
12 employees of a fire department or fire protection district who
13 are not routinely expected to perform firefighter duties; and
14 elected officials.

15 (c) Qualification for placement on register of eligibles.
16 The purpose of establishing a register of eligibles is to
17 identify applicants who possess and demonstrate the mental
18 aptitude and physical ability to perform the duties required
19 of members of the fire department in order to provide the
20 highest quality of service to the public. To this end, all
21 applicants for original appointment to an affected fire
22 department shall be subject to examination and testing which
23 shall be public, competitive, and open to all applicants
24 unless the district shall by ordinance limit applicants to
25 residents of the district, county or counties in which the
26 district is located, State, or nation. Any examination and

1 testing procedure utilized under subsection (e) of this
2 Section shall be supported by appropriate validation evidence
3 and shall comply with all applicable State and federal laws.
4 Districts may establish educational, emergency medical service
5 licensure, and other prerequisites ~~prerequites~~ for
6 participation in an examination or for hire as a firefighter.
7 Any fire protection district may charge a fee to cover the
8 costs of the application process.

9 Residency requirements in effect at the time an individual
10 enters the fire service of a district cannot be made more
11 restrictive for that individual during his or her period of
12 service for that district, or be made a condition of
13 promotion, except for the rank or position of fire chief and
14 for no more than 2 positions that rank immediately below that
15 of the chief rank which are appointed positions pursuant to
16 the Fire Department Promotion Act.

17 No person who is 35 years of age or older shall be eligible
18 to take an examination for a position as a firefighter unless
19 the person has had previous employment status as a firefighter
20 in the regularly constituted fire department of the district,
21 except as provided in this Section. The age limitation does
22 not apply to:

- 23 (1) any person previously employed as a full-time
24 firefighter in a regularly constituted fire department of
25 (i) any municipality or fire protection district located
26 in Illinois, (ii) a fire protection district whose

1 obligations were assumed by a municipality under Section
2 21 of the Fire Protection District Act, or (iii) a
3 municipality whose obligations were taken over by a fire
4 protection district;

5 (2) any person who has served a fire district as a
6 regularly enrolled volunteer, paid-on-call, or part-time
7 firefighter for the 5 years immediately preceding the time
8 that the district begins to use full-time firefighters to
9 provide all or part of its fire protection service; or

10 (3) any person who turned 35 while serving as a member
11 of the active or reserve components of any of the branches
12 of the Armed Forces of the United States or the National
13 Guard of any state, whose service was characterized as
14 honorable or under honorable, if separated from the
15 military, and is currently under the age of 40.

16 No person who is under 21 years of age shall be eligible
17 for employment as a firefighter.

18 No applicant shall be examined concerning his or her
19 political or religious opinions or affiliations. The
20 examinations shall be conducted by the commissioners of the
21 district or their designees and agents.

22 No district shall require that any firefighter appointed
23 to the lowest rank serve a probationary employment period of
24 longer than one year of actual active employment, which may
25 exclude periods of training, or injury or illness leaves,
26 including duty related leave, in excess of 30 calendar days.

1 Notwithstanding anything to the contrary in this Section, the
2 probationary employment period limitation may be extended for
3 a firefighter who is required, as a condition of employment,
4 to be a licensed paramedic, during which time the sole reason
5 that a firefighter may be discharged without a hearing is for
6 failing to meet the requirements for paramedic licensure.

7 In the event that any applicant who has been found
8 eligible for appointment and whose name has been placed upon
9 the final eligibility register provided for in this Section
10 has not been appointed to a firefighter position within one
11 year after the date of his or her physical ability
12 examination, the commission may cause a second examination to
13 be made of that applicant's physical ability prior to his or
14 her appointment. If, after the second examination, the
15 physical ability of the applicant shall be found to be less
16 than the minimum standard fixed by the rules of the
17 commission, the applicant shall not be appointed. The
18 applicant's name may be retained upon the register of
19 candidates eligible for appointment and when next reached for
20 certification and appointment that applicant may be again
21 examined as provided in this Section, and if the physical
22 ability of that applicant is found to be less than the minimum
23 standard fixed by the rules of the commission, the applicant
24 shall not be appointed, and the name of the applicant shall be
25 removed from the register.

26 (d) Notice, examination, and testing components. Notice of

1 the time, place, general scope, merit criteria for any
2 subjective component, and fee of every examination shall be
3 given by the commission, by a publication at least 2 weeks
4 preceding the examination: (i) in one or more newspapers
5 published in the district, or if no newspaper is published
6 therein, then in one or more newspapers with a general
7 circulation within the district, or (ii) on the fire
8 protection district's Internet website. Additional notice of
9 the examination may be given as the commission shall
10 prescribe.

11 The examination and qualifying standards for employment of
12 firefighters shall be based on: mental aptitude, physical
13 ability, preferences, moral character, and health. The mental
14 aptitude, physical ability, and preference components shall
15 determine an applicant's qualification for and placement on
16 the final register of eligibles. The examination may also
17 include a subjective component based on merit criteria as
18 determined by the commission. Scores from the examination must
19 be made available to the public.

20 (e) Mental aptitude. No person who does not possess at
21 least a high school diploma or an equivalent high school
22 education shall be placed on a register of eligibles.
23 Examination of an applicant's mental aptitude shall be based
24 upon a written examination. The examination shall be practical
25 in character and relate to those matters that fairly test the
26 capacity of the persons examined to discharge the duties

1 performed by members of a fire department. Written
2 examinations shall be administered in a manner that ensures
3 the security and accuracy of the scores achieved.

4 (f) Physical ability. All candidates shall be required to
5 undergo an examination of their physical ability to perform
6 the essential functions included in the duties they may be
7 called upon to perform as a member of a fire department. For
8 the purposes of this Section, essential functions of the job
9 are functions associated with duties that a firefighter may be
10 called upon to perform in response to emergency calls. The
11 frequency of the occurrence of those duties as part of the fire
12 department's regular routine shall not be a controlling factor
13 in the design of examination criteria or evolutions selected
14 for testing. These physical examinations shall be open,
15 competitive, and based on industry standards designed to test
16 each applicant's physical abilities in the following
17 dimensions:

18 (1) Muscular strength to perform tasks and evolutions
19 that may be required in the performance of duties
20 including grip strength, leg strength, and arm strength.
21 Tests shall be conducted under anaerobic as well as
22 aerobic conditions to test both the candidate's speed and
23 endurance in performing tasks and evolutions. Tasks tested
24 may be based on standards developed, or approved, by the
25 local appointing authority.

26 (2) The ability to climb ladders, operate from

1 heights, walk or crawl in the dark along narrow and uneven
2 surfaces, and operate in proximity to hazardous
3 environments.

4 (3) The ability to carry out critical, time-sensitive,
5 and complex problem solving during physical exertion in
6 stressful and hazardous environments. The testing
7 environment may be hot and dark with tightly enclosed
8 spaces, flashing lights, sirens, and other distractions.

9 The tests utilized to measure each applicant's
10 capabilities in each of these dimensions may be tests based on
11 industry standards currently in use or equivalent tests
12 approved by the Joint Labor-Management Committee of the Office
13 of the State Fire Marshal.

14 Physical ability examinations administered under this
15 Section shall be conducted with a reasonable number of
16 proctors and monitors, open to the public, and subject to
17 reasonable regulations of the commission.

18 (g) Scoring of examination components. Appointing
19 authorities may create a preliminary eligibility register. A
20 person shall be placed on the list based upon his or her
21 passage of the written examination or the passage of the
22 written examination and the physical ability component.
23 Passage of the written examination means attaining the minimum
24 score set by the commission. Minimum scores should be set by
25 the appointing authorities so as to demonstrate a candidate's
26 ability to perform the essential functions of the job. The

1 minimum score set by the commission shall be supported by
2 appropriate validation evidence and shall comply with all
3 applicable State and federal laws. The appointing authority
4 may conduct the physical ability component and any subjective
5 components subsequent to the posting of the preliminary
6 eligibility register.

7 The examination components for an initial eligibility
8 register shall be graded on a 100-point scale. A person's
9 position on the list shall be determined by the following: (i)
10 the person's score on the written examination, (ii) the person
11 successfully passing the physical ability component, and (iii)
12 the person's results on any subjective component as described
13 in subsection (d).

14 In order to qualify for placement on the final eligibility
15 register, an applicant's score on the written examination,
16 before any applicable preference points or subjective points
17 are applied, shall be at or above the minimum score set by the
18 commission. The local appointing authority may prescribe the
19 score to qualify for placement on the final eligibility
20 register, but the score shall not be less than the minimum
21 score set by the commission.

22 The commission shall prepare and keep a register of
23 persons whose total score is not less than the minimum score
24 for passage and who have passed the physical ability
25 examination. These persons shall take rank upon the register
26 as candidates in the order of their relative excellence based

1 on the highest to the lowest total points scored on the mental
2 aptitude, subjective component, and preference components of
3 the test administered in accordance with this Section. No more
4 than 60 days after each examination, an initial eligibility
5 list shall be posted by the commission. The list shall include
6 the final grades of the candidates without reference to
7 priority of the time of examination and subject to claim for
8 preference credit.

9 Commissions may conduct additional examinations, including
10 without limitation a polygraph test, after a final eligibility
11 register is established and before it expires with the
12 candidates ranked by total score without regard to date of
13 examination. No more than 60 days after each examination, an
14 initial eligibility list shall be posted by the commission
15 showing the final grades of the candidates without reference
16 to priority of time of examination and subject to claim for
17 preference credit.

18 (h) Preferences. The following are preferences:

19 (1) Veteran preference. Persons who were engaged in
20 the military service of the United States for a period of
21 at least one year of active duty and who were honorably
22 discharged therefrom, or who are now or have been members
23 on inactive or reserve duty in such military or naval
24 service, shall be preferred for appointment to and
25 employment with the fire department of an affected
26 department.

1 (2) Fire cadet preference. Persons who have
2 successfully completed 2 years of study in fire techniques
3 or cadet training within a cadet program established under
4 the rules of the Joint Labor and Management Committee
5 (JLMC), as defined in Section 50 of the Fire Department
6 Promotion Act, may be preferred for appointment to and
7 employment with the fire department.

8 (3) Educational preference. Persons who have
9 successfully obtained an associate's degree in the field
10 of fire service or emergency medical services, or a
11 bachelor's degree from an accredited college or university
12 may be preferred for appointment to and employment with
13 the fire department.

14 (4) Paramedic preference. Persons who have obtained a
15 license as a paramedic may be preferred for appointment to
16 and employment with the fire department of an affected
17 department providing emergency medical services.

18 (5) Experience preference. All persons employed by a
19 district who have been paid-on-call or part-time certified
20 Firefighter II, certified Firefighter III, State of
21 Illinois or nationally licensed EMT, EMT-I, A-EMT, or
22 paramedic, or any combination of those capacities may be
23 awarded up to a maximum of 5 points. However, the
24 applicant may not be awarded more than 0.5 points for each
25 complete year of paid-on-call or part-time service.
26 Applicants from outside the district who were employed as

1 full-time firefighters or firefighter-paramedics by a fire
2 protection district or municipality for at least 2 years
3 may be awarded up to 5 experience preference points.
4 However, the applicant may not be awarded more than one
5 point for each complete year of full-time service.

6 Upon request by the commission, the governing body of
7 the district or in the case of applicants from outside the
8 district the governing body of any other fire protection
9 district or any municipality shall certify to the
10 commission, within 10 days after the request, the number
11 of years of successful paid-on-call, part-time, or
12 full-time service of any person. A candidate may not
13 receive the full amount of preference points under this
14 subsection if the amount of points awarded would place the
15 candidate before a veteran on the eligibility list. If
16 more than one candidate receiving experience preference
17 points is prevented from receiving all of their points due
18 to not being allowed to pass a veteran, the candidates
19 shall be placed on the list below the veteran in rank order
20 based on the totals received if all points under this
21 subsection were to be awarded. Any remaining ties on the
22 list shall be determined by lot.

23 (6) Residency preference. Applicants whose principal
24 residence is located within the fire department's
25 jurisdiction may be preferred for appointment to and
26 employment with the fire department.

1 (7) Additional preferences. Up to 5 additional
2 preference points may be awarded for unique categories
3 based on an applicant's experience or background as
4 identified by the commission.

5 (7.5) Apprentice preferences. A person who has
6 performed fire suppression service for a department as a
7 firefighter apprentice and otherwise meets ~~meet~~ the
8 qualifications for original appointment as a firefighter
9 specified in this Section is ~~are~~ eligible to be awarded up
10 to 20 preference points. To qualify for preference points,
11 an applicant shall have completed a minimum of 600 hours
12 of fire suppression work on a regular shift for the
13 affected fire department over a 12-month period. The fire
14 suppression work must be in accordance with Section 16.06
15 of this Act and the terms established by a Joint
16 Apprenticeship Committee included in a collective
17 bargaining agreement agreed between the employer and its
18 certified bargaining agent. An eligible applicant must
19 apply to the Joint Apprenticeship Committee for preference
20 points under this item. The Joint Apprenticeship Committee
21 shall evaluate the merit of the applicant's performance,
22 determine the preference points to be awarded, and certify
23 the amount of points awarded to the commissioners. The
24 commissioners may add the certified preference points to
25 the final grades achieved by the applicant on the other
26 components of the examination.

1 (8) Scoring of preferences. The commission shall give
2 preference for original appointment to persons designated
3 in item (1) by adding to the final grade that they receive
4 5 points for the recognized preference achieved. The
5 commission may give preference for original appointment to
6 persons designated in item (7.5) by adding to the final
7 grade the amount of points designated by the Joint
8 Apprenticeship Committee as defined in item (7.5). The
9 commission shall determine the number of preference points
10 for each category, except (1) and (7.5). The number of
11 preference points for each category shall range from 0 to
12 5, except item (7.5). In determining the number of
13 preference points, the commission shall prescribe that if
14 a candidate earns the maximum number of preference points
15 in all categories except item (7.5), that number may not
16 be less than 10 nor more than 30. The commission shall give
17 preference for original appointment to persons designated
18 in items (2) through (7) by adding the requisite number of
19 points to the final grade for each recognized preference
20 achieved. The numerical result thus attained shall be
21 applied by the commission in determining the final
22 eligibility list and appointment from the eligibility
23 list. The local appointing authority may prescribe the
24 total number of preference points awarded under this
25 Section, but the total number of preference points, except
26 item (7.5), shall not be less than 10 points or more than

1 30 points. Apprentice preference points may be added in
2 addition to other preference points awarded by the
3 commission.

4 No person entitled to any preference shall be required to
5 claim the credit before any examination held under the
6 provisions of this Section, but the preference shall be given
7 after the posting or publication of the initial eligibility
8 list or register at the request of a person entitled to a
9 credit before any certification or appointments are made from
10 the eligibility register, upon the furnishing of verifiable
11 evidence and proof of qualifying preference credit. Candidates
12 who are eligible for preference credit shall make a claim in
13 writing within 10 days after the posting of the initial
14 eligibility list, or the claim shall be deemed waived. Final
15 eligibility registers shall be established after the awarding
16 of verified preference points. However, apprentice preference
17 credit earned subsequent to the establishment of the final
18 eligibility register may be applied to the applicant's score
19 upon certification by the Joint Apprenticeship Committee to
20 the commission and the rank order of candidates on the final
21 eligibility register shall be adjusted accordingly. All
22 employment shall be subject to the commission's initial hire
23 background review including, but not limited to, criminal
24 history, employment history, moral character, oral
25 examination, and medical and psychological examinations, all
26 on a pass-fail basis. The medical and psychological

1 examinations must be conducted last, and may only be performed
2 after a conditional offer of employment has been extended.

3 Any person placed on an eligibility list who exceeds the
4 age requirement before being appointed to a fire department
5 shall remain eligible for appointment until the list is
6 abolished, or his or her name has been on the list for a period
7 of 2 years. No person who has attained the age of 35 years
8 shall be inducted into a fire department, except as otherwise
9 provided in this Section.

10 The commission shall strike off the names of candidates
11 for original appointment after the names have been on the list
12 for more than 2 years.

13 (i) Moral character. No person shall be appointed to a
14 fire department unless he or she is a person of good character;
15 not a habitual drunkard, a gambler, or a person who has been
16 convicted of a felony or a crime involving moral turpitude.
17 However, no person shall be disqualified from appointment to
18 the fire department because of the person's record of
19 misdemeanor convictions except those under Sections 11-6,
20 11-7, 11-9, 11-14, 11-15, 11-17, 11-18, 11-19, 12-2, 12-6,
21 12-15, 14-4, 16-1, 21.1-3, 24-3.1, 24-5, 25-1, 28-3, 31-1,
22 31-4, 31-6, 31-7, 32-1, 32-2, 32-3, 32-4, 32-8, and
23 subsections 1, 6, and 8 of Section 24-1 of the Criminal Code of
24 1961 or the Criminal Code of 2012, or arrest for any cause
25 without conviction thereon. Any such person who is in the
26 department may be removed on charges brought for violating

1 this subsection and after a trial as hereinafter provided.

2 A classifiable set of the fingerprints of every person who
3 is offered employment as a certificated member of an affected
4 fire department whether with or without compensation, shall be
5 furnished to the Illinois ~~Department of~~ State Police and to
6 the Federal Bureau of Investigation by the commission.

7 Whenever a commission is authorized or required by law to
8 consider some aspect of criminal history record information
9 for the purpose of carrying out its statutory powers and
10 responsibilities, then, upon request and payment of fees in
11 conformance with the requirements of Section 2605-400 of the
12 Illinois State Police Law of the Civil Administrative Code of
13 Illinois, the Illinois ~~Department of~~ State Police is
14 authorized to furnish, pursuant to positive identification,
15 the information contained in State files as is necessary to
16 fulfill the request.

17 (j) Temporary appointments. In order to prevent a stoppage
18 of public business, to meet extraordinary exigencies, or to
19 prevent material impairment of the fire department, the
20 commission may make temporary appointments, to remain in force
21 only until regular appointments are made under the provisions
22 of this Section, but never to exceed 60 days. No temporary
23 appointment of any one person shall be made more than twice in
24 any calendar year.

25 (k) A person who knowingly divulges or receives test
26 questions or answers before a written examination, or

1 otherwise knowingly violates or subverts any requirement of
2 this Section, commits a violation of this Section and may be
3 subject to charges for official misconduct.

4 A person who is the knowing recipient of test information
5 in advance of the examination shall be disqualified from the
6 examination or discharged from the position to which he or she
7 was appointed, as applicable, and otherwise subjected to
8 disciplinary actions.

9 (Source: P.A. 100-252, eff. 8-22-17; 101-489, eff. 8-23-19;
10 revised 11-26-19.)

11 Section 450. The Park District Code is amended by changing
12 Section 8-23 as follows:

13 (70 ILCS 1205/8-23)

14 Sec. 8-23. Criminal background investigations.

15 (a) An applicant for employment with a park district is
16 required as a condition of employment to authorize an
17 investigation to determine if the applicant has been convicted
18 of any of the enumerated criminal or drug offenses in
19 subsection (c) or (d) of this Section, or adjudicated a
20 delinquent minor for any of the enumerated criminal or drug
21 offenses in subsection (c) or (d) of this Section, or has been
22 convicted, within 7 years of the application for employment
23 with the park district, of any other felony under the laws of
24 this State or of any offense committed or attempted in any

1 other state or against the laws of the United States that, if
2 committed or attempted in this State, would have been
3 punishable as a felony under the laws of this State.
4 Authorization for the investigation shall be furnished by the
5 applicant to the park district. Upon receipt of this
6 authorization, the park district shall submit the applicant's
7 name, sex, race, date of birth, and social security number to
8 the Illinois ~~Department of~~ State Police on forms prescribed by
9 the Illinois ~~Department of~~ State Police. The Illinois
10 ~~Department of~~ State Police shall conduct a search of the
11 Illinois criminal history records database to ascertain if the
12 applicant being considered for employment has been convicted
13 of any of the enumerated criminal or drug offenses in
14 subsection (c) or (d) of this Section, or adjudicated a
15 delinquent minor for committing or attempting to commit any of
16 the enumerated criminal or drug offenses in subsection (c) or
17 (d) of this Section, or has been convicted of committing or
18 attempting to commit, within 7 years of the application for
19 employment with the park district, any other felony under the
20 laws of this State. The Illinois ~~Department of~~ State Police
21 shall charge the park district a fee for conducting the
22 investigation, which fee shall be deposited in the State
23 Police Services Fund and shall not exceed the cost of the
24 inquiry. The applicant shall not be charged a fee by the park
25 district for the investigation.

26 (b) If the search of the Illinois criminal history record

1 database indicates that the applicant has been convicted of
2 any of the enumerated criminal or drug offenses in subsection
3 (c) or (d), or adjudicated a delinquent minor for committing
4 or attempting to commit any of the enumerated criminal or drug
5 offenses in subsection (c) or (d), or has been convicted of
6 committing or attempting to commit, within 7 years of the
7 application for employment with the park district, any other
8 felony under the laws of this State, the Illinois Department
9 ~~of~~ State Police and the Federal Bureau of Investigation shall
10 furnish, pursuant to a fingerprint based background check,
11 records of convictions or adjudications as a delinquent minor,
12 until expunged, to the president of the park district. Any
13 information concerning the record of convictions or
14 adjudications as a delinquent minor obtained by the president
15 shall be confidential and may only be transmitted to those
16 persons who are necessary to the decision on whether to hire
17 the applicant for employment. A copy of the record of
18 convictions or adjudications as a delinquent minor obtained
19 from the Illinois Department~~of~~ State Police shall be provided
20 to the applicant for employment. Any person who releases any
21 confidential information concerning any criminal convictions
22 or adjudications as a delinquent minor of an applicant for
23 employment shall be guilty of a Class A misdemeanor, unless
24 the release of such information is authorized by this Section.

25 (c) No park district shall knowingly employ a person who
26 has been convicted, or adjudicated a delinquent minor, for

1 committing attempted first degree murder or for committing or
2 attempting to commit first degree murder, a Class X felony, or
3 any one or more of the following criminal offenses: (i) those
4 defined in Sections 11-1.20, 11-1.30, 11-1.40, 11-1.50,
5 11-1.60, 11-6, 11-9, 11-14.3, 11-14.4, 11-15, 11-15.1, 11-16,
6 11-17, 11-18, 11-19, 11-19.1, 11-19.2, 11-20, 11-20.1,
7 11-20.1B, 11-20.3, 11-21, 11-30 (if convicted of a Class 4
8 felony), 12-7.3, 12-7.4, 12-7.5, 12-13, 12-14, 12-14.1, 12-15,
9 and 12-16 of the Criminal Code of 1961 or the Criminal Code of
10 2012; (ii) (blank); (iii) (blank); (iv) (blank); and (v) any
11 offense committed or attempted in any other state or against
12 the laws of the United States, which, if committed or
13 attempted in this State, would have been punishable as one or
14 more of the foregoing offenses. Further, no park district
15 shall knowingly employ a person who has been found to be the
16 perpetrator of sexual or physical abuse of any minor under 18
17 years of age pursuant to proceedings under Article II of the
18 Juvenile Court Act of 1987. No park district shall knowingly
19 employ a person for whom a criminal background investigation
20 has not been initiated.

21 (d) No park district shall knowingly employ a person who
22 has been convicted of the following drug offenses, other than
23 an offense set forth in subsection (c), until 7 years
24 following the end of the sentence imposed for any of the
25 following offenses: (i) those defined in the Cannabis Control
26 Act, except those defined in Sections 4(a), 4(b), 4(c), 5(a),

1 and 5(b) of that Act; (ii) those defined in the Illinois
2 Controlled Substances Act; (iii) those defined in the
3 Methamphetamine Control and Community Protection Act; and (iv)
4 any offense committed or attempted in any other state or
5 against the laws of the United States, which, if committed or
6 attempted in this State, would have been punishable as one or
7 more of the foregoing offenses. For purposes of this
8 paragraph, "sentence" includes any period of supervision or
9 probation that was imposed either alone or in combination with
10 a period of incarceration.

11 (e) Notwithstanding the provisions of subsections (c) and
12 (d), a park district may, in its discretion, employ a person
13 who has been granted a certificate of good conduct under
14 Section 5-5.5-25 of the Unified Code of Corrections by the
15 circuit court.

16 (Source: P.A. 99-884, eff. 8-22-16.)

17 Section 455. The Chicago Park District Act is amended by
18 changing Section 16a-5 as follows:

19 (70 ILCS 1505/16a-5)

20 Sec. 16a-5. Criminal background investigations.

21 (a) An applicant for employment with the Chicago Park
22 District is required as a condition of employment to authorize
23 an investigation to determine if the applicant has been
24 convicted of any of the enumerated criminal or drug offenses

1 in subsection (c) or (d) of this Section, or adjudicated a
2 delinquent minor for any of the enumerated criminal or drug
3 offenses in subsection (c) or (d) of this Section, or has been
4 convicted, within 7 years of the application for employment
5 with the Chicago Park District, of any other felony under the
6 laws of this State or of any offense committed or attempted in
7 any other state or against the laws of the United States that,
8 if committed or attempted in this State, would have been
9 punishable as a felony under the laws of this State.
10 Authorization for the investigation shall be furnished by the
11 applicant to the Chicago Park District. Upon receipt of this
12 authorization, the Chicago Park District shall submit the
13 applicant's name, sex, race, date of birth, and social
14 security number to the Illinois ~~Department of~~ State Police on
15 forms prescribed by the Illinois ~~Department of~~ State Police.
16 The Illinois ~~Department of~~ State Police shall conduct a search
17 of the Illinois criminal history record information database
18 to ascertain if the applicant being considered for employment
19 has been convicted of any of the enumerated criminal or drug
20 offenses in subsection (c) or (d) of this Section, or
21 adjudicated a delinquent minor for committing or attempting to
22 commit any of the enumerated criminal or drug offenses in
23 subsection (c) or (d) of this Section, or has been convicted of
24 committing or attempting to commit, within 7 years of the
25 application for employment with the Chicago Park District, any
26 other felony under the laws of this State. The Illinois

1 ~~Department of~~ State Police shall charge the Chicago Park
2 District a fee for conducting the investigation, which fee
3 shall be deposited in the State Police Services Fund and shall
4 not exceed the cost of the inquiry. The applicant shall not be
5 charged a fee by the Chicago Park District for the
6 investigation.

7 (b) If the search of the Illinois criminal history record
8 database indicates that the applicant has been convicted of
9 any of the enumerated criminal or drug offenses in subsection
10 (c) or (d), or adjudicated a delinquent minor for committing
11 or attempting to commit any of the enumerated criminal or drug
12 offenses in subsection (c) or (d), or has been convicted of
13 committing or attempting to commit, within 7 years of the
14 application for employment with the Chicago Park District, any
15 other felony under the laws of this State, the Illinois
16 ~~Department of~~ State Police and the Federal Bureau of
17 Investigation shall furnish, pursuant to a fingerprint based
18 background check, records of convictions or adjudications as a
19 delinquent minor, until expunged, to the General
20 Superintendent and Chief Executive Officer of the Chicago Park
21 District. Any information concerning the record of convictions
22 or adjudications as a delinquent minor obtained by the General
23 Superintendent and Chief Executive Officer shall be
24 confidential and may only be transmitted to those persons who
25 are necessary to the decision on whether to hire the applicant
26 for employment. A copy of the record of convictions or

1 adjudications as a delinquent minor obtained from the Illinois
2 ~~Department of~~ State Police shall be provided to the applicant
3 for employment. Any person who releases any confidential
4 information concerning any criminal convictions or
5 adjudications as a delinquent minor of an applicant for
6 employment shall be guilty of a Class A misdemeanor, unless
7 the release of such information is authorized by this Section.

8 (c) The Chicago Park District may not knowingly employ a
9 person who has been convicted, or adjudicated a delinquent
10 minor, for committing attempted first degree murder or for
11 committing or attempting to commit first degree murder, a
12 Class X felony, or any one or more of the following criminal
13 offenses: (i) those defined in Sections 11-1.20, 11-1.30,
14 11-1.40, 11-1.50, 11-1.60, 11-6, 11-9, 11-14.3, 11-14.4,
15 11-15, 11-15.1, 11-16, 11-17, 11-18, 11-19, 11-19.1, 11-19.2,
16 11-20, 11-20.1, 11-20.1B, 11-20.3, 11-21, 11-30 (if convicted
17 of a Class 4 felony), 12-7.3, 12-7.4, 12-7.5, 12-13, 12-14,
18 12-14.1, 12-15, and 12-16 of the Criminal Code of 1961 or the
19 Criminal Code of 2012; (ii) (blank); (iii) (blank); (iv)
20 (blank); and (v) any offense committed or attempted in any
21 other state or against the laws of the United States, which, if
22 committed or attempted in this State, would have been
23 punishable as one or more of the foregoing offenses. Further,
24 the Chicago Park District may not knowingly employ a person
25 who has been found to be the perpetrator of sexual or physical
26 abuse of any minor under 18 years of age pursuant to

1 proceedings under Article II of the Juvenile Court Act of
2 1987. The Chicago Park District may not knowingly employ a
3 person for whom a criminal background investigation has not
4 been initiated.

5 (d) The Chicago Park District shall not knowingly employ a
6 person who has been convicted of the following drug offenses,
7 other than an offense set forth in subsection (c), until 7
8 years following the end of the sentence imposed for any of the
9 following offenses: (i) those defined in the Cannabis Control
10 Act, except those defined in Sections 4(a), 4(b), 4(c), 5(a),
11 and 5(b) of that Act; (ii) those defined in the Illinois
12 Controlled Substances Act; (iii) those defined in the
13 Methamphetamine Control and Community Protection Act; and (iv)
14 any offense committed or attempted in any other state or
15 against the laws of the United States, which, if committed or
16 attempted in this State, would have been punishable as one or
17 more of the foregoing offenses. For purposes of this
18 paragraph, "sentence" includes any period of supervision or
19 probation that was imposed either alone or in combination with
20 a period of incarceration.

21 (e) Notwithstanding the provisions of subsection (c) or
22 (d), the Chicago Park District may, in its discretion, employ
23 a person who has been granted a certificate of good conduct
24 under Section 5-5.5-25 of the Unified Code of Corrections by
25 the Circuit Court.

26 (Source: P.A. 99-884, eff. 8-22-16.)

1 Section 505. The Metropolitan Transit Authority Act is
2 amended by changing Section 28b as follows:

3 (70 ILCS 3605/28b) (from Ch. 111 2/3, par. 328b)

4 Sec. 28b. Any person applying for a position as a driver of
5 a vehicle owned by a private carrier company which provides
6 public transportation pursuant to an agreement with the
7 Authority shall be required to authorize an investigation by
8 the private carrier company to determine if the applicant has
9 been convicted of any of the following offenses: (i) those
10 offenses defined in Sections 9-1, 9-1.2, 10-1, 10-2, 10-3.1,
11 10-4, 10-5, 10-6, 10-7, 11-1.20, 11-1.30, 11-1.40, 11-1.50,
12 11-1.60, 11-6, 11-9, 11-14, 11-14.3, 11-14.4, 11-15, 11-15.1,
13 11-16, 11-17, 11-18, 11-19, 11-19.1, 11-19.2, 11-20, 11-20.1,
14 11-20.1B, 11-20.3, 11-21, 11-22, 11-30, 12-4.3, 12-4.4,
15 12-4.5, 12-6, 12-7.1, 12-11, 12-13, 12-14, 12-14.1, 12-15,
16 12-16, 12-16.1, 18-1, 18-2, 19-6, 20-1, 20-1.1, 31A-1,
17 31A-1.1, and 33A-2, in subsection (a) and subsection (b),
18 clause (1), of Section 12-4, in subdivisions (a)(1), (b)(1),
19 and (f)(1) of Section 12-3.05, and in subsection (a-5) of
20 Section 12-3.1 of the Criminal Code of 1961 or the Criminal
21 Code of 2012; (ii) those offenses defined in the Cannabis
22 Control Act except those offenses defined in subsections (a)
23 and (b) of Section 4, and subsection (a) of Section 5 of the
24 Cannabis Control Act (iii) those offenses defined in the

1 Illinois Controlled Substances Act; (iv) those offenses
2 defined in the Methamphetamine Control and Community
3 Protection Act; and (v) any offense committed or attempted in
4 any other state or against the laws of the United States, which
5 if committed or attempted in this State would be punishable as
6 one or more of the foregoing offenses. Upon receipt of this
7 authorization, the private carrier company shall submit the
8 applicant's name, sex, race, date of birth, fingerprints and
9 social security number to the Illinois ~~Department of~~ State
10 Police on forms prescribed by the Department. The Illinois
11 ~~Department of~~ State Police shall conduct an investigation to
12 ascertain if the applicant has been convicted of any of the
13 above enumerated offenses. The Department shall charge the
14 private carrier company a fee for conducting the
15 investigation, which fee shall be deposited in the State
16 Police Services Fund and shall not exceed the cost of the
17 inquiry; and the applicant shall not be charged a fee for such
18 investigation by the private carrier company. The Illinois
19 ~~Department of~~ State Police shall furnish, pursuant to positive
20 identification, records of convictions, until expunged, to the
21 private carrier company which requested the investigation. A
22 copy of the record of convictions obtained from the Department
23 shall be provided to the applicant. Any record of conviction
24 received by the private carrier company shall be confidential.
25 Any person who releases any confidential information
26 concerning any criminal convictions of an applicant shall be

1 guilty of a Class A misdemeanor, unless authorized by this
2 Section.

3 (Source: P.A. 96-1551, Article 1, Section 920, eff. 7-1-11;
4 96-1551, Article 2, Section 960, eff. 7-1-11; 97-1108, eff.
5 1-1-13; 97-1109, eff. 1-1-13; 97-1150, eff. 1-25-13.)

6 Section 510. The School Code is amended by changing
7 Sections 1A-11, 2-3.25o, 2-3.73, 2-3.140, 10-20.21a, 10-21.7,
8 10-21.9, 10-27.1A, 10-27.1B, 34-2.1, 34-8.05, and 34-18.5 as
9 follows:

10 (105 ILCS 5/1A-11)

11 Sec. 1A-11. Children; methamphetamine; protocol. The State
12 Board of Education shall cooperate with the Department of
13 Children and Family Services and the Illinois ~~Department of~~
14 State Police in developing the protocol required under Section
15 6.5 of the Children and Family Services Act. The Board must
16 post the protocol on the official Web site maintained by the
17 Board.

18 (Source: P.A. 94-554, eff. 1-1-06.)

19 (105 ILCS 5/2-3.25o)

20 Sec. 2-3.25o. Registration and recognition of non-public
21 elementary and secondary schools.

22 (a) Findings. The General Assembly finds and declares (i)
23 that the Constitution of the State of Illinois provides that a

1 "fundamental goal of the People of the State is the
2 educational development of all persons to the limits of their
3 capacities" and (ii) that the educational development of every
4 school student serves the public purposes of the State. In
5 order to ensure that all Illinois students and teachers have
6 the opportunity to enroll and work in State-approved
7 educational institutions and programs, the State Board of
8 Education shall provide for the voluntary registration and
9 recognition of non-public elementary and secondary schools.

10 (b) Registration. All non-public elementary and secondary
11 schools in the State of Illinois may voluntarily register with
12 the State Board of Education on an annual basis. Registration
13 shall be completed in conformance with procedures prescribed
14 by the State Board of Education. Information required for
15 registration shall include assurances of compliance (i) with
16 federal and State laws regarding health examination and
17 immunization, attendance, length of term, and
18 nondiscrimination and (ii) with applicable fire and health
19 safety requirements.

20 (c) Recognition. All non-public elementary and secondary
21 schools in the State of Illinois may voluntarily seek the
22 status of "Non-public School Recognition" from the State Board
23 of Education. This status may be obtained by compliance with
24 administrative guidelines and review procedures as prescribed
25 by the State Board of Education. The guidelines and procedures
26 must recognize that some of the aims and the financial bases of

1 non-public schools are different from public schools and will
2 not be identical to those for public schools, nor will they be
3 more burdensome. The guidelines and procedures must also
4 recognize the diversity of non-public schools and shall not
5 impinge upon the noneducational relationships between those
6 schools and their clientele.

7 (c-5) Prohibition against recognition. A non-public
8 elementary or secondary school may not obtain "Non-public
9 School Recognition" status unless the school requires all
10 certified and non-certified applicants for employment with the
11 school, after July 1, 2007, to authorize a fingerprint-based
12 criminal history records check as a condition of employment to
13 determine if such applicants have been convicted of any of the
14 enumerated criminal or drug offenses set forth in Section
15 21B-80 of this Code or have been convicted, within 7 years of
16 the application for employment, of any other felony under the
17 laws of this State or of any offense committed or attempted in
18 any other state or against the laws of the United States that,
19 if committed or attempted in this State, would have been
20 punishable as a felony under the laws of this State.

21 Authorization for the check shall be furnished by the
22 applicant to the school, except that if the applicant is a
23 substitute teacher seeking employment in more than one
24 non-public school, a teacher seeking concurrent part-time
25 employment positions with more than one non-public school (as
26 a reading specialist, special education teacher, or

1 otherwise), or an educational support personnel employee
2 seeking employment positions with more than one non-public
3 school, then only one of the non-public schools employing the
4 individual shall request the authorization. Upon receipt of
5 this authorization, the non-public school shall submit the
6 applicant's name, sex, race, date of birth, social security
7 number, fingerprint images, and other identifiers, as
8 prescribed by the Illinois ~~Department of~~ State Police, to the
9 Illinois ~~Department of~~ State Police.

10 The Illinois ~~Department of~~ State Police and Federal Bureau
11 of Investigation shall furnish, pursuant to a
12 fingerprint-based criminal history records check, records of
13 convictions, forever and hereafter, until expunged, to the
14 president or principal of the non-public school that requested
15 the check. The Illinois ~~Department of~~ State Police shall
16 charge that school a fee for conducting such check, which fee
17 must be deposited into the State Police Services Fund and must
18 not exceed the cost of the inquiry. Subject to appropriations
19 for these purposes, the State Superintendent of Education
20 shall reimburse non-public schools for fees paid to obtain
21 criminal history records checks under this Section.

22 A non-public school may not obtain recognition status
23 unless the school also performs a check of the Statewide Sex
24 Offender Database, as authorized by the Sex Offender Community
25 Notification Law, for each applicant for employment, after
26 July 1, 2007, to determine whether the applicant has been

1 adjudicated a sex offender.

2 Any information concerning the record of convictions
3 obtained by a non-public school's president or principal under
4 this Section is confidential and may be disseminated only to
5 the governing body of the non-public school or any other
6 person necessary to the decision of hiring the applicant for
7 employment. A copy of the record of convictions obtained from
8 the Illinois ~~Department of~~ State Police shall be provided to
9 the applicant for employment. Upon a check of the Statewide
10 Sex Offender Database, the non-public school shall notify the
11 applicant as to whether or not the applicant has been
12 identified in the Sex Offender Database as a sex offender. Any
13 information concerning the records of conviction obtained by
14 the non-public school's president or principal under this
15 Section for a substitute teacher seeking employment in more
16 than one non-public school, a teacher seeking concurrent
17 part-time employment positions with more than one non-public
18 school (as a reading specialist, special education teacher, or
19 otherwise), or an educational support personnel employee
20 seeking employment positions with more than one non-public
21 school may be shared with another non-public school's
22 principal or president to which the applicant seeks
23 employment. Any unauthorized release of confidential
24 information may be a violation of Section 7 of the Criminal
25 Identification Act.

26 No non-public school may obtain recognition status that

1 knowingly employs a person, hired after July 1, 2007, for whom
2 an Illinois ~~a Department of~~ State Police and Federal Bureau of
3 Investigation fingerprint-based criminal history records check
4 and a Statewide Sex Offender Database check has not been
5 initiated or who has been convicted of any offense enumerated
6 in Section 21B-80 of this Code or any offense committed or
7 attempted in any other state or against the laws of the United
8 States that, if committed or attempted in this State, would
9 have been punishable as one or more of those offenses. No
10 non-public school may obtain recognition status under this
11 Section that knowingly employs a person who has been found to
12 be the perpetrator of sexual or physical abuse of a minor under
13 18 years of age pursuant to proceedings under Article II of the
14 Juvenile Court Act of 1987.

15 In order to obtain recognition status under this Section,
16 a non-public school must require compliance with the
17 provisions of this subsection (c-5) from all employees of
18 persons or firms holding contracts with the school, including,
19 but not limited to, food service workers, school bus drivers,
20 and other transportation employees, who have direct, daily
21 contact with pupils. Any information concerning the records of
22 conviction or identification as a sex offender of any such
23 employee obtained by the non-public school principal or
24 president must be promptly reported to the school's governing
25 body.

26 Prior to the commencement of any student teaching

1 experience or required internship (which is referred to as
2 student teaching in this Section) in any non-public elementary
3 or secondary school that has obtained or seeks to obtain
4 recognition status under this Section, a student teacher is
5 required to authorize a fingerprint-based criminal history
6 records check. Authorization for and payment of the costs of
7 the check must be furnished by the student teacher to the chief
8 administrative officer of the non-public school where the
9 student teaching is to be completed. Upon receipt of this
10 authorization and payment, the chief administrative officer of
11 the non-public school shall submit the student teacher's name,
12 sex, race, date of birth, social security number, fingerprint
13 images, and other identifiers, as prescribed by the Illinois
14 ~~Department of~~ State Police, to the Illinois ~~Department of~~
15 State Police. The Illinois ~~Department of~~ State Police and the
16 Federal Bureau of Investigation shall furnish, pursuant to a
17 fingerprint-based criminal history records check, records of
18 convictions, forever and hereinafter, until expunged, to the
19 chief administrative officer of the non-public school that
20 requested the check. The Illinois ~~Department of~~ State Police
21 shall charge the school a fee for conducting the check, which
22 fee must be passed on to the student teacher, must not exceed
23 the cost of the inquiry, and must be deposited into the State
24 Police Services Fund. The school shall further perform a check
25 of the Statewide Sex Offender Database, as authorized by the
26 Sex Offender Community Notification Law, and of the Statewide

1 Murderer and Violent Offender Against Youth Database, as
2 authorized by the Murderer and Violent Offender Against Youth
3 Registration Act, for each student teacher. No school that has
4 obtained or seeks to obtain recognition status under this
5 Section may knowingly allow a person to student teach for whom
6 a criminal history records check, a Statewide Sex Offender
7 Database check, and a Statewide Murderer and Violent Offender
8 Against Youth Database check have not been completed and
9 reviewed by the chief administrative officer of the non-public
10 school.

11 A copy of the record of convictions obtained from the
12 Illinois ~~Department of~~ State Police must be provided to the
13 student teacher. Any information concerning the record of
14 convictions obtained by the chief administrative officer of
15 the non-public school is confidential and may be transmitted
16 only to the chief administrative officer of the non-public
17 school or his or her designee, the State Superintendent of
18 Education, the State Educator Preparation and Licensure Board,
19 or, for clarification purposes, the Illinois ~~Department of~~
20 State Police or the Statewide Sex Offender Database or
21 Statewide Murderer and Violent Offender Against Youth
22 Database. Any unauthorized release of confidential information
23 may be a violation of Section 7 of the Criminal Identification
24 Act.

25 No school that has obtained or seeks to obtain recognition
26 status under this Section may knowingly allow a person to

1 student teach who has been convicted of any offense that would
2 subject him or her to license suspension or revocation
3 pursuant to Section 21B-80 of this Code or who has been found
4 to be the perpetrator of sexual or physical abuse of a minor
5 under 18 years of age pursuant to proceedings under Article II
6 of the Juvenile Court Act of 1987.

7 (d) Public purposes. The provisions of this Section are in
8 the public interest, for the public benefit, and serve secular
9 public purposes.

10 (e) Definition. For purposes of this Section, a non-public
11 school means any non-profit, non-home-based, and non-public
12 elementary or secondary school that is in compliance with
13 Title VI of the Civil Rights Act of 1964 and attendance at
14 which satisfies the requirements of Section 26-1 of this Code.

15 (Source: P.A. 99-21, eff. 1-1-16; 99-30, eff. 7-10-15.)

16 (105 ILCS 5/2-3.73) (from Ch. 122, par. 2-3.73)

17 Sec. 2-3.73. Missing child program. The State Board of
18 Education shall administer and implement a missing child
19 program in accordance with the provisions of this Section.
20 Upon receipt of each periodic information bulletin from the
21 Illinois Department of State Police pursuant to Section 6 of
22 the Intergovernmental Missing Child Recovery Act of 1984, the
23 State Board of Education shall promptly disseminate the
24 information to each school district in this State and to the
25 principal or chief administrative officer of every nonpublic

1 elementary and secondary school in this State registered with
2 the State Board of Education. Upon receipt of such
3 information, each school board shall compare the names on the
4 bulletin to the names of all students presently enrolled in
5 the schools of the district. If a school board or its designee
6 determines that a missing child is attending one of the
7 schools within the school district, or if the principal or
8 chief administrative officer of a nonpublic school is notified
9 by school personnel that a missing child is attending that
10 school, the school board or the principal or chief
11 administrative officer of the nonpublic school shall
12 immediately give notice of this fact to the Illinois
13 ~~Department of~~ State Police and the law enforcement agency
14 having jurisdiction in the area where the missing child
15 resides or attends school.

16 (Source: P.A. 95-793, eff. 1-1-09; 96-734, eff. 8-25-09.)

17 (105 ILCS 5/2-3.140)

18 Sec. 2-3.140. Child abduction prevention instruction. The
19 State Board of Education, in coordination with the Illinois
20 ~~Department of~~ State Police, shall develop child abduction
21 prevention instruction for inclusion in elementary and
22 secondary school curricula throughout the State. The State
23 Board of Education and the Illinois ~~Department of~~ State Police
24 shall encourage the inclusion of the child abduction
25 prevention instruction in private elementary and secondary

1 school curricula throughout the State.

2 (Source: P.A. 93-310, eff. 7-23-03.)

3 (105 ILCS 5/10-20.21a)

4 Sec. 10-20.21a. Contracts for charter bus services. To
5 award contracts for providing charter bus services for the
6 sole purpose of transporting students regularly enrolled in
7 grade 12 or below to or from interscholastic athletic or
8 interscholastic or school sponsored activities.

9 All contracts for providing charter bus services for the
10 sole purpose of transporting students regularly enrolled in
11 grade 12 or below to or from interscholastic athletic or
12 interscholastic or school sponsored activities must contain
13 clause (A) as set forth below, except that a contract with an
14 out-of-state company may contain clause (B), as set forth
15 below, or clause (A). The clause must be set forth in the body
16 of the contract in typeface of at least 12 points and all upper
17 case letters:

18 (A) "ALL OF THE CHARTER BUS DRIVERS WHO WILL BE PROVIDING
19 SERVICES UNDER THIS CONTRACT HAVE, OR WILL HAVE BEFORE ANY
20 SERVICES ARE PROVIDED:

21 (1) SUBMITTED THEIR FINGERPRINTS TO THE ILLINOIS
22 ~~DEPARTMENT OF~~ STATE POLICE IN THE FORM AND MANNER
23 PRESCRIBED BY THE ILLINOIS ~~DEPARTMENT OF~~ STATE POLICE.
24 THESE FINGERPRINTS SHALL BE CHECKED AGAINST THE
25 FINGERPRINT RECORDS NOW AND HEREAFTER FILED IN THE

1 ILLINOIS ~~DEPARTMENT OF~~ STATE POLICE AND FEDERAL BUREAU OF
2 INVESTIGATION CRIMINAL HISTORY RECORDS DATABASES. THE
3 FINGERPRINT CHECK HAS RESULTED IN A DETERMINATION THAT
4 THEY HAVE NOT BEEN CONVICTED OF COMMITTING ANY OF THE
5 OFFENSES SET FORTH IN SUBDIVISION (C-1) (4) OF SECTION
6 6-508 OF THE ILLINOIS VEHICLE CODE; AND

7 (2) DEMONSTRATED PHYSICAL FITNESS TO OPERATE SCHOOL
8 BUSES BY SUBMITTING THE RESULTS OF A MEDICAL EXAMINATION,
9 INCLUDING TESTS FOR DRUG USE, TO A STATE REGULATORY
10 AGENCY."

11 (B) "NOT ALL OF THE CHARTER BUS DRIVERS WHO WILL BE
12 PROVIDING SERVICES UNDER THIS CONTRACT HAVE, OR WILL HAVE
13 BEFORE ANY SERVICES ARE PROVIDED:

14 (1) SUBMITTED THEIR FINGERPRINTS TO THE ILLINOIS
15 ~~DEPARTMENT OF~~ STATE POLICE IN THE FORM AND MANNER
16 PRESCRIBED BY THE ILLINOIS ~~DEPARTMENT OF~~ STATE POLICE.
17 THESE FINGERPRINTS SHALL BE CHECKED AGAINST THE
18 FINGERPRINT RECORDS NOW AND HEREAFTER FILED IN THE
19 ILLINOIS ~~DEPARTMENT OF~~ STATE POLICE AND FEDERAL BUREAU OF
20 INVESTIGATION CRIMINAL HISTORY RECORDS DATABASES. THE
21 FINGERPRINT CHECK HAS RESULTED IN A DETERMINATION THAT
22 THEY HAVE NOT BEEN CONVICTED OF COMMITTING ANY OF THE
23 OFFENSES SET FORTH IN SUBDIVISION (C-1) (4) OF SECTION
24 6-508 OF THE ILLINOIS VEHICLE CODE; AND

25 (2) DEMONSTRATED PHYSICAL FITNESS TO OPERATE SCHOOL
26 BUSES BY SUBMITTING THE RESULTS OF A MEDICAL EXAMINATION,

1 INCLUDING TESTS FOR DRUG USE, TO A STATE REGULATORY
2 AGENCY."

3 (Source: P.A. 95-331, eff. 8-21-07.)

4 (105 ILCS 5/10-21.7) (from Ch. 122, par. 10-21.7)

5 Sec. 10-21.7. Attacks on school personnel.

6 (a) In the Section, "school" means any public or private
7 elementary or secondary school.

8 (b) Upon receipt of a written complaint from any school
9 personnel, the superintendent, or other appropriate
10 administrative officer for a private school, shall report all
11 incidents of battery committed against teachers, teacher
12 personnel, administrative personnel or educational support
13 personnel to the local law enforcement authorities immediately
14 after the occurrence of the attack and to the Illinois
15 ~~Department of~~ State Police's Illinois Uniform Crime Reporting
16 Program no later than 3 days after the occurrence of the
17 attack. The State Board of Education shall receive monthly as
18 well as annual statistical compilations of attacks on school
19 personnel from the Illinois ~~Department of~~ State Police through
20 the Illinois Uniform Crime Reporting Program. The State Board
21 of Education shall compile this information by school district
22 and make it available to the public.

23 (Source: P.A. 91-491, eff. 8-13-99.)

24 (105 ILCS 5/10-21.9) (from Ch. 122, par. 10-21.9)

1 Sec. 10-21.9. Criminal history records checks and checks
2 of the Statewide Sex Offender Database and Statewide Murderer
3 and Violent Offender Against Youth Database.

4 (a) Licensed and nonlicensed applicants for employment
5 with a school district, except school bus driver applicants,
6 are required as a condition of employment to authorize a
7 fingerprint-based criminal history records check to determine
8 if such applicants have been convicted of any disqualifying,
9 enumerated criminal or drug offenses in subsection (c) of this
10 Section or have been convicted, within 7 years of the
11 application for employment with the school district, of any
12 other felony under the laws of this State or of any offense
13 committed or attempted in any other state or against the laws
14 of the United States that, if committed or attempted in this
15 State, would have been punishable as a felony under the laws of
16 this State. Authorization for the check shall be furnished by
17 the applicant to the school district, except that if the
18 applicant is a substitute teacher seeking employment in more
19 than one school district, a teacher seeking concurrent
20 part-time employment positions with more than one school
21 district (as a reading specialist, special education teacher
22 or otherwise), or an educational support personnel employee
23 seeking employment positions with more than one district, any
24 such district may require the applicant to furnish
25 authorization for the check to the regional superintendent of
26 the educational service region in which are located the school

1 districts in which the applicant is seeking employment as a
2 substitute or concurrent part-time teacher or concurrent
3 educational support personnel employee. Upon receipt of this
4 authorization, the school district or the appropriate regional
5 superintendent, as the case may be, shall submit the
6 applicant's name, sex, race, date of birth, social security
7 number, fingerprint images, and other identifiers, as
8 prescribed by the Illinois Department of State Police, to the
9 Illinois State Police Department. The regional superintendent
10 submitting the requisite information to the Illinois
11 ~~Department~~ of State Police shall promptly notify the school
12 districts in which the applicant is seeking employment as a
13 substitute or concurrent part-time teacher or concurrent
14 educational support personnel employee that the check of the
15 applicant has been requested. The Illinois Department of State
16 Police and the Federal Bureau of Investigation shall furnish,
17 pursuant to a fingerprint-based criminal history records
18 check, records of convictions, forever and hereinafter, until
19 expunged, to the president of the school board for the school
20 district that requested the check, or to the regional
21 superintendent who requested the check. The Illinois State
22 Police Department shall charge the school district or the
23 appropriate regional superintendent a fee for conducting such
24 check, which fee shall be deposited in the State Police
25 Services Fund and shall not exceed the cost of the inquiry; and
26 the applicant shall not be charged a fee for such check by the

1 school district or by the regional superintendent, except that
2 those applicants seeking employment as a substitute teacher
3 with a school district may be charged a fee not to exceed the
4 cost of the inquiry. Subject to appropriations for these
5 purposes, the State Superintendent of Education shall
6 reimburse school districts and regional superintendents for
7 fees paid to obtain criminal history records checks under this
8 Section.

9 (a-5) The school district or regional superintendent shall
10 further perform a check of the Statewide Sex Offender
11 Database, as authorized by the Sex Offender Community
12 Notification Law, for each applicant. The check of the
13 Statewide Sex Offender Database must be conducted by the
14 school district or regional superintendent once for every 5
15 years that an applicant remains employed by the school
16 district.

17 (a-6) The school district or regional superintendent shall
18 further perform a check of the Statewide Murderer and Violent
19 Offender Against Youth Database, as authorized by the Murderer
20 and Violent Offender Against Youth Community Notification Law,
21 for each applicant. The check of the Murderer and Violent
22 Offender Against Youth Database must be conducted by the
23 school district or regional superintendent once for every 5
24 years that an applicant remains employed by the school
25 district.

26 (b) Any information concerning the record of convictions

1 obtained by the president of the school board or the regional
2 superintendent shall be confidential and may only be
3 transmitted to the superintendent of the school district or
4 his designee, the appropriate regional superintendent if the
5 check was requested by the school district, the presidents of
6 the appropriate school boards if the check was requested from
7 the Illinois ~~Department of~~ State Police by the regional
8 superintendent, the State Board of Education and a school
9 district as authorized under subsection (b-5), the State
10 Superintendent of Education, the State Educator Preparation
11 and Licensure Board, any other person necessary to the
12 decision of hiring the applicant for employment, or for
13 clarification purposes the Illinois ~~Department of~~ State Police
14 or Statewide Sex Offender Database, or both. A copy of the
15 record of convictions obtained from the Illinois ~~Department of~~
16 State Police shall be provided to the applicant for
17 employment. Upon the check of the Statewide Sex Offender
18 Database or Statewide Murderer and Violent Offender Against
19 Youth Database, the school district or regional superintendent
20 shall notify an applicant as to whether or not the applicant
21 has been identified in the Database. If a check of an applicant
22 for employment as a substitute or concurrent part-time teacher
23 or concurrent educational support personnel employee in more
24 than one school district was requested by the regional
25 superintendent, and the Illinois ~~Department of~~ State Police
26 upon a check ascertains that the applicant has not been

1 convicted of any of the enumerated criminal or drug offenses
2 in subsection (c) of this Section or has not been convicted,
3 within 7 years of the application for employment with the
4 school district, of any other felony under the laws of this
5 State or of any offense committed or attempted in any other
6 state or against the laws of the United States that, if
7 committed or attempted in this State, would have been
8 punishable as a felony under the laws of this State and so
9 notifies the regional superintendent and if the regional
10 superintendent upon a check ascertains that the applicant has
11 not been identified in the Sex Offender Database or Statewide
12 Murderer and Violent Offender Against Youth Database, then the
13 regional superintendent shall issue to the applicant a
14 certificate evidencing that as of the date specified by the
15 Illinois Department of State Police ~~Department of State Police~~ the applicant has not been
16 convicted of any of the enumerated criminal or drug offenses
17 in subsection (c) of this Section or has not been convicted,
18 within 7 years of the application for employment with the
19 school district, of any other felony under the laws of this
20 State or of any offense committed or attempted in any other
21 state or against the laws of the United States that, if
22 committed or attempted in this State, would have been
23 punishable as a felony under the laws of this State and
24 evidencing that as of the date that the regional
25 superintendent conducted a check of the Statewide Sex Offender
26 Database or Statewide Murderer and Violent Offender Against

1 Youth Database, the applicant has not been identified in the
2 Database. The school board of any school district may rely on
3 the certificate issued by any regional superintendent to that
4 substitute teacher, concurrent part-time teacher, or
5 concurrent educational support personnel employee or may
6 initiate its own criminal history records check of the
7 applicant through the Illinois ~~Department of~~ State Police and
8 its own check of the Statewide Sex Offender Database or
9 Statewide Murderer and Violent Offender Against Youth Database
10 as provided in this Section. Any unauthorized release of
11 confidential information may be a violation of Section 7 of
12 the Criminal Identification Act.

13 (b-5) If a criminal history records check or check of the
14 Statewide Sex Offender Database or Statewide Murderer and
15 Violent Offender Against Youth Database is performed by a
16 regional superintendent for an applicant seeking employment as
17 a substitute teacher with a school district, the regional
18 superintendent may disclose to the State Board of Education
19 whether the applicant has been issued a certificate under
20 subsection (b) based on those checks. If the State Board
21 receives information on an applicant under this subsection,
22 then it must indicate in the Educator Licensure Information
23 System for a 90-day period that the applicant has been issued
24 or has not been issued a certificate.

25 (c) No school board shall knowingly employ a person who
26 has been convicted of any offense that would subject him or her

1 to license suspension or revocation pursuant to Section 21B-80
2 of this Code, except as provided under subsection (b) of
3 Section 21B-80. Further, no school board shall knowingly
4 employ a person who has been found to be the perpetrator of
5 sexual or physical abuse of any minor under 18 years of age
6 pursuant to proceedings under Article II of the Juvenile Court
7 Act of 1987. As a condition of employment, each school board
8 must consider the status of a person who has been issued an
9 indicated finding of abuse or neglect of a child by the
10 Department of Children and Family Services under the Abused
11 and Neglected Child Reporting Act or by a child welfare agency
12 of another jurisdiction.

13 (d) No school board shall knowingly employ a person for
14 whom a criminal history records check and a Statewide Sex
15 Offender Database check have not been initiated.

16 (e) Within 10 days after a superintendent, regional office
17 of education, or entity that provides background checks of
18 license holders to public schools receives information of a
19 pending criminal charge against a license holder for an
20 offense set forth in Section 21B-80 of this Code, the
21 superintendent, regional office of education, or entity must
22 notify the State Superintendent of Education of the pending
23 criminal charge.

24 If permissible by federal or State law, no later than 15
25 business days after receipt of a record of conviction or of
26 checking the Statewide Murderer and Violent Offender Against

1 Youth Database or the Statewide Sex Offender Database and
2 finding a registration, the superintendent of the employing
3 school board or the applicable regional superintendent shall,
4 in writing, notify the State Superintendent of Education of
5 any license holder who has been convicted of a crime set forth
6 in Section 21B-80 of this Code. Upon receipt of the record of a
7 conviction of or a finding of child abuse by a holder of any
8 license issued pursuant to Article 21B or Section 34-8.1 or
9 34-83 of the School Code, the State Superintendent of
10 Education may initiate licensure suspension and revocation
11 proceedings as authorized by law. If the receipt of the record
12 of conviction or finding of child abuse is received within 6
13 months after the initial grant of or renewal of a license, the
14 State Superintendent of Education may rescind the license
15 holder's license.

16 (e-5) The superintendent of the employing school board
17 shall, in writing, notify the State Superintendent of
18 Education and the applicable regional superintendent of
19 schools of any license holder whom he or she has reasonable
20 cause to believe has committed an intentional act of abuse or
21 neglect with the result of making a child an abused child or a
22 neglected child, as defined in Section 3 of the Abused and
23 Neglected Child Reporting Act, and that act resulted in the
24 license holder's dismissal or resignation from the school
25 district. This notification must be submitted within 30 days
26 after the dismissal or resignation. The license holder must

1 also be contemporaneously sent a copy of the notice by the
2 superintendent. All correspondence, documentation, and other
3 information so received by the regional superintendent of
4 schools, the State Superintendent of Education, the State
5 Board of Education, or the State Educator Preparation and
6 Licensure Board under this subsection (e-5) is confidential
7 and must not be disclosed to third parties, except (i) as
8 necessary for the State Superintendent of Education or his or
9 her designee to investigate and prosecute pursuant to Article
10 21B of this Code, (ii) pursuant to a court order, (iii) for
11 disclosure to the license holder or his or her representative,
12 or (iv) as otherwise provided in this Article and provided
13 that any such information admitted into evidence in a hearing
14 is exempt from this confidentiality and non-disclosure
15 requirement. Except for an act of willful or wanton
16 misconduct, any superintendent who provides notification as
17 required in this subsection (e-5) shall have immunity from any
18 liability, whether civil or criminal or that otherwise might
19 result by reason of such action.

20 (f) After January 1, 1990 the provisions of this Section
21 shall apply to all employees of persons or firms holding
22 contracts with any school district including, but not limited
23 to, food service workers, school bus drivers and other
24 transportation employees, who have direct, daily contact with
25 the pupils of any school in such district. For purposes of
26 criminal history records checks and checks of the Statewide

1 Sex Offender Database on employees of persons or firms holding
2 contracts with more than one school district and assigned to
3 more than one school district, the regional superintendent of
4 the educational service region in which the contracting school
5 districts are located may, at the request of any such school
6 district, be responsible for receiving the authorization for a
7 criminal history records check prepared by each such employee
8 and submitting the same to the Illinois ~~Department of~~ State
9 Police and for conducting a check of the Statewide Sex
10 Offender Database for each employee. Any information
11 concerning the record of conviction and identification as a
12 sex offender of any such employee obtained by the regional
13 superintendent shall be promptly reported to the president of
14 the appropriate school board or school boards.

15 (f-5) Upon request of a school or school district, any
16 information obtained by a school district pursuant to
17 subsection (f) of this Section within the last year must be
18 made available to the requesting school or school district.

19 (g) Prior to the commencement of any student teaching
20 experience or required internship (which is referred to as
21 student teaching in this Section) in the public schools, a
22 student teacher is required to authorize a fingerprint-based
23 criminal history records check. Authorization for and payment
24 of the costs of the check must be furnished by the student
25 teacher to the school district where the student teaching is
26 to be completed. Upon receipt of this authorization and

1 payment, the school district shall submit the student
2 teacher's name, sex, race, date of birth, social security
3 number, fingerprint images, and other identifiers, as
4 prescribed by the Illinois Department of State Police, to the
5 Illinois Department of State Police. The Illinois Department
6 ~~of~~ State Police and the Federal Bureau of Investigation shall
7 furnish, pursuant to a fingerprint-based criminal history
8 records check, records of convictions, forever and
9 hereinafter, until expunged, to the president of the school
10 board for the school district that requested the check. The
11 Illinois State Police Department shall charge the school
12 district a fee for conducting the check, which fee must not
13 exceed the cost of the inquiry and must be deposited into the
14 State Police Services Fund. The school district shall further
15 perform a check of the Statewide Sex Offender Database, as
16 authorized by the Sex Offender Community Notification Law, and
17 of the Statewide Murderer and Violent Offender Against Youth
18 Database, as authorized by the Murderer and Violent Offender
19 Against Youth Registration Act, for each student teacher. No
20 school board may knowingly allow a person to student teach for
21 whom a criminal history records check, a Statewide Sex
22 Offender Database check, and a Statewide Murderer and Violent
23 Offender Against Youth Database check have not been completed
24 and reviewed by the district.

25 A copy of the record of convictions obtained from the
26 Illinois Department of State Police must be provided to the

1 student teacher. Any information concerning the record of
2 convictions obtained by the president of the school board is
3 confidential and may only be transmitted to the superintendent
4 of the school district or his or her designee, the State
5 Superintendent of Education, the State Educator Preparation
6 and Licensure Board, or, for clarification purposes, the
7 Illinois ~~Department of~~ State Police or the Statewide Sex
8 Offender Database or Statewide Murderer and Violent Offender
9 Against Youth Database. Any unauthorized release of
10 confidential information may be a violation of Section 7 of
11 the Criminal Identification Act.

12 No school board shall knowingly allow a person to student
13 teach who has been convicted of any offense that would subject
14 him or her to license suspension or revocation pursuant to
15 subsection (c) of Section 21B-80 of this Code, except as
16 provided under subsection (b) of Section 21B-80. Further, no
17 school board shall allow a person to student teach if he or she
18 has been found to be the perpetrator of sexual or physical
19 abuse of a minor under 18 years of age pursuant to proceedings
20 under Article II of the Juvenile Court Act of 1987. Each school
21 board must consider the status of a person to student teach who
22 has been issued an indicated finding of abuse or neglect of a
23 child by the Department of Children and Family Services under
24 the Abused and Neglected Child Reporting Act or by a child
25 welfare agency of another jurisdiction.

26 (h) (Blank).

1 (Source: P.A. 101-72, eff. 7-12-19; 101-531, eff. 8-23-19;
2 101-643, eff. 6-18-20.)

3 (105 ILCS 5/10-27.1A)

4 Sec. 10-27.1A. Firearms in schools.

5 (a) All school officials, including teachers, guidance
6 counselors, and support staff, shall immediately notify the
7 office of the principal in the event that they observe any
8 person in possession of a firearm on school grounds; provided
9 that taking such immediate action to notify the office of the
10 principal would not immediately endanger the health, safety,
11 or welfare of students who are under the direct supervision of
12 the school official or the school official. If the health,
13 safety, or welfare of students under the direct supervision of
14 the school official or of the school official is immediately
15 endangered, the school official shall notify the office of the
16 principal as soon as the students under his or her supervision
17 and he or she are no longer under immediate danger. A report is
18 not required by this Section when the school official knows
19 that the person in possession of the firearm is a law
20 enforcement official engaged in the conduct of his or her
21 official duties. Any school official acting in good faith who
22 makes such a report under this Section shall have immunity
23 from any civil or criminal liability that might otherwise be
24 incurred as a result of making the report. The identity of the
25 school official making such report shall not be disclosed

1 except as expressly and specifically authorized by law.
2 Knowingly and willfully failing to comply with this Section is
3 a petty offense. A second or subsequent offense is a Class C
4 misdemeanor.

5 (b) Upon receiving a report from any school official
6 pursuant to this Section, or from any other person, the
7 principal or his or her designee shall immediately notify a
8 local law enforcement agency. If the person found to be in
9 possession of a firearm on school grounds is a student, the
10 principal or his or her designee shall also immediately notify
11 that student's parent or guardian. Any principal or his or her
12 designee acting in good faith who makes such reports under
13 this Section shall have immunity from any civil or criminal
14 liability that might otherwise be incurred or imposed as a
15 result of making the reports. Knowingly and willfully failing
16 to comply with this Section is a petty offense. A second or
17 subsequent offense is a Class C misdemeanor. If the person
18 found to be in possession of the firearm on school grounds is a
19 minor, the law enforcement agency shall detain that minor
20 until such time as the agency makes a determination pursuant
21 to clause (a) of subsection (1) of Section 5-401 of the
22 Juvenile Court Act of 1987, as to whether the agency
23 reasonably believes that the minor is delinquent. If the law
24 enforcement agency determines that probable cause exists to
25 believe that the minor committed a violation of item (4) of
26 subsection (a) of Section 24-1 of the Criminal Code of 2012

1 while on school grounds, the agency shall detain the minor for
2 processing pursuant to Section 5-407 of the Juvenile Court Act
3 of 1987.

4 (c) On or after January 1, 1997, upon receipt of any
5 written, electronic, or verbal report from any school
6 personnel regarding a verified incident involving a firearm in
7 a school or on school owned or leased property, including any
8 conveyance owned, leased, or used by the school for the
9 transport of students or school personnel, the superintendent
10 or his or her designee shall report all such firearm-related
11 incidents occurring in a school or on school property to the
12 local law enforcement authorities immediately and to the
13 Illinois Department of State Police in a form, manner, and
14 frequency as prescribed by the Illinois Department of State
15 Police.

16 The State Board of Education shall receive an annual
17 statistical compilation and related data associated with
18 incidents involving firearms in schools from the Illinois
19 ~~Department of~~ State Police. The State Board of Education shall
20 compile this information by school district and make it
21 available to the public.

22 (d) As used in this Section, the term "firearm" shall have
23 the meaning ascribed to it in Section 1.1 of the Firearm Owners
24 Identification Card Act.

25 As used in this Section, the term "school" means any
26 public or private elementary or secondary school.

1 As used in this Section, the term "school grounds"
2 includes the real property comprising any school, any
3 conveyance owned, leased, or contracted by a school to
4 transport students to or from school or a school-related
5 activity, or any public way within 1,000 feet of the real
6 property comprising any school.

7 (Source: P.A. 97-1150, eff. 1-25-13.)

8 (105 ILCS 5/10-27.1B)

9 Sec. 10-27.1B. Reporting drug-related incidents in
10 schools.

11 (a) In this Section:

12 "Drug" means "cannabis" as defined under subsection (a) of
13 Section 3 of the Cannabis Control Act, "narcotic drug" as
14 defined under subsection (aa) of Section 102 of the Illinois
15 Controlled Substances Act, or "methamphetamine" as defined
16 under Section 10 of the Methamphetamine Control and Community
17 Protection Act.

18 "School" means any public or private elementary or
19 secondary school.

20 (b) Upon receipt of any written, electronic, or verbal
21 report from any school personnel regarding a verified incident
22 involving drugs in a school or on school owned or leased
23 property, including any conveyance owned, leased, or used by
24 the school for the transport of students or school personnel,
25 the superintendent or his or her designee, or other

1 appropriate administrative officer for a private school, shall
2 report all such drug-related incidents occurring in a school
3 or on school property to the local law enforcement authorities
4 immediately and to the Illinois ~~Department of~~ State Police in
5 a form, manner, and frequency as prescribed by the Illinois
6 ~~Department of~~ State Police.

7 (c) The State Board of Education shall receive an annual
8 statistical compilation and related data associated with
9 drug-related incidents in schools from the Illinois ~~Department~~
10 ~~of~~ State Police. The State Board of Education shall compile
11 this information by school district and make it available to
12 the public.

13 (Source: P.A. 94-556, eff. 9-11-05.)

14 (105 ILCS 5/34-2.1) (from Ch. 122, par. 34-2.1)

15 Sec. 34-2.1. Local School Councils - Composition -
16 Voter-Eligibility - Elections - Terms.

17 (a) A local school council shall be established for each
18 attendance center within the school district. Each local
19 school council shall consist of the following 12 voting
20 members: the principal of the attendance center, 2 teachers
21 employed and assigned to perform the majority of their
22 employment duties at the attendance center, 6 parents of
23 students currently enrolled at the attendance center, one
24 employee of the school district employed and assigned to
25 perform the majority of his or her employment duties at the

1 attendance center who is not a teacher, and 2 community
2 residents. Neither the parents nor the community residents who
3 serve as members of the local school council shall be
4 employees of the Board of Education. In each secondary
5 attendance center, the local school council shall consist of
6 13 voting members -- the 12 voting members described above and
7 one full-time student member, appointed as provided in
8 subsection (m) below. In the event that the chief executive
9 officer of the Chicago School Reform Board of Trustees
10 determines that a local school council is not carrying out its
11 financial duties effectively, the chief executive officer is
12 authorized to appoint a representative of the business
13 community with experience in finance and management to serve
14 as an advisor to the local school council for the purpose of
15 providing advice and assistance to the local school council on
16 fiscal matters. The advisor shall have access to relevant
17 financial records of the local school council. The advisor may
18 attend executive sessions. The chief executive officer shall
19 issue a written policy defining the circumstances under which
20 a local school council is not carrying out its financial
21 duties effectively.

22 (b) Within 7 days of January 11, 1991, the Mayor shall
23 appoint the members and officers (a Chairperson who shall be a
24 parent member and a Secretary) of each local school council
25 who shall hold their offices until their successors shall be
26 elected and qualified. Members so appointed shall have all the

1 powers and duties of local school councils as set forth in this
2 amendatory Act of 1991. The Mayor's appointments shall not
3 require approval by the City Council.

4 The membership of each local school council shall be
5 encouraged to be reflective of the racial and ethnic
6 composition of the student population of the attendance center
7 served by the local school council.

8 (c) Beginning with the 1995-1996 school year and in every
9 even-numbered year thereafter, the Board shall set second
10 semester Parent Report Card Pick-up Day for Local School
11 Council elections and may schedule elections at year-round
12 schools for the same dates as the remainder of the school
13 system. Elections shall be conducted as provided herein by the
14 Board of Education in consultation with the local school
15 council at each attendance center.

16 (c-5) Notwithstanding subsection (c), for the local school
17 council election set for the 2019-2020 school year, the Board
18 may hold the election on the first semester Parent Report Card
19 Pick-up Day of the 2020-2021 school year, making any necessary
20 modifications to the election process or date to comply with
21 guidance from the Department of Public Health and the federal
22 Centers for Disease Control and Prevention. The terms of
23 office of all local school council members eligible to serve
24 and seated on or after March 23, 2020 through January 10, 2021
25 are extended through January 10, 2021, provided that the
26 members continue to meet eligibility requirements for local

1 school council membership.

2 (d) Beginning with the 1995-96 school year, the following
3 procedures shall apply to the election of local school council
4 members at each attendance center:

5 (i) The elected members of each local school council
6 shall consist of the 6 parent members and the 2 community
7 resident members.

8 (ii) Each elected member shall be elected by the
9 eligible voters of that attendance center to serve for a
10 two-year term commencing on July 1 immediately following
11 the election described in subsection (c), except that the
12 terms of members elected to a local school council under
13 subsection (c-5) shall commence on January 11, 2021 and
14 end on July 1, 2022. Eligible voters for each attendance
15 center shall consist of the parents and community
16 residents for that attendance center.

17 (iii) Each eligible voter shall be entitled to cast
18 one vote for up to a total of 5 candidates, irrespective of
19 whether such candidates are parent or community resident
20 candidates.

21 (iv) Each parent voter shall be entitled to vote in
22 the local school council election at each attendance
23 center in which he or she has a child currently enrolled.
24 Each community resident voter shall be entitled to vote in
25 the local school council election at each attendance
26 center for which he or she resides in the applicable

1 attendance area or voting district, as the case may be.

2 (v) Each eligible voter shall be entitled to vote
3 once, but not more than once, in the local school council
4 election at each attendance center at which the voter is
5 eligible to vote.

6 (vi) The 2 teacher members and the non-teacher
7 employee member of each local school council shall be
8 appointed as provided in subsection (l) below each to
9 serve for a two-year term coinciding with that of the
10 elected parent and community resident members. From March
11 23, 2020 through January 10, 2021, the chief executive
12 officer or his or her designee may make accommodations to
13 fill the vacancy of a teacher or non-teacher employee
14 member of a local school council.

15 (vii) At secondary attendance centers, the voting
16 student member shall be appointed as provided in
17 subsection (m) below to serve for a one-year term
18 coinciding with the beginning of the terms of the elected
19 parent and community members of the local school council.
20 For the 2020-2021 school year, the chief executive officer
21 or his or her designee may make accommodations to fill the
22 vacancy of a student member of a local school council.

23 (e) The Council shall publicize the date and place of the
24 election by posting notices at the attendance center, in
25 public places within the attendance boundaries of the
26 attendance center and by distributing notices to the pupils at

1 the attendance center, and shall utilize such other means as
2 it deems necessary to maximize the involvement of all eligible
3 voters.

4 (f) Nomination. The Council shall publicize the opening of
5 nominations by posting notices at the attendance center, in
6 public places within the attendance boundaries of the
7 attendance center and by distributing notices to the pupils at
8 the attendance center, and shall utilize such other means as
9 it deems necessary to maximize the involvement of all eligible
10 voters. Not less than 2 weeks before the election date,
11 persons eligible to run for the Council shall submit their
12 name, date of birth, social security number, if available, and
13 some evidence of eligibility to the Council. The Council shall
14 encourage nomination of candidates reflecting the
15 racial/ethnic population of the students at the attendance
16 center. Each person nominated who runs as a candidate shall
17 disclose, in a manner determined by the Board, any economic
18 interest held by such person, by such person's spouse or
19 children, or by each business entity in which such person has
20 an ownership interest, in any contract with the Board, any
21 local school council or any public school in the school
22 district. Each person nominated who runs as a candidate shall
23 also disclose, in a manner determined by the Board, if he or
24 she ever has been convicted of any of the offenses specified in
25 subsection (c) of Section 34-18.5; provided that neither this
26 provision nor any other provision of this Section shall be

1 deemed to require the disclosure of any information that is
2 contained in any law enforcement record or juvenile court
3 record that is confidential or whose accessibility or
4 disclosure is restricted or prohibited under Section 5-901 or
5 5-905 of the Juvenile Court Act of 1987. Failure to make such
6 disclosure shall render a person ineligible for election or to
7 serve on the local school council. The same disclosure shall
8 be required of persons under consideration for appointment to
9 the Council pursuant to subsections (l) and (m) of this
10 Section.

11 (f-5) Notwithstanding disclosure, a person who has been
12 convicted of any of the following offenses at any time shall be
13 ineligible for election or appointment to a local school
14 council and ineligible for appointment to a local school
15 council pursuant to subsections (l) and (m) of this Section:
16 (i) those defined in Section 11-1.20, 11-1.30, 11-1.40,
17 11-1.50, 11-1.60, 11-6, 11-9.1, 11-14.4, 11-16, 11-17.1,
18 11-19, 11-19.1, 11-19.2, 11-20.1, 11-20.1B, 11-20.3, 12-13,
19 12-14, 12-14.1, 12-15, or 12-16, or subdivision (a)(2) of
20 Section 11-14.3, of the Criminal Code of 1961 or the Criminal
21 Code of 2012, or (ii) any offense committed or attempted in any
22 other state or against the laws of the United States, which, if
23 committed or attempted in this State, would have been
24 punishable as one or more of the foregoing offenses.
25 Notwithstanding disclosure, a person who has been convicted of
26 any of the following offenses within the 10 years previous to

1 the date of nomination or appointment shall be ineligible for
2 election or appointment to a local school council: (i) those
3 defined in Section 401.1, 405.1, or 405.2 of the Illinois
4 Controlled Substances Act or (ii) any offense committed or
5 attempted in any other state or against the laws of the United
6 States, which, if committed or attempted in this State, would
7 have been punishable as one or more of the foregoing offenses.

8 Immediately upon election or appointment, incoming local
9 school council members shall be required to undergo a criminal
10 background investigation, to be completed prior to the member
11 taking office, in order to identify any criminal convictions
12 under the offenses enumerated in Section 34-18.5. The
13 investigation shall be conducted by the Illinois ~~Department of~~
14 State Police in the same manner as provided for in Section
15 34-18.5. However, notwithstanding Section 34-18.5, the social
16 security number shall be provided only if available. If it is
17 determined at any time that a local school council member or
18 member-elect has been convicted of any of the offenses
19 enumerated in this Section or failed to disclose a conviction
20 of any of the offenses enumerated in Section 34-18.5, the
21 general superintendent shall notify the local school council
22 member or member-elect of such determination and the local
23 school council member or member-elect shall be removed from
24 the local school council by the Board, subject to a hearing,
25 convened pursuant to Board rule, prior to removal.

26 (g) At least one week before the election date, the

1 Council shall publicize, in the manner provided in subsection
2 (e), the names of persons nominated for election.

3 (h) Voting shall be in person by secret ballot at the
4 attendance center between the hours of 6:00 a.m. and 7:00 p.m.

5 (i) Candidates receiving the highest number of votes shall
6 be declared elected by the Council. In cases of a tie, the
7 Council shall determine the winner by lot.

8 (j) The Council shall certify the results of the election
9 and shall publish the results in the minutes of the Council.

10 (k) The general superintendent shall resolve any disputes
11 concerning election procedure or results and shall ensure
12 that, except as provided in subsections (e) and (g), no
13 resources of any attendance center shall be used to endorse or
14 promote any candidate.

15 (l) Beginning with the 1995-1996 school year and in every
16 even numbered year thereafter, the Board shall appoint 2
17 teacher members to each local school council. These
18 appointments shall be made in the following manner:

19 (i) The Board shall appoint 2 teachers who are
20 employed and assigned to perform the majority of their
21 employment duties at the attendance center to serve on the
22 local school council of the attendance center for a
23 two-year term coinciding with the terms of the elected
24 parent and community members of that local school council.
25 These appointments shall be made from among those teachers
26 who are nominated in accordance with subsection (f).

1 (ii) A non-binding, advisory poll to ascertain the
2 preferences of the school staff regarding appointments of
3 teachers to the local school council for that attendance
4 center shall be conducted in accordance with the
5 procedures used to elect parent and community Council
6 representatives. At such poll, each member of the school
7 staff shall be entitled to indicate his or her preference
8 for up to 2 candidates from among those who submitted
9 statements of candidacy as described above. These
10 preferences shall be advisory only and the Board shall
11 maintain absolute discretion to appoint teacher members to
12 local school councils, irrespective of the preferences
13 expressed in any such poll.

14 (iii) In the event that a teacher representative is
15 unable to perform his or her employment duties at the
16 school due to illness, disability, leave of absence,
17 disciplinary action, or any other reason, the Board shall
18 declare a temporary vacancy and appoint a replacement
19 teacher representative to serve on the local school
20 council until such time as the teacher member originally
21 appointed pursuant to this subsection (1) resumes service
22 at the attendance center or for the remainder of the term.
23 The replacement teacher representative shall be appointed
24 in the same manner and by the same procedures as teacher
25 representatives are appointed in subdivisions (i) and (ii)
26 of this subsection (1).

1 (m) Beginning with the 1995-1996 school year, and in every
2 year thereafter, the Board shall appoint one student member to
3 each secondary attendance center. These appointments shall be
4 made in the following manner:

5 (i) Appointments shall be made from among those
6 students who submit statements of candidacy to the
7 principal of the attendance center, such statements to be
8 submitted commencing on the first day of the twentieth
9 week of school and continuing for 2 weeks thereafter. The
10 form and manner of such candidacy statements shall be
11 determined by the Board.

12 (ii) During the twenty-second week of school in every
13 year, the principal of each attendance center shall
14 conduct a non-binding, advisory poll to ascertain the
15 preferences of the school students regarding the
16 appointment of a student to the local school council for
17 that attendance center. At such poll, each student shall
18 be entitled to indicate his or her preference for up to one
19 candidate from among those who submitted statements of
20 candidacy as described above. The Board shall promulgate
21 rules to ensure that these non-binding, advisory polls are
22 conducted in a fair and equitable manner and maximize the
23 involvement of all school students. The preferences
24 expressed in these non-binding, advisory polls shall be
25 transmitted by the principal to the Board. However, these
26 preferences shall be advisory only and the Board shall

1 maintain absolute discretion to appoint student members to
2 local school councils, irrespective of the preferences
3 expressed in any such poll.

4 (iii) For the 1995-96 school year only, appointments
5 shall be made from among those students who submitted
6 statements of candidacy to the principal of the attendance
7 center during the first 2 weeks of the school year. The
8 principal shall communicate the results of any nonbinding,
9 advisory poll to the Board. These results shall be
10 advisory only, and the Board shall maintain absolute
11 discretion to appoint student members to local school
12 councils, irrespective of the preferences expressed in any
13 such poll.

14 (n) The Board may promulgate such other rules and
15 regulations for election procedures as may be deemed necessary
16 to ensure fair elections.

17 (o) In the event that a vacancy occurs during a member's
18 term, the Council shall appoint a person eligible to serve on
19 the Council, to fill the unexpired term created by the
20 vacancy, except that any teacher vacancy shall be filled by
21 the Board after considering the preferences of the school
22 staff as ascertained through a non-binding advisory poll of
23 school staff.

24 (p) If less than the specified number of persons is
25 elected within each candidate category, the newly elected
26 local school council shall appoint eligible persons to serve

1 as members of the Council for two-year terms.

2 (q) The Board shall promulgate rules regarding conflicts
3 of interest and disclosure of economic interests which shall
4 apply to local school council members and which shall require
5 reports or statements to be filed by Council members at
6 regular intervals with the Secretary of the Board. Failure to
7 comply with such rules or intentionally falsifying such
8 reports shall be grounds for disqualification from local
9 school council membership. A vacancy on the Council for
10 disqualification may be so declared by the Secretary of the
11 Board. Rules regarding conflicts of interest and disclosure of
12 economic interests promulgated by the Board shall apply to
13 local school council members. No less than 45 days prior to the
14 deadline, the general superintendent shall provide notice, by
15 mail, to each local school council member of all requirements
16 and forms for compliance with economic interest statements.

17 (r) (1) If a parent member of a local school council ceases
18 to have any child enrolled in the attendance center governed
19 by the Local School Council due to the graduation or voluntary
20 transfer of a child or children from the attendance center,
21 the parent's membership on the Local School Council and all
22 voting rights are terminated immediately as of the date of the
23 child's graduation or voluntary transfer. If the child of a
24 parent member of a local school council dies during the
25 member's term in office, the member may continue to serve on
26 the local school council for the balance of his or her term.

1 Further, a local school council member may be removed from the
2 Council by a majority vote of the Council as provided in
3 subsection (c) of Section 34-2.2 if the Council member has
4 missed 3 consecutive regular meetings, not including committee
5 meetings, or 5 regular meetings in a 12 month period, not
6 including committee meetings. If a parent member of a local
7 school council ceases to be eligible to serve on the Council
8 for any other reason, he or she shall be removed by the Board
9 subject to a hearing, convened pursuant to Board rule, prior
10 to removal. A vote to remove a Council member by the local
11 school council shall only be valid if the Council member has
12 been notified personally or by certified mail, mailed to the
13 person's last known address, of the Council's intent to vote
14 on the Council member's removal at least 7 days prior to the
15 vote. The Council member in question shall have the right to
16 explain his or her actions and shall be eligible to vote on the
17 question of his or her removal from the Council. The
18 provisions of this subsection shall be contained within the
19 petitions used to nominate Council candidates.

20 (2) A person may continue to serve as a community resident
21 member of a local school council as long as he or she resides
22 in the attendance area served by the school and is not employed
23 by the Board nor is a parent of a student enrolled at the
24 school. If a community resident member ceases to be eligible
25 to serve on the Council, he or she shall be removed by the
26 Board subject to a hearing, convened pursuant to Board rule,

1 prior to removal.

2 (3) A person may continue to serve as a teacher member of a
3 local school council as long as he or she is employed and
4 assigned to perform a majority of his or her duties at the
5 school, provided that if the teacher representative resigns
6 from employment with the Board or voluntarily transfers to
7 another school, the teacher's membership on the local school
8 council and all voting rights are terminated immediately as of
9 the date of the teacher's resignation or upon the date of the
10 teacher's voluntary transfer to another school. If a teacher
11 member of a local school council ceases to be eligible to serve
12 on a local school council for any other reason, that member
13 shall be removed by the Board subject to a hearing, convened
14 pursuant to Board rule, prior to removal.

15 (s) As used in this Section only, "community resident"
16 means a person, 17 years of age or older, residing within an
17 attendance area served by a school, excluding any person who
18 is a parent of a student enrolled in that school; provided that
19 with respect to any multi-area school, community resident
20 means any person, 17 years of age or older, residing within the
21 voting district established for that school pursuant to
22 Section 34-2.1c, excluding any person who is a parent of a
23 student enrolled in that school. This definition does not
24 apply to any provisions concerning school boards.

25 (Source: P.A. 101-643, eff. 6-18-20.)

1 (105 ILCS 5/34-8.05)

2 Sec. 34-8.05. Reporting firearms in schools. On or after
3 January 1, 1997, upon receipt of any written, electronic, or
4 verbal report from any school personnel regarding a verified
5 incident involving a firearm in a school or on school owned or
6 leased property, including any conveyance owned, leased, or
7 used by the school for the transport of students or school
8 personnel, the general superintendent or his or her designee
9 shall report all such firearm-related incidents occurring in a
10 school or on school property to the local law enforcement
11 authorities no later than 24 hours after the occurrence of the
12 incident and to the Illinois ~~Department of~~ State Police in a
13 form, manner, and frequency as prescribed by the Illinois
14 ~~Department of~~ State Police.

15 The State Board of Education shall receive an annual
16 statistical compilation and related data associated with
17 incidents involving firearms in schools from the Illinois
18 ~~Department of~~ State Police. As used in this Section, the term
19 "firearm" shall have the meaning ascribed to it in Section 1.1
20 of the Firearm Owners Identification Card Act.

21 (Source: P.A. 89-498, eff. 6-27-96.)

22 (105 ILCS 5/34-18.5) (from Ch. 122, par. 34-18.5)

23 Sec. 34-18.5. Criminal history records checks and checks
24 of the Statewide Sex Offender Database and Statewide Murderer
25 and Violent Offender Against Youth Database.

1 (a) Licensed and nonlicensed applicants for employment
2 with the school district are required as a condition of
3 employment to authorize a fingerprint-based criminal history
4 records check to determine if such applicants have been
5 convicted of any disqualifying, enumerated criminal or drug
6 offense in subsection (c) of this Section or have been
7 convicted, within 7 years of the application for employment
8 with the school district, of any other felony under the laws of
9 this State or of any offense committed or attempted in any
10 other state or against the laws of the United States that, if
11 committed or attempted in this State, would have been
12 punishable as a felony under the laws of this State.
13 Authorization for the check shall be furnished by the
14 applicant to the school district, except that if the applicant
15 is a substitute teacher seeking employment in more than one
16 school district, or a teacher seeking concurrent part-time
17 employment positions with more than one school district (as a
18 reading specialist, special education teacher or otherwise),
19 or an educational support personnel employee seeking
20 employment positions with more than one district, any such
21 district may require the applicant to furnish authorization
22 for the check to the regional superintendent of the
23 educational service region in which are located the school
24 districts in which the applicant is seeking employment as a
25 substitute or concurrent part-time teacher or concurrent
26 educational support personnel employee. Upon receipt of this

1 authorization, the school district or the appropriate regional
2 superintendent, as the case may be, shall submit the
3 applicant's name, sex, race, date of birth, social security
4 number, fingerprint images, and other identifiers, as
5 prescribed by the Illinois Department of State Police, to the
6 Illinois State Police Department. The regional superintendent
7 submitting the requisite information to the Illinois
8 ~~Department~~ of State Police shall promptly notify the school
9 districts in which the applicant is seeking employment as a
10 substitute or concurrent part-time teacher or concurrent
11 educational support personnel employee that the check of the
12 applicant has been requested. The Illinois Department of State
13 Police and the Federal Bureau of Investigation shall furnish,
14 pursuant to a fingerprint-based criminal history records
15 check, records of convictions, forever and hereinafter, until
16 expunged, to the president of the school board for the school
17 district that requested the check, or to the regional
18 superintendent who requested the check. The Illinois State
19 Police Department shall charge the school district or the
20 appropriate regional superintendent a fee for conducting such
21 check, which fee shall be deposited in the State Police
22 Services Fund and shall not exceed the cost of the inquiry; and
23 the applicant shall not be charged a fee for such check by the
24 school district or by the regional superintendent. Subject to
25 appropriations for these purposes, the State Superintendent of
26 Education shall reimburse the school district and regional

1 superintendent for fees paid to obtain criminal history
2 records checks under this Section.

3 (a-5) The school district or regional superintendent shall
4 further perform a check of the Statewide Sex Offender
5 Database, as authorized by the Sex Offender Community
6 Notification Law, for each applicant. The check of the
7 Statewide Sex Offender Database must be conducted by the
8 school district or regional superintendent once for every 5
9 years that an applicant remains employed by the school
10 district.

11 (a-6) The school district or regional superintendent shall
12 further perform a check of the Statewide Murderer and Violent
13 Offender Against Youth Database, as authorized by the Murderer
14 and Violent Offender Against Youth Community Notification Law,
15 for each applicant. The check of the Murderer and Violent
16 Offender Against Youth Database must be conducted by the
17 school district or regional superintendent once for every 5
18 years that an applicant remains employed by the school
19 district.

20 (b) Any information concerning the record of convictions
21 obtained by the president of the board of education or the
22 regional superintendent shall be confidential and may only be
23 transmitted to the general superintendent of the school
24 district or his designee, the appropriate regional
25 superintendent if the check was requested by the board of
26 education for the school district, the presidents of the

1 appropriate board of education or school boards if the check
2 was requested from the Illinois ~~Department of~~ State Police by
3 the regional superintendent, the State Board of Education and
4 the school district as authorized under subsection (b-5), the
5 State Superintendent of Education, the State Educator
6 Preparation and Licensure Board or any other person necessary
7 to the decision of hiring the applicant for employment. A copy
8 of the record of convictions obtained from the Illinois
9 ~~Department of~~ State Police shall be provided to the applicant
10 for employment. Upon the check of the Statewide Sex Offender
11 Database or Statewide Murderer and Violent Offender Against
12 Youth Database, the school district or regional superintendent
13 shall notify an applicant as to whether or not the applicant
14 has been identified in the Database. If a check of an applicant
15 for employment as a substitute or concurrent part-time teacher
16 or concurrent educational support personnel employee in more
17 than one school district was requested by the regional
18 superintendent, and the Illinois ~~Department of~~ State Police
19 upon a check ascertains that the applicant has not been
20 convicted of any of the enumerated criminal or drug offenses
21 in subsection (c) of this Section or has not been convicted,
22 within 7 years of the application for employment with the
23 school district, of any other felony under the laws of this
24 State or of any offense committed or attempted in any other
25 state or against the laws of the United States that, if
26 committed or attempted in this State, would have been

1 punishable as a felony under the laws of this State and so
2 notifies the regional superintendent and if the regional
3 superintendent upon a check ascertains that the applicant has
4 not been identified in the Sex Offender Database or Statewide
5 Murderer and Violent Offender Against Youth Database, then the
6 regional superintendent shall issue to the applicant a
7 certificate evidencing that as of the date specified by the
8 Illinois ~~Department of~~ State Police the applicant has not been
9 convicted of any of the enumerated criminal or drug offenses
10 in subsection (c) of this Section or has not been convicted,
11 within 7 years of the application for employment with the
12 school district, of any other felony under the laws of this
13 State or of any offense committed or attempted in any other
14 state or against the laws of the United States that, if
15 committed or attempted in this State, would have been
16 punishable as a felony under the laws of this State and
17 evidencing that as of the date that the regional
18 superintendent conducted a check of the Statewide Sex Offender
19 Database or Statewide Murderer and Violent Offender Against
20 Youth Database, the applicant has not been identified in the
21 Database. The school board of any school district may rely on
22 the certificate issued by any regional superintendent to that
23 substitute teacher, concurrent part-time teacher, or
24 concurrent educational support personnel employee or may
25 initiate its own criminal history records check of the
26 applicant through the Illinois ~~Department of~~ State Police and

1 its own check of the Statewide Sex Offender Database or
2 Statewide Murderer and Violent Offender Against Youth Database
3 as provided in this Section. Any unauthorized release of
4 confidential information may be a violation of Section 7 of
5 the Criminal Identification Act.

6 (b-5) If a criminal history records check or check of the
7 Statewide Sex Offender Database or Statewide Murderer and
8 Violent Offender Against Youth Database is performed by a
9 regional superintendent for an applicant seeking employment as
10 a substitute teacher with the school district, the regional
11 superintendent may disclose to the State Board of Education
12 whether the applicant has been issued a certificate under
13 subsection (b) based on those checks. If the State Board
14 receives information on an applicant under this subsection,
15 then it must indicate in the Educator Licensure Information
16 System for a 90-day period that the applicant has been issued
17 or has not been issued a certificate.

18 (c) The board of education shall not knowingly employ a
19 person who has been convicted of any offense that would
20 subject him or her to license suspension or revocation
21 pursuant to Section 21B-80 of this Code, except as provided
22 under subsection (b) of 21B-80. Further, the board of
23 education shall not knowingly employ a person who has been
24 found to be the perpetrator of sexual or physical abuse of any
25 minor under 18 years of age pursuant to proceedings under
26 Article II of the Juvenile Court Act of 1987. As a condition of

1 employment, the board of education must consider the status of
2 a person who has been issued an indicated finding of abuse or
3 neglect of a child by the Department of Children and Family
4 Services under the Abused and Neglected Child Reporting Act or
5 by a child welfare agency of another jurisdiction.

6 (d) The board of education shall not knowingly employ a
7 person for whom a criminal history records check and a
8 Statewide Sex Offender Database check have not been initiated.

9 (e) Within 10 days after the general superintendent of
10 schools, a regional office of education, or an entity that
11 provides background checks of license holders to public
12 schools receives information of a pending criminal charge
13 against a license holder for an offense set forth in Section
14 21B-80 of this Code, the superintendent, regional office of
15 education, or entity must notify the State Superintendent of
16 Education of the pending criminal charge.

17 No later than 15 business days after receipt of a record of
18 conviction or of checking the Statewide Murderer and Violent
19 Offender Against Youth Database or the Statewide Sex Offender
20 Database and finding a registration, the general
21 superintendent of schools or the applicable regional
22 superintendent shall, in writing, notify the State
23 Superintendent of Education of any license holder who has been
24 convicted of a crime set forth in Section 21B-80 of this Code.
25 Upon receipt of the record of a conviction of or a finding of
26 child abuse by a holder of any license issued pursuant to

1 Article 21B or Section 34-8.1 or 34-83 of this Code, the State
2 Superintendent of Education may initiate licensure suspension
3 and revocation proceedings as authorized by law. If the
4 receipt of the record of conviction or finding of child abuse
5 is received within 6 months after the initial grant of or
6 renewal of a license, the State Superintendent of Education
7 may rescind the license holder's license.

8 (e-5) The general superintendent of schools shall, in
9 writing, notify the State Superintendent of Education of any
10 license holder whom he or she has reasonable cause to believe
11 has committed an intentional act of abuse or neglect with the
12 result of making a child an abused child or a neglected child,
13 as defined in Section 3 of the Abused and Neglected Child
14 Reporting Act, and that act resulted in the license holder's
15 dismissal or resignation from the school district. This
16 notification must be submitted within 30 days after the
17 dismissal or resignation. The license holder must also be
18 contemporaneously sent a copy of the notice by the
19 superintendent. All correspondence, documentation, and other
20 information so received by the State Superintendent of
21 Education, the State Board of Education, or the State Educator
22 Preparation and Licensure Board under this subsection (e-5) is
23 confidential and must not be disclosed to third parties,
24 except (i) as necessary for the State Superintendent of
25 Education or his or her designee to investigate and prosecute
26 pursuant to Article 21B of this Code, (ii) pursuant to a court

1 order, (iii) for disclosure to the license holder or his or her
2 representative, or (iv) as otherwise provided in this Article
3 and provided that any such information admitted into evidence
4 in a hearing is exempt from this confidentiality and
5 non-disclosure requirement. Except for an act of willful or
6 wanton misconduct, any superintendent who provides
7 notification as required in this subsection (e-5) shall have
8 immunity from any liability, whether civil or criminal or that
9 otherwise might result by reason of such action.

10 (f) After March 19, 1990, the provisions of this Section
11 shall apply to all employees of persons or firms holding
12 contracts with any school district including, but not limited
13 to, food service workers, school bus drivers and other
14 transportation employees, who have direct, daily contact with
15 the pupils of any school in such district. For purposes of
16 criminal history records checks and checks of the Statewide
17 Sex Offender Database on employees of persons or firms holding
18 contracts with more than one school district and assigned to
19 more than one school district, the regional superintendent of
20 the educational service region in which the contracting school
21 districts are located may, at the request of any such school
22 district, be responsible for receiving the authorization for a
23 criminal history records check prepared by each such employee
24 and submitting the same to the Illinois ~~Department of~~ State
25 Police and for conducting a check of the Statewide Sex
26 Offender Database for each employee. Any information

1 concerning the record of conviction and identification as a
2 sex offender of any such employee obtained by the regional
3 superintendent shall be promptly reported to the president of
4 the appropriate school board or school boards.

5 (f-5) Upon request of a school or school district, any
6 information obtained by the school district pursuant to
7 subsection (f) of this Section within the last year must be
8 made available to the requesting school or school district.

9 (g) Prior to the commencement of any student teaching
10 experience or required internship (which is referred to as
11 student teaching in this Section) in the public schools, a
12 student teacher is required to authorize a fingerprint-based
13 criminal history records check. Authorization for and payment
14 of the costs of the check must be furnished by the student
15 teacher to the school district. Upon receipt of this
16 authorization and payment, the school district shall submit
17 the student teacher's name, sex, race, date of birth, social
18 security number, fingerprint images, and other identifiers, as
19 prescribed by the Illinois Department of State Police, to the
20 Illinois Department of State Police. The Illinois Department
21 ~~of~~ State Police and the Federal Bureau of Investigation shall
22 furnish, pursuant to a fingerprint-based criminal history
23 records check, records of convictions, forever and
24 hereinafter, until expunged, to the president of the board.
25 The Illinois State Police Department shall charge the school
26 district a fee for conducting the check, which fee must not

1 exceed the cost of the inquiry and must be deposited into the
2 State Police Services Fund. The school district shall further
3 perform a check of the Statewide Sex Offender Database, as
4 authorized by the Sex Offender Community Notification Law, and
5 of the Statewide Murderer and Violent Offender Against Youth
6 Database, as authorized by the Murderer and Violent Offender
7 Against Youth Registration Act, for each student teacher. The
8 board may not knowingly allow a person to student teach for
9 whom a criminal history records check, a Statewide Sex
10 Offender Database check, and a Statewide Murderer and Violent
11 Offender Against Youth Database check have not been completed
12 and reviewed by the district.

13 A copy of the record of convictions obtained from the
14 Illinois Department of State Police must be provided to the
15 student teacher. Any information concerning the record of
16 convictions obtained by the president of the board is
17 confidential and may only be transmitted to the general
18 superintendent of schools or his or her designee, the State
19 Superintendent of Education, the State Educator Preparation
20 and Licensure Board, or, for clarification purposes, the
21 Illinois Department of State Police or the Statewide Sex
22 Offender Database or Statewide Murderer and Violent Offender
23 Against Youth Database. Any unauthorized release of
24 confidential information may be a violation of Section 7 of
25 the Criminal Identification Act.

26 The board may not knowingly allow a person to student

1 teach who has been convicted of any offense that would subject
2 him or her to license suspension or revocation pursuant to
3 subsection (c) of Section 21B-80 of this Code, except as
4 provided under subsection (b) of Section 21B-80. Further, the
5 board may not allow a person to student teach if he or she has
6 been found to be the perpetrator of sexual or physical abuse of
7 a minor under 18 years of age pursuant to proceedings under
8 Article II of the Juvenile Court Act of 1987. The board must
9 consider the status of a person to student teach who has been
10 issued an indicated finding of abuse or neglect of a child by
11 the Department of Children and Family Services under the
12 Abused and Neglected Child Reporting Act or by a child welfare
13 agency of another jurisdiction.

14 (h) (Blank).

15 (Source: P.A. 101-72, eff. 7-12-19; 101-531, eff. 8-23-19;
16 101-643, eff. 6-18-20.)

17 Section 515. The Medical School Matriculant Criminal
18 History Records Check Act is amended by changing Sections 10,
19 15, and 25 as follows:

20 (110 ILCS 57/10)

21 Sec. 10. Criminal history records check for matriculants.

22 (a) A public medical school located in Illinois must
23 conduct an inquiry into the Illinois ~~Department of~~ State
24 Police's Statewide Sex Offender Database for each matriculant

1 and must require that each matriculant submit to a
2 fingerprint-based criminal history records check for violent
3 felony convictions, conducted by the Illinois ~~Department of~~
4 State Police and the Federal Bureau of Investigation, as part
5 of the medical school admissions process. The medical school
6 shall forward the name, sex, race, date of birth, social
7 security number, and fingerprints of each of its matriculants
8 to the Illinois ~~Department of~~ State Police to be searched
9 against the fingerprint records now and hereafter filed in the
10 Illinois ~~Department of~~ State Police and Federal Bureau of
11 Investigation criminal history records databases. The
12 fingerprints of each matriculant must be submitted in the form
13 and manner prescribed by the Illinois ~~Department of~~ State
14 Police. The Illinois ~~Department of~~ State Police shall furnish,
15 pursuant to positive identification, records of a
16 matriculant's violent felony convictions to the medical school
17 that requested the criminal history records check. Compliance
18 with the criminal history record checks required by this
19 subsection (a) may also be accomplished through the use of a
20 private entity that checks criminal history records for
21 violent felony convictions.

22 (b) A private medical school located in Illinois must
23 conduct an inquiry into the Illinois ~~Department of~~ State
24 Police's Statewide Sex Offender Database for each matriculant
25 and must require that each matriculant submit to an Illinois
26 Uniform Conviction Information Act fingerprint-based, criminal

1 history records check for violent felony convictions,
2 conducted by the Illinois ~~Department of~~ State Police, as part
3 of the medical school admissions process. The medical school
4 shall forward the name, sex, race, date of birth, social
5 security number, and fingerprints of each of its matriculants
6 to the Illinois ~~Department of~~ State Police to be searched
7 against the fingerprint records now and hereafter filed in the
8 Illinois ~~Department of~~ State Police criminal history records
9 database. The fingerprints of each matriculant must be
10 submitted in the form and manner prescribed by the Illinois
11 ~~Department of~~ State Police. The Illinois ~~Department of~~ State
12 Police shall furnish, pursuant to positive identification,
13 records of a matriculant's violent felony convictions to the
14 medical school that requested the criminal history records
15 check. Compliance with the criminal history record checks
16 required by this subsection (b) may also be accomplished
17 through the use of a private entity that checks criminal
18 history records for violent felony convictions.

19 (Source: P.A. 96-1044, eff. 7-14-10.)

20 (110 ILCS 57/15)

21 Sec. 15. Fees. The Illinois ~~Department of~~ State Police
22 shall charge each requesting medical school a fee for
23 conducting the criminal history records check under Section 10
24 of this Act, which shall be deposited in the State Police
25 Services Fund and shall not exceed the cost of the inquiry.

1 Each requesting medical school is solely responsible for
2 payment of this fee to the Illinois ~~Department of~~ State
3 Police. Each requesting medical school is solely responsible
4 for payment of any fees associated with the use of a private
5 entity that checks criminal history records for violent felony
6 convictions. Each medical school may impose its own fee upon a
7 matriculant to cover the cost of the criminal history records
8 check at the time the matriculant submits to the criminal
9 history records check.

10 (Source: P.A. 96-1044, eff. 7-14-10.)

11 (110 ILCS 57/25)

12 Sec. 25. Civil immunity. Except for willful ~~wilful~~ or
13 wanton misconduct, no medical school acting under the
14 provisions of this Act shall be civilly liable to any
15 matriculant for reporting any required information to the
16 Illinois ~~Department of~~ State Police or for any decision made
17 pursuant to Section 20 of this Act.

18 (Source: P.A. 94-709, eff. 12-5-05; 94-837, eff. 6-6-06.)

19 Section 525. The Transmitters of Money Act is amended by
20 changing Section 25 as follows:

21 (205 ILCS 657/25)

22 Sec. 25. Application for license.

23 (a) An application for a license must be in writing, under

1 oath, and in the form the Director prescribes. The application
2 must contain or be accompanied by all of the following:

3 (1) The name of the applicant and the address of the
4 principal place of business of the applicant and the
5 address of all locations and proposed locations of the
6 applicant in this State.

7 (2) The form of business organization of the
8 applicant, including:

9 (A) a copy of its articles of incorporation and
10 amendments thereto and a copy of its bylaws, certified
11 by its secretary, if the applicant is a corporation;

12 (B) a copy of its partnership agreement, certified
13 by a partner, if the applicant is a partnership; or

14 (C) a copy of the documents that control its
15 organizational structure, certified by a managing
16 official, if the applicant is organized in some other
17 form.

18 (3) The name, business and home address, and a
19 chronological summary of the business experience, material
20 litigation history, and felony convictions over the
21 preceding 10 years of:

22 (A) the proprietor, if the applicant is an
23 individual;

24 (B) every partner, if the applicant is a
25 partnership;

26 (C) each officer, director, and controlling

1 person, if the applicant is a corporation; and

2 (D) each person in a position to exercise control
3 over, or direction of, the business of the applicant,
4 regardless of the form of organization of the
5 applicant.

6 (4) Financial statements, not more than one year old,
7 prepared in accordance with generally accepted accounting
8 principles and audited by a licensed public accountant or
9 certified public accountant showing the financial
10 condition of the applicant and an unaudited balance sheet
11 and statement of operation as of the most recent quarterly
12 report before the date of the application, certified by
13 the applicant or an officer or partner thereof. If the
14 applicant is a wholly owned subsidiary or is eligible to
15 file consolidated federal income tax returns with its
16 parent, however, unaudited financial statements for the
17 preceding year along with the unaudited financial
18 statements for the most recent quarter may be submitted if
19 accompanied by the audited financial statements of the
20 parent company for the preceding year along with the
21 unaudited financial statement for the most recent quarter.

22 (5) Filings of the applicant with the Securities and
23 Exchange Commission or similar foreign governmental entity
24 (English translation), if any.

25 (6) A list of all other states in which the applicant
26 is licensed as a money transmitter and whether the license

1 of the applicant for those purposes has ever been
2 withdrawn, refused, canceled, or suspended in any other
3 state, with full details.

4 (7) A list of all money transmitter locations and
5 proposed locations in this State.

6 (8) A sample of the contract for authorized sellers.

7 (9) A sample form of the proposed payment instruments
8 to be used in this State.

9 (10) The name and business address of the clearing
10 banks through which the applicant intends to conduct any
11 business regulated under this Act.

12 (11) A surety bond as required by Section 30 of this
13 Act.

14 (12) The applicable fees as required by Section 45 of
15 this Act.

16 (13) A written consent to service of process as
17 provided by Section 100 of this Act.

18 (14) A written statement that the applicant is in full
19 compliance with and agrees to continue to fully comply
20 with all state and federal statutes and regulations
21 relating to money laundering.

22 (15) All additional information the Director considers
23 necessary in order to determine whether or not to issue
24 the applicant a license under this Act.

25 (a-5) The proprietor, partner, officer, director, and
26 controlling person of the applicant shall submit their

1 fingerprints to the Illinois ~~Department of~~ State Police in an
2 electronic format that complies with the form and manner for
3 requesting and furnishing criminal history record information
4 as prescribed by the Illinois ~~Department of~~ State Police.
5 These fingerprints shall be retained and checked against the
6 Illinois ~~Department of~~ State Police and Federal Bureau of
7 Investigation criminal history record databases now and
8 hereafter filed, including latent fingerprint searches. The
9 Illinois ~~Department of~~ State Police shall charge applicants a
10 fee for conducting the criminal history records check, which
11 shall be deposited into the State Police Services Fund and
12 shall not exceed the actual cost of the records check. The
13 Illinois ~~Department of~~ State Police shall furnish records of
14 Illinois convictions to the Department pursuant to positive
15 identification and shall forward the national criminal history
16 record information to the Department. The Department may
17 require applicants to pay a separate fingerprinting fee,
18 either to the Department or to a Department-designated or
19 Department-approved vendor. The Department, in its discretion,
20 may allow a proprietor, partner, officer, director, or
21 controlling person of an applicant who does not have
22 reasonable access to a designated vendor to provide his or her
23 fingerprints in an alternative manner. The Department, in its
24 discretion, may also use other procedures in performing or
25 obtaining criminal background checks of applicants. Instead of
26 submitting his or her fingerprints, an individual may submit

1 proof that is satisfactory to the Department that an
2 equivalent security clearance has been conducted. The
3 Department may adopt any rules necessary to implement this
4 subsection.

5 (b) The Director may, for good cause shown, waive, in
6 part, any of the requirements of this Section.

7 (Source: P.A. 100-979, eff. 8-19-18.)

8 Section 530. The Currency Reporting Act is amended by
9 changing Sections 2, 3, and 4 as follows:

10 (205 ILCS 685/2) (from Ch. 17, par. 7352)

11 Sec. 2. It is the purpose of this Act to require the
12 keeping and submission to the Director of the Illinois State
13 Police of certain reports and records of transactions
14 involving United States currency when such reports and records
15 have a high degree of usefulness in criminal, tax or
16 regulatory investigations or proceedings.

17 (Source: P.A. 87-619.)

18 (205 ILCS 685/3) (from Ch. 17, par. 7353)

19 Sec. 3. As used in this Act, the term:

20 (a) "Currency" means currency and coin of the United
21 States;

22 (b) (Blank); ~~"Department" means the Department of State~~
23 ~~Police;~~

1 (c) "Director" means Director of the Illinois State
2 Police;

3 (d) "Financial Institution" means any:

4 (1) National or state bank or banking association;

5 (2) Agency or branch of a foreign bank, or
6 international bank;

7 (3) Industrial savings bank;

8 (4) Trust company;

9 (5) Federal or state savings and loan association;

10 (6) Federal or state credit union;

11 (7) Community or ambulatory currency exchange;

12 (8) Issuer, redeemer, or cashier of travelers' checks,
13 money orders, or similar instruments;

14 (9) Operator of a credit card system;

15 (10) Insurance company;

16 (11) Dealer in precious metals, stones, and jewels;

17 (12) Loan or finance company;

18 (13) Pawnbroker;

19 (14) Travel agency;

20 (15) Licensed sender of money;

21 (16) Telegraph company;

22 (17) Business engaged in vehicle or vessel sales,
23 including automobile, airplane and boat sales;

24 (18) Person involved in real estate closings,
25 settlements, sales, or auctions.

26 However, "Financial Institution" does not include an office,

1 department, agency or other entity of State government.

2 (Source: P.A. 87-619.)

3 (205 ILCS 685/4) (from Ch. 17, par. 7354)

4 Sec. 4. (a) Every financial institution shall keep a
5 record of every currency transaction involving more than
6 \$10,000 and shall file a report with the Illinois State Police
7 ~~Department~~ at such time and containing such information as the
8 Director by rule or regulation requires. Unless otherwise
9 provided by rule, a financial institution may exempt from the
10 reporting requirements of this Section deposits, withdrawals,
11 exchanges, or payments exempted from the reporting
12 requirements of Title 31 U.S.C. 5313. Each financial
13 institution shall maintain a record of each exemption granted,
14 including the name, address, type of business, taxpayer
15 identification number, and account number of the customer
16 granted the exemption; the type of transactions exempted; and
17 the dollar limit of each exempt transaction. Such record of
18 exemptions shall be made available to the Illinois State
19 Police ~~Department~~ for inspection and copying.

20 (b) A financial institution in compliance with the
21 provisions of the Currency and Foreign Transactions Reporting
22 Act (31 U.S.C. 5311, et seq.) and Federal regulations
23 prescribed thereunder shall be deemed to be in compliance with
24 the provisions of this Section and rules or regulations
25 prescribed thereunder by the Director.

1 (Source: P.A. 87-619.)

2 Section 535. The Abused and Neglected Long Term Care
3 Facility Residents Reporting Act is amended by changing
4 Sections 6 and 10 as follows:

5 (210 ILCS 30/6) (from Ch. 111 1/2, par. 4166)

6 Sec. 6. All reports of suspected abuse or neglect made
7 under this Act shall be made immediately by telephone to the
8 Department's central register established under Section 14 on
9 the single, State-wide, toll-free telephone number established
10 under Section 13, or in person or by telephone through the
11 nearest Department office. No long term care facility
12 administrator, agent or employee, or any other person, shall
13 screen reports or otherwise withhold any reports from the
14 Department, and no long term care facility, department of
15 State government, or other agency shall establish any rules,
16 criteria, standards or guidelines to the contrary. Every long
17 term care facility, department of State government and other
18 agency whose employees are required to make or cause to be made
19 reports under Section 4 shall notify its employees of the
20 provisions of that Section and of this Section, and provide to
21 the Department documentation that such notification has been
22 given. The Department of Human Services shall train all of its
23 mental health and developmental disabilities employees in the
24 detection and reporting of suspected abuse and neglect of

1 residents. Reports made to the central register through the
2 State-wide, toll-free telephone number shall be transmitted to
3 appropriate Department offices and municipal health
4 departments that have responsibility for licensing long term
5 care facilities under the Nursing Home Care Act, the
6 Specialized Mental Health Rehabilitation Act of 2013, the
7 ID/DD Community Care Act, or the MC/DD Act. All reports
8 received through offices of the Department shall be forwarded
9 to the central register, in a manner and form described by the
10 Department. The Department shall be capable of receiving
11 reports of suspected abuse and neglect 24 hours a day, 7 days a
12 week. Reports shall also be made in writing deposited in the
13 U.S. mail, postage prepaid, within 24 hours after having
14 reasonable cause to believe that the condition of the resident
15 resulted from abuse or neglect. Such reports may in addition
16 be made to the local law enforcement agency in the same manner.
17 However, in the event a report is made to the local law
18 enforcement agency, the reporter also shall immediately so
19 inform the Department. The Department shall initiate an
20 investigation of each report of resident abuse and neglect
21 under this Act, whether oral or written, as provided for in
22 Section 3-702 of the Nursing Home Care Act, Section 2-208 of
23 the Specialized Mental Health Rehabilitation Act of 2013,
24 Section 3-702 of the ID/DD Community Care Act, or Section
25 3-702 of the MC/DD Act, except that reports of abuse which
26 indicate that a resident's life or safety is in imminent

1 danger shall be investigated within 24 hours of such report.
2 The Department may delegate to law enforcement officials or
3 other public agencies the duty to perform such investigation.

4 With respect to investigations of reports of suspected
5 abuse or neglect of residents of mental health and
6 developmental disabilities institutions under the jurisdiction
7 of the Department of Human Services, the Department shall
8 transmit copies of such reports to the Illinois ~~Department of~~
9 State Police, the Department of Human Services, and the
10 Inspector General appointed under Section 1-17 of the
11 Department of Human Services Act. If the Department receives a
12 report of suspected abuse or neglect of a recipient of
13 services as defined in Section 1-123 of the Mental Health and
14 Developmental Disabilities Code, the Department shall transmit
15 copies of such report to the Inspector General and the
16 Directors of the Guardianship and Advocacy Commission and the
17 agency designated by the Governor pursuant to the Protection
18 and Advocacy for Persons with Developmental Disabilities Act.
19 When requested by the Director of the Guardianship and
20 Advocacy Commission, the agency designated by the Governor
21 pursuant to the Protection and Advocacy for Persons with
22 Developmental Disabilities Act, or the Department of Financial
23 and Professional Regulation, the Department, the Department of
24 Human Services and the Illinois ~~Department of~~ State Police
25 shall make available a copy of the final investigative report
26 regarding investigations conducted by their respective

1 agencies on incidents of suspected abuse or neglect of
2 residents of mental health and developmental disabilities
3 institutions or individuals receiving services at community
4 agencies under the jurisdiction of the Department of Human
5 Services. Such final investigative report shall not contain
6 witness statements, investigation notes, draft summaries,
7 results of lie detector tests, investigative files or other
8 raw data which was used to compile the final investigative
9 report. Specifically, the final investigative report of the
10 Illinois ~~Department of~~ State Police shall mean the Director's
11 final transmittal letter. The Department of Human Services
12 shall also make available a copy of the results of
13 disciplinary proceedings of employees involved in incidents of
14 abuse or neglect to the Directors. All identifiable
15 information in reports provided shall not be further disclosed
16 except as provided by the Mental Health and Developmental
17 Disabilities Confidentiality Act. Nothing in this Section is
18 intended to limit or construe the power or authority granted
19 to the agency designated by the Governor pursuant to the
20 Protection and Advocacy for Persons with Developmental
21 Disabilities Act, pursuant to any other State or federal
22 statute.

23 With respect to investigations of reported resident abuse
24 or neglect, the Department shall effect with appropriate law
25 enforcement agencies formal agreements concerning methods and
26 procedures for the conduct of investigations into the criminal

1 histories of any administrator, staff assistant or employee of
2 the nursing home or other person responsible for the residents
3 care, as well as for other residents in the nursing home who
4 may be in a position to abuse, neglect or exploit the patient.
5 Pursuant to the formal agreements entered into with
6 appropriate law enforcement agencies, the Department may
7 request information with respect to whether the person or
8 persons set forth in this paragraph have ever been charged
9 with a crime and if so, the disposition of those charges.
10 Unless the criminal histories of the subjects involved crimes
11 of violence or resident abuse or neglect, the Department shall
12 be entitled only to information limited in scope to charges
13 and their dispositions. In cases where prior crimes of
14 violence or resident abuse or neglect are involved, a more
15 detailed report can be made available to authorized
16 representatives of the Department, pursuant to the agreements
17 entered into with appropriate law enforcement agencies. Any
18 criminal charges and their disposition information obtained by
19 the Department shall be confidential and may not be
20 transmitted outside the Department, except as required herein,
21 to authorized representatives or delegates of the Department,
22 and may not be transmitted to anyone within the Department who
23 is not duly authorized to handle resident abuse or neglect
24 investigations.

25 The Department shall effect formal agreements with
26 appropriate law enforcement agencies in the various counties

1 and communities to encourage cooperation and coordination in
2 the handling of resident abuse or neglect cases pursuant to
3 this Act. The Department shall adopt and implement methods and
4 procedures to promote statewide uniformity in the handling of
5 reports of abuse and neglect under this Act, and those methods
6 and procedures shall be adhered to by personnel of the
7 Department involved in such investigations and reporting. The
8 Department shall also make information required by this Act
9 available to authorized personnel within the Department, as
10 well as its authorized representatives.

11 The Department shall keep a continuing record of all
12 reports made pursuant to this Act, including indications of
13 the final determination of any investigation and the final
14 disposition of all reports.

15 The Department shall report annually to the General
16 Assembly on the incidence of abuse and neglect of long term
17 care facility residents, with special attention to residents
18 who are persons with mental disabilities. The report shall
19 include but not be limited to data on the number and source of
20 reports of suspected abuse or neglect filed under this Act,
21 the nature of any injuries to residents, the final
22 determination of investigations, the type and number of cases
23 where abuse or neglect is determined to exist, and the final
24 disposition of cases.

25 (Source: P.A. 98-104, eff. 7-22-13; 99-143, eff. 7-27-15;
26 99-180, eff. 7-29-15; 99-642, eff. 7-28-16.)

1 (210 ILCS 30/10) (from Ch. 111 1/2, par. 4170)

2 Sec. 10. If, during the investigation of a report made
3 pursuant to this Act, the Department obtains information
4 indicating possible criminal acts, the Department shall refer
5 the matter to the appropriate law enforcement agency or
6 agencies for further investigation or prosecution. The
7 Department shall make the entire file of its investigation
8 available to the appropriate law enforcement agencies.

9 With respect to reports of suspected abuse or neglect of
10 residents of facilities operated by the Department of Human
11 Services (as successor to the Department of Rehabilitation
12 Services) or recipients of services through any home,
13 institution, program or other entity licensed in whole or in
14 part by the Department of Human Services (as successor to the
15 Department of Rehabilitation Services), the Department shall
16 refer reports to the Illinois ~~Department of~~ State Police or
17 the appropriate law enforcement entity upon awareness that a
18 possible criminal act has occurred.

19 (Source: P.A. 94-428, eff. 8-2-05.)

20 Section 540. The Nursing Home Care Act is amended by
21 changing Sections 1-114.01, 2-201.5, 2-201.6, and 2-201.7 as
22 follows:

23 (210 ILCS 45/1-114.01)

1 Sec. 1-114.01. Identified offender. "Identified offender"
2 means a person who meets any of the following criteria:

3 (1) Has been convicted of, found guilty of,
4 adjudicated delinquent for, found not guilty by reason of
5 insanity for, or found unfit to stand trial for, any
6 felony offense listed in Section 25 of the Health Care
7 Worker Background Check Act, except for the following: (i)
8 a felony offense described in Section 10-5 of the Nurse
9 Practice Act; (ii) a felony offense described in Section
10 4, 5, 6, 8, or 17.02 of the Illinois Credit Card and Debit
11 Card Act; (iii) a felony offense described in Section 5,
12 5.1, 5.2, 7, or 9 of the Cannabis Control Act; (iv) a
13 felony offense described in Section 401, 401.1, 404, 405,
14 405.1, 407, or 407.1 of the Illinois Controlled Substances
15 Act; and (v) a felony offense described in the
16 Methamphetamine Control and Community Protection Act.

17 (2) Has been convicted of, adjudicated delinquent for,
18 found not guilty by reason of insanity for, or found unfit
19 to stand trial for, any sex offense as defined in
20 subsection (c) of Section 10 of the Sex Offender
21 Management Board Act.

22 (3) Is any other resident as determined by the
23 Illinois Department of State Police.

24 (Source: P.A. 96-1372, eff. 7-29-10.)

25 (210 ILCS 45/2-201.5)

1 Sec. 2-201.5. Screening prior to admission.

2 (a) All persons age 18 or older seeking admission to a
3 nursing facility must be screened to determine the need for
4 nursing facility services prior to being admitted, regardless
5 of income, assets, or funding source. Screening for nursing
6 facility services shall be administered through procedures
7 established by administrative rule. Screening may be done by
8 agencies other than the Department as established by
9 administrative rule. This Section applies on and after July 1,
10 1996. No later than October 1, 2010, the Department of
11 Healthcare and Family Services, in collaboration with the
12 Department on Aging, the Department of Human Services, and the
13 Department of Public Health, shall file administrative rules
14 providing for the gathering, during the screening process, of
15 information relevant to determining each person's potential
16 for placing other residents, employees, and visitors at risk
17 of harm.

18 (a-1) Any screening performed pursuant to subsection (a)
19 of this Section shall include a determination of whether any
20 person is being considered for admission to a nursing facility
21 due to a need for mental health services. For a person who
22 needs mental health services, the screening shall also include
23 an evaluation of whether there is permanent supportive
24 housing, or an array of community mental health services,
25 including but not limited to supported housing, assertive
26 community treatment, and peer support services, that would

1 enable the person to live in the community. The person shall be
2 told about the existence of any such services that would
3 enable the person to live safely and humanely and about
4 available appropriate nursing home services that would enable
5 the person to live safely and humanely, and the person shall be
6 given the assistance necessary to avail himself or herself of
7 any available services.

8 (a-2) Pre-screening for persons with a serious mental
9 illness shall be performed by a psychiatrist, a psychologist,
10 a registered nurse certified in psychiatric nursing, a
11 licensed clinical professional counselor, or a licensed
12 clinical social worker, who is competent to (i) perform a
13 clinical assessment of the individual, (ii) certify a
14 diagnosis, (iii) make a determination about the individual's
15 current need for treatment, including substance abuse
16 treatment, and recommend specific treatment, and (iv)
17 determine whether a facility or a community-based program is
18 able to meet the needs of the individual.

19 For any person entering a nursing facility, the
20 pre-screening agent shall make specific recommendations about
21 what care and services the individual needs to receive,
22 beginning at admission, to attain or maintain the individual's
23 highest level of independent functioning and to live in the
24 most integrated setting appropriate for his or her physical
25 and personal care and developmental and mental health needs.
26 These recommendations shall be revised as appropriate by the

1 pre-screening or re-screening agent based on the results of
2 resident review and in response to changes in the resident's
3 wishes, needs, and interest in transition.

4 Upon the person entering the nursing facility, the
5 Department of Human Services or its designee shall assist the
6 person in establishing a relationship with a community mental
7 health agency or other appropriate agencies in order to (i)
8 promote the person's transition to independent living and (ii)
9 support the person's progress in meeting individual goals.

10 (a-3) The Department of Human Services, by rule, shall
11 provide for a prohibition on conflicts of interest for
12 pre-admission screeners. The rule shall provide for waiver of
13 those conflicts by the Department of Human Services if the
14 Department of Human Services determines that a scarcity of
15 qualified pre-admission screeners exists in a given community
16 and that, absent a waiver of conflicts, an insufficient number
17 of pre-admission screeners would be available. If a conflict
18 is waived, the pre-admission screener shall disclose the
19 conflict of interest to the screened individual in the manner
20 provided for by rule of the Department of Human Services. For
21 the purposes of this subsection, a "conflict of interest"
22 includes, but is not limited to, the existence of a
23 professional or financial relationship between (i) a PAS-MH
24 corporate or a PAS-MH agent and (ii) a community provider or
25 long-term care facility.

26 (b) In addition to the screening required by subsection

1 (a), a facility, except for those licensed under the MC/DD
2 Act, shall, within 24 hours after admission, request a
3 criminal history background check pursuant to the Illinois
4 Uniform Conviction Information Act for all persons age 18 or
5 older seeking admission to the facility, unless (i) a
6 background check was initiated by a hospital pursuant to
7 subsection (d) of Section 6.09 of the Hospital Licensing Act
8 or a pre-admission background check was conducted by the
9 Department of Veterans' Affairs 30 days prior to admittance
10 into an Illinois Veterans Home; (ii) the transferring resident
11 is immobile; or (iii) the transferring resident is moving into
12 hospice. The exemption provided in item (ii) or (iii) of this
13 subsection (b) shall apply only if a background check was
14 completed by the facility the resident resided at prior to
15 seeking admission to the facility and the resident was
16 transferred to the facility with no time passing during which
17 the resident was not institutionalized. If item (ii) or (iii)
18 of this subsection (b) applies, the prior facility shall
19 provide a copy of its background check of the resident and all
20 supporting documentation, including, when applicable, the
21 criminal history report and the security assessment, to the
22 facility to which the resident is being transferred.
23 Background checks conducted pursuant to this Section shall be
24 based on the resident's name, date of birth, and other
25 identifiers as required by the Illinois ~~Department of~~ State
26 Police. If the results of the background check are

1 inconclusive, the facility shall initiate a fingerprint-based
2 check, unless the fingerprint check is waived by the Director
3 of Public Health based on verification by the facility that
4 the resident is completely immobile or that the resident meets
5 other criteria related to the resident's health or lack of
6 potential risk which may be established by Departmental rule.
7 A waiver issued pursuant to this Section shall be valid only
8 while the resident is immobile or while the criteria
9 supporting the waiver exist. The facility shall provide for or
10 arrange for any required fingerprint-based checks to be taken
11 on the premises of the facility. If a fingerprint-based check
12 is required, the facility shall arrange for it to be conducted
13 in a manner that is respectful of the resident's dignity and
14 that minimizes any emotional or physical hardship to the
15 resident.

16 (c) If the results of a resident's criminal history
17 background check reveal that the resident is an identified
18 offender as defined in Section 1-114.01, the facility shall do
19 the following:

20 (1) Immediately notify the Illinois ~~Department of~~
21 State Police, in the form and manner required by the
22 Illinois ~~Department of~~ State Police, in collaboration with
23 the Department of Public Health, that the resident is an
24 identified offender.

25 (2) Within 72 hours, arrange for a fingerprint-based
26 criminal history record inquiry to be requested on the

1 identified offender resident. The inquiry shall be based
2 on the subject's name, sex, race, date of birth,
3 fingerprint images, and other identifiers required by the
4 Illinois ~~Department of~~ State Police. The inquiry shall be
5 processed through the files of the Illinois ~~Department of~~
6 State Police and the Federal Bureau of Investigation to
7 locate any criminal history record information that may
8 exist regarding the subject. The Federal Bureau of
9 Investigation shall furnish to the Illinois ~~Department of~~
10 State Police, pursuant to an inquiry under this paragraph
11 (2), any criminal history record information contained in
12 its files.

13 The facility shall comply with all applicable provisions
14 contained in the Illinois Uniform Conviction Information Act.

15 All name-based and fingerprint-based criminal history
16 record inquiries shall be submitted to the Illinois ~~Department~~
17 ~~of~~ State Police electronically in the form and manner
18 prescribed by the Illinois ~~Department of~~ State Police. The
19 Illinois ~~Department of~~ State Police may charge the facility a
20 fee for processing name-based and fingerprint-based criminal
21 history record inquiries. The fee shall be deposited into the
22 State Police Services Fund. The fee shall not exceed the
23 actual cost of processing the inquiry.

24 (d) (Blank).

25 (e) The Department shall develop and maintain a
26 de-identified database of residents who have injured facility

1 staff, facility visitors, or other residents, and the
2 attendant circumstances, solely for the purposes of evaluating
3 and improving resident pre-screening and assessment procedures
4 (including the Criminal History Report prepared under Section
5 2-201.6) and the adequacy of Department requirements
6 concerning the provision of care and services to residents. A
7 resident shall not be listed in the database until a
8 Department survey confirms the accuracy of the listing. The
9 names of persons listed in the database and information that
10 would allow them to be individually identified shall not be
11 made public. Neither the Department nor any other agency of
12 State government may use information in the database to take
13 any action against any individual, licensee, or other entity,
14 unless the Department or agency receives the information
15 independent of this subsection (e). All information collected,
16 maintained, or developed under the authority of this
17 subsection (e) for the purposes of the database maintained
18 under this subsection (e) shall be treated in the same manner
19 as information that is subject to Part 21 of Article VIII of
20 the Code of Civil Procedure.

21 (Source: P.A. 99-180, eff. 7-29-15; 99-314, eff. 8-7-15;
22 99-453, eff. 8-24-15; 99-642, eff. 7-28-16.)

23 (210 ILCS 45/2-201.6)

24 Sec. 2-201.6. Criminal History Report.

25 (a) The Illinois ~~Department of~~ State Police shall prepare

1 a Criminal History Report when it receives information,
2 through the criminal history background check required
3 pursuant to subsection (d) of Section 6.09 of the Hospital
4 Licensing Act or subsection (c) of Section 2-201.5, or through
5 any other means, that a resident of a facility is an identified
6 offender.

7 (b) The Illinois ~~Department of~~ State Police shall complete
8 the Criminal History Report within 10 business days after
9 receiving information under subsection (a) that a resident is
10 an identified offender.

11 (c) The Criminal History Report shall include, but not be
12 limited to, the following:

13 (1) (Blank).

14 (2) (Blank).

15 (3) (Blank).

16 (3.5) Copies of the identified offender's parole,
17 mandatory supervised release, or probation orders.

18 (4) An interview with the identified offender.

19 (5) (Blank).

20 (6) A detailed summary of the entire criminal history
21 of the offender, including arrests, convictions, and the
22 date of the identified offender's last conviction relative
23 to the date of admission to a long-term care facility.

24 (7) If the identified offender is a convicted or
25 registered sex offender, a review of any and all sex
26 offender evaluations conducted on that offender. If there

1 is no sex offender evaluation available, the Illinois
2 ~~Department of~~ State Police shall arrange, through the
3 Department of Public Health, for a sex offender evaluation
4 to be conducted on the identified offender. If the
5 convicted or registered sex offender is under supervision
6 by the Illinois Department of Corrections or a county
7 probation department, the sex offender evaluation shall be
8 arranged by and at the expense of the supervising agency.
9 All evaluations conducted on convicted or registered sex
10 offenders under this Act shall be conducted by sex
11 offender evaluators approved by the Sex Offender
12 Management Board.

13 (d) The Illinois ~~Department of~~ State Police shall provide
14 the Criminal History Report to a licensed forensic
15 psychologist. After (i) consideration of the Criminal History
16 Report, (ii) consultation with the facility administrator or
17 the facility medical director, or both, regarding the mental
18 and physical condition of the identified offender, and (iii)
19 reviewing the facility's file on the identified offender,
20 including all incident reports, all information regarding
21 medication and medication compliance, and all information
22 regarding previous discharges or transfers from other
23 facilities, the licensed forensic psychologist shall prepare
24 an Identified Offender Report and Recommendation. The
25 Identified Offender Report and Recommendation shall detail
26 whether and to what extent the identified offender's criminal

1 history necessitates the implementation of security measures
2 within the long-term care facility. If the identified offender
3 is a convicted or registered sex offender or if the Identified
4 Offender Report and Recommendation reveals that the identified
5 offender poses a significant risk of harm to others within the
6 facility, the offender shall be required to have his or her own
7 room within the facility.

8 (e) The licensed forensic psychologist shall complete the
9 Identified Offender Report and Recommendation within 14
10 business days after receiving the Criminal History Report and
11 shall promptly provide the Identified Offender Report and
12 Recommendation to the Illinois ~~Department of~~ State Police,
13 which shall provide the Identified Offender Report and
14 Recommendation to the following:

15 (1) The long-term care facility within which the
16 identified offender resides.

17 (2) The Chief of Police of the municipality in which
18 the facility is located.

19 (3) The State of Illinois Long Term Care Ombudsman.

20 (4) The Department of Public Health.

21 (e-5) The Department of Public Health shall keep a
22 continuing record of all residents determined to be identified
23 offenders as defined in Section 1-114.01 and shall report the
24 number of identified offender residents annually to the
25 General Assembly.

26 (f) The facility shall incorporate the Identified Offender

1 Report and Recommendation into the identified offender's care
2 plan created pursuant to 42 CFR 483.20.

3 (g) If, based on the Identified Offender Report and
4 Recommendation, a facility determines that it cannot manage
5 the identified offender resident safely within the facility,
6 it shall commence involuntary transfer or discharge
7 proceedings pursuant to Section 3-402.

8 (h) Except for willful and wanton misconduct, any person
9 authorized to participate in the development of a Criminal
10 History Report or Identified Offender Report and
11 Recommendation is immune from criminal or civil liability for
12 any acts or omissions as the result of his or her good faith
13 effort to comply with this Section.

14 (Source: P.A. 96-1372, eff. 7-29-10.)

15 (210 ILCS 45/2-201.7)

16 Sec. 2-201.7. Expanded criminal history background check
17 pilot program.

18 (a) The purpose of this Section is to establish a pilot
19 program based in Cook and Will counties in which an expanded
20 criminal history background check screening process will be
21 utilized to better identify residents of licensed long term
22 care facilities who, because of their criminal histories, may
23 pose a risk to other vulnerable residents.

24 (b) In this Section, "mixed population facility" means a
25 facility that has more than 25 residents with a diagnosis of

1 serious mental illness and residents 65 years of age or older.

2 (c) Every mixed population facility located in Cook County
3 or Will County shall participate in the pilot program and
4 shall employ expanded criminal history background check
5 screening procedures for all residents admitted to the
6 facility who are at least 18 years of age but less than 65
7 years of age. Under the pilot program, criminal history
8 background checks required under this Act shall employ
9 fingerprint-based criminal history record inquiries or
10 comparably comprehensive name-based criminal history
11 background checks. Fingerprint-based criminal history record
12 inquiries shall be conducted pursuant to subsection (c-2) of
13 Section 2-201.5. A Criminal History Report and an Identified
14 Offender Report and Recommendation shall be completed pursuant
15 to Section 2-201.6 if the results of the expanded criminal
16 history background check reveal that a resident is an
17 identified offender as defined in Section 1-114.01.

18 (d) If an expanded criminal history background check
19 reveals that a resident is an identified offender as defined
20 in Section 1-114.01, the facility shall be notified within 72
21 hours.

22 (e) The cost of the expanded criminal history background
23 checks conducted pursuant to the pilot program shall not
24 exceed \$50 per resident and shall be paid by the facility. The
25 Illinois ~~Department of~~ State Police shall implement all
26 potential measures to minimize the cost of the expanded

1 criminal history background checks to the participating long
2 term care facilities.

3 (f) The pilot program shall run for a period of one year
4 after the effective date of this amendatory Act of the 96th
5 General Assembly. Promptly after the end of that one-year
6 period, the Department shall report the results of the pilot
7 program to the General Assembly.

8 (Source: P.A. 96-1372, eff. 7-29-10.)

9 Section 545. The MC/DD Act is amended by changing Sections
10 1-114.01, 2-201.5, and 2-201.6 as follows:

11 (210 ILCS 46/1-114.01)

12 Sec. 1-114.01. Identified offender. "Identified offender"
13 means a person who meets any of the following criteria:

14 (1) Has been convicted of, found guilty of,
15 adjudicated delinquent for, found not guilty by reason of
16 insanity for, or found unfit to stand trial for any felony
17 offense listed in Section 25 of the Health Care Worker
18 Background Check Act, except for the following:

19 (i) a felony offense described in Section 10-5 of
20 the Nurse Practice Act;

21 (ii) a felony offense described in Section 4, 5,
22 6, 8, or 17.02 of the Illinois Credit Card and Debit
23 Card Act;

24 (iii) a felony offense described in Section 5,

1 5.1, 5.2, 7, or 9 of the Cannabis Control Act;

2 (iv) a felony offense described in Section 401,
3 401.1, 404, 405, 405.1, 407, or 407.1 of the Illinois
4 Controlled Substances Act; and

5 (v) a felony offense described in the
6 Methamphetamine Control and Community Protection Act.

7 (2) Has been convicted of, adjudicated delinquent for,
8 found not guilty by reason of insanity for, or found unfit
9 to stand trial for, any sex offense as defined in
10 subsection (c) of Section 10 of the Sex Offender
11 Management Board Act.

12 (3) Is any other resident as determined by the
13 Illinois Department of State Police.

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

15 (210 ILCS 46/2-201.5)

16 Sec. 2-201.5. Screening prior to admission.

17 (a) All persons age 18 or older seeking admission to a
18 facility must be screened to determine the need for facility
19 services prior to being admitted, regardless of income,
20 assets, or funding source. In addition, any person who seeks
21 to become eligible for medical assistance from the Medical
22 Assistance Program under the Illinois Public Aid Code to pay
23 for services while residing in a facility must be screened
24 prior to receiving those benefits. Screening for facility
25 services shall be administered through procedures established

1 by administrative rule. Screening may be done by agencies
2 other than the Department as established by administrative
3 rule.

4 (a-1) Any screening shall also include an evaluation of
5 whether there are residential supports and services or an
6 array of community services that would enable the person to
7 live in the community. The person shall be told about the
8 existence of any such services that would enable the person to
9 live safely and humanely in the least restrictive environment,
10 that is appropriate, that the individual or guardian chooses,
11 and the person shall be given the assistance necessary to
12 avail himself or herself of any available services.

13 (b) In addition to the screening required by subsection
14 (a), a facility shall, within 24 hours after admission,
15 request a criminal history background check pursuant to the
16 Uniform Conviction Information Act for all persons age 18 or
17 older seeking admission to the facility. Background checks
18 conducted pursuant to this Section shall be based on the
19 resident's name, date of birth, and other identifiers as
20 required by the Illinois ~~Department of~~ State Police. If the
21 results of the background check are inconclusive, the facility
22 shall initiate a fingerprint-based check, unless the
23 fingerprint-based check is waived by the Director of Public
24 Health based on verification by the facility that the resident
25 is completely immobile or that the resident meets other
26 criteria related to the resident's health or lack of potential

1 risk which may be established by Departmental rule. A waiver
2 issued pursuant to this Section shall be valid only while the
3 resident is immobile or while the criteria supporting the
4 waiver exist. The facility shall provide for or arrange for
5 any required fingerprint-based checks. If a fingerprint-based
6 check is required, the facility shall arrange for it to be
7 conducted in a manner that is respectful of the resident's
8 dignity and that minimizes any emotional or physical hardship
9 to the resident.

10 (c) If the results of a resident's criminal history
11 background check reveal that the resident is an identified
12 offender as defined in Section 1-114.01 of this Act, the
13 facility shall do the following:

14 (1) Immediately notify the Illinois ~~Department of~~
15 State Police, in the form and manner required by the
16 Illinois ~~Department of~~ State Police, in collaboration with
17 the Department of Public Health, that the resident is an
18 identified offender.

19 (2) Within 72 hours, arrange for a fingerprint-based
20 criminal history record inquiry to be requested on the
21 identified offender resident. The inquiry shall be based
22 on the subject's name, sex, race, date of birth,
23 fingerprint images, and other identifiers required by the
24 Illinois ~~Department of~~ State Police. The inquiry shall be
25 processed through the files of the Illinois ~~Department of~~
26 State Police and the Federal Bureau of Investigation to

1 locate any criminal history record information that may
2 exist regarding the subject. The Federal Bureau of
3 Investigation shall furnish to the Illinois ~~Department of~~
4 State Police, pursuant to an inquiry under this paragraph
5 (2), any criminal history record information contained in
6 its files. The facility shall comply with all applicable
7 provisions contained in the Uniform Conviction Information
8 Act. All name-based and fingerprint-based criminal history
9 record inquiries shall be submitted to the Illinois
10 ~~Department of~~ State Police electronically in the form and
11 manner prescribed by the Illinois ~~Department of~~ State
12 Police. The Illinois ~~Department of~~ State Police may charge
13 the facility a fee for processing name-based and
14 fingerprint-based criminal history record inquiries. The
15 fee shall be deposited into the State Police Services
16 Fund. The fee shall not exceed the actual cost of
17 processing the inquiry.

18 (d) The Department shall develop and maintain a
19 de-identified database of residents who have injured facility
20 staff, facility visitors, or other residents, and the
21 attendant circumstances, solely for the purposes of evaluating
22 and improving resident pre-screening and assessment procedures
23 (including the Criminal History Report prepared under Section
24 2-201.6 of this Act) and the adequacy of Department
25 requirements concerning the provision of care and services to
26 residents. A resident shall not be listed in the database

1 until a Department survey confirms the accuracy of the
2 listing. The names of persons listed in the database and
3 information that would allow them to be individually
4 identified shall not be made public. Neither the Department
5 nor any other agency of State government may use information
6 in the database to take any action against any individual,
7 licensee, or other entity unless the Department or agency
8 receives the information independent of this subsection (d).
9 All information collected, maintained, or developed under the
10 authority of this subsection (d) for the purposes of the
11 database maintained under this subsection (d) shall be treated
12 in the same manner as information that is subject to Part 21 of
13 Article VIII of the Code of Civil Procedure.

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

15 (210 ILCS 46/2-201.6)

16 Sec. 2-201.6. Criminal History Report.

17 (a) The Illinois ~~Department of~~ State Police shall prepare
18 a Criminal History Report when it receives information,
19 through the criminal history background check required
20 pursuant to subsection (c) of Section 2-201.5 or through any
21 other means, that a resident of a facility is an identified
22 offender.

23 (b) The Illinois ~~Department of~~ State Police shall complete
24 the Criminal History Report within 10 business days after
25 receiving any information described under subsection (a) of

1 this Act that a resident is an identified offender.

2 (c) The Criminal History Report shall include, but not be
3 limited to, all of the following:

4 (1) Copies of the identified offender's parole,
5 mandatory supervised release, or probation orders.

6 (2) An interview with the identified offender.

7 (3) A detailed summary of the entire criminal history
8 of the offender, including arrests, convictions, and the
9 date of the identified offender's last conviction relative
10 to the date of admission to a facility.

11 (4) If the identified offender is a convicted or
12 registered sex offender, then a review of any and all sex
13 offender evaluations conducted on that offender. If there
14 is no sex offender evaluation available, then the Illinois
15 ~~Department of~~ State Police shall arrange, through the
16 Department of Public Health, for a sex offender evaluation
17 to be conducted on the identified offender. If the
18 convicted or registered sex offender is under supervision
19 by the Illinois Department of Corrections or a county
20 probation department, then the sex offender evaluation
21 shall be arranged by and at the expense of the supervising
22 agency. All evaluations conducted on convicted or
23 registered sex offenders under this Act shall be conducted
24 by sex offender evaluators approved by the Sex Offender
25 Management Board.

26 (d) The Illinois ~~Department of~~ State Police shall provide

1 the Criminal History Report to a licensed forensic
2 psychologist. The licensed forensic psychologist shall prepare
3 an Identified Offender Report and Recommendation after (i)
4 consideration of the Criminal History Report, (ii)
5 consultation with the facility administrator or the facility
6 medical director, or both, regarding the mental and physical
7 condition of the identified offender, and (iii) reviewing the
8 facility's file on the identified offender, including all
9 incident reports, all information regarding medication and
10 medication compliance, and all information regarding previous
11 discharges or transfers from other facilities. The Identified
12 Offender Report and Recommendation shall detail whether and to
13 what extent the identified offender's criminal history
14 necessitates the implementation of security measures within
15 the facility. If the identified offender is a convicted or
16 registered sex offender, or if the Identified Offender Report
17 and Recommendation reveals that the identified offender poses
18 a significant risk of harm to others within the facility, then
19 the offender shall be required to have his or her own room
20 within the facility.

21 (e) The licensed forensic psychologist shall complete the
22 Identified Offender Report and Recommendation within 14
23 business days after receiving the Criminal History Report and
24 shall promptly provide the Identified Offender Report and
25 Recommendation to the Illinois ~~Department of~~ State Police,
26 which shall provide the Identified Offender Report and

1 Recommendation to the following:

2 (1) The facility within which the identified offender
3 resides.

4 (2) The Chief of Police of the municipality in which
5 the facility is located.

6 (3) The State of Illinois Long Term Care Ombudsman.

7 (4) The Department of Public Health.

8 (f) The Department of Public Health shall keep a
9 continuing record of all residents determined to be identified
10 offenders as defined in Section 1-114.01 and shall report the
11 number of identified offender residents annually to the
12 General Assembly.

13 (g) The facility shall incorporate the Identified Offender
14 Report and Recommendation into the identified offender's
15 individual program plan created pursuant to 42 CFR 483.440(c).

16 (h) If, based on the Identified Offender Report and
17 Recommendation, a facility determines that it cannot manage
18 the identified offender resident safely within the facility,
19 then it shall commence involuntary transfer or discharge
20 proceedings pursuant to Section 3-402.

21 (i) Except for willful and wanton misconduct, any person
22 authorized to participate in the development of a Criminal
23 History Report or Identified Offender Report and
24 Recommendation is immune from criminal or civil liability for
25 any acts or omissions as the result of his or her good faith
26 effort to comply with this Section.

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

2 Section 550. The ID/DD Community Care Act is amended by
3 changing Sections 1-114.01, 2-201.5, and 2-201.6 as follows:

4 (210 ILCS 47/1-114.01)

5 Sec. 1-114.01. Identified offender. "Identified offender"
6 means a person who meets any of the following criteria:

7 (1) Has been convicted of, found guilty of,
8 adjudicated delinquent for, found not guilty by reason of
9 insanity for, or found unfit to stand trial for any felony
10 offense listed in Section 25 of the Health Care Worker
11 Background Check Act, except for the following:

12 (i) a felony offense described in Section 10-5 of
13 the Nurse Practice Act;

14 (ii) a felony offense described in Section 4, 5,
15 6, 8, or 17.02 of the Illinois Credit Card and Debit
16 Card Act;

17 (iii) a felony offense described in Section 5,
18 5.1, 5.2, 7, or 9 of the Cannabis Control Act;

19 (iv) a felony offense described in Section 401,
20 401.1, 404, 405, 405.1, 407, or 407.1 of the Illinois
21 Controlled Substances Act; and

22 (v) a felony offense described in the
23 Methamphetamine Control and Community Protection Act.

24 (2) Has been convicted of, adjudicated delinquent for,

1 found not guilty by reason of insanity for, or found unfit
2 to stand trial for, any sex offense as defined in
3 subsection (c) of Section 10 of the Sex Offender
4 Management Board Act.

5 (3) Is any other resident as determined by the
6 Illinois Department of State Police.

7 (Source: P.A. 96-339, eff. 7-1-10; 97-38, eff. 6-28-11.)

8 (210 ILCS 47/2-201.5)

9 Sec. 2-201.5. Screening prior to admission.

10 (a) All persons age 18 or older seeking admission to a
11 facility must be screened to determine the need for facility
12 services prior to being admitted, regardless of income,
13 assets, or funding source. In addition, any person who seeks
14 to become eligible for medical assistance from the Medical
15 Assistance Program under the Illinois Public Aid Code to pay
16 for services while residing in a facility must be screened
17 prior to receiving those benefits. Screening for facility
18 services shall be administered through procedures established
19 by administrative rule. Screening may be done by agencies
20 other than the Department as established by administrative
21 rule.

22 (a-1) Any screening shall also include an evaluation of
23 whether there are residential supports and services or an
24 array of community services that would enable the person to
25 live in the community. The person shall be told about the

1 existence of any such services that would enable the person to
2 live safely and humanely in the least restrictive environment,
3 that is appropriate, that the individual or guardian chooses,
4 and the person shall be given the assistance necessary to
5 avail himself or herself of any available services.

6 (b) In addition to the screening required by subsection
7 (a), a facility shall, within 24 hours after admission,
8 request a criminal history background check pursuant to the
9 Uniform Conviction Information Act for all persons age 18 or
10 older seeking admission to the facility. Background checks
11 conducted pursuant to this Section shall be based on the
12 resident's name, date of birth, and other identifiers as
13 required by the Illinois Department of State Police. If the
14 results of the background check are inconclusive, the facility
15 shall initiate a fingerprint-based check, unless the
16 fingerprint-based check is waived by the Director of Public
17 Health based on verification by the facility that the resident
18 is completely immobile or that the resident meets other
19 criteria related to the resident's health or lack of potential
20 risk which may be established by Departmental rule. A waiver
21 issued pursuant to this Section shall be valid only while the
22 resident is immobile or while the criteria supporting the
23 waiver exist. The facility shall provide for or arrange for
24 any required fingerprint-based checks. If a fingerprint-based
25 check is required, the facility shall arrange for it to be
26 conducted in a manner that is respectful of the resident's

1 dignity and that minimizes any emotional or physical hardship
2 to the resident.

3 (c) If the results of a resident's criminal history
4 background check reveal that the resident is an identified
5 offender as defined in Section 1-114.01 of this Act, the
6 facility shall do the following:

7 (1) Immediately notify the Illinois ~~Department of~~
8 State Police, in the form and manner required by the
9 Illinois ~~Department of~~ State Police, in collaboration with
10 the Department of Public Health, that the resident is an
11 identified offender.

12 (2) Within 72 hours, arrange for a fingerprint-based
13 criminal history record inquiry to be requested on the
14 identified offender resident. The inquiry shall be based
15 on the subject's name, sex, race, date of birth,
16 fingerprint images, and other identifiers required by the
17 Illinois ~~Department of~~ State Police. The inquiry shall be
18 processed through the files of the Illinois ~~Department of~~
19 State Police and the Federal Bureau of Investigation to
20 locate any criminal history record information that may
21 exist regarding the subject. The Federal Bureau of
22 Investigation shall furnish to the Illinois ~~Department of~~
23 State Police, pursuant to an inquiry under this paragraph
24 (2), any criminal history record information contained in
25 its files. The facility shall comply with all applicable
26 provisions contained in the Uniform Conviction Information

1 Act. All name-based and fingerprint-based criminal history
2 record inquiries shall be submitted to the Illinois
3 ~~Department of~~ State Police electronically in the form and
4 manner prescribed by the Illinois ~~Department of~~ State
5 Police. The Illinois ~~Department of~~ State Police may charge
6 the facility a fee for processing name-based and
7 fingerprint-based criminal history record inquiries. The
8 fee shall be deposited into the State Police Services
9 Fund. The fee shall not exceed the actual cost of
10 processing the inquiry.

11 (d) The Department shall develop and maintain a
12 de-identified database of residents who have injured facility
13 staff, facility visitors, or other residents, and the
14 attendant circumstances, solely for the purposes of evaluating
15 and improving resident pre-screening and assessment procedures
16 (including the Criminal History Report prepared under Section
17 2-201.6 of this Act) and the adequacy of Department
18 requirements concerning the provision of care and services to
19 residents. A resident shall not be listed in the database
20 until a Department survey confirms the accuracy of the
21 listing. The names of persons listed in the database and
22 information that would allow them to be individually
23 identified shall not be made public. Neither the Department
24 nor any other agency of State government may use information
25 in the database to take any action against any individual,
26 licensee, or other entity unless the Department or agency

1 receives the information independent of this subsection (d).
2 All information collected, maintained, or developed under the
3 authority of this subsection (d) for the purposes of the
4 database maintained under this subsection (d) shall be treated
5 in the same manner as information that is subject to Part 21 of
6 Article VIII of the Code of Civil Procedure.

7 (Source: P.A. 96-339, eff. 7-1-10; 97-38, eff. 6-28-11.)

8 (210 ILCS 47/2-201.6)

9 Sec. 2-201.6. Criminal History Report.

10 (a) The Illinois ~~Department of~~ State Police shall prepare
11 a Criminal History Report when it receives information,
12 through the criminal history background check required
13 pursuant to subsection (c) of Section 2-201.5 or through any
14 other means, that a resident of a facility is an identified
15 offender.

16 (b) The Illinois ~~Department of~~ State Police shall complete
17 the Criminal History Report within 10 business days after
18 receiving any information described under subsection (a) of
19 this Act that a resident is an identified offender.

20 (c) The Criminal History Report shall include, but not be
21 limited to, all of the following:

22 (1) Copies of the identified offender's parole,
23 mandatory supervised release, or probation orders.

24 (2) An interview with the identified offender.

25 (3) A detailed summary of the entire criminal history

1 of the offender, including arrests, convictions, and the
2 date of the identified offender's last conviction relative
3 to the date of admission to a long-term care facility.

4 (4) If the identified offender is a convicted or
5 registered sex offender, then a review of any and all sex
6 offender evaluations conducted on that offender. If there
7 is no sex offender evaluation available, then the Illinois
8 ~~Department of~~ State Police shall arrange, through the
9 Department of Public Health, for a sex offender evaluation
10 to be conducted on the identified offender. If the
11 convicted or registered sex offender is under supervision
12 by the Illinois Department of Corrections or a county
13 probation department, then the sex offender evaluation
14 shall be arranged by and at the expense of the supervising
15 agency. All evaluations conducted on convicted or
16 registered sex offenders under this Act shall be conducted
17 by sex offender evaluators approved by the Sex Offender
18 Management Board.

19 (d) The Illinois ~~Department of~~ State Police shall provide
20 the Criminal History Report to a licensed forensic
21 psychologist. The licensed forensic psychologist shall prepare
22 an Identified Offender Report and Recommendation after (i)
23 consideration of the Criminal History Report, (ii)
24 consultation with the facility administrator or the facility
25 medical director, or both, regarding the mental and physical
26 condition of the identified offender, and (iii) reviewing the

1 facility's file on the identified offender, including all
2 incident reports, all information regarding medication and
3 medication compliance, and all information regarding previous
4 discharges or transfers from other facilities. The Identified
5 Offender Report and Recommendation shall detail whether and to
6 what extent the identified offender's criminal history
7 necessitates the implementation of security measures within
8 the facility. If the identified offender is a convicted or
9 registered sex offender, or if the Identified Offender Report
10 and Recommendation reveals that the identified offender poses
11 a significant risk of harm to others within the facility, then
12 the offender shall be required to have his or her own room
13 within the facility.

14 (e) The licensed forensic psychologist shall complete the
15 Identified Offender Report and Recommendation within 14
16 business days after receiving the Criminal History Report and
17 shall promptly provide the Identified Offender Report and
18 Recommendation to the Illinois ~~Department of~~ State Police,
19 which shall provide the Identified Offender Report and
20 Recommendation to the following:

21 (1) The facility within which the identified offender
22 resides.

23 (2) The Chief of Police of the municipality in which
24 the facility is located.

25 (3) The State of Illinois Long Term Care Ombudsman.

26 (4) The Department of Public Health.

1 (f) The Department of Public Health shall keep a
2 continuing record of all residents determined to be identified
3 offenders as defined in Section 1-114.01 and shall report the
4 number of identified offender residents annually to the
5 General Assembly.

6 (g) The facility shall incorporate the Identified Offender
7 Report and Recommendation into the identified offender's
8 individual program plan created pursuant to 42 CFR 483.440(c).

9 (h) If, based on the Identified Offender Report and
10 Recommendation, a facility determines that it cannot manage
11 the identified offender resident safely within the facility,
12 then it shall commence involuntary transfer or discharge
13 proceedings pursuant to Section 3-402.

14 (i) Except for willful and wanton misconduct, any person
15 authorized to participate in the development of a Criminal
16 History Report or Identified Offender Report and
17 Recommendation is immune from criminal or civil liability for
18 any acts or omissions as the result of his or her good faith
19 effort to comply with this Section.

20 (Source: P.A. 97-38, eff. 6-28-11.)

21 Section 555. The Specialized Mental Health Rehabilitation
22 Act of 2013 is amended by changing Sections 2-104 and 2-105 as
23 follows:

24 (210 ILCS 49/2-104)

1 Sec. 2-104. Screening prior to admission.

2 (a) A facility shall, within 24 hours after admission,
3 request a criminal history background check pursuant to the
4 Uniform Conviction Information Act for all persons age 18 or
5 older seeking admission to the facility, unless a background
6 check was initiated by a hospital pursuant to subsection (d)
7 of Section 6.09 of the Hospital Licensing Act. Background
8 checks conducted pursuant to this Section shall be based on
9 the consumer's name, date of birth, and other identifiers as
10 required by the Illinois ~~Department of~~ State Police. If the
11 results of the background check are inconclusive, the facility
12 shall initiate a fingerprint-based check, unless the
13 fingerprint check is waived by the Director of Public Health
14 based on verification by the facility that the consumer meets
15 criteria related to the consumer's health or lack of potential
16 risk which may be established by Departmental rule. A waiver
17 issued pursuant to this Section shall be valid only while the
18 consumer is immobile or while the criteria supporting the
19 waiver exist. The facility shall provide for or arrange for
20 any required fingerprint-based checks to be taken on the
21 premises of the facility. If a fingerprint-based check is
22 required, the facility shall arrange for it to be conducted in
23 a manner that is respectful of the consumer's dignity and that
24 minimizes any emotional or physical hardship to the consumer.

25 (b) If the results of a consumer's criminal history
26 background check reveal that the consumer is an identified

1 offender as defined in this Act, the facility shall do the
2 following:

3 (1) Immediately notify the Illinois ~~Department of~~
4 State Police, in the form and manner required by the
5 Illinois ~~Department of~~ State Police, in collaboration with
6 the Department of Public Health, that the consumer is an
7 identified offender.

8 (2) Within 72 hours, arrange for a fingerprint-based
9 criminal history record inquiry to be requested on the
10 identified offender consumer. The inquiry shall be based
11 on the subject's name, sex, race, date of birth,
12 fingerprint images, and other identifiers required by the
13 Illinois ~~Department of~~ State Police. The inquiry shall be
14 processed through the files of the Illinois ~~Department of~~
15 State Police and the Federal Bureau of Investigation to
16 locate any criminal history record information that may
17 exist regarding the subject. The Federal Bureau of
18 Investigation shall furnish to the Illinois ~~Department of~~
19 State Police, pursuant to an inquiry under this paragraph
20 (2), any criminal history record information contained in
21 its files.

22 (Source: P.A. 98-104, eff. 7-22-13.)

23 (210 ILCS 49/2-105)

24 Sec. 2-105. Criminal History Report.

25 (a) The Illinois ~~Department of~~ State Police shall prepare

1 a Criminal History Report when it receives information,
2 through the criminal history background check required
3 pursuant to subsection (d) of Section 6.09 of the Hospital
4 Licensing Act or subsection (c) of Section 2-201.5 of the
5 Nursing Home Care Act, or through any other means, that a
6 consumer of a facility is an identified offender.

7 (b) The Illinois ~~Department of~~ State Police shall complete
8 the Criminal History Report within 10 business days after
9 receiving information under subsection (a) that a consumer is
10 an identified offender.

11 (c) The Criminal History Report shall include, but not be
12 limited to, the following:

13 (1) Copies of the identified offender's parole,
14 mandatory supervised release, or probation orders.

15 (2) An interview with the identified offender.

16 (3) A detailed summary of the entire criminal history
17 of the offender, including arrests, convictions, and the
18 date of the identified offender's last conviction relative
19 to the date of admission to a long-term care facility.

20 (4) If the identified offender is a convicted or
21 registered sex offender, a review of any and all sex
22 offender evaluations conducted on that offender. If there
23 is no sex offender evaluation available, the Illinois
24 ~~Department of~~ State Police shall arrange, through the
25 Department of Public Health, for a sex offender evaluation
26 to be conducted on the identified offender. If the

1 convicted or registered sex offender is under supervision
2 by the Illinois Department of Corrections or a county
3 probation department, the sex offender evaluation shall be
4 arranged by and at the expense of the supervising agency.
5 All evaluations conducted on convicted or registered sex
6 offenders under this Act shall be conducted by sex
7 offender evaluators approved by the Sex Offender
8 Management Board.

9 (d) The Illinois ~~Department of~~ State Police shall provide
10 the Criminal History Report to a licensed forensic
11 psychologist. After (i) consideration of the Criminal History
12 Report, (ii) consultation with the facility administrator or
13 the facility medical director, or both, regarding the mental
14 and physical condition of the identified offender, and (iii)
15 reviewing the facility's file on the identified offender,
16 including all incident reports, all information regarding
17 medication and medication compliance, and all information
18 regarding previous discharges or transfers from other
19 facilities, the licensed forensic psychologist shall prepare
20 an Identified Offender Report and Recommendation. The
21 Identified Offender Report and Recommendation shall detail
22 whether and to what extent the identified offender's criminal
23 history necessitates the implementation of security measures
24 within the long-term care facility. If the identified offender
25 is a convicted or registered sex offender or if the Identified
26 Offender Report and Recommendation reveals that the identified

1 offender poses a significant risk of harm to others within the
2 facility, the offender shall be required to have his or her own
3 room within the facility.

4 (e) The licensed forensic psychologist shall complete the
5 Identified Offender Report and Recommendation within 14
6 business days after receiving the Criminal History Report and
7 shall promptly provide the Identified Offender Report and
8 Recommendation to the Illinois ~~Department of~~ State Police,
9 which shall provide the Identified Offender Report and
10 Recommendation to the following:

11 (1) The facility within which the identified offender
12 resides.

13 (2) The Chief of Police of the municipality in which
14 the facility is located.

15 (3) The State of Illinois Long Term Care Ombudsman.

16 (4) The Department of Public Health.

17 (e-5) The Department of Public Health shall keep a
18 continuing record of all consumers determined to be identified
19 offenders as defined in Section 1-114.01 of the Nursing Home
20 Care Act and shall report the number of identified offender
21 consumers annually to the General Assembly.

22 (f) The facility shall incorporate the Identified Offender
23 Report and Recommendation into the identified offender's care
24 plan created pursuant to 42 CFR 483.20.

25 (g) If, based on the Identified Offender Report and
26 Recommendation, a facility determines that it cannot manage

1 the identified offender consumer safely within the facility,
2 it shall commence involuntary transfer or discharge
3 proceedings pursuant to Section 3-402.

4 (h) Except for willful and wanton misconduct, any person
5 authorized to participate in the development of a Criminal
6 History Report or Identified Offender Report and
7 Recommendation is immune from criminal or civil liability for
8 any acts or omissions as the result of his or her good faith
9 effort to comply with this Section.

10 (Source: P.A. 98-104, eff. 7-22-13.)

11 Section 560. The Hospital Licensing Act is amended by
12 changing Section 6.09 as follows:

13 (210 ILCS 85/6.09) (from Ch. 111 1/2, par. 147.09)

14 Sec. 6.09. (a) In order to facilitate the orderly
15 transition of aged patients and patients with disabilities
16 from hospitals to post-hospital care, whenever a patient who
17 qualifies for the federal Medicare program is hospitalized,
18 the patient shall be notified of discharge at least 24 hours
19 prior to discharge from the hospital. With regard to pending
20 discharges to a skilled nursing facility, the hospital must
21 notify the case coordination unit, as defined in 89 Ill. Adm.
22 Code 240.260, at least 24 hours prior to discharge. When the
23 assessment is completed in the hospital, the case coordination
24 unit shall provide a copy of the required assessment

1 documentation directly to the nursing home to which the
2 patient is being discharged prior to discharge. The Department
3 on Aging shall provide notice of this requirement to case
4 coordination units. When a case coordination unit is unable to
5 complete an assessment in a hospital prior to the discharge of
6 a patient, 60 years of age or older, to a nursing home, the
7 case coordination unit shall notify the Department on Aging
8 which shall notify the Department of Healthcare and Family
9 Services. The Department of Healthcare and Family Services and
10 the Department on Aging shall adopt rules to address these
11 instances to ensure that the patient is able to access nursing
12 home care, the nursing home is not penalized for accepting the
13 admission, and the patient's timely discharge from the
14 hospital is not delayed, to the extent permitted under federal
15 law or regulation. Nothing in this subsection shall preclude
16 federal requirements for a pre-admission screening/mental
17 health (PAS/MH) as required under Section 2-201.5 of the
18 Nursing Home Care Act or State or federal law or regulation. If
19 home health services are ordered, the hospital must inform its
20 designated case coordination unit, as defined in 89 Ill. Adm.
21 Code 240.260, of the pending discharge and must provide the
22 patient with the case coordination unit's telephone number and
23 other contact information.

24 (b) Every hospital shall develop procedures for a
25 physician with medical staff privileges at the hospital or any
26 appropriate medical staff member to provide the discharge

1 notice prescribed in subsection (a) of this Section. The
2 procedures must include prohibitions against discharging or
3 referring a patient to any of the following if unlicensed,
4 uncertified, or unregistered: (i) a board and care facility,
5 as defined in the Board and Care Home Act; (ii) an assisted
6 living and shared housing establishment, as defined in the
7 Assisted Living and Shared Housing Act; (iii) a facility
8 licensed under the Nursing Home Care Act, the Specialized
9 Mental Health Rehabilitation Act of 2013, the ID/DD Community
10 Care Act, or the MC/DD Act; (iv) a supportive living facility,
11 as defined in Section 5-5.01a of the Illinois Public Aid Code;
12 or (v) a free-standing hospice facility licensed under the
13 Hospice Program Licensing Act if licensure, certification, or
14 registration is required. The Department of Public Health
15 shall annually provide hospitals with a list of licensed,
16 certified, or registered board and care facilities, assisted
17 living and shared housing establishments, nursing homes,
18 supportive living facilities, facilities licensed under the
19 ID/DD Community Care Act, the MC/DD Act, or the Specialized
20 Mental Health Rehabilitation Act of 2013, and hospice
21 facilities. Reliance upon this list by a hospital shall
22 satisfy compliance with this requirement. The procedure may
23 also include a waiver for any case in which a discharge notice
24 is not feasible due to a short length of stay in the hospital
25 by the patient, or for any case in which the patient
26 voluntarily desires to leave the hospital before the

1 expiration of the 24 hour period.

2 (c) At least 24 hours prior to discharge from the
3 hospital, the patient shall receive written information on the
4 patient's right to appeal the discharge pursuant to the
5 federal Medicare program, including the steps to follow to
6 appeal the discharge and the appropriate telephone number to
7 call in case the patient intends to appeal the discharge.

8 (d) Before transfer of a patient to a long term care
9 facility licensed under the Nursing Home Care Act where
10 elderly persons reside, a hospital shall as soon as
11 practicable initiate a name-based criminal history background
12 check by electronic submission to the Illinois ~~Department of~~
13 State Police for all persons between the ages of 18 and 70
14 years; provided, however, that a hospital shall be required to
15 initiate such a background check only with respect to patients
16 who:

17 (1) are transferring to a long term care facility for
18 the first time;

19 (2) have been in the hospital more than 5 days;

20 (3) are reasonably expected to remain at the long term
21 care facility for more than 30 days;

22 (4) have a known history of serious mental illness or
23 substance abuse; and

24 (5) are independently ambulatory or mobile for more
25 than a temporary period of time.

26 A hospital may also request a criminal history background

1 check for a patient who does not meet any of the criteria set
2 forth in items (1) through (5).

3 A hospital shall notify a long term care facility if the
4 hospital has initiated a criminal history background check on
5 a patient being discharged to that facility. In all
6 circumstances in which the hospital is required by this
7 subsection to initiate the criminal history background check,
8 the transfer to the long term care facility may proceed
9 regardless of the availability of criminal history results.
10 Upon receipt of the results, the hospital shall promptly
11 forward the results to the appropriate long term care
12 facility. If the results of the background check are
13 inconclusive, the hospital shall have no additional duty or
14 obligation to seek additional information from, or about, the
15 patient.

16 (Source: P.A. 98-104, eff. 7-22-13; 98-651, eff. 6-16-14;
17 99-143, eff. 7-27-15; 99-180, eff. 7-29-15; 99-642, eff.
18 7-28-16; 99-857, eff. 1-1-17.)

19 Section 565. The Safe Pharmaceutical Disposal Act is
20 amended by changing Section 18 as follows:

21 (210 ILCS 150/18)

22 Sec. 18. Unused medications at the scene of a death.

23 (a) Notwithstanding any provision of law to the contrary,
24 the Illinois ~~Department of~~ State Police may by rule authorize

1 State Police officers to dispose of any unused medications
2 found at the scene of a death the State Police officer is
3 investigating. A State Police officer may only dispose of any
4 unused medications under this subsection after consulting with
5 any other investigating law enforcement agency to ensure that
6 the unused medications will not be needed as evidence in any
7 investigation. This Section shall not apply to any unused
8 medications a State Police officer takes into custody as part
9 of any investigation into a crime.

10 (b) Notwithstanding any provision of law to the contrary,
11 a local governmental agency may authorize police officers to
12 dispose of any unused medications found at the scene of a death
13 a police officer is investigating. A police officer may only
14 dispose of any unused medications under this subsection after
15 consulting with any other investigating law enforcement agency
16 to ensure that the unused medications will not be needed as
17 evidence in any investigation. This Section shall not apply to
18 any unused medications a police officer takes into custody as
19 part of any investigation into a crime.

20 (c) Notwithstanding any provision of law to the contrary,
21 a coroner or medical examiner may dispose of any unused
22 medications found at the scene of a death the coroner or
23 medical examiner is investigating. A coroner or medical
24 examiner may only dispose of any unused medications under this
25 subsection after consulting with any investigating law
26 enforcement agency to ensure that the unused medications will

1 not be needed as evidence in any investigation.

2 (d) Any disposal under this Section shall be in accordance
3 with Section 17 of this Act or another State or federally
4 approved medication take-back program or location.

5 (e) This Section shall not apply to prescription drugs for
6 which the United States Food and Drug Administration created a
7 Risk Evaluation and Mitigation Strategy for under the Food and
8 Drug Administration Amendments Act of 2007.

9 (f) Nothing in this Section shall be construed to require
10 a search of the scene for unused medications.

11 (g) Prior to disposal of any medication collected as
12 evidence in a criminal investigation under this Section, a
13 State Police officer, police officer, coroner, or medical
14 examiner shall photograph the unused medication and its
15 container or packaging, if available; document the number or
16 amount of medication to be disposed; and include the
17 photographs and documentation in the police report, coroner
18 report, or medical examiner report.

19 (h) If an autopsy is performed as part of a death
20 investigation, no medication seized under this Section shall
21 be disposed of until after a toxicology report is received by
22 the entity requesting the report.

23 (i) If a police officer, State Police officer, coroner, or
24 medical examiner is not present at the scene of a death, a
25 nurse may dispose of any unused medications found at the scene
26 of a death the nurse is present at while engaging in the

1 performance of his or her duties. A nurse may dispose of any
2 unused medications under this subsection only after consulting
3 with any investigating law enforcement agency to ensure that
4 the unused medications will not be needed as evidence in an
5 investigation.

6 (j) When an individual authorized to dispose of unused
7 medication under this Section disposes of unused medication
8 under this Section in good faith, the individual, and his or
9 her employer, employees, and agents, shall incur no criminal
10 liability or professional discipline.

11 (Source: P.A. 99-648, eff. 1-1-17; 100-345, eff. 8-25-17.)

12 Section 570. The Health Care Violence Prevention Act is
13 amended by changing Section 30 as follows:

14 (210 ILCS 160/30)

15 Sec. 30. Medical care for committed persons.

16 (a) If a committed person receives medical care and
17 treatment at a place other than an institution or facility of
18 the Department of Corrections, a county, or a municipality,
19 then the institution or facility shall:

20 (1) to the greatest extent practicable, notify the
21 hospital or medical facility that is treating the
22 committed person prior to the committed person's visit and
23 notify the hospital or medical facility of any significant
24 medical, mental health, recent violent actions, or other

1 safety concerns regarding the patient;

2 (2) to the greatest extent practicable, ensure the
3 transferred committed person is accompanied by the most
4 comprehensive medical records possible;

5 (3) provide at least one guard trained in custodial
6 escort and custody of high-risk committed persons to
7 accompany any committed person. The custodial agency shall
8 attest to such training for custodial escort and custody
9 of high-risk committed persons through: (A) the training
10 of the Department of Corrections, Department of Juvenile
11 Justice, or Illinois ~~Department of~~ State Police; (B) law
12 enforcement training that is substantially equivalent to
13 the training of the Department of Corrections, Department
14 of Juvenile Justice, or Illinois ~~Department of~~ State
15 Police; or (C) the training described in Section 35. Under
16 no circumstances may leg irons or shackles or waist
17 shackles be used on any pregnant female prisoner who is in
18 labor. In addition, restraint of a pregnant female
19 prisoner in the custody of the Cook County shall comply
20 with Section 3-15003.6 of the Counties Code. Additionally,
21 restraints shall not be used on a committed person if
22 medical personnel determine that the restraints would
23 impede medical treatment; and

24 (4) ensure that only medical personnel, Department of
25 Corrections, county, or municipality personnel, and
26 visitors on the committed person's approved institutional

1 visitors list may visit the committed person. Visitation
2 by a person on the committed person's approved
3 institutional visitors list shall be subject to the rules
4 and procedures of the hospital or medical facility and the
5 Department of Corrections, county, or municipality. In any
6 situation in which a committed person is being visited:

7 (A) the name of the visitor must be listed per the
8 facility's or institution's documentation;

9 (B) the visitor shall submit to the search of his
10 or her person or any personal property under his or her
11 control at any time; and

12 (C) the custodial agency may deny the committed
13 person access to a telephone or limit the number of
14 visitors the committed person may receive for purposes
15 of safety.

16 If a committed person receives medical care and treatment
17 at a place other than an institution or facility of the
18 Department of Corrections, county, or municipality, then the
19 custodial agency shall ensure that the committed person is
20 wearing security restraints in accordance with the custodial
21 agency's rules and procedures if the custodial agency
22 determines that restraints are necessary for the following
23 reasons: (i) to prevent physical harm to the committed person
24 or another person; (ii) because the committed person has a
25 history of disruptive behavior that has placed others in
26 potentially harmful situations or presents a substantial risk

1 of inflicting physical harm on himself or herself or others as
2 evidenced by recent behavior; or (iii) there is a well-founded
3 belief that the committed person presents a substantial risk
4 of flight. Under no circumstances may leg irons or shackles or
5 waist shackles be used on any pregnant female prisoner who is
6 in labor. In addition, restraint of a pregnant female prisoner
7 in the custody of the Cook County shall comply with Section
8 3-15003.6 of the Counties Code.

9 The hospital or medical facility may establish protocols
10 for the receipt of committed persons in collaboration with the
11 Department of Corrections, county, or municipality,
12 specifically with regard to potentially violent persons.

13 (b) If a committed person receives medical care and
14 treatment at a place other than an institution or facility of
15 the Department of Juvenile Justice, then the institution or
16 facility shall:

17 (1) to the greatest extent practicable, notify the
18 hospital or medical facility that is treating the
19 committed person prior to the committed person's visit,
20 and notify the hospital or medical facility of any
21 significant medical, mental health, recent violent
22 actions, or other safety concerns regarding the patient;

23 (2) to the greatest extent practicable, ensure the
24 transferred committed person is accompanied by the most
25 comprehensive medical records possible;

26 (3) provide: (A) at least one guard trained in

1 custodial escort and custody of high-risk committed
2 persons to accompany any committed person. The custodial
3 agency shall attest to such training for custodial escort
4 and custody of high-risk committed persons through: (i)
5 the training of the Department of Corrections, Department
6 of Juvenile Justice, or Illinois ~~Department of~~ State
7 Police, (ii) law enforcement training that is
8 substantially equivalent to the training of the Department
9 of Corrections, Department of Juvenile Justice, or
10 Illinois ~~Department of~~ State Police, or (iii) the training
11 described in Section 35; or (B) 2 guards to accompany the
12 committed person at all times during the visit to the
13 hospital or medical facility; and

14 (4) ensure that only medical personnel, Department of
15 Juvenile Justice personnel, and visitors on the committed
16 person's approved institutional visitors list may visit
17 the committed person. Visitation by a person on the
18 committed person's approved institutional visitors list
19 shall be subject to the rules and procedures of the
20 hospital or medical facility and the Department of
21 Juvenile Justice. In any situation in which a committed
22 person is being visited:

23 (A) the name of the visitor must be listed per the
24 facility's or institution's documentation;

25 (B) the visitor shall submit to the search of his
26 or her person or any personal property under his or her

1 control at any time; and

2 (C) the custodial agency may deny the committed
3 person access to a telephone or limit the number of
4 visitors the committed person may receive for purposes
5 of safety.

6 If a committed person receives medical care and treatment
7 at a place other than an institution or facility of the
8 Department of Juvenile Justice, then the Department of
9 Juvenile Justice shall ensure that the committed person is
10 wearing security restraints on either his or her wrists or
11 ankles in accordance with the rules and procedures of the
12 Department of Juvenile Justice if the Department of Juvenile
13 Justice determines that restraints are necessary for the
14 following reasons: (i) to prevent physical harm to the
15 committed person or another person; (ii) because the committed
16 person has a history of disruptive behavior that has placed
17 others in potentially harmful situations or presents a
18 substantial risk of inflicting physical harm on himself or
19 herself or others as evidenced by recent behavior; or (iii)
20 there is a well-founded belief that the committed person
21 presents a substantial risk of flight. Any restraints used on
22 a committed person under this paragraph shall be the least
23 restrictive restraints necessary to prevent flight or physical
24 harm to the committed person or another person. Restraints
25 shall not be used on the committed person as provided in this
26 paragraph if medical personnel determine that the restraints

1 would impede medical treatment. Under no circumstances may leg
2 irons or shackles or waist shackles be used on any pregnant
3 female prisoner who is in labor. In addition, restraint of a
4 pregnant female prisoner in the custody of the Cook County
5 shall comply with Section 3-15003.6 of the Counties Code.

6 The hospital or medical facility may establish protocols
7 for the receipt of committed persons in collaboration with the
8 Department of Juvenile Justice, specifically with regard to
9 persons recently exhibiting violence.

10 (Source: P.A. 100-1051, eff. 1-1-19; 100-1186, eff. 4-5-19.)

11 Section 575. The Illinois Insurance Code is amended by
12 changing Sections 155.24, 401, and 1520 as follows:

13 (215 ILCS 5/155.24) (from Ch. 73, par. 767.24)

14 Sec. 155.24. Motor Vehicle Theft and Motor Insurance Fraud
15 Reporting and Immunity Law.

16 (a) As used in this Section:

17 (1) "authorized governmental agency" means the
18 Illinois ~~Department of~~ State Police, a local governmental
19 police department, a county sheriff's office, a State's
20 Attorney, the Attorney General, a municipal attorney, a
21 United States district attorney, a duly constituted
22 criminal investigative agency of the United States
23 government, the Illinois Department of Insurance, the
24 Illinois Department of Professional Regulation and the

1 office of the Illinois Secretary of State;

2 (2) "relevant" means having a tendency to make the
3 existence of any information that is of consequence to an
4 investigation of motor vehicle theft or insurance fraud
5 investigation or a determination of such issue more
6 probable or less probable than it would be without such
7 information;

8 (3) information will be "deemed important" if within
9 the sole discretion of the authorized governmental agency
10 such information is requested by that authorized
11 governmental agency;

12 (4) "Illinois authorized governmental agency" means an
13 authorized governmental agency as defined in item (1) that
14 is a part of the government of the State of Illinois or any
15 of the counties or municipalities of this State or any
16 other authorized entity; and

17 (5) For the purposes of this Section and Section
18 155.23, "insurer" means insurance companies, insurance
19 support organizations, self-insured entities, and other
20 providers of insurance products and services doing
21 business in the State of Illinois.

22 (b) Upon written request to an insurer by an authorized
23 governmental agency, an insurer or agent authorized by an
24 insurer to act on its behalf shall release to the requesting
25 authorized governmental agency any or all relevant information
26 deemed important to the authorized governmental agency which

1 the insurer may possess relating to any specific motor vehicle
2 theft or motor vehicle insurance fraud. Relevant information
3 may include, but is not limited to:

4 (1) Insurance policy information relevant to the motor
5 vehicle theft or motor vehicle insurance fraud under
6 investigation, including any application for such a
7 policy.

8 (2) Policy premium payment records which are
9 available.

10 (3) History of previous claims made by the insured.

11 (4) Information relating to the investigation of the
12 motor vehicle theft or motor vehicle insurance fraud,
13 including statements of any person, proofs of loss and
14 notice of loss.

15 (c) When an insurer knows or reasonably believes to know
16 the identity of a person whom it has reason to believe
17 committed a criminal or fraudulent act relating to a motor
18 vehicle theft or a motor vehicle insurance claim or has
19 knowledge of such a criminal or fraudulent act which is
20 reasonably believed not to have been reported to an authorized
21 governmental agency, then for the purpose of notification and
22 investigation, the insurer or an agent authorized by an
23 insurer to act on its behalf shall notify an authorized
24 governmental agency of such knowledge or reasonable belief and
25 provide any additional relevant information in accordance with
26 subsection (b) of this Section. When the motor vehicle theft

1 or motor vehicle claim that gives rise to the suspected
2 criminal or fraudulent act has already generated an incident
3 report to an Illinois authorized governmental agency, the
4 insurer shall report the suspected criminal or fraudulent act
5 to that agency. When no prior incident report has been made,
6 the insurer shall report the suspected criminal or fraudulent
7 act to the Attorney General or State's Attorney in the county
8 or counties where the incident is claimed to have occurred.
9 When the incident that gives rise to the suspected criminal or
10 fraudulent act is claimed to have occurred outside the State
11 of Illinois, but the suspected criminal or fraudulent act
12 occurs within the State of Illinois, the insurer shall make
13 the report to the Attorney General or State's Attorney in the
14 county or counties where the suspected criminal or fraudulent
15 act occurred. When the fraud occurs in multiple counties the
16 report shall also be sent to the Attorney General.

17 (d) When an insurer provides any of the authorized
18 governmental agencies with notice pursuant to this Section it
19 shall be deemed sufficient notice to all authorized
20 governmental agencies for the purpose of this Act.

21 (e) The authorized governmental agency provided with
22 information pursuant to this Section may release or provide
23 such information to any other authorized governmental agency.

24 (f) Any insurer providing information to an authorized
25 governmental agency pursuant to this Section shall have the
26 right to request and receive relevant information from such

1 authorized governmental agency, and receive within a
2 reasonable time after the completion of the investigation, not
3 to exceed 30 days, the information requested.

4 (g) Any information furnished pursuant to this Section
5 shall be privileged and not a part of any public record. Except
6 as otherwise provided by law, any authorized governmental
7 agency, insurer, or an agent authorized by an insurer to act on
8 its behalf which receives any information furnished pursuant
9 to this Section, shall not release such information to public
10 inspection. Such evidence or information shall not be subject
11 to subpoena duces tecum in a civil or criminal proceeding
12 unless, after reasonable notice to any insurer, agent
13 authorized by an insurer to act on its behalf and authorized
14 governmental agency which has an interest in such information
15 and a hearing, the court determines that the public interest
16 and any ongoing investigation by the authorized governmental
17 agency, insurer, or any agent authorized by an insurer to act
18 on its behalf will not be jeopardized by obedience to such a
19 subpoena duces tecum.

20 (h) No insurer, or agent authorized by an insurer on its
21 behalf, authorized governmental agency or their respective
22 employees shall be subject to any civil or criminal liability
23 in a cause of action of any kind for releasing or receiving any
24 information pursuant to this Section. Nothing herein is
25 intended to or does in any way or manner abrogate or lessen the
26 common and statutory law privileges and immunities of an

1 insurer, agent authorized by an insurer to act on its behalf or
2 authorized governmental agency or any of their respective
3 employees.

4 (Source: P.A. 92-233, eff. 1-1-02.)

5 (215 ILCS 5/401) (from Ch. 73, par. 1013)

6 Sec. 401. General powers of the director. The Director is
7 charged with the rights, powers and duties appertaining to the
8 enforcement and execution of all the insurance laws of this
9 State. He shall have the power

10 (a) to make reasonable rules and regulations as may be
11 necessary for making effective such laws;

12 (b) to conduct such investigations as may be necessary
13 to determine whether any person has violated any provision
14 of such insurance laws;

15 (c) to conduct such examinations, investigations and
16 hearings in addition to those specifically provided for,
17 as may be necessary and proper for the efficient
18 administration of the insurance laws of this State; and

19 (d) to institute such actions or other lawful
20 proceedings as he may deem necessary for the enforcement
21 of the Illinois Insurance Code or of any Order or action
22 made or taken by him under this Code. The Attorney
23 General, upon request of the Director, may proceed in the
24 courts of this State to enforce an Order or decision in any
25 court proceeding or in any administrative proceeding

1 before the Director.

2 Whenever the Director is authorized or required by law to
3 consider some aspect of criminal history record information
4 for the purpose of carrying out his statutory powers and
5 responsibilities, then, upon request and payment of fees in
6 conformance with the requirements of Section 2605-400 of the
7 Illinois Department of State Police Law (~~20 ILCS~~
8 ~~2605/2605-400~~), the Illinois Department of State Police is
9 authorized to furnish, pursuant to positive identification,
10 such information contained in State files as is necessary to
11 meet the requirements of such authorization or statutes.

12 (Source: P.A. 91-239, eff. 1-1-00.)

13 (215 ILCS 5/1520)

14 Sec. 1520. Application for license.

15 (a) A person applying for a public adjuster license shall
16 make application to the Director on the appropriate uniform
17 application or other application prescribed by the Director.

18 (b) The applicant shall declare under penalty of perjury
19 and under penalty of refusal, suspension, or revocation of the
20 license that the statements made in the application are true,
21 correct, and complete to the best of the applicant's knowledge
22 and belief.

23 (c) In order to make a determination of license
24 eligibility, the Director is authorized to require all
25 applicants for licensing, including renewal applicants, to

1 undergo a fingerprint-based criminal history record check for
2 the first year following the effective date of this amendatory
3 Act of the 97th General Assembly. The fingerprints and the fee
4 required to perform the criminal history record checks shall
5 be submitted to the Illinois ~~Department of~~ State Police and
6 the Federal Bureau of Investigation (FBI) to conduct a State
7 and national criminal history record check. The Illinois
8 ~~Department of~~ State Police and the Federal Bureau of
9 Investigation shall furnish to the Department of Insurance all
10 records of convictions, unless or until expunged, pursuant to
11 the fingerprint-based criminal history records check. The
12 Illinois ~~Department of~~ State Police shall charge a fee for
13 conducting such checks, which fee shall be deposited into the
14 State Police Services Fund and shall not exceed the cost of the
15 inquiry. The applicant shall be required to pay all fees
16 associated with conducting the criminal history record check.

17 (d) The Director may adopt rules to establish procedures
18 necessary to carry out the requirements of subsection (c) of
19 this Section.

20 (e) The Director is authorized to submit electronic
21 fingerprint records and necessary identifying information to
22 the NAIC, its affiliates, or subsidiaries for permanent
23 retention in a centralized repository. The purpose of such a
24 centralized repository is to provide Directors with access to
25 fingerprint records in order to perform criminal history
26 record checks.

1 (f) Until such time as the Director can obtain and receive
2 national criminal history records, the applicant shall obtain
3 a copy of his or her fingerprints and complete criminal
4 history record from the FBI Criminal Justice Information
5 Services Division and the Illinois State Police and provide
6 such information to the Department of Insurance.

7 (Source: P.A. 96-1332, eff. 1-1-11; 97-207, eff. 7-28-11.)

8 Section 580. The Public Utilities Act is amended by
9 changing Section 4-101 as follows:

10 (220 ILCS 5/4-101) (from Ch. 111 2/3, par. 4-101)

11 Sec. 4-101. The Commerce Commission shall have general
12 supervision of all public utilities, except as otherwise
13 provided in this Act, shall inquire into the management of the
14 business thereof and shall keep itself informed as to the
15 manner and method in which the business is conducted. It shall
16 examine those public utilities and keep informed as to their
17 general condition, their franchises, capitalization, rates and
18 other charges, and the manner in which their plants, equipment
19 and other property owned, leased, controlled or operated are
20 managed, conducted and operated, not only with respect to the
21 adequacy, security and accommodation afforded by their service
22 but also with respect to their compliance with this Act and any
23 other law, with the orders of the Commission and with the
24 charter and franchise requirements.

1 Whenever the Commission is authorized or required by law
2 to consider some aspect of criminal history record information
3 for the purpose of carrying out its statutory powers and
4 responsibilities, then, upon request and payment of fees in
5 conformance with the requirements of Section 2605-400 of the
6 Illinois Department of State Police Law (~~20 ILCS~~
7 ~~2605/2605-400~~), the Illinois Department of State Police is
8 authorized to furnish, pursuant to positive identification,
9 such information contained in State files as is necessary to
10 fulfill the request.

11 The Commission shall require all public utilities to
12 establish a security policy that includes on-site safeguards
13 to restrict physical or electronic access to critical
14 infrastructure and computerized control and data systems. The
15 Commission shall maintain a record of and each regulated
16 entity shall provide to the Commission an annual affidavit
17 signed by a representative of the regulated entity that
18 states:

19 (1) that the entity has a security policy in place;

20 (2) that the entity has conducted at least one
21 practice exercise based on the security policy within the
22 12 months immediately preceding the date of the affidavit;
23 and

24 (3) with respect to any entity that is an electric
25 public utility, that the entity follows, at a minimum, the
26 most current security standards set forth by the North

1 American Electric Reliability Council.

2 (Source: P.A. 94-480, eff. 1-1-06; 94-735, eff. 5-1-06.)

3 Section 585. The Child Care Act of 1969 is amended by
4 changing Section 4.1 as follows:

5 (225 ILCS 10/4.1) (from Ch. 23, par. 2214.1)

6 Sec. 4.1. Criminal Background Investigations. The
7 Department shall require that each child care facility license
8 applicant as part of the application process, and each
9 employee and volunteer of a child care facility or
10 non-licensed service provider, as a condition of employment,
11 authorize an investigation to determine if such applicant,
12 employee, or volunteer has ever been charged with a crime and
13 if so, the disposition of those charges; this authorization
14 shall indicate the scope of the inquiry and the agencies which
15 may be contacted. Upon this authorization, the Director shall
16 request and receive information and assistance from any
17 federal, State or local governmental agency as part of the
18 authorized investigation. Each applicant, employee, or
19 volunteer of a child care facility or non-licensed service
20 provider shall submit his or her fingerprints to the Illinois
21 ~~Department of~~ State Police in the form and manner prescribed
22 by the Illinois ~~Department of~~ State Police. These fingerprints
23 shall be checked against the fingerprint records now and
24 hereafter filed in the Illinois ~~Department of~~ State Police and

1 Federal Bureau of Investigation criminal history records
2 databases. The Illinois ~~Department of~~ State Police shall
3 charge a fee for conducting the criminal history records
4 check, which shall be deposited in the State Police Services
5 Fund and shall not exceed the actual cost of the records check.
6 The Illinois ~~Department of~~ State Police shall provide
7 information concerning any criminal charges, and their
8 disposition, now or hereafter filed, against an applicant,
9 employee, or volunteer of a child care facility or
10 non-licensed service provider upon request of the Department
11 of Children and Family Services when the request is made in the
12 form and manner required by the Illinois ~~Department of~~ State
13 Police.

14 Information concerning convictions of a license applicant,
15 employee, or volunteer of a child care facility or
16 non-licensed service provider investigated under this Section,
17 including the source of the information and any conclusions or
18 recommendations derived from the information, shall be
19 provided, upon request, to such applicant, employee, or
20 volunteer of a child care facility or non-licensed service
21 provider prior to final action by the Department on the
22 application. State conviction information provided by the
23 Illinois ~~Department of~~ State Police regarding employees,
24 prospective employees, or volunteers of non-licensed service
25 providers and child care facilities licensed under this Act
26 shall be provided to the operator of such facility, and, upon

1 request, to the employee, prospective employee, or volunteer
2 of a child care facility or non-licensed service provider. Any
3 information concerning criminal charges and the disposition of
4 such charges obtained by the Department shall be confidential
5 and may not be transmitted outside the Department, except as
6 required herein, and may not be transmitted to anyone within
7 the Department except as needed for the purpose of evaluating
8 an application or an employee or volunteer of a child care
9 facility or non-licensed service provider. Only information
10 and standards which bear a reasonable and rational relation to
11 the performance of a child care facility shall be used by the
12 Department or any licensee. Any employee of the Department of
13 Children and Family Services, Illinois ~~Department of~~ State
14 Police, or a child care facility receiving confidential
15 information under this Section who gives or causes to be given
16 any confidential information concerning any criminal
17 convictions of an applicant, employee, or volunteer of a child
18 care facility or non-licensed service provider, shall be
19 guilty of a Class A misdemeanor unless release of such
20 information is authorized by this Section.

21 A child care facility may hire, on a probationary basis,
22 any employee or volunteer of a child care facility or
23 non-licensed service provider authorizing a criminal
24 background investigation under this Section, pending the
25 result of such investigation. Employees and volunteers of a
26 child care facility or non-licensed service provider shall be

1 notified prior to hiring that such employment may be
2 terminated on the basis of criminal background information
3 obtained by the facility.

4 (Source: P.A. 98-570, eff. 8-27-13.)

5 Section 590. The Health Care Worker Background Check Act
6 is amended by changing Sections 15, 33, 45, 65, and 70 as
7 follows:

8 (225 ILCS 46/15)

9 Sec. 15. Definitions. In this Act:

10 "Applicant" means an individual enrolling in a training
11 program, seeking employment, whether paid or on a volunteer
12 basis, with a health care employer who has received a bona fide
13 conditional offer of employment.

14 "Conditional offer of employment" means a bona fide offer
15 of employment by a health care employer to an applicant, which
16 is contingent upon the receipt of a report from the Department
17 of Public Health indicating that the applicant does not have a
18 record of conviction of any of the criminal offenses
19 enumerated in Section 25.

20 "Department" means the Department of Public Health.

21 "Direct care" means the provision of nursing care or
22 assistance with feeding, dressing, movement, bathing,
23 toileting, or other personal needs, including home services as
24 defined in the Home Health, Home Services, and Home Nursing

1 Agency Licensing Act. The entity responsible for inspecting
2 and licensing, certifying, or registering the health care
3 employer may, by administrative rule, prescribe guidelines for
4 interpreting this definition with regard to the health care
5 employers that it licenses.

6 "Director" means the Director of Public Health.

7 "Disqualifying offenses" means those offenses set forth in
8 Section 25 of this Act.

9 "Employee" means any individual hired, employed, or
10 retained, whether paid or on a volunteer basis, to which this
11 Act applies.

12 "Finding" means the Department's determination of whether
13 an allegation is verified and substantiated.

14 "Fingerprint-based criminal history records check" means a
15 livescan fingerprint-based criminal history records check
16 submitted as a fee applicant inquiry in the form and manner
17 prescribed by the Illinois ~~Department of~~ State Police.

18 "Health care employer" means:

19 (1) the owner or licensee of any of the following:

20 (i) a community living facility, as defined in the
21 Community Living Facilities Act;

22 (ii) a life care facility, as defined in the Life
23 Care Facilities Act;

24 (iii) a long-term care facility;

25 (iv) a home health agency, home services agency,
26 or home nursing agency as defined in the Home Health,

- 1 Home Services, and Home Nursing Agency Licensing Act;
- 2 (v) a hospice care program or volunteer hospice
- 3 program, as defined in the Hospice Program Licensing
- 4 Act;
- 5 (vi) a hospital, as defined in the Hospital
- 6 Licensing Act;
- 7 (vii) (blank);
- 8 (viii) a nurse agency, as defined in the Nurse
- 9 Agency Licensing Act;
- 10 (ix) a respite care provider, as defined in the
- 11 Respite Program Act;
- 12 (ix-a) an establishment licensed under the
- 13 Assisted Living and Shared Housing Act;
- 14 (x) a supportive living program, as defined in the
- 15 Illinois Public Aid Code;
- 16 (xi) early childhood intervention programs as
- 17 described in 59 Ill. Adm. Code 121;
- 18 (xii) the University of Illinois Hospital,
- 19 Chicago;
- 20 (xiii) programs funded by the Department on Aging
- 21 through the Community Care Program;
- 22 (xiv) programs certified to participate in the
- 23 Supportive Living Program authorized pursuant to
- 24 Section 5-5.01a of the Illinois Public Aid Code;
- 25 (xv) programs listed by the Emergency Medical
- 26 Services (EMS) Systems Act as Freestanding Emergency

1 Centers;

2 (xvi) locations licensed under the Alternative
3 Health Care Delivery Act;

4 (2) a day training program certified by the Department
5 of Human Services;

6 (3) a community integrated living arrangement operated
7 by a community mental health and developmental service
8 agency, as defined in the Community-Integrated Living
9 Arrangements Licensing and Certification Act; or

10 (4) the State Long Term Care Ombudsman Program,
11 including any regional long term care ombudsman programs
12 under Section 4.04 of the Illinois Act on the Aging, only
13 for the purpose of securing background checks.

14 "Initiate" means obtaining from a student, applicant, or
15 employee his or her social security number, demographics, a
16 disclosure statement, and an authorization for the Department
17 of Public Health or its designee to request a
18 fingerprint-based criminal history records check; transmitting
19 this information electronically to the Department of Public
20 Health; conducting Internet searches on certain web sites,
21 including without limitation the Illinois Sex Offender
22 Registry, the Department of Corrections' Sex Offender Search
23 Engine, the Department of Corrections' Inmate Search Engine,
24 the Department of Corrections Wanted Fugitives Search Engine,
25 the National Sex Offender Public Registry, and the List of
26 Excluded Individuals and Entities database on the website of

1 the Health and Human Services Office of Inspector General to
2 determine if the applicant has been adjudicated a sex
3 offender, has been a prison inmate, or has committed Medicare
4 or Medicaid fraud, or conducting similar searches as defined
5 by rule; and having the student, applicant, or employee's
6 fingerprints collected and transmitted electronically to the
7 Illinois Department of State Police.

8 "Livescan vendor" means an entity whose equipment has been
9 certified by the Illinois Department of State Police to
10 collect an individual's demographics and inkless fingerprints
11 and, in a manner prescribed by the Illinois Department of
12 State Police and the Department of Public Health,
13 electronically transmit the fingerprints and required data to
14 the Illinois Department of State Police and a daily file of
15 required data to the Department of Public Health. The
16 Department of Public Health shall negotiate a contract with
17 one or more vendors that effectively demonstrate that the
18 vendor has 2 or more years of experience transmitting
19 fingerprints electronically to the Illinois Department of
20 State Police and that the vendor can successfully transmit the
21 required data in a manner prescribed by the Department of
22 Public Health. Vendor authorization may be further defined by
23 administrative rule.

24 "Long-term care facility" means a facility licensed by the
25 State or certified under federal law as a long-term care
26 facility, including without limitation facilities licensed

1 under the Nursing Home Care Act, the Specialized Mental Health
2 Rehabilitation Act of 2013, the ID/DD Community Care Act, or
3 the MC/DD Act, a supportive living facility, an assisted
4 living establishment, or a shared housing establishment or
5 registered as a board and care home.

6 "Resident" means a person, individual, or patient under
7 the direct care of a health care employer or who has been
8 provided goods or services by a health care employer.

9 (Source: P.A. 100-432, eff. 8-25-17; 101-176, eff. 7-31-19.)

10 (225 ILCS 46/33)

11 Sec. 33. Fingerprint-based criminal history records check.

12 (a) A fingerprint-based criminal history records check is
13 not required for health care employees who have been
14 continuously employed by a health care employer since October
15 1, 2007, have met the requirements for criminal history
16 background checks prior to October 1, 2007, and have no
17 disqualifying convictions or requested and received a waiver
18 of those disqualifying convictions. These employees shall be
19 retained on the Health Care Worker Registry as long as they
20 remain active. Nothing in this subsection (a) shall be
21 construed to prohibit a health care employer from initiating a
22 criminal history records check for these employees. Should
23 these employees seek a new position with a different health
24 care employer, then a fingerprint-based criminal history
25 records check shall be required.

1 (b) On October 1, 2007 or as soon thereafter as is
2 reasonably practical, in the discretion of the Director of
3 Public Health, and thereafter, any student, applicant, or
4 employee who desires to be included on the Department of
5 Public Health's Health Care Worker Registry shall authorize
6 the Department of Public Health or its designee to request a
7 fingerprint-based criminal history records check to determine
8 if the individual has a conviction for a disqualifying
9 offense. This authorization shall allow the Department of
10 Public Health to request and receive information and
11 assistance from any State or governmental agency. Each
12 individual shall submit his or her fingerprints to the
13 Illinois Department of State Police in an electronic format
14 that complies with the form and manner for requesting and
15 furnishing criminal history record information prescribed by
16 the Illinois Department of State Police. The fingerprints
17 submitted under this Section shall be checked against the
18 fingerprint records now and hereafter filed in the Illinois
19 Department of State Police criminal history record databases.
20 The Illinois Department of State Police shall charge a fee for
21 conducting the criminal history records check, which shall not
22 exceed the actual cost of the records check. The livescan
23 vendor may act as the designee for individuals, educational
24 entities, or health care employers in the collection of
25 Illinois Department of State Police fees and deposit those
26 fees into the State Police Services Fund. The Illinois

1 ~~Department of~~ State Police shall provide information
2 concerning any criminal convictions, now or hereafter filed,
3 against the individual.

4 (c) On October 1, 2007 or as soon thereafter as is
5 reasonably practical, in the discretion of the Director of
6 Public Health, and thereafter, an educational entity, other
7 than a secondary school, conducting a nurse aide training
8 program shall initiate a fingerprint-based criminal history
9 records check required by this Act prior to entry of an
10 individual into the training program.

11 (d) On October 1, 2007 or as soon thereafter as is
12 reasonably practical, in the discretion of the Director of
13 Public Health, and thereafter, a health care employer who
14 makes a conditional offer of employment to an applicant for a
15 position as an employee shall initiate a fingerprint-based
16 criminal history record check, requested by the Department of
17 Public Health, on the applicant, if such a background check
18 has not been previously conducted. Workforce intermediaries
19 and organizations providing pro bono legal services may
20 initiate a fingerprint-based criminal history record check if
21 a conditional offer of employment has not been made and a
22 background check has not been previously conducted for an
23 individual who has a disqualifying conviction and is receiving
24 services from a workforce intermediary or an organization
25 providing pro bono legal services.

26 (e) When initiating a background check requested by the

1 Department of Public Health, an educational entity, health
2 care employer, workforce intermediary, or organization that
3 provides pro bono legal services shall electronically submit
4 to the Department of Public Health the student's, applicant's,
5 or employee's social security number, demographics,
6 disclosure, and authorization information in a format
7 prescribed by the Department of Public Health within 2 working
8 days after the authorization is secured. The student,
9 applicant, or employee shall have his or her fingerprints
10 collected electronically and transmitted to the Illinois
11 ~~Department of~~ State Police within 10 working days. The
12 educational entity, health care employer, workforce
13 intermediary, or organization that provides pro bono legal
14 services shall transmit all necessary information and fees to
15 the livescan vendor and Illinois ~~Department of~~ State Police
16 within 10 working days after receipt of the authorization.
17 This information and the results of the criminal history
18 record checks shall be maintained by the Department of Public
19 Health's Health Care Worker Registry.

20 (f) A direct care employer may initiate a
21 fingerprint-based background check required by this Act for
22 any of its employees, but may not use this process to initiate
23 background checks for residents. The results of any
24 fingerprint-based background check that is initiated with the
25 Department as the requester shall be entered in the Health
26 Care Worker Registry.

1 (g) As long as the employee or trainee has had a
2 fingerprint-based criminal history record check required by
3 this Act and stays active on the Health Care Worker Registry,
4 no further criminal history record checks are required, as the
5 Illinois ~~Department~~ of State Police shall notify the
6 Department of Public Health of any additional convictions
7 associated with the fingerprints previously submitted. Health
8 care employers shall check the Health Care Worker Registry
9 before hiring an employee to determine that the individual has
10 had a fingerprint-based record check required by this Act and
11 has no disqualifying convictions or has been granted a waiver
12 pursuant to Section 40 of this Act. If the individual has not
13 had such a background check or is not active on the Health Care
14 Worker Registry, then the health care employer shall initiate
15 a fingerprint-based record check requested by the Department
16 of Public Health. If an individual is inactive on the Health
17 Care Worker Registry, that individual is prohibited from being
18 hired to work as a certified nursing assistant if, since the
19 individual's most recent completion of a competency test,
20 there has been a period of 24 consecutive months during which
21 the individual has not provided nursing or nursing-related
22 services for pay. If the individual can provide proof of
23 having retained his or her certification by not having a
24 24-consecutive-month break in service for pay, he or she may
25 be hired as a certified nursing assistant and that employment
26 information shall be entered into the Health Care Worker

1 Registry.

2 (h) On October 1, 2007 or as soon thereafter as is
3 reasonably practical, in the discretion of the Director of
4 Public Health, and thereafter, if the Illinois ~~Department of~~
5 State Police notifies the Department of Public Health that an
6 employee has a new conviction of a disqualifying offense,
7 based upon the fingerprints that were previously submitted,
8 then (i) the Health Care Worker Registry shall notify the
9 employee's last known employer of the offense, (ii) a record
10 of the employee's disqualifying offense shall be entered on
11 the Health Care Worker Registry, and (iii) the individual
12 shall no longer be eligible to work as an employee unless he or
13 she obtains a waiver pursuant to Section 40 of this Act.

14 (i) On October 1, 2007, or as soon thereafter, in the
15 discretion of the Director of Public Health, as is reasonably
16 practical, and thereafter, each direct care employer or its
17 designee shall provide an employment verification for each
18 employee no less than annually. The direct care employer or
19 its designee shall log into the Health Care Worker Registry
20 through a secure login. The health care employer or its
21 designee shall indicate employment and termination dates
22 within 30 days after hiring or terminating an employee, as
23 well as the employment category and type. Failure to comply
24 with this subsection (i) constitutes a licensing violation. A
25 fine of up to \$500 may be imposed for failure to maintain these
26 records. This information shall be used by the Department of

1 Public Health to notify the last known employer of any
2 disqualifying offenses that are reported by the Illinois
3 ~~Department of~~ State Police.

4 (j) In the event that an applicant or employee has a waiver
5 for one or more disqualifying offenses pursuant to Section 40
6 of this Act and he or she is otherwise eligible to work, the
7 Health Care Worker Registry shall indicate that the applicant
8 or employee is eligible to work and that additional
9 information is available on the Health Care Worker Registry.
10 The Health Care Worker Registry may indicate that the
11 applicant or employee has received a waiver.

12 (k) The student, applicant, or employee shall be notified
13 of each of the following whenever a fingerprint-based criminal
14 history records check is required:

15 (1) That the educational entity, health care employer,
16 or long-term care facility shall initiate a
17 fingerprint-based criminal history record check required
18 by this Act of the student, applicant, or employee.

19 (2) That the student, applicant, or employee has a
20 right to obtain a copy of the criminal records report that
21 indicates a conviction for a disqualifying offense and
22 challenge the accuracy and completeness of the report
23 through an established Illinois ~~Department of~~ State Police
24 procedure of Access and Review.

25 (3) That the applicant, if hired conditionally, may be
26 terminated if the criminal records report indicates that

1 the applicant has a record of a conviction of any of the
2 criminal offenses enumerated in Section 25, unless the
3 applicant obtains a waiver pursuant to Section 40 of this
4 Act.

5 (4) That the applicant, if not hired conditionally,
6 shall not be hired if the criminal records report
7 indicates that the applicant has a record of a conviction
8 of any of the criminal offenses enumerated in Section 25,
9 unless the applicant obtains a waiver pursuant to Section
10 40 of this Act.

11 (5) That the employee shall be terminated if the
12 criminal records report indicates that the employee has a
13 record of a conviction of any of the criminal offenses
14 enumerated in Section 25.

15 (6) If, after the employee has originally been
16 determined not to have disqualifying offenses, the
17 employer is notified that the employee has a new
18 conviction(s) of any of the criminal offenses enumerated
19 in Section 25, then the employee shall be terminated.

20 (1) A health care employer or long-term care facility may
21 conditionally employ an applicant for up to 3 months pending
22 the results of a fingerprint-based criminal history record
23 check requested by the Department of Public Health.

24 (m) The Department of Public Health or an entity
25 responsible for inspecting, licensing, certifying, or
26 registering the health care employer or long-term care

1 facility shall be immune from liability for notices given
2 based on the results of a fingerprint-based criminal history
3 record check.

4 (n) As used in this Section:

5 "Workforce intermediaries" means organizations that
6 function to provide job training and employment services.
7 Workforce intermediaries include institutions of higher
8 education, faith-based and community organizations, and
9 workforce investment boards.

10 "Organizations providing pro bono legal services" means
11 legal services performed without compensation or at a
12 significantly reduced cost to the recipient that provide
13 services designed to help individuals overcome statutory
14 barriers that would prevent them from entering positions in
15 the healthcare industry.

16 (Source: P.A. 100-432, eff. 8-25-17; 101-176, eff. 7-31-19.)

17 (225 ILCS 46/45)

18 Sec. 45. Application fees. Except as otherwise provided in
19 this Act, the student, applicant, or employee, other than a
20 nurse aide, may be required to pay all related application and
21 fingerprinting fees including, but not limited to, the amounts
22 established by the Illinois Department of State Police ~~Department of State Police~~ to
23 process fingerprint-based criminal history records checks. If
24 a health care employer certified to participate in the
25 Medicaid program pays the fees, the fees shall be a direct

1 pass-through on the cost report submitted by the employer to
2 the Medicaid agency.

3 (Source: P.A. 95-120, eff. 8-13-07.)

4 (225 ILCS 46/65)

5 Sec. 65. Health Care Worker Task Force. A Health Care
6 Worker Task Force shall be appointed to study and make
7 recommendations on statutory changes to this Act.

8 (a) The Task Force shall monitor the status of the
9 implementation of this Act and monitor complaint
10 investigations relating to this Act by the Department on
11 Aging, Department of Public Health, Department of Professional
12 Regulation, and the Department of Human Services to determine
13 the criminal background, if any, of health care workers who
14 have had findings of abuse, theft, or exploitation.

15 (b) The Task Force shall make recommendations concerning
16 modifications to the list of offenses enumerated in Section
17 25, including time limits on all or some of the disqualifying
18 offenses, and any other necessary or desirable changes to the
19 Act.

20 (c) In the event that proposed rules or changes are
21 properly submitted to the Task Force and the Task Force fails
22 to advise the Department within 90 days after receipt of the
23 proposed rules or changes, final action shall be deemed to
24 have been taken by the Task Force concerning the proposed
25 rules or changes.

1 (d) The Task Force shall be composed of the following
2 members, who shall serve without pay:

3 (1) a chairman knowledgeable about health care issues,
4 who shall be appointed by the Governor;

5 (2) the Director of Public Health or his or her
6 designee;

7 (3) the Director of the Illinois State Police or his
8 or her designee;

9 (3.5) the Director of Healthcare and Family Services
10 or his or her designee;

11 (3.6) the Secretary of Human Services or his or her
12 designee;

13 (3.7) the Director of Aging or his or her designee;

14 (4) 2 representatives of health care providers, who
15 shall be appointed by the Governor;

16 (5) 2 representatives of health care employees, who
17 shall be appointed by the Governor;

18 (5.5) a representative of a Community Care homemaker
19 program, who shall be appointed by the Governor;

20 (6) a representative of the general public who has an
21 interest in health care, who shall be appointed by the
22 Governor; and

23 (7) 4 members of the General Assembly, one appointed
24 by the Speaker of the House, one appointed by the House
25 Minority Leader, one appointed by the President of the
26 Senate, and one appointed by the Senate Minority Leader.

1 (e) The Task Force shall meet at least quarterly, and more
2 frequently at the discretion of the chairperson. Task Force
3 members shall serve until a replacement is sworn and
4 qualified. Nine members appointed to the Task Force
5 constitutes a quorum.

6 (Source: P.A. 95-331, eff. 8-21-07; 95-987, eff. 10-3-08.)

7 (225 ILCS 46/70)

8 Sec. 70. Centers for Medicare and Medicaid Services (CMMS)
9 grant; Voluntary FBI Fingerprint Demonstration Project.

10 (a) The General Assembly authorizes the establishment of
11 the Voluntary FBI Fingerprint Demonstration Project
12 (Demonstration Project), which shall be consistent with the
13 provisions of the Centers for Medicare and Medicaid Services
14 grant awarded to and distributed by the Department of Public
15 Health pursuant to Title VI, Subtitle B, Part III, Subtitle C,
16 Section 6201 of the Affordable Care Act of 2010. The
17 Demonstration Project is authorized to operate for the period
18 of January 1, 2014 through December 31, 2014 and shall operate
19 until the conclusion of this grant period or until the
20 long-term care facility terminates its participation in the
21 Demonstration Project, whichever occurs sooner.

22 (b) The Long-Term Care Facility Advisory Board established
23 under the Nursing Home Care Act shall act in an advisory
24 capacity to the Demonstration Project.

25 (c) Long-term care facilities voluntarily participating in

1 the Demonstration Project shall, in addition to the provisions
2 of this Section, comply with all requirements set forth in
3 this Act. When conflict between the Act and the provisions of
4 this Section occurs, the provisions of this Section shall
5 supersede until the conclusion of the grant period or until
6 the long-term care facility terminates its participation in
7 the Demonstration Project, whichever occurs sooner.

8 (d) The Department of Public Health shall select at least
9 one facility in the State to participate in the Demonstration
10 Project.

11 (e) For the purposes of determining who shall be required
12 to undergo a State and an FBI fingerprint-based criminal
13 history records check under the Demonstration Project, "direct
14 access employee" means any individual who has access to a
15 patient or resident of a long-term care facility or provider
16 through employment or through a contract with a long-term care
17 facility or provider and has duties that involve or may
18 involve one-on-one contact with a resident of the facility or
19 provider, as determined by the State for purposes of the
20 Demonstration Project.

21 (f) All long-term care facilities licensed under the
22 Nursing Home Care Act are qualified to volunteer for the
23 Demonstration Project.

24 (g) The Department of Public Health shall notify qualified
25 long-term care facilities within 30 days after the effective
26 date of this amendatory Act of the 98th General Assembly of the

1 opportunity to volunteer for the Demonstration Project. The
2 notice shall include information concerning application
3 procedures and deadlines, termination rights, requirements for
4 participation, the selection process, and a
5 question-and-answer document addressing potential conflicts
6 between this Act and the provisions of this Section.

7 (h) Qualified long-term care facilities shall be given a
8 minimum of 30 days after the date of receiving the notice to
9 inform the Department of Public Health, in the form and manner
10 prescribed by the Department of Public Health, of their
11 interest in volunteering for the Demonstration Project.
12 Facilities selected for the Demonstration Project shall be
13 notified, within 30 days after the date of application, of the
14 effective date that their participation in the Demonstration
15 Project will begin, which may vary.

16 (i) The individual applicant shall be responsible for the
17 cost of each individual fingerprint inquiry, which may be
18 offset with grant funds, if available.

19 (j) Each applicant seeking employment in a position
20 described in subsection (e) of this Section with a selected
21 health care employer shall, as a condition of employment, have
22 his or her fingerprints submitted to the Illinois Department
23 ~~of~~ State Police in an electronic format that complies with the
24 form and manner for requesting and furnishing criminal history
25 record information by the Illinois Department ~~of~~ State Police
26 and the Federal Bureau of Investigation criminal history

1 record databases now and hereafter filed. The Illinois
2 ~~Department of~~ State Police shall forward the fingerprints to
3 the Federal Bureau of Investigation for a national criminal
4 history records check. The Illinois ~~Department of~~ State Police
5 shall charge a fee for conducting the criminal history records
6 check, which shall not exceed the actual cost of the records
7 check and shall be deposited into the State Police Services
8 Fund. The Illinois ~~Department of~~ State Police shall furnish,
9 pursuant to positive identification, records of Illinois
10 convictions to the Department of Public Health.

11 (k) A fingerprint-based criminal history records check
12 submitted in accordance with subsection (j) of this Section
13 shall be submitted as a fee applicant inquiry in the form and
14 manner prescribed by the Illinois ~~Department of~~ State Police.

15 (l) A long-term care facility may terminate its
16 participation in the Demonstration Project without prejudice
17 by providing the Department of Public Health with notice of
18 its intent to terminate at least 30 days prior to its voluntary
19 termination.

20 (m) This Section shall be inapplicable upon the conclusion
21 of the CMMS grant period.

22 (Source: P.A. 98-756, eff. 7-16-14; 98-1041, eff. 8-25-14;
23 99-78, eff. 7-20-15.)

24 Section 595. The Massage Licensing Act is amended by
25 changing Section 15 as follows:

1 (225 ILCS 57/15)

2 (Section scheduled to be repealed on January 1, 2022)

3 Sec. 15. Licensure requirements.

4 (a) Persons engaged in massage for compensation must be
5 licensed by the Department. The Department shall issue a
6 license to an individual who meets all of the following
7 requirements:

8 (1) The applicant has applied in writing on the
9 prescribed forms and has paid the required fees.

10 (2) The applicant is at least 18 years of age and of
11 good moral character. In determining good moral character,
12 the Department may take into consideration conviction of
13 any crime under the laws of the United States or any state
14 or territory thereof that is a felony or a misdemeanor or
15 any crime that is directly related to the practice of the
16 profession. Such a conviction shall not operate
17 automatically as a complete bar to a license, except in
18 the case of any conviction for prostitution, rape, or
19 sexual misconduct, or where the applicant is a registered
20 sex offender.

21 (3) The applicant has met one of the following
22 requirements:

23 (A) has successfully completed a massage therapy
24 program approved by the Department that requires a
25 minimum of 500 hours, except applicants applying on or

1 after January 1, 2014 shall meet a minimum requirement
2 of 600 hours, and has passed a competency examination
3 approved by the Department;

4 (B) holds a current license from another
5 jurisdiction having licensure requirements that
6 include the completion of a massage therapy program of
7 at least 500 hours; or

8 (C) (blank).

9 (b) Each applicant for licensure as a massage therapist
10 shall have his or her fingerprints submitted to the Illinois
11 ~~Department of~~ State Police in an electronic format that
12 complies with the form and manner for requesting and
13 furnishing criminal history record information as prescribed
14 by the Illinois ~~Department of~~ State Police. These fingerprints
15 shall be checked against the Illinois ~~Department of~~ State
16 Police and Federal Bureau of Investigation criminal history
17 record databases now and hereafter filed. The Illinois
18 ~~Department of~~ State Police shall charge applicants a fee for
19 conducting the criminal history records check, which shall be
20 deposited into the State Police Services Fund and shall not
21 exceed the actual cost of the records check. The Illinois
22 ~~Department of~~ State Police shall furnish, pursuant to positive
23 identification, records of Illinois convictions to the
24 Department. The Department may require applicants to pay a
25 separate fingerprinting fee, either to the Department or to a
26 vendor. The Department, in its discretion, may allow an

1 applicant who does not have reasonable access to a designated
2 vendor to provide his or her fingerprints in an alternative
3 manner. The Department may adopt any rules necessary to
4 implement this Section.

5 (Source: P.A. 97-514, eff. 8-23-11.)

6 Section 600. The Medical Practice Act of 1987 is amended
7 by changing Sections 7, 9.7, and 65 as follows:

8 (225 ILCS 60/7) (from Ch. 111, par. 4400-7)

9 (Section scheduled to be repealed on January 1, 2022)

10 Sec. 7. Medical Disciplinary Board.

11 (A) There is hereby created the Illinois State Medical
12 Disciplinary Board. The Disciplinary Board shall consist of 11
13 members, to be appointed by the Governor by and with the advice
14 and consent of the Senate. All members shall be residents of
15 the State, not more than 6 of whom shall be members of the same
16 political party. All members shall be voting members. Five
17 members shall be physicians licensed to practice medicine in
18 all of its branches in Illinois possessing the degree of
19 doctor of medicine. One member shall be a physician licensed
20 to practice medicine in all its branches in Illinois
21 possessing the degree of doctor of osteopathy or osteopathic
22 medicine. One member shall be a chiropractic physician
23 licensed to practice in Illinois and possessing the degree of
24 doctor of chiropractic. Four members shall be members of the

1 public, who shall not be engaged in any way, directly or
2 indirectly, as providers of health care.

3 (B) Members of the Disciplinary Board shall be appointed
4 for terms of 4 years. Upon the expiration of the term of any
5 member, his or her ~~their~~ successor shall be appointed for a
6 term of 4 years by the Governor by and with the advice and
7 consent of the Senate. The Governor shall fill any vacancy for
8 the remainder of the unexpired term with the advice and
9 consent of the Senate. Upon recommendation of the Board, any
10 member of the Disciplinary Board may be removed by the
11 Governor for misfeasance, malfeasance, or willful ~~wilful~~
12 neglect of duty, after notice, and a public hearing, unless
13 such notice and hearing shall be expressly waived in writing.
14 Each member shall serve on the Disciplinary Board until their
15 successor is appointed and qualified. No member of the
16 Disciplinary Board shall serve more than 2 consecutive 4 year
17 terms.

18 In making appointments the Governor shall attempt to
19 insure that the various social and geographic regions of the
20 State of Illinois are properly represented.

21 In making the designation of persons to act for the
22 several professions represented on the Disciplinary Board, the
23 Governor shall give due consideration to recommendations by
24 members of the respective professions and by organizations
25 therein.

26 (C) The Disciplinary Board shall annually elect one of its

1 voting members as chairperson and one as vice chairperson. No
2 officer shall be elected more than twice in succession to the
3 same office. Each officer shall serve until their successor
4 has been elected and qualified.

5 (D) (Blank).

6 (E) Six voting members of the Disciplinary Board, at least
7 4 of whom are physicians, shall constitute a quorum. A vacancy
8 in the membership of the Disciplinary Board shall not impair
9 the right of a quorum to exercise all the rights and perform
10 all the duties of the Disciplinary Board. Any action taken by
11 the Disciplinary Board under this Act may be authorized by
12 resolution at any regular or special meeting and each such
13 resolution shall take effect immediately. The Disciplinary
14 Board shall meet at least quarterly.

15 (F) Each member, and member-officer, of the Disciplinary
16 Board shall receive a per diem stipend as the Secretary shall
17 determine. Each member shall be paid their necessary expenses
18 while engaged in the performance of their duties.

19 (G) The Secretary shall select a Chief Medical Coordinator
20 and not less than 2 Deputy Medical Coordinators who shall not
21 be members of the Disciplinary Board. Each medical coordinator
22 shall be a physician licensed to practice medicine in all of
23 its branches, and the Secretary shall set their rates of
24 compensation. The Secretary shall assign at least one medical
25 coordinator to a region composed of Cook County and such other
26 counties as the Secretary may deem appropriate, and such

1 medical coordinator or coordinators shall locate their office
2 in Chicago. The Secretary shall assign at least one medical
3 coordinator to a region composed of the balance of counties in
4 the State, and such medical coordinator or coordinators shall
5 locate their office in Springfield. The Chief Medical
6 Coordinator shall be the chief enforcement officer of this
7 Act. None of the functions, powers, or duties of the
8 Department with respect to policies regarding enforcement or
9 discipline under this Act, including the adoption of such
10 rules as may be necessary for the administration of this Act,
11 shall be exercised by the Department except upon review of the
12 Disciplinary Board.

13 The Secretary shall employ, in conformity with the
14 Personnel Code, investigators who are college graduates with
15 at least 2 years of investigative experience or one year of
16 advanced medical education. Upon the written request of the
17 Disciplinary Board, the Secretary shall employ, in conformity
18 with the Personnel Code, such other professional, technical,
19 investigative, and clerical help, either on a full or
20 part-time basis as the Disciplinary Board deems necessary for
21 the proper performance of its duties.

22 (H) Upon the specific request of the Disciplinary Board,
23 signed by either the chairperson, vice chairperson, or a
24 medical coordinator of the Disciplinary Board, the Department
25 of Human Services, the Department of Healthcare and Family
26 Services, the Illinois ~~Department of~~ State Police, or any

1 other law enforcement agency located in this State shall make
2 available any and all information that they have in their
3 possession regarding a particular case then under
4 investigation by the Disciplinary Board.

5 (I) Members of the Disciplinary Board shall be immune from
6 suit in any action based upon any disciplinary proceedings or
7 other acts performed in good faith as members of the
8 Disciplinary Board.

9 (J) The Disciplinary Board may compile and establish a
10 statewide roster of physicians and other medical
11 professionals, including the several medical specialties, of
12 such physicians and medical professionals, who have agreed to
13 serve from time to time as advisors to the medical
14 coordinators. Such advisors shall assist the medical
15 coordinators or the Disciplinary Board in their investigations
16 and participation in complaints against physicians. Such
17 advisors shall serve under contract and shall be reimbursed at
18 a reasonable rate for the services provided, plus reasonable
19 expenses incurred. While serving in this capacity, the
20 advisor, for any act undertaken in good faith and in the
21 conduct of his or her duties under this Section, shall be
22 immune from civil suit.

23 (Source: P.A. 97-622, eff. 11-23-11; 98-1140, eff. 12-30-14.)

24 (225 ILCS 60/9.7)

25 (Section scheduled to be repealed on January 1, 2022)

1 Sec. 9.7. Criminal history records background check. Each
2 applicant for licensure or permit under Sections 9, 18, and 19
3 shall have his or her fingerprints submitted to the Illinois
4 ~~Department of~~ State Police in an electronic format that
5 complies with the form and manner for requesting and
6 furnishing criminal history record information as prescribed
7 by the Illinois ~~Department of~~ State Police. These fingerprints
8 shall be checked against the Illinois ~~Department of~~ State
9 Police and Federal Bureau of Investigation criminal history
10 record databases now and hereafter filed. The Illinois
11 ~~Department of~~ State Police shall charge applicants a fee for
12 conducting the criminal history records check, which shall be
13 deposited into the State Police Services Fund and shall not
14 exceed the actual cost of the records check. The Illinois
15 ~~Department of~~ State Police shall furnish, pursuant to positive
16 identification, records of Illinois convictions to the
17 Department. The Department may require applicants to pay a
18 separate fingerprinting fee, either to the Department or to a
19 Department designated or approved vendor. The Department, in
20 its discretion, may allow an applicant who does not have
21 reasonable access to a designated vendor to provide his or her
22 fingerprints in an alternative manner. The Department may
23 adopt any rules necessary to implement this Section.

24 (Source: P.A. 97-622, eff. 11-23-11.)

1 (Section scheduled to be repealed on January 1, 2022)

2 Sec. 65. Annie LeGere Law; epinephrine auto-injector. A
3 licensee under this Act may not be subject to discipline for
4 providing a standing order or prescription for an epinephrine
5 auto-injector in accordance with Section 40 of the Illinois
6 State Police Act or Section 10.19 of the Illinois Police
7 Training Act.

8 (Source: P.A. 100-648, eff. 7-31-18.)

9 Section 605. The Nurse Practice Act is amended by changing
10 Section 50-35 as follows:

11 (225 ILCS 65/50-35) (was 225 ILCS 65/5-23)

12 (Section scheduled to be repealed on January 1, 2028)

13 Sec. 50-35. Criminal history records background check.
14 Each applicant for licensure by examination or restoration
15 shall have his or her fingerprints submitted to the Illinois
16 ~~Department of~~ State Police in an electronic format that
17 complies with the form and manner for requesting and
18 furnishing criminal history record information as prescribed
19 by the Illinois ~~Department of~~ State Police. These fingerprints
20 shall be checked against the Illinois ~~Department of~~ State
21 Police and Federal Bureau of Investigation criminal history
22 record databases now and hereafter filed. The Illinois
23 ~~Department of~~ State Police shall charge applicants a fee for
24 conducting the criminal history records check, which shall be

1 deposited into the State Police Services Fund and shall not
2 exceed the actual cost of the records check. The Illinois
3 ~~Department of~~ State Police shall furnish, pursuant to positive
4 identification, records of Illinois convictions to the
5 Department. The Department may require applicants to pay a
6 separate fingerprinting fee, either to the Department or to a
7 vendor. The Department, in its discretion, may allow an
8 applicant who does not have reasonable access to a designated
9 vendor to provide his or her fingerprints in an alternative
10 manner. The Department may adopt any rules necessary to
11 implement this Section.

12 (Source: P.A. 95-639, eff. 10-5-07.)

13 Section 610. The Nursing Home Administrators Licensing and
14 Disciplinary Act is amended by changing Section 5.1 as
15 follows:

16 (225 ILCS 70/5.1)

17 (Section scheduled to be repealed on January 1, 2028)

18 Sec. 5.1. Powers and duties; rules. The Department shall
19 exercise the powers and duties prescribed by the Civil
20 Administrative Code of Illinois for administration of
21 licensing acts and shall exercise such other powers and duties
22 necessary for effectuating the purposes of this Act. The
23 Department shall adopt rules to implement, interpret, make
24 specific the provisions and purposes of this Act, and may

1 prescribe forms that shall be issued in connection with
2 rulemaking. The Department shall transmit the proposed
3 rulemaking to the Board.

4 The Department may solicit the advice of the Board on any
5 matter relating to the administration and enforcement of this
6 Act.

7 Upon the written request of the Department, the Department
8 of Public Health, the Department of Human Services or the
9 Illinois ~~Department of~~ State Police may cooperate and assist
10 in any investigation undertaken by the Board.

11 (Source: P.A. 100-675, eff. 8-3-18.)

12 Section 615. The Wholesale Drug Distribution Licensing Act
13 is amended by changing Section 25 as follows:

14 (225 ILCS 120/25) (from Ch. 111, par. 8301-25)

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

16 Sec. 25. Wholesale drug distributor licensing
17 requirements.

18 (a) Every resident wholesale distributor who engages in
19 the wholesale distribution of prescription drugs must be
20 licensed by the Department, and every non-resident wholesale
21 distributor must be licensed in this State if it ships
22 prescription drugs into this State, in accordance with this
23 Act, before engaging in wholesale distributions of wholesale
24 prescription drugs.

1 (b) The Department shall require without limitation all of
2 the following information from each applicant for licensure
3 under this Act:

4 (1) The name, full business address, and telephone
5 number of the licensee.

6 (2) All trade or business names used by the licensee.

7 (3) Addresses, telephone numbers, and the names of
8 contact persons for all facilities used by the licensee
9 for the storage, handling, and distribution of
10 prescription drugs.

11 (4) The type of ownership or operation, such as a
12 partnership, corporation, or sole proprietorship.

13 (5) The name of the owner or operator of the wholesale
14 distributor, including:

15 (A) if a natural person, the name of the natural
16 person;

17 (B) if a partnership, the name of each partner and
18 the name of the partnership;

19 (C) if a corporation, the name and title of each
20 corporate officer and director, the corporate names,
21 and the name of the state of incorporation; and

22 (D) if a sole proprietorship, the full name of the
23 sole proprietor and the name of the business entity.

24 (6) A list of all licenses and permits issued to the
25 applicant by any other state that authorizes the applicant
26 to purchase or possess prescription drugs.

1 (7) The name of the designated representative for the
2 wholesale distributor, together with the personal
3 information statement and fingerprints, as required under
4 subsection (c) of this Section.

5 (8) Minimum liability insurance and other insurance as
6 defined by rule.

7 (9) Any additional information required by the
8 Department.

9 (c) Each wholesale distributor must designate an
10 individual representative who shall serve as the contact
11 person for the Department. This representative must provide
12 the Department with all of the following information:

13 (1) Information concerning whether the person has been
14 enjoined, either temporarily or permanently, by a court of
15 competent jurisdiction from violating any federal or State
16 law regulating the possession, control, or distribution of
17 prescription drugs or criminal violations, together with
18 details concerning any such event.

19 (2) A description of any involvement by the person
20 with any business, including any investments, other than
21 the ownership of stock in a publicly traded company or
22 mutual fund which manufactured, administered, prescribed,
23 distributed, or stored pharmaceutical products and any
24 lawsuits in which such businesses were named as a party.

25 (3) A description of any misdemeanor or felony
26 criminal offense of which the person, as an adult, was

1 found guilty, regardless of whether adjudication of guilt
2 was withheld or whether the person pled guilty or nolo
3 contendere. If the person indicates that a criminal
4 conviction is under appeal and submits a copy of the
5 notice of appeal of that criminal offense, the applicant
6 must, within 15 days after the disposition of the appeal,
7 submit to the Department a copy of the final written order
8 of disposition.

9 (4) The designated representative of an applicant for
10 licensure as a wholesale drug distributor shall have his
11 or her fingerprints submitted to the Illinois ~~Department~~
12 ~~of~~ State Police in an electronic format that complies with
13 the form and manner for requesting and furnishing criminal
14 history record information as prescribed by the Illinois
15 ~~Department of~~ State Police. These fingerprints shall be
16 checked against the Illinois ~~Department of~~ State Police
17 and Federal Bureau of Investigation criminal history
18 record databases now and hereafter filed. The Illinois
19 ~~Department of~~ State Police shall charge applicants a fee
20 for conducting the criminal history records check, which
21 shall be deposited into the State Police Services Fund and
22 shall not exceed the actual cost of the records check. The
23 Illinois ~~Department of~~ State Police shall furnish,
24 pursuant to positive identification, records of Illinois
25 convictions to the Department. The Department may require
26 applicants to pay a separate fingerprinting fee, either to

1 the Department or to a vendor. The Department, in its
2 discretion, may allow an applicant who does not have
3 reasonable access to a designated vendor to provide his or
4 her fingerprints in an alternative manner. The Department
5 may adopt any rules necessary to implement this Section.

6 The designated representative of a licensee shall
7 receive and complete continuing training in applicable
8 federal and State laws governing the wholesale
9 distribution of prescription drugs.

10 (d) The Department may not issue a wholesale distributor
11 license to an applicant, unless the Department first:

12 (1) ensures that a physical inspection of the facility
13 satisfactory to the Department has occurred at the address
14 provided by the applicant, as required under item (1) of
15 subsection (b) of this Section; and

16 (2) determines that the designated representative
17 meets each of the following qualifications:

18 (A) He or she is at least 21 years of age.

19 (B) He or she has been employed full-time for at
20 least 3 years in a pharmacy or with a wholesale
21 distributor in a capacity related to the dispensing
22 and distribution of, and recordkeeping relating to,
23 prescription drugs.

24 (C) He or she is employed by the applicant full
25 time in a managerial level position.

26 (D) He or she is actively involved in and aware of

1 the actual daily operation of the wholesale
2 distributor.

3 (E) He or she is physically present at the
4 facility of the applicant during regular business
5 hours, except when the absence of the designated
6 representative is authorized, including without
7 limitation sick leave and vacation leave.

8 (F) He or she is serving in the capacity of a
9 designated representative for only one applicant at a
10 time, except where more than one licensed wholesale
11 distributor is co-located in the same facility and
12 such wholesale distributors are members of an
13 affiliated group, as defined in Section 1504 of the
14 Internal Revenue Code.

15 (e) If a wholesale distributor distributes prescription
16 drugs from more than one facility, the wholesale distributor
17 shall obtain a license for each facility.

18 (f) The information provided under this Section may not be
19 disclosed to any person or entity other than the Department or
20 another government entity in need of such information for
21 licensing or monitoring purposes.

22 (Source: P.A. 97-804, eff. 1-1-13.)

23 Section 625. The Pyrotechnic Distributor and Operator
24 Licensing Act is amended by changing Sections 40 and 45 as
25 follows:

1 (225 ILCS 227/40)

2 Sec. 40. Fingerprint card; fees. The Office may require
3 each applicant to file with his or her application a
4 fingerprint card in the form and manner required by the
5 Illinois ~~Department of~~ State Police to enable the Illinois
6 ~~Department of~~ State Police to conduct a criminal history check
7 on the applicant.

8 The Office may require each applicant to submit, in
9 addition to the license fee, a fee specified by the Illinois
10 ~~Department of~~ State Police for processing fingerprint cards,
11 which may be made payable to the State Police Services Fund and
12 shall be remitted to the Illinois ~~Department of~~ State Police
13 for deposit into that Fund.

14 (Source: P.A. 93-263, eff. 7-22-03.)

15 (225 ILCS 227/45)

16 Sec. 45. Investigation. Upon receipt of an application,
17 the Office shall investigate the eligibility of the applicant.
18 The Office has authority to request and receive from any
19 federal, state or local governmental agency such information
20 and assistance as will enable it to carry out its powers and
21 duties under this Act. The Illinois ~~Department of~~ State Police
22 shall cause the fingerprints of each applicant to be compared
23 with fingerprints of criminals filed with the Illinois
24 ~~Department of~~ State Police or with federal law enforcement

1 agencies maintaining official fingerprint files.

2 (Source: P.A. 93-263, eff. 7-22-03.)

3 Section 635. The Private Detective, Private Alarm, Private
4 Security, Fingerprint Vendor, and Locksmith Act of 2004 is
5 amended by changing Sections 5-10, 10-5, 10-25, 31-5, 31-10,
6 31-15, 31-20, 31-25, 35-30, and 40-10 as follows:

7 (225 ILCS 447/5-10)

8 (Section scheduled to be repealed on January 1, 2024)

9 Sec. 5-10. Definitions. As used in this Act:

10 "Address of record" means the designated address recorded
11 by the Department in the applicant's application file or the
12 licensee's license file, as maintained by the Department's
13 licensure maintenance unit.

14 "Advertisement" means any public media, including printed
15 or electronic material, that is published or displayed in a
16 phone book, newspaper, magazine, pamphlet, newsletter,
17 website, or other similar type of publication or electronic
18 format that is intended to either attract business or merely
19 provide contact information to the public for an agency or
20 licensee. Advertisement shall not include a licensee's or an
21 agency's letterhead, business cards, or other stationery used
22 in routine business correspondence or customary name, address,
23 and number type listings in a telephone directory.

24 "Alarm system" means any system, including an electronic

1 access control system, a surveillance video system, a security
2 video system, a burglar alarm system, a fire alarm system, or
3 any other electronic system that activates an audible,
4 visible, remote, or recorded signal that is designed for the
5 protection or detection of intrusion, entry, theft, fire,
6 vandalism, escape, or trespass, or other electronic systems
7 designed for the protection of life by indicating the
8 existence of an emergency situation. "Alarm system" also
9 includes an emergency communication system and a mass
10 notification system.

11 "Applicant" means a person or business applying for
12 licensure, registration, or authorization under this Act. Any
13 applicant or person who holds himself or herself out as an
14 applicant is considered a licensee or registrant for the
15 purposes of enforcement, investigation, hearings, and the
16 Illinois Administrative Procedure Act.

17 "Armed employee" means a licensee or registered person who
18 is employed by an agency licensed or an armed proprietary
19 security force registered under this Act who carries a weapon
20 while engaged in the performance of official duties within the
21 course and scope of his or her employment during the hours and
22 times the employee is scheduled to work or is commuting
23 between his or her home or place of employment.

24 "Armed proprietary security force" means a security force
25 made up of one or more armed individuals employed by a
26 commercial or industrial operation or by a financial

1 institution as security officers for the protection of persons
2 or property.

3 "Board" means the Private Detective, Private Alarm,
4 Private Security, Fingerprint Vendor, and Locksmith Board.

5 "Branch office" means a business location removed from the
6 place of business for which an agency license has been issued,
7 including, but not limited to, locations where active employee
8 records that are required to be maintained under this Act are
9 kept, where prospective new employees are processed, or where
10 members of the public are invited in to transact business. A
11 branch office does not include an office or other facility
12 located on the property of an existing client that is utilized
13 solely for the benefit of that client and is not owned or
14 leased by the agency.

15 "Canine handler" means a person who uses or handles a
16 trained dog to protect persons or property or to conduct
17 investigations.

18 "Canine handler authorization card" means a card issued by
19 the Department that authorizes the holder to use or handle a
20 trained dog to protect persons or property or to conduct
21 investigations during the performance of his or her duties as
22 specified in this Act.

23 "Canine trainer" means a person who acts as a dog trainer
24 for the purpose of training dogs to protect persons or
25 property or to conduct investigations.

26 "Canine trainer authorization card" means a card issued by

1 the Department that authorizes the holder to train a dog to
2 protect persons or property or to conduct investigations
3 during the performance of his or her duties as specified in
4 this Act.

5 "Canine training facility" means a facility operated by a
6 licensed private detective agency or private security
7 contractor agency wherein dogs are trained for the purposes of
8 protecting persons or property or to conduct investigations.

9 "Corporation" means an artificial person or legal entity
10 created by or under the authority of the laws of a state,
11 including without limitation a corporation, limited liability
12 company, or any other legal entity.

13 "Department" means the Department of Financial and
14 Professional Regulation.

15 "Emergency communication system" means any system that
16 communicates information about emergencies, including but not
17 limited to fire, terrorist activities, shootings, other
18 dangerous situations, accidents, and natural disasters.

19 "Employee" means a person who works for a person or agency
20 that has the right to control the details of the work performed
21 and is not dependent upon whether or not federal or state
22 payroll taxes are withheld.

23 "Fingerprint vendor" means a person that offers,
24 advertises, or provides services to fingerprint individuals,
25 through electronic or other means, for the purpose of
26 providing fingerprint images and associated demographic data

1 to the Illinois ~~Department of~~ State Police for processing
2 fingerprint based criminal history record information
3 inquiries.

4 "Fingerprint vendor agency" means a person, firm,
5 corporation, or other legal entity that engages in the
6 fingerprint vendor business and employs, in addition to the
7 fingerprint vendor licensee-in-charge, at least one other
8 person in conducting that business.

9 "Fingerprint vendor licensee-in-charge" means a person who
10 has been designated by a fingerprint vendor agency to be the
11 licensee-in-charge of an agency who is a full-time management
12 employee or owner who assumes sole responsibility for
13 maintaining all records required by this Act and who assumes
14 sole responsibility for assuring the licensed agency's
15 compliance with its responsibilities as stated in this Act.
16 The Department shall adopt rules mandating licensee-in-charge
17 participation in agency affairs.

18 "Fire alarm system" means any system that is activated by
19 an automatic or manual device in the detection of smoke, heat,
20 or fire that activates an audible, visible, or remote signal
21 requiring a response.

22 "Firearm control card" means a card issued by the
23 Department that authorizes the holder, who has complied with
24 the training and other requirements of this Act, to carry a
25 weapon during the performance of his or her duties as
26 specified in this Act.

1 "Firm" means an unincorporated business entity, including
2 but not limited to proprietorships and partnerships.

3 "Licensee" means a person or business licensed under this
4 Act. Anyone who holds himself or herself out as a licensee or
5 who is accused of unlicensed practice is considered a licensee
6 for purposes of enforcement, investigation, hearings, and the
7 Illinois Administrative Procedure Act.

8 "Locksmith" means a person who engages in a business or
9 holds himself out to the public as providing a service that
10 includes, but is not limited to, the servicing, installing,
11 originating first keys, re-coding, repairing, maintaining,
12 manipulating, or bypassing of a mechanical or electronic
13 locking device, access control or video surveillance system at
14 premises, vehicles, safes, vaults, safe deposit boxes, or
15 automatic teller machines.

16 "Locksmith agency" means a person, firm, corporation, or
17 other legal entity that engages in the locksmith business and
18 employs, in addition to the locksmith licensee-in-charge, at
19 least one other person in conducting such business.

20 "Locksmith licensee-in-charge" means a person who has been
21 designated by agency to be the licensee-in-charge of an
22 agency, who is a full-time management employee or owner who
23 assumes sole responsibility for maintaining all records
24 required by this Act, and who assumes sole responsibility for
25 assuring the licensed agency's compliance with its
26 responsibilities as stated in this Act. The Department shall

1 adopt rules mandating licensee-in-charge participation in
2 agency affairs.

3 "Mass notification system" means any system that is used
4 to provide information and instructions to people in a
5 building or other space using voice communications, including
6 visible signals, text, graphics, tactile, or other
7 communication methods.

8 "Peace officer" or "police officer" means a person who, by
9 virtue of office or public employment, is vested by law with a
10 duty to maintain public order or to make arrests for offenses,
11 whether that duty extends to all offenses or is limited to
12 specific offenses. Officers, agents, or employees of the
13 federal government commissioned by federal statute to make
14 arrests for violations of federal laws are considered peace
15 officers.

16 "Permanent employee registration card" means a card issued
17 by the Department to an individual who has applied to the
18 Department and meets the requirements for employment by a
19 licensed agency under this Act.

20 "Person" means a natural person.

21 "Private alarm contractor" means a person who engages in a
22 business that individually or through others undertakes,
23 offers to undertake, purports to have the capacity to
24 undertake, or submits a bid to sell, install, design, monitor,
25 maintain, alter, repair, replace, or service alarm and other
26 security-related systems or parts thereof, including fire

1 alarm systems, at protected premises or premises to be
2 protected or responds to alarm systems at a protected premises
3 on an emergency basis and not as a full-time security officer.
4 "Private alarm contractor" does not include a person, firm, or
5 corporation that manufactures or sells alarm systems only from
6 its place of business and does not sell, install, monitor,
7 maintain, alter, repair, replace, service, or respond to alarm
8 systems at protected premises or premises to be protected.

9 "Private alarm contractor agency" means a person,
10 corporation, or other entity that engages in the private alarm
11 contracting business and employs, in addition to the private
12 alarm contractor-in-charge, at least one other person in
13 conducting such business.

14 "Private alarm contractor licensee-in-charge" means a
15 person who has been designated by an agency to be the
16 licensee-in-charge of an agency, who is a full-time management
17 employee or owner who assumes sole responsibility for
18 maintaining all records required by this Act, and who assumes
19 sole responsibility for assuring the licensed agency's
20 compliance with its responsibilities as stated in this Act.
21 The Department shall adopt rules mandating licensee-in-charge
22 participation in agency affairs.

23 "Private detective" means any person who by any means,
24 including, but not limited to, manual, canine odor detection,
25 or electronic methods, engages in the business of, accepts
26 employment to furnish, or agrees to make or makes

1 investigations for a fee or other consideration to obtain
2 information relating to:

3 (1) Crimes or wrongs done or threatened against the
4 United States, any state or territory of the United
5 States, or any local government of a state or territory.

6 (2) The identity, habits, conduct, business
7 occupation, honesty, integrity, credibility, knowledge,
8 trustworthiness, efficiency, loyalty, activity,
9 movements, whereabouts, affiliations, associations,
10 transactions, acts, reputation, or character of any
11 person, firm, or other entity by any means, manual or
12 electronic.

13 (3) The location, disposition, or recovery of lost or
14 stolen property.

15 (4) The cause, origin, or responsibility for fires,
16 accidents, or injuries to individuals or real or personal
17 property.

18 (5) The truth or falsity of any statement or
19 representation.

20 (6) Securing evidence to be used before any court,
21 board, or investigating body.

22 (7) The protection of individuals from bodily harm or
23 death (bodyguard functions).

24 (8) Service of process in criminal and civil
25 proceedings.

26 "Private detective agency" means a person, firm,

1 corporation, or other legal entity that engages in the private
2 detective business and employs, in addition to the
3 licensee-in-charge, one or more persons in conducting such
4 business.

5 "Private detective licensee-in-charge" means a person who
6 has been designated by an agency to be the licensee-in-charge
7 of an agency, who is a full-time management employee or owner
8 who assumes sole responsibility for maintaining all records
9 required by this Act, and who assumes sole responsibility for
10 assuring the licensed agency's compliance with its
11 responsibilities as stated in this Act. The Department shall
12 adopt rules mandating licensee-in-charge participation in
13 agency affairs.

14 "Private security contractor" means a person who engages
15 in the business of providing a private security officer,
16 watchman, patrol, guard dog, canine odor detection, or a
17 similar service by any other title or name on a contractual
18 basis for another person, firm, corporation, or other entity
19 for a fee or other consideration and performing one or more of
20 the following functions:

21 (1) The prevention or detection of intrusion, entry,
22 theft, vandalism, abuse, fire, or trespass on private or
23 governmental property.

24 (2) The prevention, observation, or detection of any
25 unauthorized activity on private or governmental property.

26 (3) The protection of persons authorized to be on the

1 premises of the person, firm, or other entity for which
2 the security contractor contractually provides security
3 services.

4 (4) The prevention of the misappropriation or
5 concealment of goods, money, bonds, stocks, notes,
6 documents, or papers.

7 (5) The control, regulation, or direction of the
8 movement of the public for the time specifically required
9 for the protection of property owned or controlled by the
10 client.

11 (6) The protection of individuals from bodily harm or
12 death (bodyguard functions).

13 "Private security contractor agency" means a person, firm,
14 corporation, or other legal entity that engages in the private
15 security contractor business and that employs, in addition to
16 the licensee-in-charge, one or more persons in conducting such
17 business.

18 "Private security contractor licensee-in-charge" means a
19 person who has been designated by an agency to be the
20 licensee-in-charge of an agency, who is a full-time management
21 employee or owner who assumes sole responsibility for
22 maintaining all records required by this Act, and who assumes
23 sole responsibility for assuring the licensed agency's
24 compliance with its responsibilities as stated in this Act.
25 The Department shall adopt rules mandating licensee-in-charge
26 participation in agency affairs.

1 "Public member" means a person who is not a licensee or
2 related to a licensee, or who is not an employer or employee of
3 a licensee. The term "related to" shall be determined by the
4 rules of the Department.

5 "Secretary" means the Secretary of the Department of
6 Financial and Professional Regulation.

7 (Source: P.A. 98-253, eff. 8-9-13.)

8 (225 ILCS 447/10-5)

9 (Section scheduled to be repealed on January 1, 2024)

10 Sec. 10-5. Requirement of license.

11 (a) It is unlawful for a person to act as or provide the
12 functions of a private detective, private security contractor,
13 private alarm contractor, fingerprint vendor, or locksmith or
14 to advertise or to assume to act as any one of these, or to use
15 these or any other title implying that the person is engaged in
16 any of these activities unless licensed as such by the
17 Department. An individual or sole proprietor who does not
18 employ any employees other than himself or herself may operate
19 under a "doing business as" or assumed name certification
20 without having to obtain an agency license, so long as the
21 assumed name is first registered with the Department.

22 (b) It is unlawful for a person, firm, corporation, or
23 other legal entity to act as an agency licensed under this Act,
24 to advertise, or to assume to act as a licensed agency or to
25 use a title implying that the person, firm, or other entity is

1 engaged in the practice as a private detective agency, private
2 security contractor agency, private alarm contractor agency,
3 fingerprint vendor agency, or locksmith agency unless licensed
4 by the Department.

5 (c) No agency shall operate a branch office without first
6 applying for and receiving a branch office license for each
7 location.

8 (d) Beginning 12 months after the adoption of rules
9 providing for the licensure of fingerprint vendors under this
10 Act, it is unlawful for a person to operate live scan
11 fingerprint equipment or other equipment designed to obtain
12 fingerprint images for the purpose of providing fingerprint
13 images and associated demographic data to the Illinois
14 ~~Department of State Police~~, unless he or she has successfully
15 completed a fingerprint training course conducted or
16 authorized by the Illinois ~~Department of State Police~~ and is
17 licensed as a fingerprint vendor.

18 (e) Beginning 12 months after the adoption of rules
19 providing for the licensure of canine handlers and canine
20 trainers under this Act, no person shall operate a canine
21 training facility unless licensed as a private detective
22 agency or private security contractor agency under this Act,
23 and no person shall act as a canine trainer unless he or she is
24 licensed as a private detective or private security contractor
25 or is a registered employee of a private detective agency or
26 private security contractor agency approved by the Department.

1 (Source: P.A. 95-613, eff. 9-11-07.)

2 (225 ILCS 447/10-25)

3 (Section scheduled to be repealed on January 1, 2024)

4 Sec. 10-25. Issuance of license; renewal; fees.

5 (a) The Department shall, upon the applicant's
6 satisfactory completion of the requirements set forth in this
7 Act and upon receipt of the fee, issue the license indicating
8 the name and business location of the licensee and the date of
9 expiration.

10 (b) An applicant may, upon satisfactory completion of the
11 requirements set forth in this Act and upon receipt of fees
12 related to the application and testing for licensure, elect to
13 defer the issuance of the applicant's initial license for a
14 period not longer than 3 years. An applicant who fails to
15 request issuance of his or her initial license or agency
16 license and to remit the fees required for that license within
17 3 years shall be required to resubmit an application together
18 with all required fees.

19 (c) The expiration date, renewal period, and conditions
20 for renewal and restoration of each license, permanent
21 employee registration card, canine handler authorization card,
22 canine trainer authorization card, and firearm control card
23 shall be set by rule. The holder may renew the license,
24 permanent employee registration card, canine handler
25 authorization card, canine trainer authorization card, or

1 firearm control card during the 30 days preceding its
2 expiration by paying the required fee and by meeting
3 conditions that the Department may specify. Any license holder
4 who notifies the Department on forms prescribed by the
5 Department may place his or her license on inactive status for
6 a period of not longer than 3 years and shall, subject to the
7 rules of the Department, be excused from payment of renewal
8 fees until the license holder notifies the Department, in
9 writing, of an intention to resume active status. Practice
10 while on inactive status constitutes unlicensed practice. A
11 non-renewed license that has lapsed for less than 3 years may
12 be restored upon payment of the restoration fee and all lapsed
13 renewal fees. A license that has lapsed for more than 3 years
14 may be restored by paying the required restoration fee and all
15 lapsed renewal fees and by providing evidence of competence to
16 resume practice satisfactory to the Department and the Board,
17 which may include passing a written examination. All
18 restoration fees and lapsed renewal fees shall be waived for
19 an applicant whose license lapsed while on active duty in the
20 armed forces of the United States if application for
21 restoration is made within 12 months after discharge from the
22 service.

23 Any person seeking renewal or restoration under this
24 subsection (c) shall be subject to the continuing education
25 requirements established pursuant to Section 10-27 of this
26 Act.

1 (d) Any permanent employee registration card expired for
2 less than one year may be restored upon payment of lapsed
3 renewal fees. Any permanent employee registration card expired
4 for one year or more may be restored by making application to
5 the Department and filing proof acceptable to the Department
6 of the licensee's fitness to have the permanent employee
7 registration card restored, including verification of
8 fingerprint processing through the Illinois ~~Department~~ of
9 State Police and Federal Bureau of Investigation and paying
10 the restoration fee.

11 (Source: P.A. 98-253, eff. 8-9-13.)

12 (225 ILCS 447/31-5)

13 (Section scheduled to be repealed on January 1, 2024)

14 Sec. 31-5. Exemptions.

15 (a) The provisions of this Act regarding fingerprint
16 vendors do not apply to any of the following, if the person
17 performing the service does not hold himself or herself out as
18 a fingerprint vendor or fingerprint vendor agency:

19 (1) An employee of the United States, Illinois, or a
20 political subdivision, including public school districts,
21 of either while the employee is engaged in the performance
22 of his or her official duties within the scope of his or
23 her employment. However, any such person who offers his or
24 her services as a fingerprint vendor or uses a similar
25 title when these services are performed for compensation

1 or other consideration, whether received directly or
2 indirectly, is subject to this Act.

3 (2) A person employed exclusively by only one employer
4 in connection with the exclusive activities of that
5 employer, provided that person does not hold himself or
6 herself out to the public as a fingerprint vendor.

7 (3) Any member of local law enforcement in the
8 performance of his or her duties for criminal justice
9 purposes, notwithstanding whether the local law
10 enforcement agency charges a reasonable fee related to the
11 cost of offering fingerprinting services.

12 (b) The provisions of this Act regarding fingerprint
13 vendors do not apply to any member of a local law enforcement
14 agency, acting on behalf of the local law enforcement agency
15 that is registered with the Illinois Department of State
16 Police to provide fingerprinting services for non-criminal
17 justice purposes, notwithstanding whether the local law
18 enforcement agency charges a reasonable fee related to the
19 cost of offering fingerprinting services.

20 (Source: P.A. 98-294, eff. 8-9-13; 98-600, eff. 12-6-13.)

21 (225 ILCS 447/31-10)

22 (Section scheduled to be repealed on January 1, 2024)

23 Sec. 31-10. Qualifications for licensure as a fingerprint
24 vendor.

25 (a) A person is qualified for licensure as a fingerprint

1 vendor if he or she meets all of the following requirements:

2 (1) Is at least 18 years of age.

3 (2) Has not been convicted of any felony in any
4 jurisdiction or at least 10 years have elapsed since the
5 time of full discharge from a sentence imposed for a
6 felony conviction.

7 (3) Is of good moral character. Good moral character
8 is a continuing requirement of licensure. Conviction of
9 crimes other than felonies may be used in determining
10 moral character, but shall not constitute an absolute bar
11 to licensure, except where the applicant is a registered
12 sex offender.

13 (4) Has not been declared by any court of competent
14 jurisdiction to be incompetent by reason of mental or
15 physical defect or disease, unless a court has
16 subsequently declared him or her to be competent.

17 (5) Is not suffering from dependence on alcohol or
18 from narcotic addiction or dependence.

19 (6) Has not been dishonorably discharged from the
20 armed forces of the United States.

21 (7) Submits certification issued by the Illinois
22 ~~Department of~~ State Police that the applicant has
23 successfully completed a fingerprint vendor training
24 course conducted or authorized by the Illinois ~~Department~~
25 ~~of~~ State Police.

26 (8) Submits his or her fingerprints, in accordance

1 with subsection (b) of this Section.

2 (9) Has not violated any provision of this Act or any
3 rule adopted under this Act.

4 (10) Provides evidence satisfactory to the Department
5 that the applicant has obtained general liability
6 insurance in an amount and with coverage as determined by
7 rule. Failure to maintain general liability insurance and
8 failure to provide the Department with written proof of
9 the insurance, upon request, shall result in cancellation
10 of the license without hearing. A fingerprint vendor
11 employed by a licensed fingerprint vendor agency may
12 provide proof that his or her actions as a fingerprint
13 vendor are covered by the liability insurance of his or
14 her employer.

15 (11) Pays the required licensure fee.

16 (12) (Blank).

17 (13) Submits proof that the applicant maintains a
18 business office located in the State of Illinois.

19 (14) Provides proof of compliance with subsection (e)
20 of Section 31-15 of this Act if the applicant is not
21 required to obtain a fingerprint vendor agency license
22 pursuant to subsection (b) of Section 31-15 of this Act.

23 (b) Each applicant for a fingerprint vendor license shall
24 have his or her fingerprints submitted to the Illinois
25 ~~Department of~~ State Police in an electronic format that
26 complies with the form and manner for requesting and

1 furnishing criminal history record information as prescribed
2 by the Illinois ~~Department of~~ State Police. These fingerprints
3 shall be checked against the Illinois ~~Department of~~ State
4 Police and Federal Bureau of Investigation criminal history
5 record databases now and hereafter filed. The Illinois
6 ~~Department of~~ State Police shall charge applicants a fee for
7 conducting the criminal history records check, which shall be
8 deposited in the State Police Services Fund and shall not
9 exceed the actual cost of the records check. The Illinois
10 ~~Department of~~ State Police shall furnish, pursuant to positive
11 identification, records of Illinois convictions to the
12 Department. The Department may require applicants to pay a
13 separate fingerprinting fee, either to the Department or
14 directly to the vendor. The Department, in its discretion, may
15 allow an applicant who does not have reasonable access to a
16 designated vendor to provide his or her fingerprints in an
17 alternative manner. The Department, in its discretion, may
18 also use other procedures in performing or obtaining criminal
19 background checks of applicants. Instead of submitting his or
20 her fingerprints, an individual may submit proof that is
21 satisfactory to the Department that an equivalent security
22 clearance has been conducted. Also, an individual who has
23 retired as a peace officer within 12 months of application may
24 submit verification, on forms provided by the Department and
25 signed by his or her employer, of his or her previous full-time
26 employment as a peace officer.

1 (Source: P.A. 100-44, eff. 8-11-17.)

2 (225 ILCS 447/31-15)

3 (Section scheduled to be repealed on January 1, 2024)

4 Sec. 31-15. Qualifications for licensure as a fingerprint
5 vendor agency.

6 (a) Upon receipt of the required fee, compliance with
7 subsection (e) of this Section, and proof that the applicant
8 has a full-time Illinois licensed fingerprint vendor
9 licensee-in-charge, which is a continuing requirement for
10 agency licensure, the Department may issue a license as a
11 fingerprint vendor agency to any of the following:

12 (1) An individual who submits an application and is a
13 licensed fingerprint vendor under this Act.

14 (2) A firm that submits an application and all of the
15 members of the firm are licensed fingerprint vendors under
16 this Act.

17 (3) A corporation or limited liability company doing
18 business in Illinois that is authorized to engage in the
19 business of conducting a fingerprint vendor agency if at
20 least one officer or executive employee is a licensed
21 fingerprint vendor under this Act and all unlicensed
22 officers and directors of the corporation or limited
23 liability company are determined by the Department to be
24 persons of good moral character.

25 (b) An individual licensed as a fingerprint vendor

1 operating under a business name other than the licensed
2 fingerprint vendor's own name shall not be required to obtain
3 a fingerprint vendor agency license if that licensed
4 fingerprint vendor does not employ any persons to provide
5 fingerprinting services. However, in either circumstance, the
6 individual shall comply with the requirements of subsection
7 (e) of this Section as a requirement for licensure.

8 (c) No fingerprint vendor may be the licensee-in-charge
9 for more than one fingerprint vendor agency. Upon written
10 request by a representative of the agency, within 10 days
11 after the loss of a licensee-in-charge of an agency because of
12 the death of that individual or because of the termination of
13 the employment of that individual, the Department shall issue
14 a temporary certificate of authority allowing the continuing
15 operation of the licensed agency. No temporary certificate of
16 authority shall be valid for more than 90 days. An extension of
17 an additional 90 days may be granted upon written request by
18 the representative of the agency. Not more than 2 extensions
19 may be granted to any agency. No temporary permit shall be
20 issued for loss of the licensee-in-charge because of
21 disciplinary action by the Department related to his or her
22 conduct on behalf of the agency.

23 (d) Upon issuance of the temporary certificate of
24 authority as provided for in subsection (c) of this Section
25 and at any time thereafter while the temporary certificate of
26 authority is in effect, the Department may request in writing

1 additional information from the agency regarding the loss of
2 its licensee-in-charge, the selection of a new
3 licensee-in-charge, and the management of the agency. Failure
4 of the agency to respond or respond to the satisfaction of the
5 Department shall cause the Department to deny any extension of
6 the temporary certificate of authority. While the temporary
7 certificate of authority is in effect, the Department may
8 disapprove the selection of a new licensee-in-charge by the
9 agency if the person's license is not operative or the
10 Department has good cause to believe that the person selected
11 will not fully exercise the responsibilities of a
12 licensee-in-charge. If the Department has disapproved the
13 selection of a new licensee-in-charge and the temporary
14 certificate of authority expires or is about to expire without
15 the agency selecting another new licensee-in-charge, the
16 Department shall grant an extension of the temporary
17 certificate of authority for an additional 90 days, except as
18 otherwise prohibited in subsection (c) or this subsection (d).

19 (e) An applicant shall submit certification issued by the
20 Illinois ~~Department of~~ State Police that the applicant's
21 fingerprinting equipment and software meets all specifications
22 required by the Illinois ~~Department of~~ State Police.
23 Compliance with Illinois ~~Department of~~ State Police
24 fingerprinting equipment and software specifications is a
25 continuing requirement for licensure.

26 (Source: P.A. 100-44, eff. 8-11-17.)

1 (225 ILCS 447/31-20)

2 (Section scheduled to be repealed on January 1, 2024)

3 Sec. 31-20. Training; fingerprint vendor and employees.

4 (a) Registered employees of a licensed fingerprint vendor
5 agency shall complete a minimum of 20 hours of training
6 provided by a qualified instructor within 30 days of their
7 employment. The substance of the training shall be prescribed
8 by rule.

9 (b) It is the responsibility of the employer to certify,
10 on a form provided by the Department, that the employee has
11 successfully completed the training. The form shall be a
12 permanent record of training completed by the employee and
13 shall be placed in the employee's file with the employer for
14 the period the employee remains with the employer. An agency
15 may place a notarized copy of the Department form, in lieu of
16 the original, into the permanent employee registration card
17 file. The original form shall be given to the employee when his
18 or her employment is terminated. Failure to return the
19 original form to the employee is grounds for disciplinary
20 action. The employee shall not be required to repeat the
21 required training once the employee has been issued the form.
22 An employer may provide or require additional training.

23 (c) Any certification of completion of the 20-hour basic
24 training issued under the Private Detective, Private Alarm,
25 Private Security, and Locksmith Act of 2004 or any prior Act

1 shall be accepted as proof of training under this Act.

2 (d) No registered employee of a licensed fingerprint
3 vendor agency may operate live scan fingerprint equipment or
4 other equipment designed to obtain fingerprint images for the
5 purpose of providing fingerprint images and associated
6 demographic data to the Illinois ~~Department of~~ State Police.

7 (Source: P.A. 95-613, eff. 9-11-07.)

8 (225 ILCS 447/31-25)

9 (Section scheduled to be repealed on January 1, 2024)

10 Sec. 31-25. Customer identification; record keeping. A
11 fingerprint vendor or fingerprint vendor agency shall document
12 in the form of a work order when and where each and every
13 fingerprint service is provided. The work order shall also
14 include the name, address, date of birth, telephone number,
15 and driver's license number or other identification number of
16 the person requesting the service to be done, the signature of
17 that person, the routing number and any other information or
18 documentation as provided by rule. All work orders shall be
19 kept by the licensed fingerprint vendor for a period of 2 years
20 from the date of service and shall include the name and license
21 number of the fingerprint vendor and, if applicable, the name
22 and identification number of the registered employee who
23 performed the services. Work order forms required to be kept
24 under this Section shall be available for inspection by the
25 Department or by the Illinois ~~Department of~~ State Police.

1 (Source: P.A. 95-613, eff. 9-11-07.)

2 (225 ILCS 447/35-30)

3 (Section scheduled to be repealed on January 1, 2024)

4 Sec. 35-30. Employee requirements. All employees of a
5 licensed agency, other than those exempted, shall apply for a
6 permanent employee registration card. The holder of an agency
7 license issued under this Act, known in this Section as
8 "employer", may employ in the conduct of his or her business
9 employees under the following provisions:

10 (a) No person shall be issued a permanent employee
11 registration card who:

12 (1) Is younger than 18 years of age.

13 (2) Is younger than 21 years of age if the services
14 will include being armed.

15 (3) Has been determined by the Department to be unfit
16 by reason of conviction of an offense in this or another
17 state, including registration as a sex offender, but not
18 including a traffic offense. Persons convicted of felonies
19 involving bodily harm, weapons, violence, or theft within
20 the previous 10 years shall be presumed to be unfit for
21 registration. The Department shall adopt rules for making
22 those determinations that shall afford the applicant due
23 process of law.

24 (4) Has had a license or permanent employee
25 registration card denied, suspended, or revoked under this

1 Act (i) within one year before the date the person's
2 application for permanent employee registration card is
3 received by the Department; and (ii) that refusal, denial,
4 suspension, or revocation was based on any provision of
5 this Act other than Section 40-50, item (6) or (8) of
6 subsection (a) of Section 15-10, subsection (b) of Section
7 15-10, item (6) or (8) of subsection (a) of Section 20-10,
8 subsection (b) of Section 20-10, item (6) or (8) of
9 subsection (a) of Section 25-10, subsection (b) of Section
10 25-10, item (7) of subsection (a) of Section 30-10,
11 subsection (b) of Section 30-10, or Section 10-40.

12 (5) Has been declared incompetent by any court of
13 competent jurisdiction by reason of mental disease or
14 defect and has not been restored.

15 (6) Has been dishonorably discharged from the armed
16 services of the United States.

17 (b) No person may be employed by a private detective
18 agency, private security contractor agency, private alarm
19 contractor agency, fingerprint vendor agency, or locksmith
20 agency under this Section until he or she has executed and
21 furnished to the employer, on forms furnished by the
22 Department, a verified statement to be known as "Employee's
23 Statement" setting forth:

24 (1) The person's full name, age, and residence
25 address.

26 (2) The business or occupation engaged in for the 5

1 years immediately before the date of the execution of the
2 statement, the place where the business or occupation was
3 engaged in, and the names of employers, if any.

4 (3) That the person has not had a license or employee
5 registration denied, revoked, or suspended under this Act
6 (i) within one year before the date the person's
7 application for permanent employee registration card is
8 received by the Department; and (ii) that refusal, denial,
9 suspension, or revocation was based on any provision of
10 this Act other than Section 40-50, item (6) or (8) of
11 subsection (a) of Section 15-10, subsection (b) of Section
12 15-10, item (6) or (8) of subsection (a) of Section 20-10,
13 subsection (b) of Section 20-10, item (6) or (8) of
14 subsection (a) of Section 25-10, subsection (b) of Section
15 25-10, item (7) of subsection (a) of Section 30-10,
16 subsection (b) of Section 30-10, or Section 10-40.

17 (4) Any conviction of a felony or misdemeanor.

18 (5) Any declaration of incompetence by a court of
19 competent jurisdiction that has not been restored.

20 (6) Any dishonorable discharge from the armed services
21 of the United States.

22 (7) Any other information as may be required by any
23 rule of the Department to show the good character,
24 competency, and integrity of the person executing the
25 statement.

26 (c) Each applicant for a permanent employee registration

1 card shall have his or her fingerprints submitted to the
2 Illinois ~~Department of~~ State Police in an electronic format
3 that complies with the form and manner for requesting and
4 furnishing criminal history record information as prescribed
5 by the Illinois ~~Department of~~ State Police. These fingerprints
6 shall be checked against the Illinois ~~Department of~~ State
7 Police and Federal Bureau of Investigation criminal history
8 record databases now and hereafter filed. The Illinois
9 ~~Department of~~ State Police shall charge applicants a fee for
10 conducting the criminal history records check, which shall be
11 deposited in the State Police Services Fund and shall not
12 exceed the actual cost of the records check. The Illinois
13 ~~Department of~~ State Police shall furnish, pursuant to positive
14 identification, records of Illinois convictions to the
15 Department. The Department may require applicants to pay a
16 separate fingerprinting fee, either to the Department or
17 directly to the vendor. The Department, in its discretion, may
18 allow an applicant who does not have reasonable access to a
19 designated vendor to provide his or her fingerprints in an
20 alternative manner. The Department, in its discretion, may
21 also use other procedures in performing or obtaining criminal
22 background checks of applicants. Instead of submitting his or
23 her fingerprints, an individual may submit proof that is
24 satisfactory to the Department that an equivalent security
25 clearance has been conducted. Also, an individual who has
26 retired as a peace officer within 12 months of application may

1 submit verification, on forms provided by the Department and
2 signed by his or her employer, of his or her previous full-time
3 employment as a peace officer.

4 (d) The Department shall issue a permanent employee
5 registration card, in a form the Department prescribes, to all
6 qualified applicants. The holder of a permanent employee
7 registration card shall carry the card at all times while
8 actually engaged in the performance of the duties of his or her
9 employment. Expiration and requirements for renewal of
10 permanent employee registration cards shall be established by
11 rule of the Department. Possession of a permanent employee
12 registration card does not in any way imply that the holder of
13 the card is employed by an agency unless the permanent
14 employee registration card is accompanied by the employee
15 identification card required by subsection (f) of this
16 Section.

17 (e) Each employer shall maintain a record of each employee
18 that is accessible to the duly authorized representatives of
19 the Department. The record shall contain the following
20 information:

21 (1) A photograph taken within 10 days of the date that
22 the employee begins employment with the employer. The
23 photograph shall be replaced with a current photograph
24 every 3 calendar years.

25 (2) The Employee's Statement specified in subsection
26 (b) of this Section.

1 (3) All correspondence or documents relating to the
2 character and integrity of the employee received by the
3 employer from any official source or law enforcement
4 agency.

5 (4) In the case of former employees, the employee
6 identification card of that person issued under subsection
7 (f) of this Section. Each employee record shall duly note
8 if the employee is employed in an armed capacity. Armed
9 employee files shall contain a copy of an active firearm
10 owner's identification card and a copy of an active
11 firearm control card. Each employer shall maintain a
12 record for each armed employee of each instance in which
13 the employee's weapon was discharged during the course of
14 his or her professional duties or activities. The record
15 shall be maintained on forms provided by the Department, a
16 copy of which must be filed with the Department within 15
17 days of an instance. The record shall include the date and
18 time of the occurrence, the circumstances involved in the
19 occurrence, and any other information as the Department
20 may require. Failure to provide this information to the
21 Department or failure to maintain the record as a part of
22 each armed employee's permanent file is grounds for
23 disciplinary action. The Department, upon receipt of a
24 report, shall have the authority to make any investigation
25 it considers appropriate into any occurrence in which an
26 employee's weapon was discharged and to take disciplinary

1 action as may be appropriate.

2 (5) A copy of the employee's permanent employee
3 registration card or a copy of the Department's "License
4 Lookup" Webpage showing that the employee has been issued
5 a valid permanent employee registration card by the
6 Department.

7 The Department may, by rule, prescribe further record
8 requirements.

9 (f) Every employer shall furnish an employee
10 identification card to each of his or her employees. This
11 employee identification card shall contain a recent photograph
12 of the employee, the employee's name, the name and agency
13 license number of the employer, the employee's personal
14 description, the signature of the employer, the signature of
15 that employee, the date of issuance, and an employee
16 identification card number.

17 (g) No employer may issue an employee identification card
18 to any person who is not employed by the employer in accordance
19 with this Section or falsely state or represent that a person
20 is or has been in his or her employ. It is unlawful for an
21 applicant for registered employment to file with the
22 Department the fingerprints of a person other than himself or
23 herself.

24 (h) Every employer shall obtain the identification card of
25 every employee who terminates employment with him or her.

26 (i) Every employer shall maintain a separate roster of the

1 names of all employees currently working in an armed capacity
2 and submit the roster to the Department on request.

3 (j) No agency may employ any person to perform a licensed
4 activity under this Act unless the person possesses a valid
5 permanent employee registration card or a valid license under
6 this Act, or is exempt pursuant to subsection (n).

7 (k) Notwithstanding the provisions of subsection (j), an
8 agency may employ a person in a temporary capacity if all of
9 the following conditions are met:

10 (1) The agency completes in its entirety and submits
11 to the Department an application for a permanent employee
12 registration card, including the required fingerprint
13 receipt and fees.

14 (2) The agency has verification from the Department
15 that the applicant has no record of any criminal
16 conviction pursuant to the criminal history check
17 conducted by the Illinois ~~Department of~~ State Police. The
18 agency shall maintain the verification of the results of
19 the Illinois ~~Department of~~ State Police criminal history
20 check as part of the employee record as required under
21 subsection (e) of this Section.

22 (3) The agency exercises due diligence to ensure that
23 the person is qualified under the requirements of the Act
24 to be issued a permanent employee registration card.

25 (4) The agency maintains a separate roster of the
26 names of all employees whose applications are currently

1 pending with the Department and submits the roster to the
2 Department on a monthly basis. Rosters are to be
3 maintained by the agency for a period of at least 24
4 months.

5 An agency may employ only a permanent employee applicant
6 for which it either submitted a permanent employee application
7 and all required forms and fees or it confirms with the
8 Department that a permanent employee application and all
9 required forms and fees have been submitted by another agency,
10 licensee or the permanent employee and all other requirements
11 of this Section are met.

12 The Department shall have the authority to revoke, without
13 a hearing, the temporary authority of an individual to work
14 upon receipt of Federal Bureau of Investigation fingerprint
15 data or a report of another official authority indicating a
16 criminal conviction. If the Department has not received a
17 temporary employee's Federal Bureau of Investigation
18 fingerprint data within 120 days of the date the Department
19 received the Illinois ~~Department of~~ State Police fingerprint
20 data, the Department may, at its discretion, revoke the
21 employee's temporary authority to work with 15 days written
22 notice to the individual and the employing agency.

23 An agency may not employ a person in a temporary capacity
24 if it knows or reasonably should have known that the person has
25 been convicted of a crime under the laws of this State, has
26 been convicted in another state of any crime that is a crime

1 under the laws of this State, has been convicted of any crime
2 in a federal court, or has been posted as an unapproved
3 applicant by the Department. Notice by the Department to the
4 agency, via certified mail, personal delivery, electronic
5 mail, or posting on the Department's Internet site accessible
6 to the agency that the person has been convicted of a crime
7 shall be deemed constructive knowledge of the conviction on
8 the part of the agency. The Department may adopt rules to
9 implement this subsection (k).

10 (1) No person may be employed under this Section in any
11 capacity if:

12 (1) the person, while so employed, is being paid by
13 the United States or any political subdivision for the
14 time so employed in addition to any payments he or she may
15 receive from the employer; or

16 (2) the person wears any portion of his or her
17 official uniform, emblem of authority, or equipment while
18 so employed.

19 (m) If information is discovered affecting the
20 registration of a person whose fingerprints were submitted
21 under this Section, the Department shall so notify the agency
22 that submitted the fingerprints on behalf of that person.

23 (n) Peace officers shall be exempt from the requirements
24 of this Section relating to permanent employee registration
25 cards. The agency shall remain responsible for any peace
26 officer employed under this exemption, regardless of whether

1 the peace officer is compensated as an employee or as an
2 independent contractor and as further defined by rule.

3 (o) Persons who have no access to confidential or security
4 information, who do not go to a client's or prospective
5 client's residence or place of business, and who otherwise do
6 not provide traditional security services are exempt from
7 employee registration. Examples of exempt employees include,
8 but are not limited to, employees working in the capacity of
9 ushers, directors, ticket takers, cashiers, drivers, and
10 reception personnel. Confidential or security information is
11 that which pertains to employee files, scheduling, client
12 contracts, or technical security and alarm data.

13 (p) An applicant who is 21 years of age or older seeking a
14 religious exemption to the photograph requirement of this
15 Section shall furnish with the application an approved copy of
16 United States Department of the Treasury Internal Revenue
17 Service Form 4029. Regardless of age, an applicant seeking a
18 religious exemption to this photograph requirement shall
19 submit fingerprints in a form and manner prescribed by the
20 Department with his or her application in lieu of a
21 photograph.

22 (Source: P.A. 98-253, eff. 8-9-13; 98-848, eff. 1-1-15.)

23 (225 ILCS 447/40-10)

24 (Section scheduled to be repealed on January 1, 2024)

25 Sec. 40-10. Disciplinary sanctions.

1 (a) The Department may deny issuance, refuse to renew, or
2 restore or may reprimand, place on probation, suspend, revoke,
3 or take other disciplinary or non-disciplinary action against
4 any license, registration, permanent employee registration
5 card, canine handler authorization card, canine trainer
6 authorization card, or firearm control card, may impose a fine
7 not to exceed \$10,000 for each violation, and may assess costs
8 as provided for under Section 45-60, for any of the following:

9 (1) Fraud, deception, or misrepresentation in
10 obtaining or renewing of a license or registration.

11 (2) Professional incompetence as manifested by poor
12 standards of service.

13 (3) Engaging in dishonorable, unethical, or
14 unprofessional conduct of a character likely to deceive,
15 defraud, or harm the public.

16 (4) Conviction of or plea of guilty or plea of nolo
17 contendere to a felony or misdemeanor in this State or any
18 other jurisdiction or the entry of an administrative
19 sanction by a government agency in this State or any other
20 jurisdiction; action taken under this paragraph (4) for a
21 misdemeanor or an administrative sanction is limited to a
22 misdemeanor or administrative sanction that has as an
23 essential element of dishonesty or fraud or involves
24 larceny, embezzlement, or obtaining money, property, or
25 credit by false pretenses or by means of a confidence
26 game.

1 (5) Performing any services in a grossly negligent
2 manner or permitting any of a licensee's employees to
3 perform services in a grossly negligent manner, regardless
4 of whether actual damage to the public is established.

5 (6) Continued practice, although the person has become
6 unfit to practice due to any of the following:

7 (A) Physical illness, mental illness, or other
8 impairment, including, but not limited to,
9 deterioration through the aging process or loss of
10 motor skills that results in the inability to serve
11 the public with reasonable judgment, skill, or safety.

12 (B) (Blank).

13 (C) Habitual or excessive use or abuse of drugs
14 defined in law as controlled substances, alcohol, or
15 any other substance that results in the inability to
16 practice with reasonable judgment, skill, or safety.

17 (7) Receiving, directly or indirectly, compensation
18 for any services not rendered.

19 (8) Willfully deceiving or defrauding the public on a
20 material matter.

21 (9) Failing to account for or remit any moneys or
22 documents coming into the licensee's possession that
23 belong to another person or entity.

24 (10) Discipline by another United States jurisdiction,
25 foreign nation, or governmental agency, if at least one of
26 the grounds for the discipline is the same or

1 substantially equivalent to those set forth in this Act.

2 (11) Giving differential treatment to a person that is
3 to that person's detriment because of race, color, creed,
4 sex, religion, or national origin.

5 (12) Engaging in false or misleading advertising.

6 (13) Aiding, assisting, or willingly permitting
7 another person to violate this Act or rules promulgated
8 under it.

9 (14) Performing and charging for services without
10 authorization to do so from the person or entity serviced.

11 (15) Directly or indirectly offering or accepting any
12 benefit to or from any employee, agent, or fiduciary
13 without the consent of the latter's employer or principal
14 with intent to or the understanding that this action will
15 influence his or her conduct in relation to his or her
16 employer's or principal's affairs.

17 (16) Violation of any disciplinary order imposed on a
18 licensee by the Department.

19 (17) Performing any act or practice that is a
20 violation of this Act or the rules for the administration
21 of this Act, or having a conviction or administrative
22 finding of guilty as a result of violating any federal or
23 State laws, rules, or regulations that apply exclusively
24 to the practices of private detectives, private alarm
25 contractors, private security contractors, fingerprint
26 vendors, or locksmiths.

1 (18) Conducting an agency without a valid license.

2 (19) Revealing confidential information, except as
3 required by law, including but not limited to information
4 available under Section 2-123 of the Illinois Vehicle
5 Code.

6 (20) Failing to make available to the Department, upon
7 request, any books, records, or forms required by this
8 Act.

9 (21) Failing, within 30 days, to respond to a written
10 request for information from the Department.

11 (22) Failing to provide employment information or
12 experience information required by the Department
13 regarding an applicant for licensure.

14 (23) Failing to make available to the Department at
15 the time of the request any indicia of licensure or
16 registration issued under this Act.

17 (24) Purporting to be a licensee-in-charge of an
18 agency without active participation in the agency.

19 (25) A finding by the Department that the licensee,
20 after having his or her license placed on probationary
21 status, has violated the terms of probation.

22 (26) Violating subsection (f) of Section 30-30.

23 (27) A firearm control card holder having more
24 firearms in his or her immediate possession than he or she
25 can reasonably exercise control over.

26 (28) Failure to report in writing to the Department,

1 within 60 days of an entry of a settlement or a verdict in
2 excess of \$10,000, any legal action in which the quality
3 of the licensee's or registrant's professional services
4 was the subject of the legal action.

5 (b) All fines imposed under this Section shall be paid
6 within 60 days after the effective date of the order imposing
7 the fine.

8 (c) The Department shall adopt rules that set forth
9 standards of service for the following: (i) acceptable error
10 rate in the transmission of fingerprint images and other data
11 to the Illinois ~~Department of~~ State Police; (ii) acceptable
12 error rate in the collection and documentation of information
13 used to generate fingerprint work orders; and (iii) any other
14 standard of service that affects fingerprinting services as
15 determined by the Department.

16 The determination by a circuit court that a licensee is
17 subject to involuntary admission or judicial admission, as
18 provided in the Mental Health and Developmental Disabilities
19 Code, operates as an automatic suspension. The suspension will
20 end only upon a finding by a court that the patient is no
21 longer subject to involuntary admission or judicial admission
22 and the issuance of an order so finding and discharging the
23 patient.

24 (Source: P.A. 98-253, eff. 8-9-13; 99-174, eff. 7-29-15.)

25 Section 640. The Real Estate Appraiser Licensing Act of

1 2002 is amended by changing Section 5-22 as follows:

2 (225 ILCS 458/5-22)

3 (Section scheduled to be repealed on January 1, 2022)

4 Sec. 5-22. Criminal history records check.

5 (a) Each applicant for licensure by examination or
6 restoration shall have his or her fingerprints submitted to
7 the Illinois ~~Department of~~ State Police in an electronic
8 format that complies with the form and manner for requesting
9 and furnishing criminal history record information as
10 prescribed by the Illinois ~~Department of~~ State Police. These
11 fingerprints shall be checked against the Illinois ~~Department~~
12 ~~of~~ State Police and Federal Bureau of Investigation criminal
13 history record databases now and hereafter filed. The Illinois
14 ~~Department of~~ State Police shall charge applicants a fee for
15 conducting the criminal history records check, which shall be
16 deposited into the State Police Services Fund and shall not
17 exceed the actual cost of the records check. The Illinois
18 ~~Department of~~ State Police shall furnish, pursuant to positive
19 identification, records of Illinois convictions to the
20 Department. The Department may require applicants to pay a
21 separate fingerprinting fee, either to the Department or to a
22 vendor. The Department may adopt any rules necessary to
23 implement this Section.

24 (b) The Secretary may designate a multi-state licensing
25 system to perform the functions described in subsection (a).

1 The Department may require applicants to pay a separate
2 fingerprinting fee, either to the Department or to the
3 multi-state licensing system. The Department may adopt any
4 rules necessary to implement this subsection.

5 (Source: P.A. 100-604, eff. 7-13-18.)

6 Section 645. The Appraisal Management Company Registration
7 Act is amended by changing Section 68 as follows:

8 (225 ILCS 459/68)

9 Sec. 68. Criminal history records background check. Each
10 individual applicant or controlling person on behalf of a
11 business entity that applies for registration or restoration
12 shall have his or her fingerprints submitted to the Illinois
13 ~~Department of~~ State Police in an electronic format that
14 complies with the form and manner for requesting and
15 furnishing criminal history record information as prescribed
16 by the Illinois ~~Department of~~ State Police, or through a
17 multi-state licensing system as designated by the Secretary.
18 These fingerprints shall be checked against the Illinois
19 ~~Department of~~ State Police and Federal Bureau of Investigation
20 criminal history record databases now and hereafter filed. The
21 Illinois ~~Department of~~ State Police shall charge applicants a
22 fee for conducting the criminal history records background
23 check, which shall be deposited into the State Police Services
24 Fund and shall not exceed the actual cost of the criminal

1 history records background check. The Illinois ~~Department of~~
2 State Police shall furnish, pursuant to positive
3 identification, records of Illinois convictions to the
4 Department. The Department may require an applicant to pay a
5 separate fingerprinting fee, either to the Department or to a
6 vendor. The Department may adopt any rules necessary to
7 implement this Section.

8 (Source: P.A. 100-604, eff. 7-13-18.)

9 Section 650. The Solicitation for Charity Act is amended
10 by changing Section 16.5 as follows:

11 (225 ILCS 460/16.5)

12 Sec. 16.5. Terrorist acts.

13 (a) Any person or organization subject to registration
14 under this Act, who knowingly acts to further, directly or
15 indirectly, or knowingly uses charitable assets to conduct or
16 further, directly or indirectly, an act or actions as set
17 forth in Article 29D of the Criminal Code of 2012, is thereby
18 engaged in an act or actions contrary to public policy and
19 antithetical to charity, and all of the funds, assets, and
20 records of the person or organization shall be subject to
21 temporary and permanent injunction from use or expenditure and
22 the appointment of a temporary and permanent receiver to take
23 possession of all of the assets and related records.

24 (b) An ex parte action may be commenced by the Attorney

1 General, and, upon a showing of probable cause of a violation
2 of this Section or Article 29D of the Criminal Code of 2012, an
3 immediate seizure of books and records by the Attorney General
4 by and through his or her assistants or investigators or the
5 Illinois ~~Department of~~ State Police and freezing of all assets
6 shall be made by order of a court to protect the public,
7 protect the assets, and allow a full review of the records.

8 (c) Upon a finding by a court after a hearing that a person
9 or organization has acted or is in violation of this Section,
10 the person or organization shall be permanently enjoined from
11 soliciting funds from the public, holding charitable funds, or
12 acting as a trustee or fiduciary within Illinois. Upon a
13 finding of violation all assets and funds held by the person or
14 organization shall be forfeited to the People of the State of
15 Illinois or otherwise ordered by the court to be accounted for
16 and marshaled and then delivered to charitable causes and uses
17 within the State of Illinois by court order.

18 (d) A determination under this Section may be made by any
19 court separate and apart from any criminal proceedings and the
20 standard of proof shall be that for civil proceedings.

21 (e) Any knowing use of charitable assets to conduct or
22 further, directly or indirectly, an act or actions set forth
23 in Article 29D of the Criminal Code of 2012 shall be a misuse
24 of charitable assets and breach of fiduciary duty relative to
25 all other Sections of this Act.

26 (Source: P.A. 97-1150, eff. 1-25-13.)

1 Section 655. The Illinois Horse Racing Act of 1975 is
2 amended by changing Sections 9, 15, 28, 34, and 45 as follows:

3 (230 ILCS 5/9) (from Ch. 8, par. 37-9)

4 Sec. 9. The Board shall have all powers necessary and
5 proper to fully and effectively execute the provisions of this
6 Act, including, but not limited to, the following:

7 (a) The Board is vested with jurisdiction and supervision
8 over all race meetings in this State, over all licensees doing
9 business in this State, over all occupation licensees, and
10 over all persons on the facilities of any licensee. Such
11 jurisdiction shall include the power to issue licenses to the
12 Illinois Department of Agriculture authorizing the pari-mutuel
13 system of wagering on harness and Quarter Horse races held (1)
14 at the Illinois State Fair in Sangamon County, and (2) at the
15 DuQuoin State Fair in Perry County. The jurisdiction of the
16 Board shall also include the power to issue licenses to county
17 fairs which are eligible to receive funds pursuant to the
18 Agricultural Fair Act, as now or hereafter amended, or their
19 agents, authorizing the pari-mutuel system of wagering on
20 horse races conducted at the county fairs receiving such
21 licenses. Such licenses shall be governed by subsection (n) of
22 this Section.

23 Upon application, the Board shall issue a license to the
24 Illinois Department of Agriculture to conduct harness and

1 Quarter Horse races at the Illinois State Fair and at the
2 DuQuoin State Fairgrounds during the scheduled dates of each
3 fair. The Board shall not require and the Department of
4 Agriculture shall be exempt from the requirements of Sections
5 15.3, 18 and 19, paragraphs (a) (2), (b), (c), (d), (e), (e-5),
6 (e-10), (f), (g), and (h) of Section 20, and Sections 21, 24
7 and 25. The Board and the Department of Agriculture may extend
8 any or all of these exemptions to any contractor or agent
9 engaged by the Department of Agriculture to conduct its race
10 meetings when the Board determines that this would best serve
11 the public interest and the interest of horse racing.

12 Notwithstanding any provision of law to the contrary, it
13 shall be lawful for any licensee to operate pari-mutuel
14 wagering or contract with the Department of Agriculture to
15 operate pari-mutuel wagering at the DuQuoin State Fairgrounds
16 or for the Department to enter into contracts with a licensee,
17 employ its owners, employees or agents and employ such other
18 occupation licensees as the Department deems necessary in
19 connection with race meetings and wagerings.

20 (b) The Board is vested with the full power to promulgate
21 reasonable rules and regulations for the purpose of
22 administering the provisions of this Act and to prescribe
23 reasonable rules, regulations and conditions under which all
24 horse race meetings or wagering in the State shall be
25 conducted. Such reasonable rules and regulations are to
26 provide for the prevention of practices detrimental to the

1 public interest and to promote the best interests of horse
2 racing and to impose penalties for violations thereof.

3 (c) The Board, and any person or persons to whom it
4 delegates this power, is vested with the power to enter the
5 facilities and other places of business of any licensee to
6 determine whether there has been compliance with the
7 provisions of this Act and its rules and regulations.

8 (d) The Board, and any person or persons to whom it
9 delegates this power, is vested with the authority to
10 investigate alleged violations of the provisions of this Act,
11 its reasonable rules and regulations, orders and final
12 decisions; the Board shall take appropriate disciplinary
13 action against any licensee or occupation licensee for
14 violation thereof or institute appropriate legal action for
15 the enforcement thereof.

16 (e) The Board, and any person or persons to whom it
17 delegates this power, may eject or exclude from any race
18 meeting or the facilities of any licensee, or any part
19 thereof, any occupation licensee or any other individual whose
20 conduct or reputation is such that his presence on those
21 facilities may, in the opinion of the Board, call into
22 question the honesty and integrity of horse racing or wagering
23 or interfere with the orderly conduct of horse racing or
24 wagering; provided, however, that no person shall be excluded
25 or ejected from the facilities of any licensee solely on the
26 grounds of race, color, creed, national origin, ancestry, or

1 sex. The power to eject or exclude an occupation licensee or
2 other individual may be exercised for just cause by the
3 licensee or the Board, subject to subsequent hearing by the
4 Board as to the propriety of said exclusion.

5 (f) The Board is vested with the power to acquire,
6 establish, maintain and operate (or provide by contract to
7 maintain and operate) testing laboratories and related
8 facilities, for the purpose of conducting saliva, blood, urine
9 and other tests on the horses run or to be run in any horse
10 race meeting, including races run at county fairs, and to
11 purchase all equipment and supplies deemed necessary or
12 desirable in connection with any such testing laboratories and
13 related facilities and all such tests.

14 (g) The Board may require that the records, including
15 financial or other statements of any licensee or any person
16 affiliated with the licensee who is involved directly or
17 indirectly in the activities of any licensee as regulated
18 under this Act to the extent that those financial or other
19 statements relate to such activities be kept in such manner as
20 prescribed by the Board, and that Board employees shall have
21 access to those records during reasonable business hours.
22 Within 120 days of the end of its fiscal year, each licensee
23 shall transmit to the Board an audit of the financial
24 transactions and condition of the licensee's total operations.
25 All audits shall be conducted by certified public accountants.
26 Each certified public accountant must be registered in the

1 State of Illinois under the Illinois Public Accounting Act.
2 The compensation for each certified public accountant shall be
3 paid directly by the licensee to the certified public
4 accountant. A licensee shall also submit any other financial
5 or related information the Board deems necessary to
6 effectively administer this Act and all rules, regulations,
7 and final decisions promulgated under this Act.

8 (h) The Board shall name and appoint in the manner
9 provided by the rules and regulations of the Board: an
10 Executive Director; a State director of mutuels; State
11 veterinarians and representatives to take saliva, blood, urine
12 and other tests on horses; licensing personnel; revenue
13 inspectors; and State seasonal employees (excluding admission
14 ticket sellers and mutuel clerks). All of those named and
15 appointed as provided in this subsection shall serve during
16 the pleasure of the Board; their compensation shall be
17 determined by the Board and be paid in the same manner as other
18 employees of the Board under this Act.

19 (i) The Board shall require that there shall be 3 stewards
20 at each horse race meeting, at least 2 of whom shall be named
21 and appointed by the Board. Stewards appointed or approved by
22 the Board, while performing duties required by this Act or by
23 the Board, shall be entitled to the same rights and immunities
24 as granted to Board members and Board employees in Section 10
25 of this Act.

26 (j) The Board may discharge any Board employee who fails

1 or refuses for any reason to comply with the rules and
2 regulations of the Board, or who, in the opinion of the Board,
3 is guilty of fraud, dishonesty or who is proven to be
4 incompetent. The Board shall have no right or power to
5 determine who shall be officers, directors or employees of any
6 licensee, or their salaries except the Board may, by rule,
7 require that all or any officials or employees in charge of or
8 whose duties relate to the actual running of races be approved
9 by the Board.

10 (k) The Board is vested with the power to appoint
11 delegates to execute any of the powers granted to it under this
12 Section for the purpose of administering this Act and any
13 rules or regulations promulgated in accordance with this Act.

14 (l) The Board is vested with the power to impose civil
15 penalties of up to \$5,000 against an individual and up to
16 \$10,000 against a licensee for each violation of any provision
17 of this Act, any rules adopted by the Board, any order of the
18 Board or any other action which, in the Board's discretion, is
19 a detriment or impediment to horse racing or wagering.
20 Beginning on the date when any organization licensee begins
21 conducting gaming pursuant to an organization gaming license
22 issued under the Illinois Gambling Act, the power granted to
23 the Board pursuant to this subsection (l) shall authorize the
24 Board to impose penalties of up to \$10,000 against an
25 individual and up to \$25,000 against a licensee. All such
26 civil penalties shall be deposited into the Horse Racing Fund.

1 (m) The Board is vested with the power to prescribe a form
2 to be used by licensees as an application for employment for
3 employees of each licensee.

4 (n) The Board shall have the power to issue a license to
5 any county fair, or its agent, authorizing the conduct of the
6 pari-mutuel system of wagering. The Board is vested with the
7 full power to promulgate reasonable rules, regulations and
8 conditions under which all horse race meetings licensed
9 pursuant to this subsection shall be held and conducted,
10 including rules, regulations and conditions for the conduct of
11 the pari-mutuel system of wagering. The rules, regulations and
12 conditions shall provide for the prevention of practices
13 detrimental to the public interest and for the best interests
14 of horse racing, and shall prescribe penalties for violations
15 thereof. Any authority granted the Board under this Act shall
16 extend to its jurisdiction and supervision over county fairs,
17 or their agents, licensed pursuant to this subsection.
18 However, the Board may waive any provision of this Act or its
19 rules or regulations which would otherwise apply to such
20 county fairs or their agents.

21 (o) Whenever the Board is authorized or required by law to
22 consider some aspect of criminal history record information
23 for the purpose of carrying out its statutory powers and
24 responsibilities, then, upon request and payment of fees in
25 conformance with the requirements of Section 2605-400 of the
26 Illinois ~~Department~~ of State Police Law ~~(20)~~ ILCS

1 ~~2605/2605-400~~), the Illinois ~~Department of~~ State Police is
2 authorized to furnish, pursuant to positive identification,
3 such information contained in State files as is necessary to
4 fulfill the request.

5 (p) To insure the convenience, comfort, and wagering
6 accessibility of race track patrons, to provide for the
7 maximization of State revenue, and to generate increases in
8 purse allotments to the horsemen, the Board shall require any
9 licensee to staff the pari-mutuel department with adequate
10 personnel.

11 (Source: P.A. 101-31, eff. 6-28-19.)

12 (230 ILCS 5/15) (from Ch. 8, par. 37-15)

13 Sec. 15. (a) The Board shall, in its discretion, issue
14 occupation licenses to horse owners, trainers, harness
15 drivers, jockeys, agents, apprentices, grooms, stable foremen,
16 exercise persons, veterinarians, valets, blacksmiths,
17 concessionaires and others designated by the Board whose work,
18 in whole or in part, is conducted upon facilities within the
19 State. Such occupation licenses will be obtained prior to the
20 persons engaging in their vocation upon such facilities. The
21 Board shall not license pari-mutuel clerks, parking
22 attendants, security guards and employees of concessionaires.
23 No occupation license shall be required of any person who
24 works at facilities within this State as a pari-mutuel clerk,
25 parking attendant, security guard or as an employee of a

1 concessionaire. Concessionaires of the Illinois State Fair and
2 DuQuoin State Fair and employees of the Illinois Department of
3 Agriculture shall not be required to obtain an occupation
4 license by the Board.

5 (b) Each application for an occupation license shall be on
6 forms prescribed by the Board. Such license, when issued,
7 shall be for the period ending December 31 of each year, except
8 that the Board in its discretion may grant 3-year licenses.
9 The application shall be accompanied by a fee of not more than
10 \$25 per year or, in the case of 3-year occupation license
11 applications, a fee of not more than \$60. Each applicant shall
12 set forth in the application his full name and address, and if
13 he had been issued prior occupation licenses or has been
14 licensed in any other state under any other name, such name,
15 his age, whether or not a permit or license issued to him in
16 any other state has been suspended or revoked and if so whether
17 such suspension or revocation is in effect at the time of the
18 application, and such other information as the Board may
19 require. Fees for registration of stable names shall not
20 exceed \$50.00. Beginning on the date when any organization
21 licensee begins conducting gaming pursuant to an organization
22 gaming license issued under the Illinois Gambling Act, the fee
23 for registration of stable names shall not exceed \$150, and
24 the application fee for an occupation license shall not exceed
25 \$75, per year or, in the case of a 3-year occupation license
26 application, the fee shall not exceed \$180.

1 (c) The Board may in its discretion refuse an occupation
2 license to any person:

3 (1) who has been convicted of a crime;

4 (2) who is unqualified to perform the duties required
5 of such applicant;

6 (3) who fails to disclose or states falsely any
7 information called for in the application;

8 (4) who has been found guilty of a violation of this
9 Act or of the rules and regulations of the Board; or

10 (5) whose license or permit has been suspended,
11 revoked or denied for just cause in any other state.

12 (d) The Board may suspend or revoke any occupation
13 license:

14 (1) for violation of any of the provisions of this
15 Act; or

16 (2) for violation of any of the rules or regulations
17 of the Board; or

18 (3) for any cause which, if known to the Board, would
19 have justified the Board in refusing to issue such
20 occupation license; or

21 (4) for any other just cause.

22 (e) Each applicant shall submit his or her fingerprints
23 to the Illinois ~~Department of~~ State Police in the form and
24 manner prescribed by the Illinois ~~Department of~~ State Police.
25 These fingerprints shall be checked against the fingerprint
26 records now and hereafter filed in the Illinois ~~Department of~~

1 State Police and Federal Bureau of Investigation criminal
2 history records databases. The Illinois ~~Department of~~ State
3 Police shall charge a fee for conducting the criminal history
4 records check, which shall be deposited in the State Police
5 Services Fund and shall not exceed the actual cost of the
6 records check. The Illinois ~~Department of~~ State Police shall
7 furnish, pursuant to positive identification, records of
8 conviction to the Board. Each applicant for licensure shall
9 submit with his occupation license application, on forms
10 provided by the Board, 2 sets of his fingerprints. All such
11 applicants shall appear in person at the location designated
12 by the Board for the purpose of submitting such sets of
13 fingerprints; however, with the prior approval of a State
14 steward, an applicant may have such sets of fingerprints taken
15 by an official law enforcement agency and submitted to the
16 Board.

17 (f) The Board may, in its discretion, issue an occupation
18 license without submission of fingerprints if an applicant has
19 been duly licensed in another recognized racing jurisdiction
20 after submitting fingerprints that were subjected to a Federal
21 Bureau of Investigation criminal history background check in
22 that jurisdiction.

23 (g) Beginning on the date when any organization licensee
24 begins conducting gaming pursuant to an organization gaming
25 license issued under the Illinois Gambling Act, the Board may
26 charge each applicant a reasonable nonrefundable fee to defray

1 the costs associated with the background investigation
2 conducted by the Board. This fee shall be exclusive of any
3 other fee or fees charged in connection with an application
4 for and, if applicable, the issuance of, an organization
5 gaming license. If the costs of the investigation exceed the
6 amount of the fee charged, the Board shall immediately notify
7 the applicant of the additional amount owed, payment of which
8 must be submitted to the Board within 7 days after such
9 notification. All information, records, interviews, reports,
10 statements, memoranda, or other data supplied to or used by
11 the Board in the course of its review or investigation of an
12 applicant for a license or renewal under this Act shall be
13 privileged, strictly confidential, and shall be used only for
14 the purpose of evaluating an applicant for a license or a
15 renewal. Such information, records, interviews, reports,
16 statements, memoranda, or other data shall not be admissible
17 as evidence, nor discoverable, in any action of any kind in any
18 court or before any tribunal, board, agency, or person, except
19 for any action deemed necessary by the Board.

20 (Source: P.A. 101-31, eff. 6-28-19.)

21 (230 ILCS 5/28) (from Ch. 8, par. 37-28)

22 Sec. 28. Except as provided in subsection (g) of Section
23 27 of this Act, moneys collected shall be distributed
24 according to the provisions of this Section 28.

25 (a) Thirty per cent of the total of all monies received by

1 the State as privilege taxes shall be paid into the
2 Metropolitan Exposition, Auditorium and Office Building Fund
3 in the State Treasury.

4 (b) In addition, 4.5% of the total of all monies received
5 by the State as privilege taxes shall be paid into the State
6 treasury into a special Fund to be known as the Metropolitan
7 Exposition, Auditorium and Office Building Fund.

8 (c) Fifty per cent of the total of all monies received by
9 the State as privilege taxes under the provisions of this Act
10 shall be paid into the Agricultural Premium Fund.

11 (d) Seven per cent of the total of all monies received by
12 the State as privilege taxes shall be paid into the Fair and
13 Exposition Fund in the State treasury; provided, however, that
14 when all bonds issued prior to July 1, 1984 by the Metropolitan
15 Fair and Exposition Authority shall have been paid or payment
16 shall have been provided for upon a refunding of those bonds,
17 thereafter 1/12 of \$1,665,662 of such monies shall be paid
18 each month into the Build Illinois Fund, and the remainder
19 into the Fair and Exposition Fund. All excess monies shall be
20 allocated to the Department of Agriculture for distribution to
21 county fairs for premiums and rehabilitation as set forth in
22 the Agricultural Fair Act.

23 (e) The monies provided for in Section 30 shall be paid
24 into the Illinois Thoroughbred Breeders Fund.

25 (f) The monies provided for in Section 31 shall be paid
26 into the Illinois Standardbred Breeders Fund.

1 (g) Until January 1, 2000, that part representing 1/2 of
2 the total breakage in Thoroughbred, Harness, Appaloosa,
3 Arabian, and Quarter Horse racing in the State shall be paid
4 into the Illinois Race Track Improvement Fund as established
5 in Section 32.

6 (h) All other monies received by the Board under this Act
7 shall be paid into the Horse Racing Fund.

8 (i) The salaries of the Board members, secretary,
9 stewards, directors of mutuels, veterinarians,
10 representatives, accountants, clerks, stenographers,
11 inspectors and other employees of the Board, and all expenses
12 of the Board incident to the administration of this Act,
13 including, but not limited to, all expenses and salaries
14 incident to the taking of saliva and urine samples in
15 accordance with the rules and regulations of the Board shall
16 be paid out of the Agricultural Premium Fund.

17 (j) The Agricultural Premium Fund shall also be used:

18 (1) for the expenses of operating the Illinois State
19 Fair and the DuQuoin State Fair, including the payment of
20 prize money or premiums;

21 (2) for the distribution to county fairs, vocational
22 agriculture section fairs, agricultural societies, and
23 agricultural extension clubs in accordance with the
24 Agricultural Fair Act, as amended;

25 (3) for payment of prize monies and premiums awarded
26 and for expenses incurred in connection with the

1 International Livestock Exposition and the Mid-Continent
2 Livestock Exposition held in Illinois, which premiums, and
3 awards must be approved, and paid by the Illinois
4 Department of Agriculture;

5 (4) for personal service of county agricultural
6 advisors and county home advisors;

7 (5) for distribution to agricultural home economic
8 extension councils in accordance with "An Act in relation
9 to additional support and finance for the Agricultural and
10 Home Economic Extension Councils in the several counties
11 in this State and making an appropriation therefor",
12 approved July 24, 1967, as amended;

13 (6) for research on equine disease, including a
14 development center therefor;

15 (7) for training scholarships for study on equine
16 diseases to students at the University of Illinois College
17 of Veterinary Medicine;

18 (8) for the rehabilitation, repair and maintenance of
19 the Illinois and DuQuoin State Fair Grounds and the
20 structures and facilities thereon and the construction of
21 permanent improvements on such Fair Grounds, including
22 such structures, facilities and property located on such
23 State Fair Grounds which are under the custody and control
24 of the Department of Agriculture;

25 (9) (blank);

26 (10) for the expenses of the Department of Commerce

1 and Economic Opportunity under Sections 605-620, 605-625,
2 and 605-630 of the Department of Commerce and Economic
3 Opportunity Law ~~(20 ILCS 605/605-620, 605/605-625, and~~
4 ~~605/605-630)~~;

5 (11) for remodeling, expanding, and reconstructing
6 facilities destroyed by fire of any Fair and Exposition
7 Authority in counties with a population of 1,000,000 or
8 more inhabitants;

9 (12) for the purpose of assisting in the care and
10 general rehabilitation of veterans with disabilities of
11 any war and their surviving spouses and orphans;

12 (13) for expenses of the Illinois ~~Department of~~ State
13 Police for duties performed under this Act;

14 (14) for the Department of Agriculture for soil
15 surveys and soil and water conservation purposes;

16 (15) for the Department of Agriculture for grants to
17 the City of Chicago for conducting the Chicagofest;

18 (16) for the State Comptroller for grants and
19 operating expenses authorized by the Illinois Global
20 Partnership Act.

21 (k) To the extent that monies paid by the Board to the
22 Agricultural Premium Fund are in the opinion of the Governor
23 in excess of the amount necessary for the purposes herein
24 stated, the Governor shall notify the Comptroller and the
25 State Treasurer of such fact, who, upon receipt of such
26 notification, shall transfer such excess monies from the

1 Agricultural Premium Fund to the General Revenue Fund.
2 (Source: P.A. 99-143, eff. 7-27-15; 99-933, eff. 1-27-17;
3 100-110, eff. 8-15-17; 100-863, eff. 8-14-18.)

4 (230 ILCS 5/34) (from Ch. 8, par. 37-34)

5 Sec. 34. (a) The Illinois ~~Department of~~ State Police shall
6 enforce the racing statutes of the State and provide
7 investigative services during all horse racing meetings
8 conducted in this State. Each licensee shall provide and
9 maintain his own security personnel.

10 (b) Each licensee shall submit a request for the
11 investigative services to the Illinois ~~Department of~~ State
12 Police. The Illinois ~~Department of~~ State Police shall
13 determine each licensee's pro rata share of the Department's
14 expenses for investigative services rendered to race tracks on
15 a fiscal year basis, and bill each licensee, except the
16 Illinois Department of Agriculture or their contractor, for
17 such expenses. Upon receipt of such billing, the licensee
18 shall pay the amount billed into the Agricultural Premium
19 Fund. It shall be the duty of the General Assembly in
20 subsequent years to review the operation of the Illinois
21 ~~Department of~~ State Police and make consistent increases or,
22 if the situation necessitates, decreases in the number of
23 personnel necessary in order to fully assure that the Illinois
24 ~~Department of~~ State Police is at such a strength as to
25 effectively carry out the purposes of this Act.

1 (Source: P.A. 89-16, eff. 5-30-95.)

2 (230 ILCS 5/45) (from Ch. 8, par. 37-45)

3 Sec. 45. It shall be the duty of the Attorney General and
4 the various State's attorneys in this State in cooperation
5 with the Illinois ~~Department of~~ State Police to enforce this
6 Act. The Governor may, upon request of the Illinois ~~Department~~
7 ~~of~~ State Police, order the law enforcing officers of the
8 various cities and counties to assign a sufficient number of
9 deputies to aid members of the Illinois ~~Department of~~ State
10 Police in preventing horse racing at any track within the
11 respective jurisdiction of such cities or counties an
12 organization license for which has been refused, suspended or
13 revoked by the Board. The Governor may similarly assign such
14 deputies to aid the Illinois ~~Department of~~ State Police when,
15 by his determination, additional forces are needed to preserve
16 the health, welfare or safety of any person or animal within
17 the grounds of any race track in the State.

18 (Source: P.A. 84-25.)

19 Section 700. The Illinois Gambling Act is amended by
20 changing Sections 5, 6, 7.7, 9, 11, 13, and 22 as follows:

21 (230 ILCS 10/5) (from Ch. 120, par. 2405)

22 Sec. 5. Gaming Board.

23 (a) (1) There is hereby established the Illinois Gaming

1 Board, which shall have the powers and duties specified in
2 this Act, and all other powers necessary and proper to fully
3 and effectively execute this Act for the purpose of
4 administering, regulating, and enforcing the system of
5 riverboat and casino gambling established by this Act and
6 gaming pursuant to an organization gaming license issued under
7 this Act. Its jurisdiction shall extend under this Act to
8 every person, association, corporation, partnership and trust
9 involved in riverboat and casino gambling operations and
10 gaming pursuant to an organization gaming license issued under
11 this Act in the State of Illinois.

12 (2) The Board shall consist of 5 members to be appointed by
13 the Governor with the advice and consent of the Senate, one of
14 whom shall be designated by the Governor to be chairperson.
15 Each member shall have a reasonable knowledge of the practice,
16 procedure and principles of gambling operations. Each member
17 shall either be a resident of Illinois or shall certify that he
18 or she will become a resident of Illinois before taking
19 office.

20 On and after the effective date of this amendatory Act of
21 the 101st General Assembly, new appointees to the Board must
22 include the following:

23 (A) One member who has received, at a minimum, a
24 bachelor's degree from an accredited school and at least
25 10 years of verifiable experience in the fields of
26 investigation and law enforcement.

1 (B) One member who is a certified public accountant
2 with experience in auditing and with knowledge of complex
3 corporate structures and transactions.

4 (C) One member who has 5 years' experience as a
5 principal, senior officer, or director of a company or
6 business with either material responsibility for the daily
7 operations and management of the overall company or
8 business or material responsibility for the policy making
9 of the company or business.

10 (D) One member who is an attorney licensed to practice
11 law in Illinois for at least 5 years.

12 Notwithstanding any provision of this subsection (a), the
13 requirements of subparagraphs (A) through (D) of this
14 paragraph (2) shall not apply to any person reappointed
15 pursuant to paragraph (3).

16 No more than 3 members of the Board may be from the same
17 political party. No Board member shall, within a period of one
18 year immediately preceding nomination, have been employed or
19 received compensation or fees for services from a person or
20 entity, or its parent or affiliate, that has engaged in
21 business with the Board, a licensee, or a licensee under the
22 Illinois Horse Racing Act of 1975. Board members must publicly
23 disclose all prior affiliations with gaming interests,
24 including any compensation, fees, bonuses, salaries, and other
25 reimbursement received from a person or entity, or its parent
26 or affiliate, that has engaged in business with the Board, a

1 licensee, or a licensee under the Illinois Horse Racing Act of
2 1975. This disclosure must be made within 30 days after
3 nomination but prior to confirmation by the Senate and must be
4 made available to the members of the Senate.

5 (3) The terms of office of the Board members shall be 3
6 years, except that the terms of office of the initial Board
7 members appointed pursuant to this Act will commence from the
8 effective date of this Act and run as follows: one for a term
9 ending July 1, 1991, 2 for a term ending July 1, 1992, and 2
10 for a term ending July 1, 1993. Upon the expiration of the
11 foregoing terms, the successors of such members shall serve a
12 term for 3 years and until their successors are appointed and
13 qualified for like terms. Vacancies in the Board shall be
14 filled for the unexpired term in like manner as original
15 appointments. Each member of the Board shall be eligible for
16 reappointment at the discretion of the Governor with the
17 advice and consent of the Senate.

18 (4) Each member of the Board shall receive \$300 for each
19 day the Board meets and for each day the member conducts any
20 hearing pursuant to this Act. Each member of the Board shall
21 also be reimbursed for all actual and necessary expenses and
22 disbursements incurred in the execution of official duties.

23 (5) No person shall be appointed a member of the Board or
24 continue to be a member of the Board who is, or whose spouse,
25 child or parent is, a member of the board of directors of, or a
26 person financially interested in, any gambling operation

1 subject to the jurisdiction of this Board, or any race track,
2 race meeting, racing association or the operations thereof
3 subject to the jurisdiction of the Illinois Racing Board. No
4 Board member shall hold any other public office. No person
5 shall be a member of the Board who is not of good moral
6 character or who has been convicted of, or is under indictment
7 for, a felony under the laws of Illinois or any other state, or
8 the United States.

9 (5.5) No member of the Board shall engage in any political
10 activity. For the purposes of this Section, "political" means
11 any activity in support of or in connection with any campaign
12 for federal, State, or local elective office or any political
13 organization, but does not include activities (i) relating to
14 the support or opposition of any executive, legislative, or
15 administrative action (as those terms are defined in Section 2
16 of the Lobbyist Registration Act), (ii) relating to collective
17 bargaining, or (iii) that are otherwise in furtherance of the
18 person's official State duties or governmental and public
19 service functions.

20 (6) Any member of the Board may be removed by the Governor
21 for neglect of duty, misfeasance, malfeasance, or nonfeasance
22 in office or for engaging in any political activity.

23 (7) Before entering upon the discharge of the duties of
24 his office, each member of the Board shall take an oath that he
25 will faithfully execute the duties of his office according to
26 the laws of the State and the rules and regulations adopted

1 therewith and shall give bond to the State of Illinois,
2 approved by the Governor, in the sum of \$25,000. Every such
3 bond, when duly executed and approved, shall be recorded in
4 the office of the Secretary of State. Whenever the Governor
5 determines that the bond of any member of the Board has become
6 or is likely to become invalid or insufficient, he shall
7 require such member forthwith to renew his bond, which is to be
8 approved by the Governor. Any member of the Board who fails to
9 take oath and give bond within 30 days from the date of his
10 appointment, or who fails to renew his bond within 30 days
11 after it is demanded by the Governor, shall be guilty of
12 neglect of duty and may be removed by the Governor. The cost of
13 any bond given by any member of the Board under this Section
14 shall be taken to be a part of the necessary expenses of the
15 Board.

16 (7.5) For the examination of all mechanical,
17 electromechanical, or electronic table games, slot machines,
18 slot accounting systems, sports wagering systems, and other
19 electronic gaming equipment, and the field inspection of such
20 systems, games, and machines, for compliance with this Act,
21 the Board shall utilize the services of independent outside
22 testing laboratories that have been accredited in accordance
23 with ISO/IEC 17025 by an accreditation body that is a
24 signatory to the International Laboratory Accreditation
25 Cooperation Mutual Recognition Agreement signifying they are
26 qualified to perform such examinations. Notwithstanding any

1 law to the contrary, the Board shall consider the licensing of
2 independent outside testing laboratory applicants in
3 accordance with procedures established by the Board by rule.
4 The Board shall not withhold its approval of an independent
5 outside testing laboratory license applicant that has been
6 accredited as required under this paragraph (7.5) and is
7 licensed in gaming jurisdictions comparable to Illinois. Upon
8 the finalization of required rules, the Board shall license
9 independent testing laboratories and accept the test reports
10 of any licensed testing laboratory of the system's, game's, or
11 machine manufacturer's choice, notwithstanding the existence
12 of contracts between the Board and any independent testing
13 laboratory.

14 (8) The Board shall employ such personnel as may be
15 necessary to carry out its functions and shall determine the
16 salaries of all personnel, except those personnel whose
17 salaries are determined under the terms of a collective
18 bargaining agreement. No person shall be employed to serve the
19 Board who is, or whose spouse, parent or child is, an official
20 of, or has a financial interest in or financial relation with,
21 any operator engaged in gambling operations within this State
22 or any organization engaged in conducting horse racing within
23 this State. For the one year immediately preceding employment,
24 an employee shall not have been employed or received
25 compensation or fees for services from a person or entity, or
26 its parent or affiliate, that has engaged in business with the

1 Board, a licensee, or a licensee under the Illinois Horse
2 Racing Act of 1975. Any employee violating these prohibitions
3 shall be subject to termination of employment.

4 (9) An Administrator shall perform any and all duties that
5 the Board shall assign him. The salary of the Administrator
6 shall be determined by the Board and, in addition, he shall be
7 reimbursed for all actual and necessary expenses incurred by
8 him in discharge of his official duties. The Administrator
9 shall keep records of all proceedings of the Board and shall
10 preserve all records, books, documents and other papers
11 belonging to the Board or entrusted to its care. The
12 Administrator shall devote his full time to the duties of the
13 office and shall not hold any other office or employment.

14 (b) The Board shall have general responsibility for the
15 implementation of this Act. Its duties include, without
16 limitation, the following:

17 (1) To decide promptly and in reasonable order all
18 license applications. Any party aggrieved by an action of
19 the Board denying, suspending, revoking, restricting or
20 refusing to renew a license may request a hearing before
21 the Board. A request for a hearing must be made to the
22 Board in writing within 5 days after service of notice of
23 the action of the Board. Notice of the action of the Board
24 shall be served either by personal delivery or by
25 certified mail, postage prepaid, to the aggrieved party.
26 Notice served by certified mail shall be deemed complete

1 on the business day following the date of such mailing.
2 The Board shall conduct any such hearings promptly and in
3 reasonable order;

4 (2) To conduct all hearings pertaining to civil
5 violations of this Act or rules and regulations
6 promulgated hereunder;

7 (3) To promulgate such rules and regulations as in its
8 judgment may be necessary to protect or enhance the
9 credibility and integrity of gambling operations
10 authorized by this Act and the regulatory process
11 hereunder;

12 (4) To provide for the establishment and collection of
13 all license and registration fees and taxes imposed by
14 this Act and the rules and regulations issued pursuant
15 hereto. All such fees and taxes shall be deposited into
16 the State Gaming Fund;

17 (5) To provide for the levy and collection of
18 penalties and fines for the violation of provisions of
19 this Act and the rules and regulations promulgated
20 hereunder. All such fines and penalties shall be deposited
21 into the Education Assistance Fund, created by Public Act
22 86-0018, of the State of Illinois;

23 (6) To be present through its inspectors and agents
24 any time gambling operations are conducted on any
25 riverboat, in any casino, or at any organization gaming
26 facility for the purpose of certifying the revenue

1 thereof, receiving complaints from the public, and
2 conducting such other investigations into the conduct of
3 the gambling games and the maintenance of the equipment as
4 from time to time the Board may deem necessary and proper;

5 (7) To review and rule upon any complaint by a
6 licensee regarding any investigative procedures of the
7 State which are unnecessarily disruptive of gambling
8 operations. The need to inspect and investigate shall be
9 presumed at all times. The disruption of a licensee's
10 operations shall be proved by clear and convincing
11 evidence, and establish that: (A) the procedures had no
12 reasonable law enforcement purposes, and (B) the
13 procedures were so disruptive as to unreasonably inhibit
14 gambling operations;

15 (8) To hold at least one meeting each quarter of the
16 fiscal year. In addition, special meetings may be called
17 by the Chairman or any 2 Board members upon 72 hours
18 written notice to each member. All Board meetings shall be
19 subject to the Open Meetings Act. Three members of the
20 Board shall constitute a quorum, and 3 votes shall be
21 required for any final determination by the Board. The
22 Board shall keep a complete and accurate record of all its
23 meetings. A majority of the members of the Board shall
24 constitute a quorum for the transaction of any business,
25 for the performance of any duty, or for the exercise of any
26 power which this Act requires the Board members to

1 transact, perform or exercise en banc, except that, upon
2 order of the Board, one of the Board members or an
3 administrative law judge designated by the Board may
4 conduct any hearing provided for under this Act or by
5 Board rule and may recommend findings and decisions to the
6 Board. The Board member or administrative law judge
7 conducting such hearing shall have all powers and rights
8 granted to the Board in this Act. The record made at the
9 time of the hearing shall be reviewed by the Board, or a
10 majority thereof, and the findings and decision of the
11 majority of the Board shall constitute the order of the
12 Board in such case;

13 (9) To maintain records which are separate and
14 distinct from the records of any other State board or
15 commission. Such records shall be available for public
16 inspection and shall accurately reflect all Board
17 proceedings;

18 (10) To file a written annual report with the Governor
19 on or before July 1 each year and such additional reports
20 as the Governor may request. The annual report shall
21 include a statement of receipts and disbursements by the
22 Board, actions taken by the Board, and any additional
23 information and recommendations which the Board may deem
24 valuable or which the Governor may request;

25 (11) (Blank);

26 (12) (Blank);

1 (13) To assume responsibility for administration and
2 enforcement of the Video Gaming Act;

3 (13.1) To assume responsibility for the administration
4 and enforcement of operations at organization gaming
5 facilities pursuant to this Act and the Illinois Horse
6 Racing Act of 1975;

7 (13.2) To assume responsibility for the administration
8 and enforcement of the Sports Wagering Act; and

9 (14) To adopt, by rule, a code of conduct governing
10 Board members and employees that ensure, to the maximum
11 extent possible, that persons subject to this Code avoid
12 situations, relationships, or associations that may
13 represent or lead to a conflict of interest.

14 Internal controls and changes submitted by licensees must
15 be reviewed and either approved or denied with cause within 90
16 days after receipt of submission is deemed final by the
17 Illinois Gaming Board. In the event an internal control
18 submission or change does not meet the standards set by the
19 Board, staff of the Board must provide technical assistance to
20 the licensee to rectify such deficiencies within 90 days after
21 the initial submission and the revised submission must be
22 reviewed and approved or denied with cause within 90 days
23 after the date the revised submission is deemed final by the
24 Board. For the purposes of this paragraph, "with cause" means
25 that the approval of the submission would jeopardize the
26 integrity of gaming. In the event the Board staff has not acted

1 within the timeframe, the submission shall be deemed approved.

2 (c) The Board shall have jurisdiction over and shall
3 supervise all gambling operations governed by this Act. The
4 Board shall have all powers necessary and proper to fully and
5 effectively execute the provisions of this Act, including, but
6 not limited to, the following:

7 (1) To investigate applicants and determine the
8 eligibility of applicants for licenses and to select among
9 competing applicants the applicants which best serve the
10 interests of the citizens of Illinois.

11 (2) To have jurisdiction and supervision over all
12 riverboat gambling operations authorized under this Act
13 and all persons in places where gambling operations are
14 conducted.

15 (3) To promulgate rules and regulations for the
16 purpose of administering the provisions of this Act and to
17 prescribe rules, regulations and conditions under which
18 all gambling operations subject to this Act shall be
19 conducted. Such rules and regulations are to provide for
20 the prevention of practices detrimental to the public
21 interest and for the best interests of riverboat gambling,
22 including rules and regulations regarding the inspection
23 of organization gaming facilities, casinos, and
24 riverboats, and the review of any permits or licenses
25 necessary to operate a riverboat, casino, or organization
26 gaming facility under any laws or regulations applicable

1 to riverboats, casinos, or organization gaming facilities
2 and to impose penalties for violations thereof.

3 (4) To enter the office, riverboats, casinos,
4 organization gaming facilities, and other facilities, or
5 other places of business of a licensee, where evidence of
6 the compliance or noncompliance with the provisions of
7 this Act is likely to be found.

8 (5) To investigate alleged violations of this Act or
9 the rules of the Board and to take appropriate
10 disciplinary action against a licensee or a holder of an
11 occupational license for a violation, or institute
12 appropriate legal action for enforcement, or both.

13 (6) To adopt standards for the licensing of all
14 persons and entities under this Act, as well as for
15 electronic or mechanical gambling games, and to establish
16 fees for such licenses.

17 (7) To adopt appropriate standards for all
18 organization gaming facilities, riverboats, casinos, and
19 other facilities authorized under this Act.

20 (8) To require that the records, including financial
21 or other statements of any licensee under this Act, shall
22 be kept in such manner as prescribed by the Board and that
23 any such licensee involved in the ownership or management
24 of gambling operations submit to the Board an annual
25 balance sheet and profit and loss statement, list of the
26 stockholders or other persons having a 1% or greater

1 beneficial interest in the gambling activities of each
2 licensee, and any other information the Board deems
3 necessary in order to effectively administer this Act and
4 all rules, regulations, orders and final decisions
5 promulgated under this Act.

6 (9) To conduct hearings, issue subpoenas for the
7 attendance of witnesses and subpoenas duces tecum for the
8 production of books, records and other pertinent documents
9 in accordance with the Illinois Administrative Procedure
10 Act, and to administer oaths and affirmations to the
11 witnesses, when, in the judgment of the Board, it is
12 necessary to administer or enforce this Act or the Board
13 rules.

14 (10) To prescribe a form to be used by any licensee
15 involved in the ownership or management of gambling
16 operations as an application for employment for their
17 employees.

18 (11) To revoke or suspend licenses, as the Board may
19 see fit and in compliance with applicable laws of the
20 State regarding administrative procedures, and to review
21 applications for the renewal of licenses. The Board may
22 suspend an owners license or an organization gaming
23 license without notice or hearing upon a determination
24 that the safety or health of patrons or employees is
25 jeopardized by continuing a gambling operation conducted
26 under that license. The suspension may remain in effect

1 until the Board determines that the cause for suspension
2 has been abated. The Board may revoke an owners license or
3 organization gaming license upon a determination that the
4 licensee has not made satisfactory progress toward abating
5 the hazard.

6 (12) To eject or exclude or authorize the ejection or
7 exclusion of, any person from gambling facilities where
8 that person is in violation of this Act, rules and
9 regulations thereunder, or final orders of the Board, or
10 where such person's conduct or reputation is such that his
11 or her presence within the gambling facilities may, in the
12 opinion of the Board, call into question the honesty and
13 integrity of the gambling operations or interfere with the
14 orderly conduct thereof; provided that the propriety of
15 such ejection or exclusion is subject to subsequent
16 hearing by the Board.

17 (13) To require all licensees of gambling operations
18 to utilize a cashless wagering system whereby all players'
19 money is converted to tokens, electronic cards, or chips
20 which shall be used only for wagering in the gambling
21 establishment.

22 (14) (Blank).

23 (15) To suspend, revoke or restrict licenses, to
24 require the removal of a licensee or an employee of a
25 licensee for a violation of this Act or a Board rule or for
26 engaging in a fraudulent practice, and to impose civil

1 penalties of up to \$5,000 against individuals and up to
2 \$10,000 or an amount equal to the daily gross receipts,
3 whichever is larger, against licensees for each violation
4 of any provision of the Act, any rules adopted by the
5 Board, any order of the Board or any other action which, in
6 the Board's discretion, is a detriment or impediment to
7 gambling operations.

8 (16) To hire employees to gather information, conduct
9 investigations and carry out any other tasks contemplated
10 under this Act.

11 (17) To establish minimum levels of insurance to be
12 maintained by licensees.

13 (18) To authorize a licensee to sell or serve
14 alcoholic liquors, wine or beer as defined in the Liquor
15 Control Act of 1934 on board a riverboat or in a casino and
16 to have exclusive authority to establish the hours for
17 sale and consumption of alcoholic liquor on board a
18 riverboat or in a casino, notwithstanding any provision of
19 the Liquor Control Act of 1934 or any local ordinance, and
20 regardless of whether the riverboat makes excursions. The
21 establishment of the hours for sale and consumption of
22 alcoholic liquor on board a riverboat or in a casino is an
23 exclusive power and function of the State. A home rule
24 unit may not establish the hours for sale and consumption
25 of alcoholic liquor on board a riverboat or in a casino.
26 This subdivision (18) is a denial and limitation of home

1 rule powers and functions under subsection (h) of Section
2 6 of Article VII of the Illinois Constitution.

3 (19) After consultation with the U.S. Army Corps of
4 Engineers, to establish binding emergency orders upon the
5 concurrence of a majority of the members of the Board
6 regarding the navigability of water, relative to
7 excursions, in the event of extreme weather conditions,
8 acts of God or other extreme circumstances.

9 (20) To delegate the execution of any of its powers
10 under this Act for the purpose of administering and
11 enforcing this Act and the rules adopted by the Board.

12 (20.5) To approve any contract entered into on its
13 behalf.

14 (20.6) To appoint investigators to conduct
15 investigations, searches, seizures, arrests, and other
16 duties imposed under this Act, as deemed necessary by the
17 Board. These investigators have and may exercise all of
18 the rights and powers of peace officers, provided that
19 these powers shall be limited to offenses or violations
20 occurring or committed in a casino, in an organization
21 gaming facility, or on a riverboat or dock, as defined in
22 subsections (d) and (f) of Section 4, or as otherwise
23 provided by this Act or any other law.

24 (20.7) To contract with the Illinois ~~Department of~~
25 State Police for the use of trained and qualified State
26 police officers and with the Department of Revenue for the

1 use of trained and qualified Department of Revenue
2 investigators to conduct investigations, searches,
3 seizures, arrests, and other duties imposed under this Act
4 and to exercise all of the rights and powers of peace
5 officers, provided that the powers of Department of
6 Revenue investigators under this subdivision (20.7) shall
7 be limited to offenses or violations occurring or
8 committed in a casino, in an organization gaming facility,
9 or on a riverboat or dock, as defined in subsections (d)
10 and (f) of Section 4, or as otherwise provided by this Act
11 or any other law. In the event the Illinois ~~Department of~~
12 State Police or the Department of Revenue is unable to
13 fill contracted police or investigative positions, the
14 Board may appoint investigators to fill those positions
15 pursuant to subdivision (20.6).

16 (21) To adopt rules concerning the conduct of gaming
17 pursuant to an organization gaming license issued under
18 this Act.

19 (22) To have the same jurisdiction and supervision
20 over casinos and organization gaming facilities as the
21 Board has over riverboats, including, but not limited to,
22 the power to (i) investigate, review, and approve
23 contracts as that power is applied to riverboats, (ii)
24 adopt rules for administering the provisions of this Act,
25 (iii) adopt standards for the licensing of all persons
26 involved with a casino or organization gaming facility,

1 (iv) investigate alleged violations of this Act by any
2 person involved with a casino or organization gaming
3 facility, and (v) require that records, including
4 financial or other statements of any casino or
5 organization gaming facility, shall be kept in such manner
6 as prescribed by the Board.

7 (23) To take any other action as may be reasonable or
8 appropriate to enforce this Act and the rules adopted by
9 the Board.

10 (d) The Board may seek and shall receive the cooperation
11 of the Illinois ~~Department of~~ State Police in conducting
12 background investigations of applicants and in fulfilling its
13 responsibilities under this Section. Costs incurred by the
14 Illinois ~~Department of~~ State Police as a result of such
15 cooperation shall be paid by the Board in conformance with the
16 requirements of Section 2605-400 of the Illinois ~~Department of~~
17 State Police Law.

18 (e) The Board must authorize to each investigator and to
19 any other employee of the Board exercising the powers of a
20 peace officer a distinct badge that, on its face, (i) clearly
21 states that the badge is authorized by the Board and (ii)
22 contains a unique identifying number. No other badge shall be
23 authorized by the Board.

24 (Source: P.A. 100-1152, eff. 12-14-18; 101-31, eff. 6-28-19.)

25 (230 ILCS 10/6) (from Ch. 120, par. 2406)

1 Sec. 6. Application for owners license.

2 (a) A qualified person may apply to the Board for an owners
3 license to conduct a gambling operation as provided in this
4 Act. The application shall be made on forms provided by the
5 Board and shall contain such information as the Board
6 prescribes, including but not limited to the identity of the
7 riverboat on which such gambling operation is to be conducted,
8 if applicable, and the exact location where such riverboat or
9 casino will be located, a certification that the riverboat
10 will be registered under this Act at all times during which
11 gambling operations are conducted on board, detailed
12 information regarding the ownership and management of the
13 applicant, and detailed personal information regarding the
14 applicant. Any application for an owners license to be
15 re-issued on or after June 1, 2003 shall also include the
16 applicant's license bid in a form prescribed by the Board.
17 Information provided on the application shall be used as a
18 basis for a thorough background investigation which the Board
19 shall conduct with respect to each applicant. An incomplete
20 application shall be cause for denial of a license by the
21 Board.

22 (a-5) In addition to any other information required under
23 this Section, each application for an owners license must
24 include the following information:

25 (1) The history and success of the applicant and each
26 person and entity disclosed under subsection (c) of this

1 Section in developing tourism facilities ancillary to
2 gaming, if applicable.

3 (2) The likelihood that granting a license to the
4 applicant will lead to the creation of quality, living
5 wage jobs and permanent, full-time jobs for residents of
6 the State and residents of the unit of local government
7 that is designated as the home dock of the proposed
8 facility where gambling is to be conducted by the
9 applicant.

10 (3) The projected number of jobs that would be created
11 if the license is granted and the projected number of new
12 employees at the proposed facility where gambling is to be
13 conducted by the applicant.

14 (4) The record, if any, of the applicant and its
15 developer in meeting commitments to local agencies,
16 community-based organizations, and employees at other
17 locations where the applicant or its developer has
18 performed similar functions as they would perform if the
19 applicant were granted a license.

20 (5) Identification of adverse effects that might be
21 caused by the proposed facility where gambling is to be
22 conducted by the applicant, including the costs of meeting
23 increased demand for public health care, child care,
24 public transportation, affordable housing, and social
25 services, and a plan to mitigate those adverse effects.

26 (6) The record, if any, of the applicant and its

1 developer regarding compliance with:

2 (A) federal, state, and local discrimination, wage
3 and hour, disability, and occupational and
4 environmental health and safety laws; and

5 (B) state and local labor relations and employment
6 laws.

7 (7) The applicant's record, if any, in dealing with
8 its employees and their representatives at other
9 locations.

10 (8) A plan concerning the utilization of
11 minority-owned and women-owned businesses and concerning
12 the hiring of minorities and women.

13 (9) Evidence the applicant used its best efforts to
14 reach a goal of 25% ownership representation by minority
15 persons and 5% ownership representation by women.

16 (b) Applicants shall submit with their application all
17 documents, resolutions, and letters of support from the
18 governing body that represents the municipality or county
19 wherein the licensee will be located.

20 (c) Each applicant shall disclose the identity of every
21 person or entity having a greater than 1% direct or indirect
22 pecuniary interest in the gambling operation with respect to
23 which the license is sought. If the disclosed entity is a
24 trust, the application shall disclose the names and addresses
25 of all beneficiaries; if a corporation, the names and
26 addresses of all stockholders and directors; if a partnership,

1 the names and addresses of all partners, both general and
2 limited.

3 (d) An application shall be filed and considered in
4 accordance with the rules of the Board. Each application shall
5 be accompanied by a nonrefundable application fee of \$250,000.
6 In addition, a nonrefundable fee of \$50,000 shall be paid at
7 the time of filing to defray the costs associated with the
8 background investigation conducted by the Board. If the costs
9 of the investigation exceed \$50,000, the applicant shall pay
10 the additional amount to the Board within 7 days after
11 requested by the Board. If the costs of the investigation are
12 less than \$50,000, the applicant shall receive a refund of the
13 remaining amount. All information, records, interviews,
14 reports, statements, memoranda or other data supplied to or
15 used by the Board in the course of its review or investigation
16 of an application for a license or a renewal under this Act
17 shall be privileged, strictly confidential and shall be used
18 only for the purpose of evaluating an applicant for a license
19 or a renewal. Such information, records, interviews, reports,
20 statements, memoranda or other data shall not be admissible as
21 evidence, nor discoverable in any action of any kind in any
22 court or before any tribunal, board, agency or person, except
23 for any action deemed necessary by the Board. The application
24 fee shall be deposited into the State Gaming Fund.

25 (e) The Board shall charge each applicant a fee set by the
26 Illinois ~~Department of~~ State Police to defray the costs

1 associated with the search and classification of fingerprints
2 obtained by the Board with respect to the applicant's
3 application. These fees shall be paid into the State Police
4 Services Fund. In order to expedite the application process,
5 the Board may establish rules allowing applicants to acquire
6 criminal background checks and financial integrity reviews as
7 part of the initial application process from a list of vendors
8 approved by the Board.

9 (f) The licensed owner shall be the person primarily
10 responsible for the boat or casino itself. Only one gambling
11 operation may be authorized by the Board on any riverboat or in
12 any casino. The applicant must identify the riverboat or
13 premises it intends to use and certify that the riverboat or
14 premises: (1) has the authorized capacity required in this
15 Act; (2) is accessible to persons with disabilities; and (3)
16 is fully registered and licensed in accordance with any
17 applicable laws.

18 (g) A person who knowingly makes a false statement on an
19 application is guilty of a Class A misdemeanor.

20 (Source: P.A. 101-31, eff. 6-28-19.)

21 (230 ILCS 10/7.7)

22 Sec. 7.7. Organization gaming licenses.

23 (a) The Illinois Gaming Board shall award one organization
24 gaming license to each person or entity having operating
25 control of a racetrack that applies under Section 56 of the

1 Illinois Horse Racing Act of 1975, subject to the application
2 and eligibility requirements of this Section. Within 60 days
3 after the effective date of this amendatory Act of the 101st
4 General Assembly, a person or entity having operating control
5 of a racetrack may submit an application for an organization
6 gaming license. The application shall be made on such forms as
7 provided by the Board and shall contain such information as
8 the Board prescribes, including, but not limited to, the
9 identity of any racetrack at which gaming will be conducted
10 pursuant to an organization gaming license, detailed
11 information regarding the ownership and management of the
12 applicant, and detailed personal information regarding the
13 applicant. The application shall specify the number of gaming
14 positions the applicant intends to use and the place where the
15 organization gaming facility will operate. A person who
16 knowingly makes a false statement on an application is guilty
17 of a Class A misdemeanor.

18 Each applicant shall disclose the identity of every person
19 or entity having a direct or indirect pecuniary interest
20 greater than 1% in any racetrack with respect to which the
21 license is sought. If the disclosed entity is a corporation,
22 the applicant shall disclose the names and addresses of all
23 officers, stockholders, and directors. If the disclosed entity
24 is a limited liability company, the applicant shall disclose
25 the names and addresses of all members and managers. If the
26 disclosed entity is a partnership, the applicant shall

1 disclose the names and addresses of all partners, both general
2 and limited. If the disclosed entity is a trust, the applicant
3 shall disclose the names and addresses of all beneficiaries.

4 An application shall be filed and considered in accordance
5 with the rules of the Board. Each application for an
6 organization gaming license shall include a nonrefundable
7 application fee of \$250,000. In addition, a nonrefundable fee
8 of \$50,000 shall be paid at the time of filing to defray the
9 costs associated with background investigations conducted by
10 the Board. If the costs of the background investigation exceed
11 \$50,000, the applicant shall pay the additional amount to the
12 Board within 7 days after a request by the Board. If the costs
13 of the investigation are less than \$50,000, the applicant
14 shall receive a refund of the remaining amount. All
15 information, records, interviews, reports, statements,
16 memoranda, or other data supplied to or used by the Board in
17 the course of this review or investigation of an applicant for
18 an organization gaming license under this Act shall be
19 privileged and strictly confidential and shall be used only
20 for the purpose of evaluating an applicant for an organization
21 gaming license or a renewal. Such information, records,
22 interviews, reports, statements, memoranda, or other data
23 shall not be admissible as evidence nor discoverable in any
24 action of any kind in any court or before any tribunal, board,
25 agency or person, except for any action deemed necessary by
26 the Board. The application fee shall be deposited into the

1 State Gaming Fund.

2 Any applicant or key person, including the applicant's
3 owners, officers, directors (if a corporation), managers and
4 members (if a limited liability company), and partners (if a
5 partnership), for an organization gaming license shall have
6 his or her fingerprints submitted to the Illinois Department
7 ~~of~~ State Police in an electronic format that complies with the
8 form and manner for requesting and furnishing criminal history
9 record information as prescribed by the Illinois Department of
10 State Police. These fingerprints shall be checked against the
11 Illinois Department of State Police and Federal Bureau of
12 Investigation criminal history record databases now and
13 hereafter filed, including, but not limited to, civil,
14 criminal, and latent fingerprint databases. The Illinois
15 ~~Department of~~ State Police shall charge applicants a fee for
16 conducting the criminal history records check, which shall be
17 deposited into the State Police Services Fund and shall not
18 exceed the actual cost of the records check. The Illinois
19 ~~Department of~~ State Police shall furnish, pursuant to positive
20 identification, records of Illinois criminal history to the
21 Illinois State Police Department.

22 (b) The Board shall determine within 120 days after
23 receiving an application for an organization gaming license
24 whether to grant an organization gaming license to the
25 applicant. If the Board does not make a determination within
26 that time period, then the Board shall give a written

1 explanation to the applicant as to why it has not reached a
2 determination and when it reasonably expects to make a
3 determination.

4 The organization gaming licensee shall purchase up to the
5 amount of gaming positions authorized under this Act within
6 120 days after receiving its organization gaming license. If
7 an organization gaming licensee is prepared to purchase the
8 gaming positions, but is temporarily prohibited from doing so
9 by order of a court of competent jurisdiction or the Board,
10 then the 120-day period is tolled until a resolution is
11 reached.

12 An organization gaming license shall authorize its holder
13 to conduct gaming under this Act at its racetracks on the same
14 days of the year and hours of the day that owners licenses are
15 allowed to operate under approval of the Board.

16 An organization gaming license and any renewal of an
17 organization gaming license shall authorize gaming pursuant to
18 this Section for a period of 4 years. The fee for the issuance
19 or renewal of an organization gaming license shall be
20 \$250,000.

21 All payments by licensees under this subsection (b) shall
22 be deposited into the Rebuild Illinois Projects Fund.

23 (c) To be eligible to conduct gaming under this Section, a
24 person or entity having operating control of a racetrack must
25 (i) obtain an organization gaming license, (ii) hold an
26 organization license under the Illinois Horse Racing Act of

1 1975, (iii) hold an inter-track wagering license, (iv) pay an
2 initial fee of \$30,000 per gaming position from organization
3 gaming licensees where gaming is conducted in Cook County and,
4 except as provided in subsection (c-5), \$17,500 for
5 organization gaming licensees where gaming is conducted
6 outside of Cook County before beginning to conduct gaming plus
7 make the reconciliation payment required under subsection (k),
8 (v) conduct live racing in accordance with subsections (e-1),
9 (e-2), and (e-3) of Section 20 of the Illinois Horse Racing Act
10 of 1975, (vi) meet the requirements of subsection (a) of
11 Section 56 of the Illinois Horse Racing Act of 1975, (vii) for
12 organization licensees conducting standardbred race meetings,
13 keep backstretch barns and dormitories open and operational
14 year-round unless a lesser schedule is mutually agreed to by
15 the organization licensee and the horsemen association racing
16 at that organization licensee's race meeting, (viii) for
17 organization licensees conducting thoroughbred race meetings,
18 the organization licensee must maintain accident medical
19 expense liability insurance coverage of \$1,000,000 for
20 jockeys, and (ix) meet all other requirements of this Act that
21 apply to owners licensees.

22 An organization gaming licensee may enter into a joint
23 venture with a licensed owner to own, manage, conduct, or
24 otherwise operate the organization gaming licensee's
25 organization gaming facilities, unless the organization gaming
26 licensee has a parent company or other affiliated company that

1 is, directly or indirectly, wholly owned by a parent company
2 that is also licensed to conduct organization gaming, casino
3 gaming, or their equivalent in another state.

4 All payments by licensees under this subsection (c) shall
5 be deposited into the Rebuild Illinois Projects Fund.

6 (c-5) A person or entity having operating control of a
7 racetrack located in Madison County shall only pay the initial
8 fees specified in subsection (c) for 540 of the gaming
9 positions authorized under the license.

10 (d) A person or entity is ineligible to receive an
11 organization gaming license if:

12 (1) the person or entity has been convicted of a
13 felony under the laws of this State, any other state, or
14 the United States, including a conviction under the
15 Racketeer Influenced and Corrupt Organizations Act;

16 (2) the person or entity has been convicted of any
17 violation of Article 28 of the Criminal Code of 2012, or
18 substantially similar laws of any other jurisdiction;

19 (3) the person or entity has submitted an application
20 for a license under this Act that contains false
21 information;

22 (4) the person is a member of the Board;

23 (5) a person defined in (1), (2), (3), or (4) of this
24 subsection (d) is an officer, director, or managerial
25 employee of the entity;

26 (6) the person or entity employs a person defined in

1 (1), (2), (3), or (4) of this subsection (d) who
2 participates in the management or operation of gambling
3 operations authorized under this Act; or

4 (7) a license of the person or entity issued under
5 this Act or a license to own or operate gambling
6 facilities in any other jurisdiction has been revoked.

7 (e) The Board may approve gaming positions pursuant to an
8 organization gaming license statewide as provided in this
9 Section. The authority to operate gaming positions under this
10 Section shall be allocated as follows: up to 1,200 gaming
11 positions for any organization gaming licensee in Cook County
12 and up to 900 gaming positions for any organization gaming
13 licensee outside of Cook County.

14 (f) Each applicant for an organization gaming license
15 shall specify in its application for licensure the number of
16 gaming positions it will operate, up to the applicable
17 limitation set forth in subsection (e) of this Section. Any
18 unreserved gaming positions that are not specified shall be
19 forfeited and retained by the Board. For the purposes of this
20 subsection (f), an organization gaming licensee that did not
21 conduct live racing in 2010 and is located within 3 miles of
22 the Mississippi River may reserve up to 900 positions and
23 shall not be penalized under this Section for not operating
24 those positions until it meets the requirements of subsection
25 (e) of this Section, but such licensee shall not request
26 unreserved gaming positions under this subsection (f) until

1 its 900 positions are all operational.

2 Thereafter, the Board shall publish the number of
3 unreserved gaming positions and shall accept requests for
4 additional positions from any organization gaming licensee
5 that initially reserved all of the positions that were
6 offered. The Board shall allocate expeditiously the unreserved
7 gaming positions to requesting organization gaming licensees
8 in a manner that maximizes revenue to the State. The Board may
9 allocate any such unused gaming positions pursuant to an open
10 and competitive bidding process, as provided under Section 7.5
11 of this Act. This process shall continue until all unreserved
12 gaming positions have been purchased. All positions obtained
13 pursuant to this process and all positions the organization
14 gaming licensee specified it would operate in its application
15 must be in operation within 18 months after they were obtained
16 or the organization gaming licensee forfeits the right to
17 operate those positions, but is not entitled to a refund of any
18 fees paid. The Board may, after holding a public hearing,
19 grant extensions so long as the organization gaming licensee
20 is working in good faith to make the positions operational.
21 The extension may be for a period of 6 months. If, after the
22 period of the extension, the organization gaming licensee has
23 not made the positions operational, then another public
24 hearing must be held by the Board before it may grant another
25 extension.

26 Unreserved gaming positions retained from and allocated to

1 organization gaming licensees by the Board pursuant to this
2 subsection (f) shall not be allocated to owners licensees
3 under this Act.

4 For the purpose of this subsection (f), the unreserved
5 gaming positions for each organization gaming licensee shall
6 be the applicable limitation set forth in subsection (e) of
7 this Section, less the number of reserved gaming positions by
8 such organization gaming licensee, and the total unreserved
9 gaming positions shall be the aggregate of the unreserved
10 gaming positions for all organization gaming licensees.

11 (g) An organization gaming licensee is authorized to
12 conduct the following at a racetrack:

13 (1) slot machine gambling;

14 (2) video game of chance gambling;

15 (3) gambling with electronic gambling games as defined
16 in this Act or defined by the Illinois Gaming Board; and

17 (4) table games.

18 (h) Subject to the approval of the Illinois Gaming Board,
19 an organization gaming licensee may make modification or
20 additions to any existing buildings and structures to comply
21 with the requirements of this Act. The Illinois Gaming Board
22 shall make its decision after consulting with the Illinois
23 Racing Board. In no case, however, shall the Illinois Gaming
24 Board approve any modification or addition that alters the
25 grounds of the organization licensee such that the act of live
26 racing is an ancillary activity to gaming authorized under

1 this Section. Gaming authorized under this Section may take
2 place in existing structures where inter-track wagering is
3 conducted at the racetrack or a facility within 300 yards of
4 the racetrack in accordance with the provisions of this Act
5 and the Illinois Horse Racing Act of 1975.

6 (i) An organization gaming licensee may conduct gaming at
7 a temporary facility pending the construction of a permanent
8 facility or the remodeling or relocation of an existing
9 facility to accommodate gaming participants for up to 24
10 months after the temporary facility begins to conduct gaming
11 authorized under this Section. Upon request by an organization
12 gaming licensee and upon a showing of good cause by the
13 organization gaming licensee, the Board shall extend the
14 period during which the licensee may conduct gaming authorized
15 under this Section at a temporary facility by up to 12 months.
16 The Board shall make rules concerning the conduct of gaming
17 authorized under this Section from temporary facilities.

18 The gaming authorized under this Section may take place in
19 existing structures where inter-track wagering is conducted at
20 the racetrack or a facility within 300 yards of the racetrack
21 in accordance with the provisions of this Act and the Illinois
22 Horse Racing Act of 1975.

23 (i-5) Under no circumstances shall an organization gaming
24 licensee conduct gaming at any State or county fair.

25 (j) The Illinois Gaming Board must adopt emergency rules
26 in accordance with Section 5-45 of the Illinois Administrative

1 Procedure Act as necessary to ensure compliance with the
2 provisions of this amendatory Act of the 101st General
3 Assembly concerning the conduct of gaming by an organization
4 gaming licensee. The adoption of emergency rules authorized by
5 this subsection (j) shall be deemed to be necessary for the
6 public interest, safety, and welfare.

7 (k) Each organization gaming licensee who obtains gaming
8 positions must make a reconciliation payment 3 years after the
9 date the organization gaming licensee begins operating the
10 positions in an amount equal to 75% of the difference between
11 its adjusted gross receipts from gaming authorized under this
12 Section and amounts paid to its purse accounts pursuant to
13 item (1) of subsection (b) of Section 56 of the Illinois Horse
14 Racing Act of 1975 for the 12-month period for which such
15 difference was the largest, minus an amount equal to the
16 initial per position fee paid by the organization gaming
17 licensee. If this calculation results in a negative amount,
18 then the organization gaming licensee is not entitled to any
19 reimbursement of fees previously paid. This reconciliation
20 payment may be made in installments over a period of no more
21 than 6 years.

22 All payments by licensees under this subsection (k) shall
23 be deposited into the Rebuild Illinois Projects Fund.

24 (l) As soon as practical after a request is made by the
25 Illinois Gaming Board, to minimize duplicate submissions by
26 the applicant, the Illinois Racing Board must provide

1 information on an applicant for an organization gaming license
2 to the Illinois Gaming Board.

3 (Source: P.A. 101-31, eff. 6-28-19; 101-597, eff. 12-6-19;
4 101-648, eff. 6-30-20.)

5 (230 ILCS 10/9) (from Ch. 120, par. 2409)

6 Sec. 9. Occupational licenses.

7 (a) The Board may issue an occupational license to an
8 applicant upon the payment of a non-refundable fee set by the
9 Board, upon a determination by the Board that the applicant is
10 eligible for an occupational license and upon payment of an
11 annual license fee in an amount to be established. To be
12 eligible for an occupational license, an applicant must:

13 (1) be at least 21 years of age if the applicant will
14 perform any function involved in gaming by patrons. Any
15 applicant seeking an occupational license for a non-gaming
16 function shall be at least 18 years of age;

17 (2) not have been convicted of a felony offense, a
18 violation of Article 28 of the Criminal Code of 1961 or the
19 Criminal Code of 2012, or a similar statute of any other
20 jurisdiction;

21 (2.5) not have been convicted of a crime, other than a
22 crime described in item (2) of this subsection (a),
23 involving dishonesty or moral turpitude, except that the
24 Board may, in its discretion, issue an occupational
25 license to a person who has been convicted of a crime

1 described in this item (2.5) more than 10 years prior to
2 his or her application and has not subsequently been
3 convicted of any other crime;

4 (3) have demonstrated a level of skill or knowledge
5 which the Board determines to be necessary in order to
6 operate gambling aboard a riverboat, in a casino, or at an
7 organization gaming facility; and

8 (4) have met standards for the holding of an
9 occupational license as adopted by rules of the Board.
10 Such rules shall provide that any person or entity seeking
11 an occupational license to manage gambling operations
12 under this Act shall be subject to background inquiries
13 and further requirements similar to those required of
14 applicants for an owners license. Furthermore, such rules
15 shall provide that each such entity shall be permitted to
16 manage gambling operations for only one licensed owner.

17 (b) Each application for an occupational license shall be
18 on forms prescribed by the Board and shall contain all
19 information required by the Board. The applicant shall set
20 forth in the application: whether he has been issued prior
21 gambling related licenses; whether he has been licensed in any
22 other state under any other name, and, if so, such name and his
23 age; and whether or not a permit or license issued to him in
24 any other state has been suspended, restricted or revoked,
25 and, if so, for what period of time.

26 (c) Each applicant shall submit with his application, on

1 forms provided by the Board, 2 sets of his fingerprints. The
2 Board shall charge each applicant a fee set by the Illinois
3 ~~Department of~~ State Police to defray the costs associated with
4 the search and classification of fingerprints obtained by the
5 Board with respect to the applicant's application. These fees
6 shall be paid into the State Police Services Fund.

7 (d) The Board may in its discretion refuse an occupational
8 license to any person: (1) who is unqualified to perform the
9 duties required of such applicant; (2) who fails to disclose
10 or states falsely any information called for in the
11 application; (3) who has been found guilty of a violation of
12 this Act or whose prior gambling related license or
13 application therefor has been suspended, restricted, revoked
14 or denied for just cause in any other state; or (4) for any
15 other just cause.

16 (e) The Board may suspend, revoke or restrict any
17 occupational licensee: (1) for violation of any provision of
18 this Act; (2) for violation of any of the rules and regulations
19 of the Board; (3) for any cause which, if known to the Board,
20 would have disqualified the applicant from receiving such
21 license; or (4) for default in the payment of any obligation or
22 debt due to the State of Illinois; or (5) for any other just
23 cause.

24 (f) A person who knowingly makes a false statement on an
25 application is guilty of a Class A misdemeanor.

26 (g) Any license issued pursuant to this Section shall be

1 valid for a period of one year from the date of issuance.

2 (h) Nothing in this Act shall be interpreted to prohibit a
3 licensed owner or organization gaming licensee from entering
4 into an agreement with a public community college or a school
5 approved under the Private Business and Vocational Schools Act
6 of 2012 for the training of any occupational licensee. Any
7 training offered by such a school shall be in accordance with a
8 written agreement between the licensed owner or organization
9 gaming licensee and the school.

10 (i) Any training provided for occupational licensees may
11 be conducted either at the site of the gambling facility or at
12 a school with which a licensed owner or organization gaming
13 licensee has entered into an agreement pursuant to subsection
14 (h).

15 (Source: P.A. 101-31, eff. 6-28-19.)

16 (230 ILCS 10/11) (from Ch. 120, par. 2411)

17 Sec. 11. Conduct of gambling. Gambling may be conducted by
18 licensed owners or licensed managers on behalf of the State
19 aboard riverboats. Gambling may be conducted by organization
20 gaming licensees at organization gaming facilities. Gambling
21 authorized under this Section is subject to the following
22 standards:

23 (1) A licensee may conduct riverboat gambling
24 authorized under this Act regardless of whether it
25 conducts excursion cruises. A licensee may permit the

1 continuous ingress and egress of patrons on a riverboat
2 not used for excursion cruises for the purpose of
3 gambling. Excursion cruises shall not exceed 4 hours for a
4 round trip. However, the Board may grant express approval
5 for an extended cruise on a case-by-case basis.

6 (1.5) An owners licensee may conduct gambling
7 operations authorized under this Act 24 hours a day.

8 (2) (Blank).

9 (3) Minimum and maximum wagers on games shall be set
10 by the licensee.

11 (4) Agents of the Board and the Illinois ~~Department of~~
12 State Police may board and inspect any riverboat, enter
13 and inspect any portion of a casino, or enter and inspect
14 any portion of an organization gaming facility at any time
15 for the purpose of determining whether this Act is being
16 complied with. Every riverboat, if under way and being
17 hailed by a law enforcement officer or agent of the Board,
18 must stop immediately and lay to.

19 (5) Employees of the Board shall have the right to be
20 present on the riverboat or in the casino or on adjacent
21 facilities under the control of the licensee and at the
22 organization gaming facility under the control of the
23 organization gaming licensee.

24 (6) Gambling equipment and supplies customarily used
25 in conducting gambling must be purchased or leased only
26 from suppliers licensed for such purpose under this Act.

1 The Board may approve the transfer, sale, or lease of
2 gambling equipment and supplies by a licensed owner from
3 or to an affiliate of the licensed owner as long as the
4 gambling equipment and supplies were initially acquired
5 from a supplier licensed in Illinois.

6 (7) Persons licensed under this Act shall permit no
7 form of wagering on gambling games except as permitted by
8 this Act.

9 (8) Wagers may be received only from a person present
10 on a licensed riverboat, in a casino, or at an
11 organization gaming facility. No person present on a
12 licensed riverboat, in a casino, or at an organization
13 gaming facility shall place or attempt to place a wager on
14 behalf of another person who is not present on the
15 riverboat, in a casino, or at the organization gaming
16 facility.

17 (9) Wagering, including gaming authorized under
18 Section 7.7, shall not be conducted with money or other
19 negotiable currency.

20 (10) A person under age 21 shall not be permitted on an
21 area of a riverboat or casino where gambling is being
22 conducted or at an organization gaming facility where
23 gambling is being conducted, except for a person at least
24 18 years of age who is an employee of the riverboat or
25 casino gambling operation or gaming operation. No employee
26 under age 21 shall perform any function involved in

1 gambling by the patrons. No person under age 21 shall be
2 permitted to make a wager under this Act, and any winnings
3 that are a result of a wager by a person under age 21,
4 whether or not paid by a licensee, shall be treated as
5 winnings for the privilege tax purposes, confiscated, and
6 forfeited to the State and deposited into the Education
7 Assistance Fund.

8 (11) Gambling excursion cruises are permitted only
9 when the waterway for which the riverboat is licensed is
10 navigable, as determined by the Board in consultation with
11 the U.S. Army Corps of Engineers. This paragraph (11) does
12 not limit the ability of a licensee to conduct gambling
13 authorized under this Act when gambling excursion cruises
14 are not permitted.

15 (12) All tickets, chips, or electronic cards used to
16 make wagers must be purchased (i) from a licensed owner or
17 manager, in the case of a riverboat, either aboard a
18 riverboat or at an onshore facility which has been
19 approved by the Board and which is located where the
20 riverboat docks, (ii) in the case of a casino, from a
21 licensed owner at the casino, or (iii) from an
22 organization gaming licensee at the organization gaming
23 facility. The tickets, chips, or electronic cards may be
24 purchased by means of an agreement under which the owner
25 or manager extends credit to the patron. Such tickets,
26 chips, or electronic cards may be used while aboard the

1 riverboat, in the casino, or at the organization gaming
2 facility only for the purpose of making wagers on gambling
3 games.

4 (13) Notwithstanding any other Section of this Act, in
5 addition to the other licenses authorized under this Act,
6 the Board may issue special event licenses allowing
7 persons who are not otherwise licensed to conduct
8 riverboat gambling to conduct such gambling on a specified
9 date or series of dates. Riverboat gambling under such a
10 license may take place on a riverboat not normally used
11 for riverboat gambling. The Board shall establish
12 standards, fees and fines for, and limitations upon, such
13 licenses, which may differ from the standards, fees, fines
14 and limitations otherwise applicable under this Act. All
15 such fees shall be deposited into the State Gaming Fund.
16 All such fines shall be deposited into the Education
17 Assistance Fund, created by Public Act 86-0018, of the
18 State of Illinois.

19 (14) In addition to the above, gambling must be
20 conducted in accordance with all rules adopted by the
21 Board.

22 (Source: P.A. 101-31, eff. 6-28-19.)

23 (230 ILCS 10/13) (from Ch. 120, par. 2413)

24 Sec. 13. Wagering tax; rate; distribution.

25 (a) Until January 1, 1998, a tax is imposed on the adjusted

1 gross receipts received from gambling games authorized under
2 this Act at the rate of 20%.

3 (a-1) From January 1, 1998 until July 1, 2002, a privilege
4 tax is imposed on persons engaged in the business of
5 conducting riverboat gambling operations, based on the
6 adjusted gross receipts received by a licensed owner from
7 gambling games authorized under this Act at the following
8 rates:

9 15% of annual adjusted gross receipts up to and
10 including \$25,000,000;

11 20% of annual adjusted gross receipts in excess of
12 \$25,000,000 but not exceeding \$50,000,000;

13 25% of annual adjusted gross receipts in excess of
14 \$50,000,000 but not exceeding \$75,000,000;

15 30% of annual adjusted gross receipts in excess of
16 \$75,000,000 but not exceeding \$100,000,000;

17 35% of annual adjusted gross receipts in excess of
18 \$100,000,000.

19 (a-2) From July 1, 2002 until July 1, 2003, a privilege tax
20 is imposed on persons engaged in the business of conducting
21 riverboat gambling operations, other than licensed managers
22 conducting riverboat gambling operations on behalf of the
23 State, based on the adjusted gross receipts received by a
24 licensed owner from gambling games authorized under this Act
25 at the following rates:

26 15% of annual adjusted gross receipts up to and

1 including \$25,000,000;

2 22.5% of annual adjusted gross receipts in excess of
3 \$25,000,000 but not exceeding \$50,000,000;

4 27.5% of annual adjusted gross receipts in excess of
5 \$50,000,000 but not exceeding \$75,000,000;

6 32.5% of annual adjusted gross receipts in excess of
7 \$75,000,000 but not exceeding \$100,000,000;

8 37.5% of annual adjusted gross receipts in excess of
9 \$100,000,000 but not exceeding \$150,000,000;

10 45% of annual adjusted gross receipts in excess of
11 \$150,000,000 but not exceeding \$200,000,000;

12 50% of annual adjusted gross receipts in excess of
13 \$200,000,000.

14 (a-3) Beginning July 1, 2003, a privilege tax is imposed
15 on persons engaged in the business of conducting riverboat
16 gambling operations, other than licensed managers conducting
17 riverboat gambling operations on behalf of the State, based on
18 the adjusted gross receipts received by a licensed owner from
19 gambling games authorized under this Act at the following
20 rates:

21 15% of annual adjusted gross receipts up to and
22 including \$25,000,000;

23 27.5% of annual adjusted gross receipts in excess of
24 \$25,000,000 but not exceeding \$37,500,000;

25 32.5% of annual adjusted gross receipts in excess of
26 \$37,500,000 but not exceeding \$50,000,000;

1 37.5% of annual adjusted gross receipts in excess of
2 \$50,000,000 but not exceeding \$75,000,000;

3 45% of annual adjusted gross receipts in excess of
4 \$75,000,000 but not exceeding \$100,000,000;

5 50% of annual adjusted gross receipts in excess of
6 \$100,000,000 but not exceeding \$250,000,000;

7 70% of annual adjusted gross receipts in excess of
8 \$250,000,000.

9 An amount equal to the amount of wagering taxes collected
10 under this subsection (a-3) that are in addition to the amount
11 of wagering taxes that would have been collected if the
12 wagering tax rates under subsection (a-2) were in effect shall
13 be paid into the Common School Fund.

14 The privilege tax imposed under this subsection (a-3)
15 shall no longer be imposed beginning on the earlier of (i) July
16 1, 2005; (ii) the first date after June 20, 2003 that riverboat
17 gambling operations are conducted pursuant to a dormant
18 license; or (iii) the first day that riverboat gambling
19 operations are conducted under the authority of an owners
20 license that is in addition to the 10 owners licenses
21 initially authorized under this Act. For the purposes of this
22 subsection (a-3), the term "dormant license" means an owners
23 license that is authorized by this Act under which no
24 riverboat gambling operations are being conducted on June 20,
25 2003.

26 (a-4) Beginning on the first day on which the tax imposed

1 under subsection (a-3) is no longer imposed and ending upon
2 the imposition of the privilege tax under subsection (a-5) of
3 this Section, a privilege tax is imposed on persons engaged in
4 the business of conducting gambling operations, other than
5 licensed managers conducting riverboat gambling operations on
6 behalf of the State, based on the adjusted gross receipts
7 received by a licensed owner from gambling games authorized
8 under this Act at the following rates:

9 15% of annual adjusted gross receipts up to and
10 including \$25,000,000;

11 22.5% of annual adjusted gross receipts in excess of
12 \$25,000,000 but not exceeding \$50,000,000;

13 27.5% of annual adjusted gross receipts in excess of
14 \$50,000,000 but not exceeding \$75,000,000;

15 32.5% of annual adjusted gross receipts in excess of
16 \$75,000,000 but not exceeding \$100,000,000;

17 37.5% of annual adjusted gross receipts in excess of
18 \$100,000,000 but not exceeding \$150,000,000;

19 45% of annual adjusted gross receipts in excess of
20 \$150,000,000 but not exceeding \$200,000,000;

21 50% of annual adjusted gross receipts in excess of
22 \$200,000,000.

23 For the imposition of the privilege tax in this subsection
24 (a-4), amounts paid pursuant to item (1) of subsection (b) of
25 Section 56 of the Illinois Horse Racing Act of 1975 shall not
26 be included in the determination of adjusted gross receipts.

1 (a-5)(1) Beginning on July 1, 2020, a privilege tax is
2 imposed on persons engaged in the business of conducting
3 gambling operations, other than the owners licensee under
4 paragraph (1) of subsection (e-5) of Section 7 and licensed
5 managers conducting riverboat gambling operations on behalf of
6 the State, based on the adjusted gross receipts received by
7 such licensee from the gambling games authorized under this
8 Act. The privilege tax for all gambling games other than table
9 games, including, but not limited to, slot machines, video
10 game of chance gambling, and electronic gambling games shall
11 be at the following rates:

12 15% of annual adjusted gross receipts up to and
13 including \$25,000,000;

14 22.5% of annual adjusted gross receipts in excess of
15 \$25,000,000 but not exceeding \$50,000,000;

16 27.5% of annual adjusted gross receipts in excess of
17 \$50,000,000 but not exceeding \$75,000,000;

18 32.5% of annual adjusted gross receipts in excess of
19 \$75,000,000 but not exceeding \$100,000,000;

20 37.5% of annual adjusted gross receipts in excess of
21 \$100,000,000 but not exceeding \$150,000,000;

22 45% of annual adjusted gross receipts in excess of
23 \$150,000,000 but not exceeding \$200,000,000;

24 50% of annual adjusted gross receipts in excess of
25 \$200,000,000.

26 The privilege tax for table games shall be at the

1 following rates:

2 15% of annual adjusted gross receipts up to and
3 including \$25,000,000;

4 20% of annual adjusted gross receipts in excess of
5 \$25,000,000.

6 For the imposition of the privilege tax in this subsection
7 (a-5), amounts paid pursuant to item (1) of subsection (b) of
8 Section 56 of the Illinois Horse Racing Act of 1975 shall not
9 be included in the determination of adjusted gross receipts.

10 (2) Beginning on the first day that an owners licensee
11 under paragraph (1) of subsection (e-5) of Section 7 conducts
12 gambling operations, either in a temporary facility or a
13 permanent facility, a privilege tax is imposed on persons
14 engaged in the business of conducting gambling operations
15 under paragraph (1) of subsection (e-5) of Section 7, other
16 than licensed managers conducting riverboat gambling
17 operations on behalf of the State, based on the adjusted gross
18 receipts received by such licensee from the gambling games
19 authorized under this Act. The privilege tax for all gambling
20 games other than table games, including, but not limited to,
21 slot machines, video game of chance gambling, and electronic
22 gambling games shall be at the following rates:

23 12% of annual adjusted gross receipts up to and
24 including \$25,000,000 to the State and 10.5% of annual
25 adjusted gross receipts up to and including \$25,000,000 to
26 the City of Chicago;

1 16% of annual adjusted gross receipts in excess of
2 \$25,000,000 but not exceeding \$50,000,000 to the State and
3 14% of annual adjusted gross receipts in excess of
4 \$25,000,000 but not exceeding \$50,000,000 to the City of
5 Chicago;

6 20.1% of annual adjusted gross receipts in excess of
7 \$50,000,000 but not exceeding \$75,000,000 to the State and
8 17.4% of annual adjusted gross receipts in excess of
9 \$50,000,000 but not exceeding \$75,000,000 to the City of
10 Chicago;

11 21.4% of annual adjusted gross receipts in excess of
12 \$75,000,000 but not exceeding \$100,000,000 to the State
13 and 18.6% of annual adjusted gross receipts in excess of
14 \$75,000,000 but not exceeding \$100,000,000 to the City of
15 Chicago;

16 22.7% of annual adjusted gross receipts in excess of
17 \$100,000,000 but not exceeding \$150,000,000 to the State
18 and 19.8% of annual adjusted gross receipts in excess of
19 \$100,000,000 but not exceeding \$150,000,000 to the City of
20 Chicago;

21 24.1% of annual adjusted gross receipts in excess of
22 \$150,000,000 but not exceeding \$225,000,000 to the State
23 and 20.9% of annual adjusted gross receipts in excess of
24 \$150,000,000 but not exceeding \$225,000,000 to the City of
25 Chicago;

26 26.8% of annual adjusted gross receipts in excess of

1 \$225,000,000 but not exceeding \$1,000,000,000 to the State
2 and 23.2% of annual adjusted gross receipts in excess of
3 \$225,000,000 but not exceeding \$1,000,000,000 to the City
4 of Chicago;

5 40% of annual adjusted gross receipts in excess of
6 \$1,000,000,000 to the State and 34.7% of annual gross
7 receipts in excess of \$1,000,000,000 to the City of
8 Chicago.

9 The privilege tax for table games shall be at the
10 following rates:

11 8.1% of annual adjusted gross receipts up to and
12 including \$25,000,000 to the State and 6.9% of annual
13 adjusted gross receipts up to and including \$25,000,000 to
14 the City of Chicago;

15 10.7% of annual adjusted gross receipts in excess of
16 \$25,000,000 but not exceeding \$75,000,000 to the State and
17 9.3% of annual adjusted gross receipts in excess of
18 \$25,000,000 but not exceeding \$75,000,000 to the City of
19 Chicago;

20 11.2% of annual adjusted gross receipts in excess of
21 \$75,000,000 but not exceeding \$175,000,000 to the State
22 and 9.8% of annual adjusted gross receipts in excess of
23 \$75,000,000 but not exceeding \$175,000,000 to the City of
24 Chicago;

25 13.5% of annual adjusted gross receipts in excess of
26 \$175,000,000 but not exceeding \$225,000,000 to the State

1 and 11.5% of annual adjusted gross receipts in excess of
2 \$175,000,000 but not exceeding \$225,000,000 to the City of
3 Chicago;

4 15.1% of annual adjusted gross receipts in excess of
5 \$225,000,000 but not exceeding \$275,000,000 to the State
6 and 12.9% of annual adjusted gross receipts in excess of
7 \$225,000,000 but not exceeding \$275,000,000 to the City of
8 Chicago;

9 16.2% of annual adjusted gross receipts in excess of
10 \$275,000,000 but not exceeding \$375,000,000 to the State
11 and 13.8% of annual adjusted gross receipts in excess of
12 \$275,000,000 but not exceeding \$375,000,000 to the City of
13 Chicago;

14 18.9% of annual adjusted gross receipts in excess of
15 \$375,000,000 to the State and 16.1% of annual gross
16 receipts in excess of \$375,000,000 to the City of Chicago.

17 For the imposition of the privilege tax in this subsection
18 (a-5), amounts paid pursuant to item (1) of subsection (b) of
19 Section 56 of the Illinois Horse Racing Act of 1975 shall not
20 be included in the determination of adjusted gross receipts.

21 Notwithstanding the provisions of this subsection (a-5),
22 for the first 10 years that the privilege tax is imposed under
23 this subsection (a-5), the privilege tax shall be imposed on
24 the modified annual adjusted gross receipts of a riverboat or
25 casino conducting gambling operations in the City of East St.
26 Louis, unless:

1 (1) the riverboat or casino fails to employ at least
2 450 people;

3 (2) the riverboat or casino fails to maintain
4 operations in a manner consistent with this Act or is not a
5 viable riverboat or casino subject to the approval of the
6 Board; or

7 (3) the owners licensee is not an entity in which
8 employees participate in an employee stock ownership plan.

9 As used in this subsection (a-5), "modified annual
10 adjusted gross receipts" means:

11 (A) for calendar year 2020, the annual adjusted gross
12 receipts for the current year minus the difference between
13 an amount equal to the average annual adjusted gross
14 receipts from a riverboat or casino conducting gambling
15 operations in the City of East St. Louis for 2014, 2015,
16 2016, 2017, and 2018 and the annual adjusted gross
17 receipts for 2018;

18 (B) for calendar year 2021, the annual adjusted gross
19 receipts for the current year minus the difference between
20 an amount equal to the average annual adjusted gross
21 receipts from a riverboat or casino conducting gambling
22 operations in the City of East St. Louis for 2014, 2015,
23 2016, 2017, and 2018 and the annual adjusted gross
24 receipts for 2019; and

25 (C) for calendar years 2022 through 2029, the annual
26 adjusted gross receipts for the current year minus the

1 difference between an amount equal to the average annual
2 adjusted gross receipts from a riverboat or casino
3 conducting gambling operations in the City of East St.
4 Louis for 3 years preceding the current year and the
5 annual adjusted gross receipts for the immediately
6 preceding year.

7 (a-6) From June 28, 2019 (the effective date of Public Act
8 101-31) until June 30, 2023, an owners licensee that conducted
9 gambling operations prior to January 1, 2011 shall receive a
10 dollar-for-dollar credit against the tax imposed under this
11 Section for any renovation or construction costs paid by the
12 owners licensee, but in no event shall the credit exceed
13 \$2,000,000.

14 Additionally, from June 28, 2019 (the effective date of
15 Public Act 101-31) until December 31, 2022, an owners licensee
16 that (i) is located within 15 miles of the Missouri border, and
17 (ii) has at least 3 riverboats, casinos, or their equivalent
18 within a 45-mile radius, may be authorized to relocate to a new
19 location with the approval of both the unit of local
20 government designated as the home dock and the Board, so long
21 as the new location is within the same unit of local government
22 and no more than 3 miles away from its original location. Such
23 owners licensee shall receive a credit against the tax imposed
24 under this Section equal to 8% of the total project costs, as
25 approved by the Board, for any renovation or construction
26 costs paid by the owners licensee for the construction of the

1 new facility, provided that the new facility is operational by
2 July 1, 2022. In determining whether or not to approve a
3 relocation, the Board must consider the extent to which the
4 relocation will diminish the gaming revenues received by other
5 Illinois gaming facilities.

6 (a-7) Beginning in the initial adjustment year and through
7 the final adjustment year, if the total obligation imposed
8 pursuant to either subsection (a-5) or (a-6) will result in an
9 owners licensee receiving less after-tax adjusted gross
10 receipts than it received in calendar year 2018, then the
11 total amount of privilege taxes that the owners licensee is
12 required to pay for that calendar year shall be reduced to the
13 extent necessary so that the after-tax adjusted gross receipts
14 in that calendar year equals the after-tax adjusted gross
15 receipts in calendar year 2018, but the privilege tax
16 reduction shall not exceed the annual adjustment cap. If
17 pursuant to this subsection (a-7), the total obligation
18 imposed pursuant to either subsection (a-5) or (a-6) shall be
19 reduced, then the owners licensee shall not receive a refund
20 from the State at the end of the subject calendar year but
21 instead shall be able to apply that amount as a credit against
22 any payments it owes to the State in the following calendar
23 year to satisfy its total obligation under either subsection
24 (a-5) or (a-6). The credit for the final adjustment year shall
25 occur in the calendar year following the final adjustment
26 year.

1 If an owners licensee that conducted gambling operations
2 prior to January 1, 2019 expands its riverboat or casino,
3 including, but not limited to, with respect to its gaming
4 floor, additional non-gaming amenities such as restaurants,
5 bars, and hotels and other additional facilities, and incurs
6 construction and other costs related to such expansion from
7 June 28, 2019 (the effective date of Public Act 101-31) until
8 June 28, 2024 (the 5th anniversary of the effective date of
9 Public Act 101-31), then for each \$15,000,000 spent for any
10 such construction or other costs related to expansion paid by
11 the owners licensee, the final adjustment year shall be
12 extended by one year and the annual adjustment cap shall
13 increase by 0.2% of adjusted gross receipts during each
14 calendar year until and including the final adjustment year.
15 No further modifications to the final adjustment year or
16 annual adjustment cap shall be made after \$75,000,000 is
17 incurred in construction or other costs related to expansion
18 so that the final adjustment year shall not extend beyond the
19 9th calendar year after the initial adjustment year, not
20 including the initial adjustment year, and the annual
21 adjustment cap shall not exceed 4% of adjusted gross receipts
22 in a particular calendar year. Construction and other costs
23 related to expansion shall include all project related costs,
24 including, but not limited to, all hard and soft costs,
25 financing costs, on or off-site ground, road or utility work,
26 cost of gaming equipment and all other personal property,

1 initial fees assessed for each incremental gaming position,
2 and the cost of incremental land acquired for such expansion.
3 Soft costs shall include, but not be limited to, legal fees,
4 architect, engineering and design costs, other consultant
5 costs, insurance cost, permitting costs, and pre-opening costs
6 related to the expansion, including, but not limited to, any
7 of the following: marketing, real estate taxes, personnel,
8 training, travel and out-of-pocket expenses, supply,
9 inventory, and other costs, and any other project related soft
10 costs.

11 To be eligible for the tax credits in subsection (a-6),
12 all construction contracts shall include a requirement that
13 the contractor enter into a project labor agreement with the
14 building and construction trades council with geographic
15 jurisdiction of the location of the proposed gaming facility.

16 Notwithstanding any other provision of this subsection
17 (a-7), this subsection (a-7) does not apply to an owners
18 licensee unless such owners licensee spends at least
19 \$15,000,000 on construction and other costs related to its
20 expansion, excluding the initial fees assessed for each
21 incremental gaming position.

22 This subsection (a-7) does not apply to owners licensees
23 authorized pursuant to subsection (e-5) of Section 7 of this
24 Act.

25 For purposes of this subsection (a-7):

26 "Building and construction trades council" means any

1 organization representing multiple construction entities that
2 are monitoring or attentive to compliance with public or
3 workers' safety laws, wage and hour requirements, or other
4 statutory requirements or that are making or maintaining
5 collective bargaining agreements.

6 "Initial adjustment year" means the year commencing on
7 January 1 of the calendar year immediately following the
8 earlier of the following:

9 (1) the commencement of gambling operations, either in
10 a temporary or permanent facility, with respect to the
11 owners license authorized under paragraph (1) of
12 subsection (e-5) of Section 7 of this Act; or

13 (2) June 28, 2021 (24 months after the effective date
14 of Public Act 101-31);

15 provided the initial adjustment year shall not commence
16 earlier than June 28, 2020 (12 months after the effective date
17 of Public Act 101-31).

18 "Final adjustment year" means the 2nd calendar year after
19 the initial adjustment year, not including the initial
20 adjustment year, and as may be extended further as described
21 in this subsection (a-7).

22 "Annual adjustment cap" means 3% of adjusted gross
23 receipts in a particular calendar year, and as may be
24 increased further as otherwise described in this subsection
25 (a-7).

26 (a-8) Riverboat gambling operations conducted by a

1 licensed manager on behalf of the State are not subject to the
2 tax imposed under this Section.

3 (a-9) Beginning on January 1, 2020, the calculation of
4 gross receipts or adjusted gross receipts, for the purposes of
5 this Section, for a riverboat, a casino, or an organization
6 gaming facility shall not include the dollar amount of
7 non-cashable vouchers, coupons, and electronic promotions
8 redeemed by wagerers upon the riverboat, in the casino, or in
9 the organization gaming facility up to and including an amount
10 not to exceed 20% of a riverboat's, a casino's, or an
11 organization gaming facility's adjusted gross receipts.

12 The Illinois Gaming Board shall submit to the General
13 Assembly a comprehensive report no later than March 31, 2023
14 detailing, at a minimum, the effect of removing non-cashable
15 vouchers, coupons, and electronic promotions from this
16 calculation on net gaming revenues to the State in calendar
17 years 2020 through 2022, the increase or reduction in wagerers
18 as a result of removing non-cashable vouchers, coupons, and
19 electronic promotions from this calculation, the effect of the
20 tax rates in subsection (a-5) on net gaming revenues to this
21 State, and proposed modifications to the calculation.

22 (a-10) The taxes imposed by this Section shall be paid by
23 the licensed owner or the organization gaming licensee to the
24 Board not later than 5:00 o'clock p.m. of the day after the day
25 when the wagers were made.

26 (a-15) If the privilege tax imposed under subsection (a-3)

1 is no longer imposed pursuant to item (i) of the last paragraph
2 of subsection (a-3), then by June 15 of each year, each owners
3 licensee, other than an owners licensee that admitted
4 1,000,000 persons or fewer in calendar year 2004, must, in
5 addition to the payment of all amounts otherwise due under
6 this Section, pay to the Board a reconciliation payment in the
7 amount, if any, by which the licensed owner's base amount
8 exceeds the amount of net privilege tax paid by the licensed
9 owner to the Board in the then current State fiscal year. A
10 licensed owner's net privilege tax obligation due for the
11 balance of the State fiscal year shall be reduced up to the
12 total of the amount paid by the licensed owner in its June 15
13 reconciliation payment. The obligation imposed by this
14 subsection (a-15) is binding on any person, firm, corporation,
15 or other entity that acquires an ownership interest in any
16 such owners license. The obligation imposed under this
17 subsection (a-15) terminates on the earliest of: (i) July 1,
18 2007, (ii) the first day after the effective date of this
19 amendatory Act of the 94th General Assembly that riverboat
20 gambling operations are conducted pursuant to a dormant
21 license, (iii) the first day that riverboat gambling
22 operations are conducted under the authority of an owners
23 license that is in addition to the 10 owners licenses
24 initially authorized under this Act, or (iv) the first day
25 that a licensee under the Illinois Horse Racing Act of 1975
26 conducts gaming operations with slot machines or other

1 electronic gaming devices. The Board must reduce the
2 obligation imposed under this subsection (a-15) by an amount
3 the Board deems reasonable for any of the following reasons:
4 (A) an act or acts of God, (B) an act of bioterrorism or
5 terrorism or a bioterrorism or terrorism threat that was
6 investigated by a law enforcement agency, or (C) a condition
7 beyond the control of the owners licensee that does not result
8 from any act or omission by the owners licensee or any of its
9 agents and that poses a hazardous threat to the health and
10 safety of patrons. If an owners licensee pays an amount in
11 excess of its liability under this Section, the Board shall
12 apply the overpayment to future payments required under this
13 Section.

14 For purposes of this subsection (a-15):

15 "Act of God" means an incident caused by the operation of
16 an extraordinary force that cannot be foreseen, that cannot be
17 avoided by the exercise of due care, and for which no person
18 can be held liable.

19 "Base amount" means the following:

20 For a riverboat in Alton, \$31,000,000.

21 For a riverboat in East Peoria, \$43,000,000.

22 For the Empress riverboat in Joliet, \$86,000,000.

23 For a riverboat in Metropolis, \$45,000,000.

24 For the Harrah's riverboat in Joliet, \$114,000,000.

25 For a riverboat in Aurora, \$86,000,000.

26 For a riverboat in East St. Louis, \$48,500,000.

1 For a riverboat in Elgin, \$198,000,000.

2 "Dormant license" has the meaning ascribed to it in
3 subsection (a-3).

4 "Net privilege tax" means all privilege taxes paid by a
5 licensed owner to the Board under this Section, less all
6 payments made from the State Gaming Fund pursuant to
7 subsection (b) of this Section.

8 The changes made to this subsection (a-15) by Public Act
9 94-839 are intended to restate and clarify the intent of
10 Public Act 94-673 with respect to the amount of the payments
11 required to be made under this subsection by an owners
12 licensee to the Board.

13 (b) From the tax revenue from riverboat or casino gambling
14 deposited in the State Gaming Fund under this Section, an
15 amount equal to 5% of adjusted gross receipts generated by a
16 riverboat or a casino, other than a riverboat or casino
17 designated in paragraph (1), (3), or (4) of subsection (e-5)
18 of Section 7, shall be paid monthly, subject to appropriation
19 by the General Assembly, to the unit of local government in
20 which the casino is located or that is designated as the home
21 dock of the riverboat. Notwithstanding anything to the
22 contrary, beginning on the first day that an owners licensee
23 under paragraph (1), (2), (3), (4), (5), or (6) of subsection
24 (e-5) of Section 7 conducts gambling operations, either in a
25 temporary facility or a permanent facility, and for 2 years
26 thereafter, a unit of local government designated as the home

1 dock of a riverboat whose license was issued before January 1,
2 2019, other than a riverboat conducting gambling operations in
3 the City of East St. Louis, shall not receive less under this
4 subsection (b) than the amount the unit of local government
5 received under this subsection (b) in calendar year 2018.
6 Notwithstanding anything to the contrary and because the City
7 of East St. Louis is a financially distressed city, beginning
8 on the first day that an owners licensee under paragraph (1),
9 (2), (3), (4), (5), or (6) of subsection (e-5) of Section 7
10 conducts gambling operations, either in a temporary facility
11 or a permanent facility, and for 10 years thereafter, a unit of
12 local government designated as the home dock of a riverboat
13 conducting gambling operations in the City of East St. Louis
14 shall not receive less under this subsection (b) than the
15 amount the unit of local government received under this
16 subsection (b) in calendar year 2018.

17 From the tax revenue deposited in the State Gaming Fund
18 pursuant to riverboat or casino gambling operations conducted
19 by a licensed manager on behalf of the State, an amount equal
20 to 5% of adjusted gross receipts generated pursuant to those
21 riverboat or casino gambling operations shall be paid monthly,
22 subject to appropriation by the General Assembly, to the unit
23 of local government that is designated as the home dock of the
24 riverboat upon which those riverboat gambling operations are
25 conducted or in which the casino is located.

26 From the tax revenue from riverboat or casino gambling

1 deposited in the State Gaming Fund under this Section, an
2 amount equal to 5% of the adjusted gross receipts generated by
3 a riverboat designated in paragraph (3) of subsection (e-5) of
4 Section 7 shall be divided and remitted monthly, subject to
5 appropriation, as follows: 70% to Waukegan, 10% to Park City,
6 15% to North Chicago, and 5% to Lake County.

7 From the tax revenue from riverboat or casino gambling
8 deposited in the State Gaming Fund under this Section, an
9 amount equal to 5% of the adjusted gross receipts generated by
10 a riverboat designated in paragraph (4) of subsection (e-5) of
11 Section 7 shall be remitted monthly, subject to appropriation,
12 as follows: 70% to the City of Rockford, 5% to the City of
13 Loves Park, 5% to the Village of Machesney, and 20% to
14 Winnebago County.

15 From the tax revenue from riverboat or casino gambling
16 deposited in the State Gaming Fund under this Section, an
17 amount equal to 5% of the adjusted gross receipts generated by
18 a riverboat designated in paragraph (5) of subsection (e-5) of
19 Section 7 shall be remitted monthly, subject to appropriation,
20 as follows: 2% to the unit of local government in which the
21 riverboat or casino is located, and 3% shall be distributed:
22 (A) in accordance with a regional capital development plan
23 entered into by the following communities: Village of Beecher,
24 City of Blue Island, Village of Burnham, City of Calumet City,
25 Village of Calumet Park, City of Chicago Heights, City of
26 Country Club Hills, Village of Crestwood, Village of Crete,

1 Village of Dixmoor, Village of Dolton, Village of East Hazel
2 Crest, Village of Flossmoor, Village of Ford Heights, Village
3 of Glenwood, City of Harvey, Village of Hazel Crest, Village
4 of Homewood, Village of Lansing, Village of Lynwood, City of
5 Markham, Village of Matteson, Village of Midlothian, Village
6 of Monee, City of Oak Forest, Village of Olympia Fields,
7 Village of Orland Hills, Village of Orland Park, City of Palos
8 Heights, Village of Park Forest, Village of Phoenix, Village
9 of Posen, Village of Richton Park, Village of Riverdale,
10 Village of Robbins, Village of Sauk Village, Village of South
11 Chicago Heights, Village of South Holland, Village of Steger,
12 Village of Thornton, Village of Tinley Park, Village of
13 University Park and Village of Worth; or (B) if no regional
14 capital development plan exists, equally among the communities
15 listed in item (A) to be used for capital expenditures or
16 public pension payments, or both.

17 Units of local government may refund any portion of the
18 payment that they receive pursuant to this subsection (b) to
19 the riverboat or casino.

20 (b-4) Beginning on the first day the licensee under
21 paragraph (5) of subsection (e-5) of Section 7 conducts
22 gambling operations, either in a temporary facility or a
23 permanent facility, and ending on July 31, 2042, from the tax
24 revenue deposited in the State Gaming Fund under this Section,
25 \$5,000,000 shall be paid annually, subject to appropriation,
26 to the host municipality of that owners licensee of a license

1 issued or re-issued pursuant to Section 7.1 of this Act before
2 January 1, 2012. Payments received by the host municipality
3 pursuant to this subsection (b-4) may not be shared with any
4 other unit of local government.

5 (b-5) Beginning on June 28, 2019 (the effective date of
6 Public Act 101-31), from the tax revenue deposited in the
7 State Gaming Fund under this Section, an amount equal to 3% of
8 adjusted gross receipts generated by each organization gaming
9 facility located outside Madison County shall be paid monthly,
10 subject to appropriation by the General Assembly, to a
11 municipality other than the Village of Stickney in which each
12 organization gaming facility is located or, if the
13 organization gaming facility is not located within a
14 municipality, to the county in which the organization gaming
15 facility is located, except as otherwise provided in this
16 Section. From the tax revenue deposited in the State Gaming
17 Fund under this Section, an amount equal to 3% of adjusted
18 gross receipts generated by an organization gaming facility
19 located in the Village of Stickney shall be paid monthly,
20 subject to appropriation by the General Assembly, as follows:
21 25% to the Village of Stickney, 5% to the City of Berwyn, 50%
22 to the Town of Cicero, and 20% to the Stickney Public Health
23 District.

24 From the tax revenue deposited in the State Gaming Fund
25 under this Section, an amount equal to 5% of adjusted gross
26 receipts generated by an organization gaming facility located

1 in the City of Collinsville shall be paid monthly, subject to
2 appropriation by the General Assembly, as follows: 30% to the
3 City of Alton, 30% to the City of East St. Louis, and 40% to
4 the City of Collinsville.

5 Municipalities and counties may refund any portion of the
6 payment that they receive pursuant to this subsection (b-5) to
7 the organization gaming facility.

8 (b-6) Beginning on June 28, 2019 (the effective date of
9 Public Act 101-31), from the tax revenue deposited in the
10 State Gaming Fund under this Section, an amount equal to 2% of
11 adjusted gross receipts generated by an organization gaming
12 facility located outside Madison County shall be paid monthly,
13 subject to appropriation by the General Assembly, to the
14 county in which the organization gaming facility is located
15 for the purposes of its criminal justice system or health care
16 system.

17 Counties may refund any portion of the payment that they
18 receive pursuant to this subsection (b-6) to the organization
19 gaming facility.

20 (b-7) From the tax revenue from the organization gaming
21 licensee located in one of the following townships of Cook
22 County: Bloom, Bremen, Calumet, Orland, Rich, Thornton, or
23 Worth, an amount equal to 5% of the adjusted gross receipts
24 generated by that organization gaming licensee shall be
25 remitted monthly, subject to appropriation, as follows: 2% to
26 the unit of local government in which the organization gaming

1 licensee is located, and 3% shall be distributed: (A) in
2 accordance with a regional capital development plan entered
3 into by the following communities: Village of Beecher, City of
4 Blue Island, Village of Burnham, City of Calumet City, Village
5 of Calumet Park, City of Chicago Heights, City of Country Club
6 Hills, Village of Crestwood, Village of Crete, Village of
7 Dixmoor, Village of Dolton, Village of East Hazel Crest,
8 Village of Flossmoor, Village of Ford Heights, Village of
9 Glenwood, City of Harvey, Village of Hazel Crest, Village of
10 Homewood, Village of Lansing, Village of Lynwood, City of
11 Markham, Village of Matteson, Village of Midlothian, Village
12 of Monee, City of Oak Forest, Village of Olympia Fields,
13 Village of Orland Hills, Village of Orland Park, City of Palos
14 Heights, Village of Park Forest, Village of Phoenix, Village
15 of Posen, Village of Richton Park, Village of Riverdale,
16 Village of Robbins, Village of Sauk Village, Village of South
17 Chicago Heights, Village of South Holland, Village of Steger,
18 Village of Thornton, Village of Tinley Park, Village of
19 University Park, and Village of Worth; or (B) if no regional
20 capital development plan exists, equally among the communities
21 listed in item (A) to be used for capital expenditures or
22 public pension payments, or both.

23 (b-8) In lieu of the payments under subsection (b) of this
24 Section, from the tax revenue deposited in the State Gaming
25 Fund pursuant to riverboat or casino gambling operations
26 conducted by an owners licensee under paragraph (1) of

1 subsection (e-5) of Section 7, an amount equal to the tax
2 revenue generated from the privilege tax imposed by paragraph
3 (2) of subsection (a-5) that is to be paid to the City of
4 Chicago shall be paid monthly, subject to appropriation by the
5 General Assembly, as follows: (1) an amount equal to 0.5% of
6 the annual adjusted gross receipts generated by the owners
7 licensee under paragraph (1) of subsection (e-5) of Section 7
8 to the home rule county in which the owners licensee is located
9 for the purpose of enhancing the county's criminal justice
10 system; and (2) the balance to the City of Chicago and shall be
11 expended or obligated by the City of Chicago for pension
12 payments in accordance with Public Act 99-506.

13 (c) Appropriations, as approved by the General Assembly,
14 may be made from the State Gaming Fund to the Board (i) for the
15 administration and enforcement of this Act and the Video
16 Gaming Act, (ii) for distribution to the Illinois Department
17 ~~of~~ State Police and to the Department of Revenue for the
18 enforcement of this Act and the Video Gaming Act, and (iii) to
19 the Department of Human Services for the administration of
20 programs to treat problem gambling, including problem gambling
21 from sports wagering. The Board's annual appropriations
22 request must separately state its funding needs for the
23 regulation of gaming authorized under Section 7.7, riverboat
24 gaming, casino gaming, video gaming, and sports wagering.

25 (c-2) An amount equal to 2% of the adjusted gross receipts
26 generated by an organization gaming facility located within a

1 home rule county with a population of over 3,000,000
2 inhabitants shall be paid, subject to appropriation from the
3 General Assembly, from the State Gaming Fund to the home rule
4 county in which the organization gaming licensee is located
5 for the purpose of enhancing the county's criminal justice
6 system.

7 (c-3) Appropriations, as approved by the General Assembly,
8 may be made from the tax revenue deposited into the State
9 Gaming Fund from organization gaming licensees pursuant to
10 this Section for the administration and enforcement of this
11 Act.

12 (c-4) After payments required under subsections (b),
13 (b-5), (b-6), (b-7), (c), (c-2), and (c-3) have been made from
14 the tax revenue from organization gaming licensees deposited
15 into the State Gaming Fund under this Section, all remaining
16 amounts from organization gaming licensees shall be
17 transferred into the Capital Projects Fund.

18 (c-5) (Blank).

19 (c-10) Each year the General Assembly shall appropriate
20 from the General Revenue Fund to the Education Assistance Fund
21 an amount equal to the amount paid into the Horse Racing Equity
22 Fund pursuant to subsection (c-5) in the prior calendar year.

23 (c-15) After the payments required under subsections (b),
24 (c), and (c-5) have been made, an amount equal to 2% of the
25 adjusted gross receipts of (1) an owners licensee that
26 relocates pursuant to Section 11.2, (2) an owners licensee

1 conducting riverboat gambling operations pursuant to an owners
2 license that is initially issued after June 25, 1999, or (3)
3 the first riverboat gambling operations conducted by a
4 licensed manager on behalf of the State under Section 7.3,
5 whichever comes first, shall be paid, subject to appropriation
6 from the General Assembly, from the State Gaming Fund to each
7 home rule county with a population of over 3,000,000
8 inhabitants for the purpose of enhancing the county's criminal
9 justice system.

10 (c-20) Each year the General Assembly shall appropriate
11 from the General Revenue Fund to the Education Assistance Fund
12 an amount equal to the amount paid to each home rule county
13 with a population of over 3,000,000 inhabitants pursuant to
14 subsection (c-15) in the prior calendar year.

15 (c-21) After the payments required under subsections (b),
16 (b-4), (b-5), (b-6), (b-7), (b-8), (c), (c-3), and (c-4) have
17 been made, an amount equal to 0.5% of the adjusted gross
18 receipts generated by the owners licensee under paragraph (1)
19 of subsection (e-5) of Section 7 shall be paid monthly,
20 subject to appropriation from the General Assembly, from the
21 State Gaming Fund to the home rule county in which the owners
22 licensee is located for the purpose of enhancing the county's
23 criminal justice system.

24 (c-22) After the payments required under subsections (b),
25 (b-4), (b-5), (b-6), (b-7), (b-8), (c), (c-3), (c-4), and
26 (c-21) have been made, an amount equal to 2% of the adjusted

1 gross receipts generated by the owners licensee under
2 paragraph (5) of subsection (e-5) of Section 7 shall be paid,
3 subject to appropriation from the General Assembly, from the
4 State Gaming Fund to the home rule county in which the owners
5 licensee is located for the purpose of enhancing the county's
6 criminal justice system.

7 (c-25) From July 1, 2013 and each July 1 thereafter
8 through July 1, 2019, \$1,600,000 shall be transferred from the
9 State Gaming Fund to the Chicago State University Education
10 Improvement Fund.

11 On July 1, 2020 and each July 1 thereafter, \$3,000,000
12 shall be transferred from the State Gaming Fund to the Chicago
13 State University Education Improvement Fund.

14 (c-30) On July 1, 2013 or as soon as possible thereafter,
15 \$92,000,000 shall be transferred from the State Gaming Fund to
16 the School Infrastructure Fund and \$23,000,000 shall be
17 transferred from the State Gaming Fund to the Horse Racing
18 Equity Fund.

19 (c-35) Beginning on July 1, 2013, in addition to any
20 amount transferred under subsection (c-30) of this Section,
21 \$5,530,000 shall be transferred monthly from the State Gaming
22 Fund to the School Infrastructure Fund.

23 (d) From time to time, the Board shall transfer the
24 remainder of the funds generated by this Act into the
25 Education Assistance Fund, created by Public Act 86-0018, of
26 the State of Illinois.

1 (e) Nothing in this Act shall prohibit the unit of local
2 government designated as the home dock of the riverboat from
3 entering into agreements with other units of local government
4 in this State or in other states to share its portion of the
5 tax revenue.

6 (f) To the extent practicable, the Board shall administer
7 and collect the wagering taxes imposed by this Section in a
8 manner consistent with the provisions of Sections 4, 5, 5a,
9 5b, 5c, 5d, 5e, 5f, 5g, 5i, 5j, 6, 6a, 6b, 6c, 8, 9, and 10 of
10 the Retailers' Occupation Tax Act and Section 3-7 of the
11 Uniform Penalty and Interest Act.

12 (Source: P.A. 101-31, Article 25, Section 25-910, eff.
13 6-28-19; 101-31, Article 35, Section 35-55, eff. 6-28-19;
14 101-648, eff. 6-30-20.)

15 (230 ILCS 10/22) (from Ch. 120, par. 2422)

16 Sec. 22. Criminal history record information. Whenever the
17 Board is authorized or required by law to consider some aspect
18 of criminal history record information for the purpose of
19 carrying out its statutory powers and responsibilities, the
20 Board shall, in the form and manner required by the Illinois
21 ~~Department~~ of State Police and the Federal Bureau of
22 Investigation, cause to be conducted a criminal history record
23 investigation to obtain any information currently or
24 thereafter contained in the files of the Illinois ~~Department~~
25 ~~of~~ State Police or the Federal Bureau of Investigation,

1 including, but not limited to, civil, criminal, and latent
2 fingerprint databases. Each applicant for occupational
3 licensing under Section 9 or key person as defined by the Board
4 in administrative rules shall submit his or her fingerprints
5 to the Illinois ~~Department of~~ State Police in the form and
6 manner prescribed by the Illinois ~~Department of~~ State Police.
7 These fingerprints shall be checked against the fingerprint
8 records now and hereafter filed in the Illinois ~~Department of~~
9 State Police and Federal Bureau of Investigation criminal
10 history records databases, including, but not limited to,
11 civil, criminal, and latent fingerprint databases. The
12 Illinois ~~Department of~~ State Police shall charge a fee for
13 conducting the criminal history records check, which shall be
14 deposited in the State Police Services Fund and shall not
15 exceed the actual cost of the records check. The Illinois
16 ~~Department of~~ State Police shall provide, on the Board's
17 request, information concerning any criminal charges, and
18 their disposition, currently or thereafter filed against any
19 applicant, key person, or holder of any license or for
20 determinations of suitability. Information obtained as a
21 result of an investigation under this Section shall be used in
22 determining eligibility for any license. Upon request and
23 payment of fees in conformance with the requirements of
24 Section 2605-400 of the Illinois ~~Department of~~ State Police
25 Law (~~20 ILCS 2605/2605-400~~), the Illinois ~~Department of~~ State
26 Police is authorized to furnish, pursuant to positive

1 identification, such information contained in State files as
2 is necessary to fulfill the request.

3 (Source: P.A. 101-597, eff. 12-6-19.)

4 Section 705. The Illinois Pull Tabs and Jar Games Act is
5 amended by changing Sections 2.1 and 5 as follows:

6 (230 ILCS 20/2.1)

7 Sec. 2.1. Ineligibility for a license. The following are
8 ineligible for any license under this Act:

9 (1) Any person convicted of any felony within the last
10 5 years where such conviction will impair the person's
11 ability to engage in the position for which a license is
12 sought.

13 (2) Any person convicted of a violation of Article 28
14 of the Criminal Code of 1961 or the Criminal Code of 2012
15 who has not been sufficiently rehabilitated following the
16 conviction.

17 (3) Any person who has had a bingo, pull tabs and jar
18 games, or charitable games license revoked by the
19 Department.

20 (4) Any person who is or has been a professional
21 gambler.

22 (5) Any person found gambling in a manner not
23 authorized by the Illinois Pull Tabs and Jar Games Act,
24 the Bingo License and Tax Act, or the Charitable Games

1 Act, participating in such gambling, or knowingly
2 permitting such gambling on premises where pull tabs and
3 jar games are authorized to be conducted.

4 (6) Any firm or corporation in which a person defined
5 in (1), (2), (3), (4), or (5) has any proprietary,
6 equitable, or credit interest or in which such person is
7 active or employed.

8 (7) Any organization in which a person defined in (1),
9 (2), (3), (4), or (5) is an officer, director, or
10 employee, whether compensated or not.

11 (8) Any organization in which a person defined in (1),
12 (2), (3), (4), or (5) is to participate in the management
13 or operation of pull tabs and jar games.

14 The Illinois Department ~~Department~~ of State Police shall provide the
15 criminal background of any supplier as requested by the
16 Department of Revenue.

17 (Source: P.A. 100-286, eff. 1-1-18.)

18 (230 ILCS 20/5) (from Ch. 120, par. 1055)

19 Sec. 5. Payments; returns. There shall be paid to the
20 Department of Revenue 5% of the gross proceeds of any pull tabs
21 and jar games conducted under this Act. Such payments shall be
22 made 4 times per year, between the first and the 20th day of
23 April, July, October and January. Accompanying each payment
24 shall be a return, on forms prescribed by the Department of
25 Revenue. Failure to submit either the payment or the return

1 within the specified time shall result in suspension or
2 revocation of the license. Tax returns filed pursuant to this
3 Act shall not be confidential and shall be available for
4 public inspection. All payments made to the Department of
5 Revenue under this Act shall be deposited as follows:

6 (a) 50% shall be deposited in the Common School Fund;

7 and

8 (b) 50% shall be deposited in the Illinois Gaming Law
9 Enforcement Fund. Of the monies deposited in the Illinois
10 Gaming Law Enforcement Fund under this Section, the
11 General Assembly shall appropriate two-thirds to the
12 Department of Revenue, Illinois ~~Department of~~ State Police
13 and the Office of the Attorney General for State law
14 enforcement purposes, and one-third shall be appropriated
15 to the Department of Revenue for the purpose of
16 distribution in the form of grants to counties or
17 municipalities for law enforcement purposes. The amounts
18 of grants to counties or municipalities shall bear the
19 same ratio as the number of licenses issued in counties or
20 municipalities bears to the total number of licenses
21 issued in the State. In computing the number of licenses
22 issued in a county, licenses issued for locations within a
23 municipality's boundaries shall be excluded.

24 The provisions of Sections 4, 5, 5a, 5b, 5c, 5d, 5e, 5f,
25 5g, 5h, 5i, 5j, 6, 6a, 6b, 6c, 8, 9, 10, 11 and 12 of the
26 Retailers' Occupation Tax Act, and Section 3-7 of the Uniform

1 Penalty and Interest Act, which are not inconsistent with this
2 Act shall apply, as far as practicable, to the subject matter
3 of this Act to the same extent as if such provisions were
4 included in this Act. For the purposes of this Act, references
5 in such incorporated Sections of the Retailers' Occupation Tax
6 Act to retailers, sellers or persons engaged in the business
7 of selling tangible personal property means persons engaged in
8 conducting pull tabs and jar games and references in such
9 incorporated Sections of the Retailers' Occupation Tax Act to
10 sales of tangible personal property mean the conducting of
11 pull tabs and jar games and the making of charges for
12 participating in such drawings.

13 If any payment provided for in this Section exceeds the
14 taxpayer's liabilities under this Act, as shown on an original
15 return, the taxpayer may credit such excess payment against
16 liability subsequently to be remitted to the Department under
17 this Act, in accordance with reasonable rules adopted by the
18 Department.

19 (Source: P.A. 100-1171, eff. 1-4-19.)

20 Section 710. The Bingo License and Tax Act is amended by
21 changing Section 1.2 as follows:

22 (230 ILCS 25/1.2)

23 Sec. 1.2. Ineligibility for licensure. The following are
24 ineligible for any license under this Act:

1 (1) Any person convicted of any felony within the last
2 5 years where such conviction will impair the person's
3 ability to engage in the position for which a license is
4 sought.

5 (2) Any person convicted of a violation of Article 28
6 of the Criminal Code of 1961 or the Criminal Code of 2012
7 who has not been sufficiently rehabilitated following the
8 conviction.

9 (3) Any person who has had a bingo, pull tabs and jar
10 games, or charitable games license revoked by the
11 Department.

12 (4) Any person who is or has been a professional
13 gambler.

14 (5) Any person found gambling in a manner not
15 authorized by the Illinois Pull Tabs and Jar Games Act,
16 Bingo License and Tax Act, or the Charitable Games Act,
17 participating in such gambling, or knowingly permitting
18 such gambling on premises where a bingo event is
19 authorized to be conducted or has been conducted.

20 (6) Any organization in which a person defined in (1),
21 (2), (3), (4), or (5) has a proprietary, equitable, or
22 credit interest, or in which such person is active or
23 employed.

24 (7) Any organization in which a person defined in (1),
25 (2), (3), (4), or (5) is an officer, director, or
26 employee, whether compensated or not.

1 (8) Any organization in which a person defined in (1),
2 (2), (3), (4), or (5) is to participate in the management
3 or operation of a bingo game.

4 The Illinois ~~Department of~~ State Police shall provide the
5 criminal background of any person requested by the Department
6 of Revenue.

7 (Source: P.A. 100-286, eff. 1-1-18.)

8 Section 715. The Charitable Games Act is amended by
9 changing Sections 7 and 14 as follows:

10 (230 ILCS 30/7) (from Ch. 120, par. 1127)

11 Sec. 7. Ineligible persons. The following are ineligible
12 for any license under this Act:

13 (a) any person convicted of any felony within the last
14 5 years where such conviction will impair the person's
15 ability to engage in the position for which a license is
16 sought;

17 (b) any person convicted of a violation of Article 28
18 of the Criminal Code of 1961 or the Criminal Code of 2012
19 who has not been sufficiently rehabilitated following the
20 conviction;

21 (c) any person who has had a bingo, pull tabs and jar
22 games, or charitable games license revoked by the
23 Department;

24 (d) any person who is or has been a professional

1 gambler;

2 (d-1) any person found gambling in a manner not
3 authorized by this Act, the Illinois Pull Tabs and Jar
4 Games Act, or the Bingo License and Tax Act participating
5 in such gambling, or knowingly permitting such gambling on
6 premises where an authorized charitable games event is
7 authorized to be conducted or has been conducted;

8 (e) any organization in which a person defined in (a),
9 (b), (c), (d), or (d-1) has a proprietary, equitable, or
10 credit interest, or in which the person is active or
11 employed;

12 (f) any organization in which a person defined in (a),
13 (b), (c), (d), or (d-1) is an officer, director, or
14 employee, whether compensated or not;

15 (g) any organization in which a person defined in (a),
16 (b), (c), (d), or (d-1) is to participate in the
17 management or operation of charitable games.

18 The Illinois ~~Department of~~ State Police shall provide the
19 criminal background of any person requested by the Department
20 of Revenue.

21 (Source: P.A. 100-286, eff. 1-1-18.)

22 (230 ILCS 30/14) (from Ch. 120, par. 1134)

23 Sec. 14. (a) There is hereby created the Illinois Gaming
24 Law Enforcement Fund, a special fund in the State Treasury.

25 (b) The General Assembly shall appropriate two-thirds of

1 the monies in such fund to the Department of Revenue, Illinois
2 ~~Department of~~ State Police and the Office of the Attorney
3 General for State law enforcement purposes. The remaining
4 one-third of the monies in such fund shall be appropriated to
5 the Department of Revenue for the purpose of distribution in
6 the form of grants to counties or municipalities for law
7 enforcement purposes.

8 The amount of a grant to counties or municipalities shall
9 bear the same ratio to the total amount of grants made as the
10 number of licenses issued in counties or municipalities bears
11 to the total number of licenses issued in the State. In
12 computing the number of licenses issued in a county, licenses
13 issued for locations within a municipality's boundaries shall
14 be excluded.

15 (c) (Blank).

16 (Source: P.A. 90-372, eff. 7-1-98.)

17 Section 720. The Video Gaming Act is amended by changing
18 Section 45 as follows:

19 (230 ILCS 40/45)

20 Sec. 45. Issuance of license.

21 (a) The burden is upon each applicant to demonstrate his
22 suitability for licensure. Each video gaming terminal
23 manufacturer, distributor, supplier, operator, handler,
24 licensed establishment, licensed truck stop establishment,

1 licensed large truck stop establishment, licensed fraternal
2 establishment, and licensed veterans establishment shall be
3 licensed by the Board. The Board may issue or deny a license
4 under this Act to any person pursuant to the same criteria set
5 forth in Section 9 of the Illinois Gambling Act.

6 (a-5) The Board shall not grant a license to a person who
7 has facilitated, enabled, or participated in the use of
8 coin-operated devices for gambling purposes or who is under
9 the significant influence or control of such a person. For the
10 purposes of this Act, "facilitated, enabled, or participated
11 in the use of coin-operated amusement devices for gambling
12 purposes" means that the person has been convicted of any
13 violation of Article 28 of the Criminal Code of 1961 or the
14 Criminal Code of 2012. If there is pending legal action
15 against a person for any such violation, then the Board shall
16 delay the licensure of that person until the legal action is
17 resolved.

18 (b) Each person seeking and possessing a license as a
19 video gaming terminal manufacturer, distributor, supplier,
20 operator, handler, licensed establishment, licensed truck stop
21 establishment, licensed large truck stop establishment,
22 licensed fraternal establishment, or licensed veterans
23 establishment shall submit to a background investigation
24 conducted by the Board with the assistance of the Illinois
25 State Police or other law enforcement. To the extent that the
26 corporate structure of the applicant allows, the background

1 investigation shall include any or all of the following as the
2 Board deems appropriate or as provided by rule for each
3 category of licensure: (i) each beneficiary of a trust, (ii)
4 each partner of a partnership, (iii) each member of a limited
5 liability company, (iv) each director and officer of a
6 publicly or non-publicly held corporation, (v) each
7 stockholder of a non-publicly held corporation, (vi) each
8 stockholder of 5% or more of a publicly held corporation, or
9 (vii) each stockholder of 5% or more in a parent or subsidiary
10 corporation.

11 (c) Each person seeking and possessing a license as a
12 video gaming terminal manufacturer, distributor, supplier,
13 operator, handler, licensed establishment, licensed truck stop
14 establishment, licensed large truck stop establishment,
15 licensed fraternal establishment, or licensed veterans
16 establishment shall disclose the identity of every person,
17 association, trust, corporation, or limited liability company
18 having a greater than 1% direct or indirect pecuniary interest
19 in the video gaming terminal operation for which the license
20 is sought. If the disclosed entity is a trust, the application
21 shall disclose the names and addresses of the beneficiaries;
22 if a corporation, the names and addresses of all stockholders
23 and directors; if a limited liability company, the names and
24 addresses of all members; or if a partnership, the names and
25 addresses of all partners, both general and limited.

26 (d) No person may be licensed as a video gaming terminal

1 manufacturer, distributor, supplier, operator, handler,
2 licensed establishment, licensed truck stop establishment,
3 licensed large truck stop establishment, licensed fraternal
4 establishment, or licensed veterans establishment if that
5 person has been found by the Board to:

6 (1) have a background, including a criminal record,
7 reputation, habits, social or business associations, or
8 prior activities that pose a threat to the public
9 interests of the State or to the security and integrity of
10 video gaming;

11 (2) create or enhance the dangers of unsuitable,
12 unfair, or illegal practices, methods, and activities in
13 the conduct of video gaming; or

14 (3) present questionable business practices and
15 financial arrangements incidental to the conduct of video
16 gaming activities.

17 (e) Any applicant for any license under this Act has the
18 burden of proving his or her qualifications to the
19 satisfaction of the Board. The Board may adopt rules to
20 establish additional qualifications and requirements to
21 preserve the integrity and security of video gaming in this
22 State.

23 (f) A non-refundable application fee shall be paid at the
24 time an application for a license is filed with the Board in
25 the following amounts:

26 (1) Manufacturer \$5,000

- 1 (2) Distributor..... \$5,000
- 2 (3) Terminal operator \$5,000
- 3 (4) Supplier \$2,500
- 4 (5) Technician \$100
- 5 (6) Terminal Handler \$100
- 6 (7) Licensed establishment, licensed truck stop
- 7 establishment, licensed large truck stop establishment,
- 8 licensed fraternal establishment, or licensed
- 9 veterans establishment \$100

10 (g) The Board shall establish an annual fee for each
 11 license not to exceed the following:

- 12 (1) Manufacturer \$10,000
- 13 (2) Distributor..... \$10,000
- 14 (3) Terminal operator \$5,000
- 15 (4) Supplier \$2,000
- 16 (5) Technician \$100
- 17 (6) Licensed establishment, licensed truck stop
- 18 establishment, licensed large truck stop establishment,
- 19 licensed fraternal establishment, or licensed
- 20 veterans establishment \$100
- 21 (7) Video gaming terminal \$100
- 22 (8) Terminal Handler \$100

23 (h) A terminal operator and a licensed establishment,
 24 licensed truck stop establishment, licensed large truck stop
 25 establishment, licensed fraternal establishment, or licensed
 26 veterans establishment shall equally split the fees specified

1 in item (7) of subsection (g).

2 (Source: P.A. 100-1152, eff. 12-14-18; 101-31, eff. 6-28-19.)

3 Section 725. The Sports Wagering Act is amended by
4 changing Section 25-20 as follows:

5 (230 ILCS 45/25-20)

6 Sec. 25-20. Licenses required.

7 (a) No person may engage in any activity in connection
8 with sports wagering in this State unless all necessary
9 licenses have been obtained in accordance with this Act and
10 the rules of the Board and the Department. The following
11 licenses shall be issued under this Act:

12 (1) master sports wagering license;

13 (2) occupational license;

14 (3) supplier license;

15 (4) management services provider license;

16 (5) tier 2 official league data provider license; and

17 (6) central system provider license.

18 No person or entity may engage in a sports wagering
19 operation or activity without first obtaining the appropriate
20 license.

21 (b) An applicant for a license issued under this Act shall
22 submit an application to the Board in the form the Board
23 requires. The applicant shall submit fingerprints for a
24 national criminal records check by the Illinois ~~Department of~~

1 State Police and the Federal Bureau of Investigation. The
2 fingerprints shall be furnished by the applicant's owners,
3 officers, and directors (if a corporation), managers and
4 members (if a limited liability company), and partners (if a
5 partnership). The fingerprints shall be accompanied by a
6 signed authorization for the release of information by the
7 Federal Bureau of Investigation. The Board may require
8 additional background checks on licensees when they apply for
9 license renewal, and an applicant convicted of a disqualifying
10 offense shall not be licensed.

11 (c) Each master sports wagering licensee shall display the
12 license conspicuously in the licensee's place of business or
13 have the license available for inspection by an agent of the
14 Board or a law enforcement agency.

15 (d) Each holder of an occupational license shall carry the
16 license and have some indicia of licensure prominently
17 displayed on his or her person when present in a gaming
18 facility licensed under this Act at all times, in accordance
19 with the rules of the Board.

20 (e) Each person licensed under this Act shall give the
21 Board written notice within 30 days after a material change to
22 information provided in the licensee's application for a
23 license or renewal.

24 (Source: P.A. 101-31, eff. 6-28-19; 101-597, eff. 12-6-19.)

25 Section 730. The Liquor Control Act of 1934 is amended by

1 changing Sections 4-7 and 10-1 as follows:

2 (235 ILCS 5/4-7) (from Ch. 43, par. 114a)

3 Sec. 4-7. The local liquor control commissioner shall have
4 the right to require fingerprints of any applicant for a local
5 license or for a renewal thereof other than an applicant who is
6 an air carrier operating under a certificate or a foreign air
7 permit issued pursuant to the Federal Aviation Act of 1958.
8 Each applicant shall submit his or her fingerprints to the
9 Illinois ~~Department of~~ State Police in the form and manner
10 prescribed by the Illinois ~~Department of~~ State Police. These
11 fingerprints shall be checked against the fingerprint records
12 now and hereafter filed in the Illinois ~~Department of~~ State
13 Police and Federal Bureau of Investigation criminal history
14 records databases. The Illinois ~~Department of~~ State Police
15 shall charge a fee for conducting the criminal history records
16 check, which shall be deposited in the State Police Services
17 Fund and shall not exceed the actual cost of the records check.
18 The Illinois ~~Department of~~ State Police shall furnish pursuant
19 to positive identification, records of conviction to the local
20 liquor control commissioner. For purposes of obtaining
21 fingerprints under this Section, the local liquor commissioner
22 shall collect a fee and forward the fee to the appropriate
23 policing body who shall submit the fingerprints and the fee to
24 the Illinois ~~Department of~~ State Police.

25 (Source: P.A. 93-418, eff. 1-1-04.)

1 (235 ILCS 5/10-1) (from Ch. 43, par. 183)

2 Sec. 10-1. Violations; penalties. Whereas a substantial
3 threat to the sound and careful control, regulation, and
4 taxation of the manufacture, sale, and distribution of
5 alcoholic liquors exists by virtue of individuals who
6 manufacture, import, distribute, or sell alcoholic liquors
7 within the State without having first obtained a valid license
8 to do so, and whereas such threat is especially serious along
9 the borders of this State, and whereas such threat requires
10 immediate correction by this Act, by active investigation and
11 prosecution by the State Commission, law enforcement
12 officials, and prosecutors, and by prompt and strict
13 enforcement through the courts of this State to punish
14 violators and to deter such conduct in the future:

15 (a) Any person who manufactures, imports for distribution
16 or use, transports from outside this State into this State, or
17 distributes or sells 108 liters (28.53 gallons) or more of
18 wine, 45 liters (11.88 gallons) or more of distilled spirits,
19 or 118 liters (31.17 gallons) or more of beer at any place
20 within the State without having first obtained a valid license
21 to do so under the provisions of this Act shall be guilty of a
22 Class 4 felony for each offense. However, any person who was
23 duly licensed under this Act and whose license expired within
24 30 days prior to a violation shall be guilty of a business
25 offense and fined not more than \$1,000 for the first such

1 offense and shall be guilty of a Class 4 felony for each
2 subsequent offense.

3 Any person who manufactures, imports for distribution,
4 transports from outside this State into this State for sale or
5 resale in this State, or distributes or sells less than 108
6 liters (28.53 gallons) of wine, less than 45 liters (11.88
7 gallons) of distilled spirits, or less than 118 liters (31.17
8 gallons) of beer at any place within the State without having
9 first obtained a valid license to do so under the provisions of
10 this Act shall be guilty of a business offense and fined not
11 more than \$1,000 for the first such offense and shall be guilty
12 of a Class 4 felony for each subsequent offense. This
13 subsection does not apply to a motor carrier or freight
14 forwarder, as defined in Section 13102 of Title 49 of the
15 United States Code, an air carrier, as defined in Section
16 40102 of Title 49 of the United States Code, or a rail carrier,
17 as defined in Section 10102 of Title 49 of the United States
18 Code.

19 Any person who: (1) has been issued an initial cease and
20 desist notice from the State Commission; and (2) for
21 compensation, does any of the following: (i) ships alcoholic
22 liquor into this State without a license authorized by Section
23 5-1 issued by the State Commission or in violation of that
24 license; or (ii) manufactures, imports for distribution,
25 transports from outside this State into this State for sale or
26 resale in this State, or distributes or sells alcoholic

1 liquors at any place without having first obtained a valid
2 license to do so is guilty of a Class 4 felony for each
3 offense.

4 (b) (1) Any retailer, caterer retailer, brew pub, special
5 event retailer, special use permit holder, homebrewer special
6 event permit holder, or craft distiller tasting permit holder
7 who knowingly causes alcoholic liquors to be imported directly
8 into the State of Illinois from outside of the State for the
9 purpose of furnishing, giving, or selling to another, except
10 when having received the product from a duly licensed
11 distributor or importing distributor, shall have his license
12 suspended for 30 days for the first offense and for the second
13 offense, shall have his license revoked by the Commission.

14 (2) In the event the State Commission receives a certified
15 copy of a final order from a foreign jurisdiction that an
16 Illinois retail licensee has been found to have violated that
17 foreign jurisdiction's laws, rules, or regulations concerning
18 the importation of alcoholic liquor into that foreign
19 jurisdiction, the violation may be grounds for the State
20 Commission to revoke, suspend, or refuse to issue or renew a
21 license, to impose a fine, or to take any additional action
22 provided by this Act with respect to the Illinois retail
23 license or licensee. Any such action on the part of the State
24 Commission shall be in accordance with this Act and
25 implementing rules.

26 For the purposes of paragraph (2): (i) "foreign

1 jurisdiction" means a state, territory, or possession of the
2 United States, the District of Columbia, or the Commonwealth
3 of Puerto Rico, and (ii) "final order" means an order or
4 judgment of a court or administrative body that determines the
5 rights of the parties respecting the subject matter of the
6 proceeding, that remains in full force and effect, and from
7 which no appeal can be taken.

8 (c) Any person who shall make any false statement or
9 otherwise violates any of the provisions of this Act in
10 obtaining any license hereunder, or who having obtained a
11 license hereunder shall violate any of the provisions of this
12 Act with respect to the manufacture, possession, distribution
13 or sale of alcoholic liquor, or with respect to the
14 maintenance of the licensed premises, or shall violate any
15 other provision of this Act, shall for a first offense be
16 guilty of a petty offense and fined not more than \$500, and for
17 a second or subsequent offense shall be guilty of a Class B
18 misdemeanor.

19 (c-5) Any owner of an establishment that serves alcohol on
20 its premises, if more than 50% of the establishment's gross
21 receipts within the prior 3 months is from the sale of alcohol,
22 who knowingly fails to prohibit concealed firearms on its
23 premises or who knowingly makes a false statement or record to
24 avoid the prohibition of concealed firearms on its premises
25 under the Firearm Concealed Carry Act shall be guilty of a
26 business offense with a fine up to \$5,000.

1 (d) Each day any person engages in business as a
2 manufacturer, foreign importer, importing distributor,
3 distributor or retailer in violation of the provisions of this
4 Act shall constitute a separate offense.

5 (e) Any person, under the age of 21 years who, for the
6 purpose of buying, accepting or receiving alcoholic liquor
7 from a licensee, represents that he is 21 years of age or over
8 shall be guilty of a Class A misdemeanor.

9 (f) In addition to the penalties herein provided, any
10 person licensed as a wine-maker in either class who
11 manufactures more wine than authorized by his license shall be
12 guilty of a business offense and shall be fined \$1 for each
13 gallon so manufactured.

14 (g) A person shall be exempt from prosecution for a
15 violation of this Act if he is a peace officer in the
16 enforcement of the criminal laws and such activity is approved
17 in writing by one of the following:

18 (1) In all counties, the respective State's Attorney;

19 (2) The Director of the Illinois State Police under
20 Section 2605-10, 2605-15, 2605-51, 2605-52, 2605-75,
21 ~~2605-100, 2605-105, 2605-110, 2605-115, 2605-120,~~
22 ~~2605-130, 2605-140,~~ 2605-190, 2605-200, 2605-205,
23 2605-210, 2605-215, 2605-250, 2605-275, ~~2605-300,~~
24 2605-305, 2605-315, 2605-325, 2605-335, 2605-340,
25 2605-350, 2605-355, 2605-360, 2605-365, 2605-375,
26 ~~2605-390,~~ 2605-400, 2605-405, 2605-420, 2605-430,

1 2605-435, ~~2605-500~~, 2605-525, or 2605-550 of the Illinois
2 ~~Department of State Police Law (20 ILCS 2605/2605-10,~~
3 ~~2605/2605-15, 2605/2605-75, 2605/2605-100, 2605/2605-105,~~
4 ~~2605/2605-110, 2605/2605-115, 2605/2605-120,~~
5 ~~2605/2605-130, 2605/2605-140, 2605/2605-190,~~
6 ~~2605/2605-200, 2605/2605-205, 2605/2605-210,~~
7 ~~2605/2605-215, 2605/2605-250, 2605/2605-275,~~
8 ~~2605/2605-300, 2605/2605-305, 2605/2605-315,~~
9 ~~2605/2605-325, 2605/2605-335, 2605/2605-340,~~
10 ~~2605/2605-350, 2605/2605-355, 2605/2605-360,~~
11 ~~2605/2605-365, 2605/2605-375, 2605/2605-390,~~
12 ~~2605/2605-400, 2605/2605-405, 2605/2605-420,~~
13 ~~2605/2605-430, 2605/2605-435, 2605/2605-500,~~
14 ~~2605/2605-525, or 2605/2605-550); or~~

15 (3) In cities over 1,000,000, the Superintendent of
16 Police.

17 (Source: P.A. 101-37, eff. 7-3-19.)

18 Section 735. The Illinois Public Aid Code is amended by
19 changing Sections 8A-7, 9A-11.5, 10-3.4, and 12-4.25 as
20 follows:

21 (305 ILCS 5/8A-7) (from Ch. 23, par. 8A-7)

22 Sec. 8A-7. Civil Remedies. (a) A person who receives
23 financial aid by means of a false statement, willful
24 misrepresentation or by his failure to notify the county

1 department or local governmental unit, as the case may be, of a
2 change in his status as required by Sections 11-18 and 11-19,
3 for the purpose of preventing the denial, cancellation or
4 suspension of his grant, or a variation in the amount thereof,
5 or by other fraudulent device, or a person who knowingly aids
6 or abets any person in obtaining financial aid for which he is
7 not eligible, shall be answerable to the county department or
8 the local governmental unit, as the case may be, for refunding
9 the entire amount of aid received. If the refund is not made,
10 it shall be recoverable in a civil action from the person who
11 received the aid, or from anyone who willfully aided such
12 person to obtain the aid. If an act which would be unlawful
13 under Section 8A-2 is proven, the court may as a penalty assess
14 an additional sum of money, not to exceed the entire amount of
15 aid provided, against the recipient or against any person who
16 willfully aided the recipient. If assessed, the penalty shall
17 be included in any judgment entered for the aid received, and
18 paid to the county department or the local governmental unit,
19 as the case may be. Upon entry of the judgment a lien shall
20 attach to all property and assets of such person until the
21 judgment is satisfied.

22 (b) Any person, firm, corporation, association, agency,
23 institution or other legal entity, other than an individual
24 recipient, that willfully, by means of a false statement or
25 representation, or by concealment of any material fact or by
26 other fraudulent scheme or device on behalf of himself or

1 others, obtains or attempts to obtain benefits or payments
2 under this Code to which he or it is not entitled, or in a
3 greater amount than that to which he or it is entitled, shall
4 be liable for repayment of any excess benefits or payments
5 received and, in addition to any other penalties provided by
6 law, civil penalties consisting of (1) the interest on the
7 amount of excess benefits or payments at the maximum legal
8 rate in effect on the date the payment was made to such person,
9 firm, corporation, association, agency, institution or other
10 legal entity for the period from the date upon which payment
11 was made to the date upon which repayment is made to the State,
12 (2) an amount not to exceed 3 times the amount of such excess
13 benefits or payments, and (3) the sum of \$2,000 for each
14 excessive claim for benefits or payments. Upon entry of a
15 judgment for repayment of any excess benefits or payments, or
16 for any civil penalties assessed by the court, a lien shall
17 attach to all property and assets of such person, firm,
18 corporation, association, agency, institution or other legal
19 entity until the judgment is satisfied.

20 (c) Civil recoveries provided for in this Section may be
21 recoverable in court proceedings initiated by the Attorney
22 General or, in actions involving a local governmental unit, by
23 the State's Attorney.

24 (d) Any person who commits the offense of vendor fraud or
25 recipient fraud as defined in Section 8A-2 and Section 8A-3 of
26 this Article shall forfeit, according to the provisions of

1 this subsection, any monies, profits or proceeds, and any
2 interest or property which the sentencing court determines he
3 has acquired or maintained, directly or indirectly, in whole
4 or in part as a result of such offense. Such person shall also
5 forfeit any interest in, securities of, claim against, or
6 contractual right of any kind which affords him a source of
7 influence over, any enterprise which he has established,
8 operated, controlled, conducted, or participated in
9 conducting, where his relationship to or connection with any
10 such thing or activity directly or indirectly, in whole or in
11 part, is traceable to any thing or benefit which he has
12 obtained or acquired through vendor fraud or recipient fraud.

13 Proceedings instituted pursuant to this subsection shall
14 be subject to and conducted in accordance with the following
15 procedures:

16 (1) The sentencing court shall, upon petition by the
17 Attorney General or State's Attorney at any time following
18 sentencing, conduct a hearing to determine whether any
19 property or property interest is subject to forfeiture under
20 this subsection. At the forfeiture hearing the People shall
21 have the burden of establishing, by a preponderance of the
22 evidence, that the property or property interests are subject
23 to such forfeiture.

24 (2) In any action brought by the People of the State of
25 Illinois under this Section, in which any restraining order,
26 injunction or prohibition or any other action in connection

1 with any property or interest subject to forfeiture under this
2 subsection is sought, the circuit court presiding over the
3 trial of the person charged with recipient fraud or vendor
4 fraud as defined in Sections 8A-2 or 8A-3 of this Article shall
5 first determine whether there is probable cause to believe
6 that the person so charged has committed the offense of
7 recipient fraud or vendor fraud and whether the property or
8 interest is subject to forfeiture under this subsection. To
9 make such a determination, prior to entering any such order,
10 the court shall conduct a hearing without a jury, at which the
11 People shall establish that there is (i) probable cause that
12 the person so charged has committed the offense of recipient
13 fraud or vendor fraud and (ii) probable cause that any
14 property or interest may be subject to forfeiture pursuant to
15 this subsection. Such hearing may be conducted simultaneously
16 with a preliminary hearing, if the prosecution is commenced by
17 information or complaint, or by motion of the People at any
18 stage in the proceedings. The court may accept a finding of
19 probable cause at a preliminary hearing following the filing
20 of an information charging the offense of recipient fraud or
21 vendor fraud as defined in Sections 8A-2 or 8A-3 or the return
22 of an indictment by a grand jury charging the offense of
23 recipient fraud or vendor fraud as defined in Sections 8A-2 or
24 8A-3 of this Article as sufficient evidence of probable cause
25 as provided in item (i) above. Upon such a finding, the circuit
26 court shall enter such restraining order, injunction or

1 prohibition, or shall take such other action in connection
2 with any such property or other interest subject to forfeiture
3 under this Act as is necessary to insure that such property is
4 not removed from the jurisdiction of the court, concealed,
5 destroyed or otherwise disposed of by the owner of that
6 property or interest prior to a forfeiture hearing under this
7 subsection. The Attorney General or State's Attorney shall
8 file a certified copy of such restraining order, injunction or
9 other prohibition with the recorder of deeds or registrar of
10 titles of each county where any such property of the defendant
11 may be located. No such injunction, restraining order or other
12 prohibition shall affect the rights of any bonafide purchaser,
13 mortgagee, judgement creditor or other lien holder arising
14 prior to the date of such filing. The court may, at any time,
15 upon verified petition by the defendant, conduct a hearing to
16 determine whether all or portions of any such property or
17 interest which the court previously determined to be subject
18 to forfeiture or subject to any restraining order, injunction,
19 or prohibition or other action, should be released. The court
20 may in its discretion release such property to the defendant
21 for good cause shown.

22 (3) Upon conviction of a person under this Article, the
23 court shall authorize the Director of the Illinois ~~Department~~
24 ~~of~~ State Police to seize all property or other interest
25 declared forfeited under this subsection upon such terms and
26 conditions as the court shall deem proper.

1 (4) The Director of the Illinois ~~Department of~~ State
2 Police is authorized to sell all property forfeited and seized
3 pursuant to this subsection, unless such property is required
4 by law to be destroyed or is harmful to the public. After the
5 deduction of all requisite expenses of administration and
6 sale, the court shall order the Director to distribute to the
7 Illinois Department an amount from the proceeds of the
8 forfeited property, or monies forfeited or seized, which will
9 satisfy any unsatisfied court order of restitution entered
10 pursuant to a conviction under this Article. If the proceeds
11 are less than the amount necessary to satisfy the order of
12 restitution, the Director shall distribute to the Illinois
13 Department the entire amount of the remaining proceeds. The
14 Director shall distribute any remaining proceeds of such sale,
15 along with any monies forfeited or seized, in accordance with
16 the following schedules:

17 (a) 25% shall be distributed to the unit of local
18 government whose officers or employees conducted the
19 investigation into recipient fraud or vendor fraud and caused
20 the arrest or arrests and prosecution leading to the
21 forfeiture. Amounts distributed to units of local government
22 shall be used solely for enforcement matters relating to
23 detection, investigation or prosecution of recipient fraud or
24 vendor fraud as defined in Section 8A-2 or 8A-3 of this
25 Article. Where the investigation, arrest or arrests leading to
26 the prosecution and forfeiture is undertaken solely by the

1 Illinois ~~Department of~~ State Police, the portion provided
2 hereunder shall be paid into the Medicaid Fraud and Abuse
3 Prevention Fund, which is hereby created in the State
4 treasury. Monies from this fund shall be used by the Illinois
5 ~~Department of~~ State Police for the furtherance of enforcement
6 matters relating to detection, investigation or prosecution of
7 recipient fraud or vendor fraud. Monies directed to this fund
8 shall be used in addition to, and not as a substitute for,
9 funds annually appropriated to the Illinois ~~Department of~~
10 State Police for medicaid fraud enforcement.

11 (b) 25% shall be distributed to the county in which the
12 prosecution and petition for forfeiture resulting in the
13 forfeiture was instituted, and deposited in a special fund in
14 the county treasury and appropriated to the State's Attorney
15 for use solely in enforcement matters relating to detection,
16 investigation or prosecution of recipient fraud or vendor
17 fraud; however, if the Attorney General brought the
18 prosecution resulting in the forfeiture, the portion provided
19 hereunder shall be paid into the Medicaid Fraud and Abuse
20 Prevention Fund, to be used by the Medicaid Fraud Control Unit
21 of the Illinois ~~Department of~~ State Police for enforcement
22 matters relating to detection, investigation or prosecution of
23 recipient fraud or vendor fraud. Where the Attorney General
24 and a State's Attorney have jointly participated in any
25 portion of the proceedings, 12.5% shall be distributed to the
26 county in which the prosecution resulting in the forfeiture

1 was instituted, and used as specified herein, and 12.5% shall
2 be paid into the Medicaid Fraud and Abuse Prevention Fund, and
3 used as specified herein.

4 (c) 50% shall be transmitted to the State Treasurer for
5 deposit in the General Revenue Fund.

6 (Source: P.A. 85-707.)

7 (305 ILCS 5/9A-11.5)

8 Sec. 9A-11.5. Investigate child care providers.

9 (a) Any child care provider receiving funds from the child
10 care assistance program under this Code who is not required to
11 be licensed under the Child Care Act of 1969 shall, as a
12 condition of eligibility to participate in the child care
13 assistance program under this Code, authorize in writing on a
14 form prescribed by the Department of Children and Family
15 Services, periodic investigations of the Central Register, as
16 defined in the Abused and Neglected Child Reporting Act, to
17 ascertain if the child care provider has been determined to be
18 a perpetrator in an indicated report of child abuse or
19 neglect. The Department of Children and Family Services shall
20 conduct an investigation of the Central Register at the
21 request of the Department.

22 (b) Any child care provider, other than a relative of the
23 child, receiving funds from the child care assistance program
24 under this Code who is not required to be licensed under the
25 Child Care Act of 1969 shall, as a condition of eligibility to

1 participate in the child care assistance program under this
2 Code, authorize in writing a State and Federal Bureau of
3 Investigation fingerprint-based criminal history record check
4 to determine if the child care provider has ever been
5 convicted of a crime with respect to which the conviction has
6 not been overturned and the criminal records have not been
7 sealed or expunged. Upon this authorization, the Department
8 shall request and receive information and assistance from any
9 federal or State governmental agency as part of the authorized
10 criminal history record check. The Illinois ~~Department of~~
11 State Police shall provide information concerning any
12 conviction that has not been overturned and with respect to
13 which the criminal records have not been sealed or expunged,
14 whether the conviction occurred before or on or after the
15 effective date of this amendatory Act of the 96th General
16 Assembly, of a child care provider upon the request of the
17 Department when the request is made in the form and manner
18 required by the Illinois ~~Department of~~ State Police. The
19 Illinois ~~Department of~~ State Police shall charge a fee not to
20 exceed the cost of processing the criminal history record
21 check. The fee is to be deposited into the State Police
22 Services Fund. Any information concerning convictions that
23 have not been overturned and with respect to which the
24 criminal records have not been sealed or expunged obtained by
25 the Department is confidential and may not be transmitted (i)
26 outside the Department except as required in this Section or

1 (ii) to anyone within the Department except as needed for the
2 purposes of determining participation in the child care
3 assistance program. A copy of the criminal history record
4 check obtained from the Illinois ~~Department of~~ State Police
5 shall be provided to the unlicensed child care provider.

6 (c) The Department shall by rule set standards for
7 determining when to disqualify an unlicensed child care
8 provider for payment because (i) there is an indicated finding
9 against the provider based on the results of the Central
10 Register search or (ii) there is a disqualifying criminal
11 charge pending against the provider or the provider has a
12 disqualifying criminal conviction that has not been overturned
13 and with respect to which the criminal records have not been
14 expunged or sealed based on the results of the
15 fingerprint-based Illinois ~~Department of~~ State Police and
16 Federal Bureau of Investigation criminal history record check.
17 In determining whether to disqualify an unlicensed child care
18 provider for payment under this subsection, the Department
19 shall consider the nature and gravity of any offense or
20 offenses; the time that has passed since the offense or
21 offenses or the completion of the criminal sentence or both;
22 and the relationship of the offense or offenses to the
23 responsibilities of the child care provider.

24 (Source: P.A. 96-632, eff. 8-24-09.)

1 Sec. 10-3.4. Obtaining location information.

2 (a) The Illinois Department shall enter into agreements
3 with the Illinois ~~Department of~~ State Police and the Secretary
4 of State to obtain location information on persons for the
5 purpose of establishing paternity, and establishing,
6 modifying, and enforcing child support obligations.

7 (b) Upon request, the Illinois Department shall provide
8 information obtained pursuant to this Section to federal
9 agencies and other states' agencies conducting child support
10 enforcement activities under Title IV, Part D of the Social
11 Security Act.

12 (Source: P.A. 90-18, eff. 7-1-97.)

13 (305 ILCS 5/12-4.25) (from Ch. 23, par. 12-4.25)

14 Sec. 12-4.25. Medical assistance program; vendor
15 participation.

16 (A) The Illinois Department may deny, suspend, or
17 terminate the eligibility of any person, firm, corporation,
18 association, agency, institution or other legal entity to
19 participate as a vendor of goods or services to recipients
20 under the medical assistance program under Article V, or may
21 exclude any such person or entity from participation as such a
22 vendor, and may deny, suspend, or recover payments, if after
23 reasonable notice and opportunity for a hearing the Illinois
24 Department finds:

25 (a) Such vendor is not complying with the Department's

1 policy or rules and regulations, or with the terms and
2 conditions prescribed by the Illinois Department in its
3 vendor agreement, which document shall be developed by the
4 Department as a result of negotiations with each vendor
5 category, including physicians, hospitals, long term care
6 facilities, pharmacists, optometrists, podiatric
7 physicians, and dentists setting forth the terms and
8 conditions applicable to the participation of each vendor
9 group in the program; or

10 (b) Such vendor has failed to keep or make available
11 for inspection, audit or copying, after receiving a
12 written request from the Illinois Department, such records
13 regarding payments claimed for providing services. This
14 section does not require vendors to make available patient
15 records of patients for whom services are not reimbursed
16 under this Code; or

17 (c) Such vendor has failed to furnish any information
18 requested by the Department regarding payments for
19 providing goods or services; or

20 (d) Such vendor has knowingly made, or caused to be
21 made, any false statement or representation of a material
22 fact in connection with the administration of the medical
23 assistance program; or

24 (e) Such vendor has furnished goods or services to a
25 recipient which are (1) in excess of need, (2) harmful, or
26 (3) of grossly inferior quality, all of such

1 determinations to be based upon competent medical judgment
2 and evaluations; or

3 (f) The vendor; a person with management
4 responsibility for a vendor; an officer or person owning,
5 either directly or indirectly, 5% or more of the shares of
6 stock or other evidences of ownership in a corporate
7 vendor; an owner of a sole proprietorship which is a
8 vendor; or a partner in a partnership which is a vendor,
9 either:

10 (1) was previously terminated, suspended, or
11 excluded from participation in the Illinois medical
12 assistance program, or was terminated, suspended, or
13 excluded from participation in another state or
14 federal medical assistance or health care program; or

15 (2) was a person with management responsibility
16 for a vendor previously terminated, suspended, or
17 excluded from participation in the Illinois medical
18 assistance program, or terminated, suspended, or
19 excluded from participation in another state or
20 federal medical assistance or health care program
21 during the time of conduct which was the basis for that
22 vendor's termination, suspension, or exclusion; or

23 (3) was an officer, or person owning, either
24 directly or indirectly, 5% or more of the shares of
25 stock or other evidences of ownership in a corporate
26 or limited liability company vendor previously

1 terminated, suspended, or excluded from participation
2 in the Illinois medical assistance program, or
3 terminated, suspended, or excluded from participation
4 in a state or federal medical assistance or health
5 care program during the time of conduct which was the
6 basis for that vendor's termination, suspension, or
7 exclusion; or

8 (4) was an owner of a sole proprietorship or
9 partner of a partnership previously terminated,
10 suspended, or excluded from participation in the
11 Illinois medical assistance program, or terminated,
12 suspended, or excluded from participation in a state
13 or federal medical assistance or health care program
14 during the time of conduct which was the basis for that
15 vendor's termination, suspension, or exclusion; or

16 (f-1) Such vendor has a delinquent debt owed to the
17 Illinois Department; or

18 (g) The vendor; a person with management
19 responsibility for a vendor; an officer or person owning,
20 either directly or indirectly, 5% or more of the shares of
21 stock or other evidences of ownership in a corporate or
22 limited liability company vendor; an owner of a sole
23 proprietorship which is a vendor; or a partner in a
24 partnership which is a vendor, either:

25 (1) has engaged in practices prohibited by
26 applicable federal or State law or regulation; or

1 (2) was a person with management responsibility
2 for a vendor at the time that such vendor engaged in
3 practices prohibited by applicable federal or State
4 law or regulation; or

5 (3) was an officer, or person owning, either
6 directly or indirectly, 5% or more of the shares of
7 stock or other evidences of ownership in a vendor at
8 the time such vendor engaged in practices prohibited
9 by applicable federal or State law or regulation; or

10 (4) was an owner of a sole proprietorship or
11 partner of a partnership which was a vendor at the time
12 such vendor engaged in practices prohibited by
13 applicable federal or State law or regulation; or

14 (h) The direct or indirect ownership of the vendor
15 (including the ownership of a vendor that is a sole
16 proprietorship, a partner's interest in a vendor that is a
17 partnership, or ownership of 5% or more of the shares of
18 stock or other evidences of ownership in a corporate
19 vendor) has been transferred by an individual who is
20 terminated, suspended, or excluded or barred from
21 participating as a vendor to the individual's spouse,
22 child, brother, sister, parent, grandparent, grandchild,
23 uncle, aunt, niece, nephew, cousin, or relative by
24 marriage.

25 (A-5) The Illinois Department may deny, suspend, or
26 terminate the eligibility of any person, firm, corporation,

1 association, agency, institution, or other legal entity to
2 participate as a vendor of goods or services to recipients
3 under the medical assistance program under Article V, or may
4 exclude any such person or entity from participation as such a
5 vendor, if, after reasonable notice and opportunity for a
6 hearing, the Illinois Department finds that the vendor; a
7 person with management responsibility for a vendor; an officer
8 or person owning, either directly or indirectly, 5% or more of
9 the shares of stock or other evidences of ownership in a
10 corporate vendor; an owner of a sole proprietorship that is a
11 vendor; or a partner in a partnership that is a vendor has been
12 convicted of an offense based on fraud or willful
13 misrepresentation related to any of the following:

14 (1) The medical assistance program under Article V of
15 this Code.

16 (2) A medical assistance or health care program in
17 another state.

18 (3) The Medicare program under Title XVIII of the
19 Social Security Act.

20 (4) The provision of health care services.

21 (5) A violation of this Code, as provided in Article
22 VIIIA, or another state or federal medical assistance
23 program or health care program.

24 (A-10) The Illinois Department may deny, suspend, or
25 terminate the eligibility of any person, firm, corporation,
26 association, agency, institution, or other legal entity to

1 participate as a vendor of goods or services to recipients
2 under the medical assistance program under Article V, or may
3 exclude any such person or entity from participation as such a
4 vendor, if, after reasonable notice and opportunity for a
5 hearing, the Illinois Department finds that (i) the vendor,
6 (ii) a person with management responsibility for a vendor,
7 (iii) an officer or person owning, either directly or
8 indirectly, 5% or more of the shares of stock or other
9 evidences of ownership in a corporate vendor, (iv) an owner of
10 a sole proprietorship that is a vendor, or (v) a partner in a
11 partnership that is a vendor has been convicted of an offense
12 related to any of the following:

13 (1) Murder.

14 (2) A Class X felony under the Criminal Code of 1961 or
15 the Criminal Code of 2012.

16 (3) Sexual misconduct that may subject recipients to
17 an undue risk of harm.

18 (4) A criminal offense that may subject recipients to
19 an undue risk of harm.

20 (5) A crime of fraud or dishonesty.

21 (6) A crime involving a controlled substance.

22 (7) A misdemeanor relating to fraud, theft,
23 embezzlement, breach of fiduciary responsibility, or other
24 financial misconduct related to a health care program.

25 (A-15) The Illinois Department may deny the eligibility of
26 any person, firm, corporation, association, agency,

1 institution, or other legal entity to participate as a vendor
2 of goods or services to recipients under the medical
3 assistance program under Article V if, after reasonable notice
4 and opportunity for a hearing, the Illinois Department finds:

5 (1) The applicant or any person with management
6 responsibility for the applicant; an officer or member of
7 the board of directors of an applicant; an entity owning
8 (directly or indirectly) 5% or more of the shares of stock
9 or other evidences of ownership in a corporate vendor
10 applicant; an owner of a sole proprietorship applicant; a
11 partner in a partnership applicant; or a technical or
12 other advisor to an applicant has a debt owed to the
13 Illinois Department, and no payment arrangements
14 acceptable to the Illinois Department have been made by
15 the applicant.

16 (2) The applicant or any person with management
17 responsibility for the applicant; an officer or member of
18 the board of directors of an applicant; an entity owning
19 (directly or indirectly) 5% or more of the shares of stock
20 or other evidences of ownership in a corporate vendor
21 applicant; an owner of a sole proprietorship applicant; a
22 partner in a partnership vendor applicant; or a technical
23 or other advisor to an applicant was (i) a person with
24 management responsibility, (ii) an officer or member of
25 the board of directors of an applicant, (iii) an entity
26 owning (directly or indirectly) 5% or more of the shares

1 of stock or other evidences of ownership in a corporate
2 vendor, (iv) an owner of a sole proprietorship, (v) a
3 partner in a partnership vendor, (vi) a technical or other
4 advisor to a vendor, during a period of time where the
5 conduct of that vendor resulted in a debt owed to the
6 Illinois Department, and no payment arrangements
7 acceptable to the Illinois Department have been made by
8 that vendor.

9 (3) There is a credible allegation of the use,
10 transfer, or lease of assets of any kind to an applicant
11 from a current or prior vendor who has a debt owed to the
12 Illinois Department, no payment arrangements acceptable to
13 the Illinois Department have been made by that vendor or
14 the vendor's alternate payee, and the applicant knows or
15 should have known of such debt.

16 (4) There is a credible allegation of a transfer of
17 management responsibilities, or direct or indirect
18 ownership, to an applicant from a current or prior vendor
19 who has a debt owed to the Illinois Department, and no
20 payment arrangements acceptable to the Illinois Department
21 have been made by that vendor or the vendor's alternate
22 payee, and the applicant knows or should have known of
23 such debt.

24 (5) There is a credible allegation of the use,
25 transfer, or lease of assets of any kind to an applicant
26 who is a spouse, child, brother, sister, parent,

1 grandparent, grandchild, uncle, aunt, niece, relative by
2 marriage, nephew, cousin, or relative of a current or
3 prior vendor who has a debt owed to the Illinois
4 Department and no payment arrangements acceptable to the
5 Illinois Department have been made.

6 (6) There is a credible allegation that the
7 applicant's previous affiliations with a provider of
8 medical services that has an uncollected debt, a provider
9 that has been or is subject to a payment suspension under a
10 federal health care program, or a provider that has been
11 previously excluded from participation in the medical
12 assistance program, poses a risk of fraud, waste, or abuse
13 to the Illinois Department.

14 As used in this subsection, "credible allegation" is
15 defined to include an allegation from any source, including,
16 but not limited to, fraud hotline complaints, claims data
17 mining, patterns identified through provider audits, civil
18 actions filed under the Illinois False Claims Act, and law
19 enforcement investigations. An allegation is considered to be
20 credible when it has indicia of reliability.

21 (B) The Illinois Department shall deny, suspend or
22 terminate the eligibility of any person, firm, corporation,
23 association, agency, institution or other legal entity to
24 participate as a vendor of goods or services to recipients
25 under the medical assistance program under Article V, or may
26 exclude any such person or entity from participation as such a

1 vendor:

2 (1) immediately, if such vendor is not properly
3 licensed, certified, or authorized;

4 (2) within 30 days of the date when such vendor's
5 professional license, certification or other authorization
6 has been refused renewal, restricted, revoked, suspended,
7 or otherwise terminated; or

8 (3) if such vendor has been convicted of a violation
9 of this Code, as provided in Article VIII A.

10 (C) Upon termination, suspension, or exclusion of a vendor
11 of goods or services from participation in the medical
12 assistance program authorized by this Article, a person with
13 management responsibility for such vendor during the time of
14 any conduct which served as the basis for that vendor's
15 termination, suspension, or exclusion is barred from
16 participation in the medical assistance program.

17 Upon termination, suspension, or exclusion of a corporate
18 vendor, the officers and persons owning, directly or
19 indirectly, 5% or more of the shares of stock or other
20 evidences of ownership in the vendor during the time of any
21 conduct which served as the basis for that vendor's
22 termination, suspension, or exclusion are barred from
23 participation in the medical assistance program. A person who
24 owns, directly or indirectly, 5% or more of the shares of stock
25 or other evidences of ownership in a terminated, suspended, or
26 excluded vendor may not transfer his or her ownership interest

1 in that vendor to his or her spouse, child, brother, sister,
2 parent, grandparent, grandchild, uncle, aunt, niece, nephew,
3 cousin, or relative by marriage.

4 Upon termination, suspension, or exclusion of a sole
5 proprietorship or partnership, the owner or partners during
6 the time of any conduct which served as the basis for that
7 vendor's termination, suspension, or exclusion are barred from
8 participation in the medical assistance program. The owner of
9 a terminated, suspended, or excluded vendor that is a sole
10 proprietorship, and a partner in a terminated, suspended, or
11 excluded vendor that is a partnership, may not transfer his or
12 her ownership or partnership interest in that vendor to his or
13 her spouse, child, brother, sister, parent, grandparent,
14 grandchild, uncle, aunt, niece, nephew, cousin, or relative by
15 marriage.

16 A person who owns, directly or indirectly, 5% or more of
17 the shares of stock or other evidences of ownership in a
18 corporate or limited liability company vendor who owes a debt
19 to the Department, if that vendor has not made payment
20 arrangements acceptable to the Department, shall not transfer
21 his or her ownership interest in that vendor, or vendor assets
22 of any kind, to his or her spouse, child, brother, sister,
23 parent, grandparent, grandchild, uncle, aunt, niece, nephew,
24 cousin, or relative by marriage.

25 Rules adopted by the Illinois Department to implement
26 these provisions shall specifically include a definition of

1 the term "management responsibility" as used in this Section.
2 Such definition shall include, but not be limited to, typical
3 job titles, and duties and descriptions which will be
4 considered as within the definition of individuals with
5 management responsibility for a provider.

6 A vendor or a prior vendor who has been terminated,
7 excluded, or suspended from the medical assistance program, or
8 from another state or federal medical assistance or health
9 care program, and any individual currently or previously
10 barred from the medical assistance program, or from another
11 state or federal medical assistance or health care program, as
12 a result of being an officer or a person owning, directly or
13 indirectly, 5% or more of the shares of stock or other
14 evidences of ownership in a corporate or limited liability
15 company vendor during the time of any conduct which served as
16 the basis for that vendor's termination, suspension, or
17 exclusion, may be required to post a surety bond as part of a
18 condition of enrollment or participation in the medical
19 assistance program. The Illinois Department shall establish,
20 by rule, the criteria and requirements for determining when a
21 surety bond must be posted and the value of the bond.

22 A vendor or a prior vendor who has a debt owed to the
23 Illinois Department and any individual currently or previously
24 barred from the medical assistance program, or from another
25 state or federal medical assistance or health care program, as
26 a result of being an officer or a person owning, directly or

1 indirectly, 5% or more of the shares of stock or other
2 evidences of ownership in that corporate or limited liability
3 company vendor during the time of any conduct which served as
4 the basis for the debt, may be required to post a surety bond
5 as part of a condition of enrollment or participation in the
6 medical assistance program. The Illinois Department shall
7 establish, by rule, the criteria and requirements for
8 determining when a surety bond must be posted and the value of
9 the bond.

10 (D) If a vendor has been suspended from the medical
11 assistance program under Article V of the Code, the Director
12 may require that such vendor correct any deficiencies which
13 served as the basis for the suspension. The Director shall
14 specify in the suspension order a specific period of time,
15 which shall not exceed one year from the date of the order,
16 during which a suspended vendor shall not be eligible to
17 participate. At the conclusion of the period of suspension the
18 Director shall reinstate such vendor, unless he finds that
19 such vendor has not corrected deficiencies upon which the
20 suspension was based.

21 If a vendor has been terminated, suspended, or excluded
22 from the medical assistance program under Article V, such
23 vendor shall be barred from participation for at least one
24 year, except that if a vendor has been terminated, suspended,
25 or excluded based on a conviction of a violation of Article
26 VIIIA or a conviction of a felony based on fraud or a willful

1 misrepresentation related to (i) the medical assistance
2 program under Article V, (ii) a federal or another state's
3 medical assistance or health care program, or (iii) the
4 provision of health care services, then the vendor shall be
5 barred from participation for 5 years or for the length of the
6 vendor's sentence for that conviction, whichever is longer. At
7 the end of one year a vendor who has been terminated,
8 suspended, or excluded may apply for reinstatement to the
9 program. Upon proper application to be reinstated such vendor
10 may be deemed eligible by the Director providing that such
11 vendor meets the requirements for eligibility under this Code.
12 If such vendor is deemed not eligible for reinstatement, he
13 shall be barred from again applying for reinstatement for one
14 year from the date his application for reinstatement is
15 denied.

16 A vendor whose termination, suspension, or exclusion from
17 participation in the Illinois medical assistance program under
18 Article V was based solely on an action by a governmental
19 entity other than the Illinois Department may, upon
20 reinstatement by that governmental entity or upon reversal of
21 the termination, suspension, or exclusion, apply for
22 rescission of the termination, suspension, or exclusion from
23 participation in the Illinois medical assistance program. Upon
24 proper application for rescission, the vendor may be deemed
25 eligible by the Director if the vendor meets the requirements
26 for eligibility under this Code.

1 If a vendor has been terminated, suspended, or excluded
2 and reinstated to the medical assistance program under Article
3 V and the vendor is terminated, suspended, or excluded a
4 second or subsequent time from the medical assistance program,
5 the vendor shall be barred from participation for at least 2
6 years, except that if a vendor has been terminated, suspended,
7 or excluded a second time based on a conviction of a violation
8 of Article VIII A or a conviction of a felony based on fraud or
9 a willful misrepresentation related to (i) the medical
10 assistance program under Article V, (ii) a federal or another
11 state's medical assistance or health care program, or (iii)
12 the provision of health care services, then the vendor shall
13 be barred from participation for life. At the end of 2 years, a
14 vendor who has been terminated, suspended, or excluded may
15 apply for reinstatement to the program. Upon application to be
16 reinstated, the vendor may be deemed eligible if the vendor
17 meets the requirements for eligibility under this Code. If the
18 vendor is deemed not eligible for reinstatement, the vendor
19 shall be barred from again applying for reinstatement for 2
20 years from the date the vendor's application for reinstatement
21 is denied.

22 (E) The Illinois Department may recover money improperly
23 or erroneously paid, or overpayments, either by setoff,
24 crediting against future billings or by requiring direct
25 repayment to the Illinois Department. The Illinois Department
26 may suspend or deny payment, in whole or in part, if such

1 payment would be improper or erroneous or would otherwise
2 result in overpayment.

3 (1) Payments may be suspended, denied, or recovered
4 from a vendor or alternate payee: (i) for services
5 rendered in violation of the Illinois Department's
6 provider notices, statutes, rules, and regulations; (ii)
7 for services rendered in violation of the terms and
8 conditions prescribed by the Illinois Department in its
9 vendor agreement; (iii) for any vendor who fails to grant
10 the Office of Inspector General timely access to full and
11 complete records, including, but not limited to, records
12 relating to recipients under the medical assistance
13 program for the most recent 6 years, in accordance with
14 Section 140.28 of Title 89 of the Illinois Administrative
15 Code, and other information for the purpose of audits,
16 investigations, or other program integrity functions,
17 after reasonable written request by the Inspector General;
18 this subsection (E) does not require vendors to make
19 available the medical records of patients for whom
20 services are not reimbursed under this Code or to provide
21 access to medical records more than 6 years old; (iv) when
22 the vendor has knowingly made, or caused to be made, any
23 false statement or representation of a material fact in
24 connection with the administration of the medical
25 assistance program; or (v) when the vendor previously
26 rendered services while terminated, suspended, or excluded

1 from participation in the medical assistance program or
2 while terminated or excluded from participation in another
3 state or federal medical assistance or health care
4 program.

5 (2) Notwithstanding any other provision of law, if a
6 vendor has the same taxpayer identification number
7 (assigned under Section 6109 of the Internal Revenue Code
8 of 1986) as is assigned to a vendor with past-due
9 financial obligations to the Illinois Department, the
10 Illinois Department may make any necessary adjustments to
11 payments to that vendor in order to satisfy any past-due
12 obligations, regardless of whether the vendor is assigned
13 a different billing number under the medical assistance
14 program.

15 (E-5) Civil monetary penalties.

16 (1) As used in this subsection (E-5):

17 (a) "Knowingly" means that a person, with respect
18 to information: (i) has actual knowledge of the
19 information; (ii) acts in deliberate ignorance of the
20 truth or falsity of the information; or (iii) acts in
21 reckless disregard of the truth or falsity of the
22 information. No proof of specific intent to defraud is
23 required.

24 (b) "Overpayment" means any funds that a person
25 receives or retains from the medical assistance
26 program to which the person, after applicable

1 reconciliation, is not entitled under this Code.

2 (c) "Remuneration" means the offer or transfer of
3 items or services for free or for other than fair
4 market value by a person; however, remuneration does
5 not include items or services of a nominal value of no
6 more than \$10 per item or service, or \$50 in the
7 aggregate on an annual basis, or any other offer or
8 transfer of items or services as determined by the
9 Department.

10 (d) "Should know" means that a person, with
11 respect to information: (i) acts in deliberate
12 ignorance of the truth or falsity of the information;
13 or (ii) acts in reckless disregard of the truth or
14 falsity of the information. No proof of specific
15 intent to defraud is required.

16 (2) Any person (including a vendor, provider,
17 organization, agency, or other entity, or an alternate
18 payee thereof, but excluding a recipient) who:

19 (a) knowingly presents or causes to be presented
20 to an officer, employee, or agent of the State, a claim
21 that the Department determines:

22 (i) is for a medical or other item or service
23 that the person knows or should know was not
24 provided as claimed, including any person who
25 engages in a pattern or practice of presenting or
26 causing to be presented a claim for an item or

1 service that is based on a code that the person
2 knows or should know will result in a greater
3 payment to the person than the code the person
4 knows or should know is applicable to the item or
5 service actually provided;

6 (ii) is for a medical or other item or service
7 and the person knows or should know that the claim
8 is false or fraudulent;

9 (iii) is presented for a vendor physician's
10 service, or an item or service incident to a
11 vendor physician's service, by a person who knows
12 or should know that the individual who furnished,
13 or supervised the furnishing of, the service:

14 (AA) was not licensed as a physician;

15 (BB) was licensed as a physician but such
16 license had been obtained through a
17 misrepresentation of material fact (including
18 cheating on an examination required for
19 licensing); or

20 (CC) represented to the patient at the
21 time the service was furnished that the
22 physician was certified in a medical specialty
23 by a medical specialty board, when the
24 individual was not so certified;

25 (iv) is for a medical or other item or service
26 furnished during a period in which the person was

1 excluded from the medical assistance program or a
2 federal or state health care program under which
3 the claim was made pursuant to applicable law; or

4 (v) is for a pattern of medical or other items
5 or services that a person knows or should know are
6 not medically necessary;

7 (b) knowingly presents or causes to be presented
8 to any person a request for payment which is in
9 violation of the conditions for receipt of vendor
10 payments under the medical assistance program under
11 Section 11-13 of this Code;

12 (c) knowingly gives or causes to be given to any
13 person, with respect to medical assistance program
14 coverage of inpatient hospital services, information
15 that he or she knows or should know is false or
16 misleading, and that could reasonably be expected to
17 influence the decision when to discharge such person
18 or other individual from the hospital;

19 (d) in the case of a person who is not an
20 organization, agency, or other entity, is excluded
21 from participating in the medical assistance program
22 or a federal or state health care program and who, at
23 the time of a violation of this subsection (E-5):

24 (i) retains a direct or indirect ownership or
25 control interest in an entity that is
26 participating in the medical assistance program or

1 a federal or state health care program, and who
2 knows or should know of the action constituting
3 the basis for the exclusion; or

4 (ii) is an officer or managing employee of
5 such an entity;

6 (e) offers or transfers remuneration to any
7 individual eligible for benefits under the medical
8 assistance program that such person knows or should
9 know is likely to influence such individual to order
10 or receive from a particular vendor, provider,
11 practitioner, or supplier any item or service for
12 which payment may be made, in whole or in part, under
13 the medical assistance program;

14 (f) arranges or contracts (by employment or
15 otherwise) with an individual or entity that the
16 person knows or should know is excluded from
17 participation in the medical assistance program or a
18 federal or state health care program, for the
19 provision of items or services for which payment may
20 be made under such a program;

21 (g) commits an act described in subsection (b) or
22 (c) of Section 8A-3;

23 (h) knowingly makes, uses, or causes to be made or
24 used, a false record or statement material to a false
25 or fraudulent claim for payment for items and services
26 furnished under the medical assistance program;

1 (i) fails to grant timely access, upon reasonable
2 request (as defined by the Department by rule), to the
3 Inspector General, for the purpose of audits,
4 investigations, evaluations, or other statutory
5 functions of the Inspector General of the Department;

6 (j) orders or prescribes a medical or other item
7 or service during a period in which the person was
8 excluded from the medical assistance program or a
9 federal or state health care program, in the case
10 where the person knows or should know that a claim for
11 such medical or other item or service will be made
12 under such a program;

13 (k) knowingly makes or causes to be made any false
14 statement, omission, or misrepresentation of a
15 material fact in any application, bid, or contract to
16 participate or enroll as a vendor or provider of
17 services or a supplier under the medical assistance
18 program;

19 (l) knows of an overpayment and does not report
20 and return the overpayment to the Department in
21 accordance with paragraph (6);

22 shall be subject, in addition to any other penalties that
23 may be prescribed by law, to a civil money penalty of not
24 more than \$10,000 for each item or service (or, in cases
25 under subparagraph (c), \$15,000 for each individual with
26 respect to whom false or misleading information was given;

1 in cases under subparagraph (d), \$10,000 for each day the
2 prohibited relationship occurs; in cases under
3 subparagraph (g), \$50,000 for each such act; in cases
4 under subparagraph (h), \$50,000 for each false record or
5 statement; in cases under subparagraph (i), \$15,000 for
6 each day of the failure described in such subparagraph; or
7 in cases under subparagraph (k), \$50,000 for each false
8 statement, omission, or misrepresentation of a material
9 fact). In addition, such a person shall be subject to an
10 assessment of not more than 3 times the amount claimed for
11 each such item or service in lieu of damages sustained by
12 the State because of such claim (or, in cases under
13 subparagraph (g), damages of not more than 3 times the
14 total amount of remuneration offered, paid, solicited, or
15 received, without regard to whether a portion of such
16 remuneration was offered, paid, solicited, or received for
17 a lawful purpose; or in cases under subparagraph (k), an
18 assessment of not more than 3 times the total amount
19 claimed for each item or service for which payment was
20 made based upon the application, bid, or contract
21 containing the false statement, omission, or
22 misrepresentation of a material fact).

23 (3) In addition, the Director or his or her designee
24 may make a determination in the same proceeding to
25 exclude, terminate, suspend, or bar the person from
26 participation in the medical assistance program.

1 (4) The Illinois Department may seek the civil
2 monetary penalties and exclusion, termination, suspension,
3 or barment identified in this subsection (E-5). Prior to
4 the imposition of any penalties or sanctions, the affected
5 person shall be afforded an opportunity for a hearing
6 after reasonable notice. The Department shall establish
7 hearing procedures by rule.

8 (5) Any final order, decision, or other determination
9 made, issued, or executed by the Director under the
10 provisions of this subsection (E-5), whereby a person is
11 aggrieved, shall be subject to review in accordance with
12 the provisions of the Administrative Review Law, and the
13 rules adopted pursuant thereto, which shall apply to and
14 govern all proceedings for the judicial review of final
15 administrative decisions of the Director.

16 (6) (a) If a person has received an overpayment, the
17 person shall:

18 (i) report and return the overpayment to the
19 Department at the correct address; and

20 (ii) notify the Department in writing of the
21 reason for the overpayment.

22 (b) An overpayment must be reported and returned under
23 subparagraph (a) by the later of:

24 (i) the date which is 60 days after the date on
25 which the overpayment was identified; or

26 (ii) the date any corresponding cost report is

1 due, if applicable.

2 (E-10) A vendor who disputes an overpayment identified as
3 part of a Department audit shall utilize the Department's
4 self-referral disclosure protocol as set forth under this Code
5 to identify, investigate, and return to the Department any
6 undisputed audit overpayment amount. Unless the disputed
7 overpayment amount is subject to a fraud payment suspension,
8 or involves a termination sanction, the Department shall defer
9 the recovery of the disputed overpayment amount up to one year
10 after the date of the Department's final audit determination,
11 or earlier, or as required by State or federal law. If the
12 administrative hearing extends beyond one year, and such delay
13 was not caused by the request of the vendor, then the
14 Department shall not recover the disputed overpayment amount
15 until the date of the final administrative decision. If a
16 final administrative decision establishes that the disputed
17 overpayment amount is owed to the Department, then the amount
18 shall be immediately due to the Department. The Department
19 shall be entitled to recover interest from the vendor on the
20 overpayment amount from the date of the overpayment through
21 the date the vendor returns the overpayment to the Department
22 at a rate not to exceed the Wall Street Journal Prime Rate, as
23 published from time to time, but not to exceed 5%. Any interest
24 billed by the Department shall be due immediately upon receipt
25 of the Department's billing statement.

26 (F) The Illinois Department may withhold payments to any

1 vendor or alternate payee prior to or during the pendency of
2 any audit or proceeding under this Section, and through the
3 pendency of any administrative appeal or administrative review
4 by any court proceeding. The Illinois Department shall state
5 by rule with as much specificity as practicable the conditions
6 under which payments will not be withheld under this Section.
7 Payments may be denied for bills submitted with service dates
8 occurring during the pendency of a proceeding, after a final
9 decision has been rendered, or after the conclusion of any
10 administrative appeal, where the final administrative decision
11 is to terminate, exclude, or suspend eligibility to
12 participate in the medical assistance program. The Illinois
13 Department shall state by rule with as much specificity as
14 practicable the conditions under which payments will not be
15 denied for such bills. The Illinois Department shall state by
16 rule a process and criteria by which a vendor or alternate
17 payee may request full or partial release of payments withheld
18 under this subsection. The Department must complete a
19 proceeding under this Section in a timely manner.

20 Notwithstanding recovery allowed under subsection (E) or
21 this subsection (F), the Illinois Department may withhold
22 payments to any vendor or alternate payee who is not properly
23 licensed, certified, or in compliance with State or federal
24 agency regulations. Payments may be denied for bills submitted
25 with service dates occurring during the period of time that a
26 vendor is not properly licensed, certified, or in compliance

1 with State or federal regulations. Facilities licensed under
2 the Nursing Home Care Act shall have payments denied or
3 withheld pursuant to subsection (I) of this Section.

4 (F-5) The Illinois Department may temporarily withhold
5 payments to a vendor or alternate payee if any of the following
6 individuals have been indicted or otherwise charged under a
7 law of the United States or this or any other state with an
8 offense that is based on alleged fraud or willful
9 misrepresentation on the part of the individual related to (i)
10 the medical assistance program under Article V of this Code,
11 (ii) a federal or another state's medical assistance or health
12 care program, or (iii) the provision of health care services:

13 (1) If the vendor or alternate payee is a corporation:
14 an officer of the corporation or an individual who owns,
15 either directly or indirectly, 5% or more of the shares of
16 stock or other evidence of ownership of the corporation.

17 (2) If the vendor is a sole proprietorship: the owner
18 of the sole proprietorship.

19 (3) If the vendor or alternate payee is a partnership:
20 a partner in the partnership.

21 (4) If the vendor or alternate payee is any other
22 business entity authorized by law to transact business in
23 this State: an officer of the entity or an individual who
24 owns, either directly or indirectly, 5% or more of the
25 evidences of ownership of the entity.

26 If the Illinois Department withholds payments to a vendor

1 or alternate payee under this subsection, the Department shall
2 not release those payments to the vendor or alternate payee
3 while any criminal proceeding related to the indictment or
4 charge is pending unless the Department determines that there
5 is good cause to release the payments before completion of the
6 proceeding. If the indictment or charge results in the
7 individual's conviction, the Illinois Department shall retain
8 all withheld payments, which shall be considered forfeited to
9 the Department. If the indictment or charge does not result in
10 the individual's conviction, the Illinois Department shall
11 release to the vendor or alternate payee all withheld
12 payments.

13 (F-10) If the Illinois Department establishes that the
14 vendor or alternate payee owes a debt to the Illinois
15 Department, and the vendor or alternate payee subsequently
16 fails to pay or make satisfactory payment arrangements with
17 the Illinois Department for the debt owed, the Illinois
18 Department may seek all remedies available under the law of
19 this State to recover the debt, including, but not limited to,
20 wage garnishment or the filing of claims or liens against the
21 vendor or alternate payee.

22 (F-15) Enforcement of judgment.

23 (1) Any fine, recovery amount, other sanction, or
24 costs imposed, or part of any fine, recovery amount, other
25 sanction, or cost imposed, remaining unpaid after the
26 exhaustion of or the failure to exhaust judicial review

1 procedures under the Illinois Administrative Review Law is
2 a debt due and owing the State and may be collected using
3 all remedies available under the law.

4 (2) After expiration of the period in which judicial
5 review under the Illinois Administrative Review Law may be
6 sought for a final administrative decision, unless stayed
7 by a court of competent jurisdiction, the findings,
8 decision, and order of the Director may be enforced in the
9 same manner as a judgment entered by a court of competent
10 jurisdiction.

11 (3) In any case in which any person or entity has
12 failed to comply with a judgment ordering or imposing any
13 fine or other sanction, any expenses incurred by the
14 Illinois Department to enforce the judgment, including,
15 but not limited to, attorney's fees, court costs, and
16 costs related to property demolition or foreclosure, after
17 they are fixed by a court of competent jurisdiction or the
18 Director, shall be a debt due and owing the State and may
19 be collected in accordance with applicable law. Prior to
20 any expenses being fixed by a final administrative
21 decision pursuant to this subsection (F-15), the Illinois
22 Department shall provide notice to the individual or
23 entity that states that the individual or entity shall
24 appear at a hearing before the administrative hearing
25 officer to determine whether the individual or entity has
26 failed to comply with the judgment. The notice shall set

1 the date for such a hearing, which shall not be less than 7
2 days from the date that notice is served. If notice is
3 served by mail, the 7-day period shall begin to run on the
4 date that the notice was deposited in the mail.

5 (4) Upon being recorded in the manner required by
6 Article XII of the Code of Civil Procedure or by the
7 Uniform Commercial Code, a lien shall be imposed on the
8 real estate or personal estate, or both, of the individual
9 or entity in the amount of any debt due and owing the State
10 under this Section. The lien may be enforced in the same
11 manner as a judgment of a court of competent jurisdiction.
12 A lien shall attach to all property and assets of such
13 person, firm, corporation, association, agency,
14 institution, or other legal entity until the judgment is
15 satisfied.

16 (5) The Director may set aside any judgment entered by
17 default and set a new hearing date upon a petition filed at
18 any time (i) if the petitioner's failure to appear at the
19 hearing was for good cause, or (ii) if the petitioner
20 established that the Department did not provide proper
21 service of process. If any judgment is set aside pursuant
22 to this paragraph (5), the hearing officer shall have
23 authority to enter an order extinguishing any lien which
24 has been recorded for any debt due and owing the Illinois
25 Department as a result of the vacated default judgment.

26 (G) The provisions of the Administrative Review Law, as

1 now or hereafter amended, and the rules adopted pursuant
2 thereto, shall apply to and govern all proceedings for the
3 judicial review of final administrative decisions of the
4 Illinois Department under this Section. The term
5 "administrative decision" is defined as in Section 3-101 of
6 the Code of Civil Procedure.

7 (G-5) Vendors who pose a risk of fraud, waste, abuse, or
8 harm.

9 (1) Notwithstanding any other provision in this
10 Section, the Department may terminate, suspend, or exclude
11 vendors who pose a risk of fraud, waste, abuse, or harm
12 from participation in the medical assistance program prior
13 to an evidentiary hearing but after reasonable notice and
14 opportunity to respond as established by the Department by
15 rule.

16 (2) Vendors who pose a risk of fraud, waste, abuse, or
17 harm shall submit to a fingerprint-based criminal
18 background check on current and future information
19 available in the State system and current information
20 available through the Federal Bureau of Investigation's
21 system by submitting all necessary fees and information in
22 the form and manner prescribed by the Illinois Department
23 ~~of~~ State Police. The following individuals shall be
24 subject to the check:

25 (A) In the case of a vendor that is a corporation,
26 every shareholder who owns, directly or indirectly, 5%

1 or more of the outstanding shares of the corporation.

2 (B) In the case of a vendor that is a partnership,
3 every partner.

4 (C) In the case of a vendor that is a sole
5 proprietorship, the sole proprietor.

6 (D) Each officer or manager of the vendor.

7 Each such vendor shall be responsible for payment of
8 the cost of the criminal background check.

9 (3) Vendors who pose a risk of fraud, waste, abuse, or
10 harm may be required to post a surety bond. The Department
11 shall establish, by rule, the criteria and requirements
12 for determining when a surety bond must be posted and the
13 value of the bond.

14 (4) The Department, or its agents, may refuse to
15 accept requests for authorization from specific vendors
16 who pose a risk of fraud, waste, abuse, or harm, including
17 prior-approval and post-approval requests, if:

18 (A) the Department has initiated a notice of
19 termination, suspension, or exclusion of the vendor
20 from participation in the medical assistance program;
21 or

22 (B) the Department has issued notification of its
23 withholding of payments pursuant to subsection (F-5)
24 of this Section; or

25 (C) the Department has issued a notification of
26 its withholding of payments due to reliable evidence

1 of fraud or willful misrepresentation pending
2 investigation.

3 (5) As used in this subsection, the following terms
4 are defined as follows:

5 (A) "Fraud" means an intentional deception or
6 misrepresentation made by a person with the knowledge
7 that the deception could result in some unauthorized
8 benefit to himself or herself or some other person. It
9 includes any act that constitutes fraud under
10 applicable federal or State law.

11 (B) "Abuse" means provider practices that are
12 inconsistent with sound fiscal, business, or medical
13 practices and that result in an unnecessary cost to
14 the medical assistance program or in reimbursement for
15 services that are not medically necessary or that fail
16 to meet professionally recognized standards for health
17 care. It also includes recipient practices that result
18 in unnecessary cost to the medical assistance program.
19 Abuse does not include diagnostic or therapeutic
20 measures conducted primarily as a safeguard against
21 possible vendor liability.

22 (C) "Waste" means the unintentional misuse of
23 medical assistance resources, resulting in unnecessary
24 cost to the medical assistance program. Waste does not
25 include diagnostic or therapeutic measures conducted
26 primarily as a safeguard against possible vendor

1 liability.

2 (D) "Harm" means physical, mental, or monetary
3 damage to recipients or to the medical assistance
4 program.

5 (G-6) The Illinois Department, upon making a determination
6 based upon information in the possession of the Illinois
7 Department that continuation of participation in the medical
8 assistance program by a vendor would constitute an immediate
9 danger to the public, may immediately suspend such vendor's
10 participation in the medical assistance program without a
11 hearing. In instances in which the Illinois Department
12 immediately suspends the medical assistance program
13 participation of a vendor under this Section, a hearing upon
14 the vendor's participation must be convened by the Illinois
15 Department within 15 days after such suspension and completed
16 without appreciable delay. Such hearing shall be held to
17 determine whether to recommend to the Director that the
18 vendor's medical assistance program participation be denied,
19 terminated, suspended, placed on provisional status, or
20 reinstated. In the hearing, any evidence relevant to the
21 vendor constituting an immediate danger to the public may be
22 introduced against such vendor; provided, however, that the
23 vendor, or his or her counsel, shall have the opportunity to
24 discredit, impeach, and submit evidence rebutting such
25 evidence.

26 (H) Nothing contained in this Code shall in any way limit

1 or otherwise impair the authority or power of any State agency
2 responsible for licensing of vendors.

3 (I) Based on a finding of noncompliance on the part of a
4 nursing home with any requirement for certification under
5 Title XVIII or XIX of the Social Security Act (42 U.S.C. Sec.
6 1395 et seq. or 42 U.S.C. Sec. 1396 et seq.), the Illinois
7 Department may impose one or more of the following remedies
8 after notice to the facility:

9 (1) Termination of the provider agreement.

10 (2) Temporary management.

11 (3) Denial of payment for new admissions.

12 (4) Civil money penalties.

13 (5) Closure of the facility in emergency situations or
14 transfer of residents, or both.

15 (6) State monitoring.

16 (7) Denial of all payments when the U.S. Department of
17 Health and Human Services has imposed this sanction.

18 The Illinois Department shall by rule establish criteria
19 governing continued payments to a nursing facility subsequent
20 to termination of the facility's provider agreement if, in the
21 sole discretion of the Illinois Department, circumstances
22 affecting the health, safety, and welfare of the facility's
23 residents require those continued payments. The Illinois
24 Department may condition those continued payments on the
25 appointment of temporary management, sale of the facility to
26 new owners or operators, or other arrangements that the

1 Illinois Department determines best serve the needs of the
2 facility's residents.

3 Except in the case of a facility that has a right to a
4 hearing on the finding of noncompliance before an agency of
5 the federal government, a facility may request a hearing
6 before a State agency on any finding of noncompliance within
7 60 days after the notice of the intent to impose a remedy.
8 Except in the case of civil money penalties, a request for a
9 hearing shall not delay imposition of the penalty. The choice
10 of remedies is not appealable at a hearing. The level of
11 noncompliance may be challenged only in the case of a civil
12 money penalty. The Illinois Department shall provide by rule
13 for the State agency that will conduct the evidentiary
14 hearings.

15 The Illinois Department may collect interest on unpaid
16 civil money penalties.

17 The Illinois Department may adopt all rules necessary to
18 implement this subsection (I).

19 (J) The Illinois Department, by rule, may permit
20 individual practitioners to designate that Department payments
21 that may be due the practitioner be made to an alternate payee
22 or alternate payees.

23 (a) Such alternate payee or alternate payees shall be
24 required to register as an alternate payee in the Medical
25 Assistance Program with the Illinois Department.

26 (b) If a practitioner designates an alternate payee,

1 the alternate payee and practitioner shall be jointly and
2 severally liable to the Department for payments made to
3 the alternate payee. Pursuant to subsection (E) of this
4 Section, any Department action to suspend or deny payment
5 or recover money or overpayments from an alternate payee
6 shall be subject to an administrative hearing.

7 (c) Registration as an alternate payee or alternate
8 payees in the Illinois Medical Assistance Program shall be
9 conditional. At any time, the Illinois Department may deny
10 or cancel any alternate payee's registration in the
11 Illinois Medical Assistance Program without cause. Any
12 such denial or cancellation is not subject to an
13 administrative hearing.

14 (d) The Illinois Department may seek a revocation of
15 any alternate payee, and all owners, officers, and
16 individuals with management responsibility for such
17 alternate payee shall be permanently prohibited from
18 participating as an owner, an officer, or an individual
19 with management responsibility with an alternate payee in
20 the Illinois Medical Assistance Program, if after
21 reasonable notice and opportunity for a hearing the
22 Illinois Department finds that:

23 (1) the alternate payee is not complying with the
24 Department's policy or rules and regulations, or with
25 the terms and conditions prescribed by the Illinois
26 Department in its alternate payee registration

1 agreement; or

2 (2) the alternate payee has failed to keep or make
3 available for inspection, audit, or copying, after
4 receiving a written request from the Illinois
5 Department, such records regarding payments claimed as
6 an alternate payee; or

7 (3) the alternate payee has failed to furnish any
8 information requested by the Illinois Department
9 regarding payments claimed as an alternate payee; or

10 (4) the alternate payee has knowingly made, or
11 caused to be made, any false statement or
12 representation of a material fact in connection with
13 the administration of the Illinois Medical Assistance
14 Program; or

15 (5) the alternate payee, a person with management
16 responsibility for an alternate payee, an officer or
17 person owning, either directly or indirectly, 5% or
18 more of the shares of stock or other evidences of
19 ownership in a corporate alternate payee, or a partner
20 in a partnership which is an alternate payee:

21 (a) was previously terminated, suspended, or
22 excluded from participation as a vendor in the
23 Illinois Medical Assistance Program, or was
24 previously revoked as an alternate payee in the
25 Illinois Medical Assistance Program, or was
26 terminated, suspended, or excluded from

1 participation as a vendor in a medical assistance
2 program in another state that is of the same kind
3 as the program of medical assistance provided
4 under Article V of this Code; or

5 (b) was a person with management
6 responsibility for a vendor previously terminated,
7 suspended, or excluded from participation as a
8 vendor in the Illinois Medical Assistance Program,
9 or was previously revoked as an alternate payee in
10 the Illinois Medical Assistance Program, or was
11 terminated, suspended, or excluded from
12 participation as a vendor in a medical assistance
13 program in another state that is of the same kind
14 as the program of medical assistance provided
15 under Article V of this Code, during the time of
16 conduct which was the basis for that vendor's
17 termination, suspension, or exclusion or alternate
18 payee's revocation; or

19 (c) was an officer, or person owning, either
20 directly or indirectly, 5% or more of the shares
21 of stock or other evidences of ownership in a
22 corporate vendor previously terminated, suspended,
23 or excluded from participation as a vendor in the
24 Illinois Medical Assistance Program, or was
25 previously revoked as an alternate payee in the
26 Illinois Medical Assistance Program, or was

1 terminated, suspended, or excluded from
2 participation as a vendor in a medical assistance
3 program in another state that is of the same kind
4 as the program of medical assistance provided
5 under Article V of this Code, during the time of
6 conduct which was the basis for that vendor's
7 termination, suspension, or exclusion; or

8 (d) was an owner of a sole proprietorship or
9 partner in a partnership previously terminated,
10 suspended, or excluded from participation as a
11 vendor in the Illinois Medical Assistance Program,
12 or was previously revoked as an alternate payee in
13 the Illinois Medical Assistance Program, or was
14 terminated, suspended, or excluded from
15 participation as a vendor in a medical assistance
16 program in another state that is of the same kind
17 as the program of medical assistance provided
18 under Article V of this Code, during the time of
19 conduct which was the basis for that vendor's
20 termination, suspension, or exclusion or alternate
21 payee's revocation; or

22 (6) the alternate payee, a person with management
23 responsibility for an alternate payee, an officer or
24 person owning, either directly or indirectly, 5% or
25 more of the shares of stock or other evidences of
26 ownership in a corporate alternate payee, or a partner

1 in a partnership which is an alternate payee:

2 (a) has engaged in conduct prohibited by
3 applicable federal or State law or regulation
4 relating to the Illinois Medical Assistance
5 Program; or

6 (b) was a person with management
7 responsibility for a vendor or alternate payee at
8 the time that the vendor or alternate payee
9 engaged in practices prohibited by applicable
10 federal or State law or regulation relating to the
11 Illinois Medical Assistance Program; or

12 (c) was an officer, or person owning, either
13 directly or indirectly, 5% or more of the shares
14 of stock or other evidences of ownership in a
15 vendor or alternate payee at the time such vendor
16 or alternate payee engaged in practices prohibited
17 by applicable federal or State law or regulation
18 relating to the Illinois Medical Assistance
19 Program; or

20 (d) was an owner of a sole proprietorship or
21 partner in a partnership which was a vendor or
22 alternate payee at the time such vendor or
23 alternate payee engaged in practices prohibited by
24 applicable federal or State law or regulation
25 relating to the Illinois Medical Assistance
26 Program; or

1 (7) the direct or indirect ownership of the vendor
2 or alternate payee (including the ownership of a
3 vendor or alternate payee that is a partner's interest
4 in a vendor or alternate payee, or ownership of 5% or
5 more of the shares of stock or other evidences of
6 ownership in a corporate vendor or alternate payee)
7 has been transferred by an individual who is
8 terminated, suspended, or excluded or barred from
9 participating as a vendor or is prohibited or revoked
10 as an alternate payee to the individual's spouse,
11 child, brother, sister, parent, grandparent,
12 grandchild, uncle, aunt, niece, nephew, cousin, or
13 relative by marriage.

14 (K) The Illinois Department of Healthcare and Family
15 Services may withhold payments, in whole or in part, to a
16 provider or alternate payee where there is credible evidence,
17 received from State or federal law enforcement or federal
18 oversight agencies or from the results of a preliminary
19 Department audit, that the circumstances giving rise to the
20 need for a withholding of payments may involve fraud or
21 willful misrepresentation under the Illinois Medical
22 Assistance program. The Department shall by rule define what
23 constitutes "credible" evidence for purposes of this
24 subsection. The Department may withhold payments without first
25 notifying the provider or alternate payee of its intention to
26 withhold such payments. A provider or alternate payee may

1 request a reconsideration of payment withholding, and the
2 Department must grant such a request. The Department shall
3 state by rule a process and criteria by which a provider or
4 alternate payee may request full or partial release of
5 payments withheld under this subsection. This request may be
6 made at any time after the Department first withholds such
7 payments.

8 (a) The Illinois Department must send notice of its
9 withholding of program payments within 5 days of taking
10 such action. The notice must set forth the general
11 allegations as to the nature of the withholding action,
12 but need not disclose any specific information concerning
13 its ongoing investigation. The notice must do all of the
14 following:

15 (1) State that payments are being withheld in
16 accordance with this subsection.

17 (2) State that the withholding is for a temporary
18 period, as stated in paragraph (b) of this subsection,
19 and cite the circumstances under which withholding
20 will be terminated.

21 (3) Specify, when appropriate, which type or types
22 of Medicaid claims withholding is effective.

23 (4) Inform the provider or alternate payee of the
24 right to submit written evidence for reconsideration
25 of the withholding by the Illinois Department.

26 (5) Inform the provider or alternate payee that a

1 written request may be made to the Illinois Department
2 for full or partial release of withheld payments and
3 that such requests may be made at any time after the
4 Department first withholds such payments.

5 (b) All withholding-of-payment actions under this
6 subsection shall be temporary and shall not continue after
7 any of the following:

8 (1) The Illinois Department or the prosecuting
9 authorities determine that there is insufficient
10 evidence of fraud or willful misrepresentation by the
11 provider or alternate payee.

12 (2) Legal proceedings related to the provider's or
13 alternate payee's alleged fraud, willful
14 misrepresentation, violations of this Act, or
15 violations of the Illinois Department's administrative
16 rules are completed.

17 (3) The withholding of payments for a period of 3
18 years.

19 (c) The Illinois Department may adopt all rules
20 necessary to implement this subsection (K).

21 (K-5) The Illinois Department may withhold payments, in
22 whole or in part, to a provider or alternate payee upon
23 initiation of an audit, quality of care review, investigation
24 when there is a credible allegation of fraud, or the provider
25 or alternate payee demonstrating a clear failure to cooperate
26 with the Illinois Department such that the circumstances give

1 rise to the need for a withholding of payments. As used in this
2 subsection, "credible allegation" is defined to include an
3 allegation from any source, including, but not limited to,
4 fraud hotline complaints, claims data mining, patterns
5 identified through provider audits, civil actions filed under
6 the Illinois False Claims Act, and law enforcement
7 investigations. An allegation is considered to be credible
8 when it has indicia of reliability. The Illinois Department
9 may withhold payments without first notifying the provider or
10 alternate payee of its intention to withhold such payments. A
11 provider or alternate payee may request a hearing or a
12 reconsideration of payment withholding, and the Illinois
13 Department must grant such a request. The Illinois Department
14 shall state by rule a process and criteria by which a provider
15 or alternate payee may request a hearing or a reconsideration
16 for the full or partial release of payments withheld under
17 this subsection. This request may be made at any time after the
18 Illinois Department first withholds such payments.

19 (a) The Illinois Department must send notice of its
20 withholding of program payments within 5 days of taking
21 such action. The notice must set forth the general
22 allegations as to the nature of the withholding action but
23 need not disclose any specific information concerning its
24 ongoing investigation. The notice must do all of the
25 following:

26 (1) State that payments are being withheld in

1 accordance with this subsection.

2 (2) State that the withholding is for a temporary
3 period, as stated in paragraph (b) of this subsection,
4 and cite the circumstances under which withholding
5 will be terminated.

6 (3) Specify, when appropriate, which type or types
7 of claims are withheld.

8 (4) Inform the provider or alternate payee of the
9 right to request a hearing or a reconsideration of the
10 withholding by the Illinois Department, including the
11 ability to submit written evidence.

12 (5) Inform the provider or alternate payee that a
13 written request may be made to the Illinois Department
14 for a hearing or a reconsideration for the full or
15 partial release of withheld payments and that such
16 requests may be made at any time after the Illinois
17 Department first withholds such payments.

18 (b) All withholding of payment actions under this
19 subsection shall be temporary and shall not continue after
20 any of the following:

21 (1) The Illinois Department determines that there
22 is insufficient evidence of fraud, or the provider or
23 alternate payee demonstrates clear cooperation with
24 the Illinois Department, as determined by the Illinois
25 Department, such that the circumstances do not give
26 rise to the need for withholding of payments; or

1 (2) The withholding of payments has lasted for a
2 period in excess of 3 years.

3 (c) The Illinois Department may adopt all rules
4 necessary to implement this subsection (K-5).

5 (L) The Illinois Department shall establish a protocol to
6 enable health care providers to disclose an actual or
7 potential violation of this Section pursuant to a
8 self-referral disclosure protocol, referred to in this
9 subsection as "the protocol". The protocol shall include
10 direction for health care providers on a specific person,
11 official, or office to whom such disclosures shall be made.
12 The Illinois Department shall post information on the protocol
13 on the Illinois Department's public website. The Illinois
14 Department may adopt rules necessary to implement this
15 subsection (L). In addition to other factors that the Illinois
16 Department finds appropriate, the Illinois Department may
17 consider a health care provider's timely use or failure to use
18 the protocol in considering the provider's failure to comply
19 with this Code.

20 (M) Notwithstanding any other provision of this Code, the
21 Illinois Department, at its discretion, may exempt an entity
22 licensed under the Nursing Home Care Act, the ID/DD Community
23 Care Act, or the MC/DD Act from the provisions of subsections
24 (A-15), (B), and (C) of this Section if the licensed entity is
25 in receivership.

26 (Source: P.A. 98-214, eff. 8-9-13; 98-550, eff. 8-27-13;

1 98-756, eff. 7-16-14; 99-180, eff. 7-29-15.)

2 Section 740. The Housing Authorities Act is amended by
3 changing Section 25 as follows:

4 (310 ILCS 10/25) (from Ch. 67 1/2, par. 25)

5 Sec. 25. Rentals and tenant selection. In the operation or
6 management of housing projects an Authority shall at all times
7 observe the following duties with respect to rentals and
8 tenant selection:

9 (a) It shall not accept any person as a tenant in any
10 dwelling in a housing project if the persons who would occupy
11 the dwelling have an aggregate annual income which equals or
12 exceeds the amount which the Authority determines (which
13 determination shall be conclusive) to be necessary in order to
14 enable such persons to secure safe, sanitary and uncongested
15 dwelling accommodations within the area of operation of the
16 Authority and to provide an adequate standard of living for
17 themselves.

18 (b) It may rent or lease the dwelling accommodations
19 therein only at rentals within the financial reach of persons
20 who lack the amount of income which it determines (pursuant to
21 (a) of this Section) to be necessary in order to obtain safe,
22 sanitary and uncongested dwelling accommodations within the
23 area of operation of the Authority and to provide an adequate
24 standard of living.

1 (c) It may rent or lease to a tenant a dwelling consisting
2 of the number of rooms (but no greater number) which it deems
3 necessary to provide safe and sanitary accommodations to the
4 proposed occupants thereof, without overcrowding.

5 (d) It shall not change the residency preference of any
6 prospective tenant once the application has been accepted by
7 the authority.

8 (e) It may refuse to certify or recertify applicants,
9 current tenants, or other household members if, after due
10 notice and an impartial hearing, that person or any of the
11 proposed occupants of the dwelling has, prior to or during a
12 term of tenancy or occupancy in any housing project operated
13 by an Authority, been convicted of a criminal offense relating
14 to the sale or distribution of controlled substances under the
15 laws of this State, the United States or any other state. If an
16 Authority desires a criminal history records check of all 50
17 states or a 50-state confirmation of a conviction record, the
18 Authority shall submit the fingerprints of the relevant
19 applicant, tenant, or other household member to the Illinois
20 ~~Department of~~ State Police in a manner prescribed by the
21 Illinois ~~Department of~~ State Police. These fingerprints shall
22 be checked against the fingerprint records now and hereafter
23 filed in the Illinois ~~Department of~~ State Police and Federal
24 Bureau of Investigation criminal history records databases.
25 The Illinois ~~Department of~~ State Police shall charge a fee for
26 conducting the criminal history records check, which shall be

1 deposited in the State Police Services Fund and shall not
2 exceed the actual cost of the records check. The Illinois
3 ~~Department of~~ State Police shall furnish pursuant to positive
4 identification, records of conviction to the Authority.

5 (f) It may, if a tenant has created or maintained a threat
6 constituting a serious and clear danger to the health or
7 safety of other tenants or Authority employees, after 3 days'
8 written notice of termination and without a hearing, file suit
9 against any such tenant for recovery of possession of the
10 premises. The tenant shall be given the opportunity to contest
11 the termination in the court proceedings. A serious and clear
12 danger to the health or safety of other tenants or Authority
13 employees shall include, but not be limited to, any of the
14 following activities of the tenant or of any other person on
15 the premises with the consent of the tenant:

16 (1) Physical assault or the threat of physical
17 assault.

18 (2) Illegal use of a firearm or other weapon or the
19 threat to use in an illegal manner a firearm or other
20 weapon.

21 (3) Possession of a controlled substance by the tenant
22 or any other person on the premises with the consent of the
23 tenant if the tenant knew or should have known of the
24 possession by the other person of a controlled substance,
25 unless the controlled substance was obtained directly from
26 or pursuant to a valid prescription.

1 (4) Streetgang membership as defined in the Illinois
2 Streetgang Terrorism Omnibus Prevention Act.

3 The management of low-rent public housing projects
4 financed and developed under the U.S. Housing Act of 1937
5 shall be in accordance with that Act.

6 Nothing contained in this Section or any other Section of
7 this Act shall be construed as limiting the power of an
8 Authority to vest in a bondholder or trustee the right, in the
9 event of a default by the Authority, to take possession and
10 operate a housing project or cause the appointment of a
11 receiver thereof, free from all restrictions imposed by this
12 Section or any other Section of this Act.

13 (Source: P.A. 93-418, eff. 1-1-04; 93-749, eff. 7-15-04.)

14 Section 745. The Adult Protective Services Act is amended
15 by changing Section 3.5 as follows:

16 (320 ILCS 20/3.5)

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

24 (a) promotion of a wide range of endeavors for the

1 purpose of preventing abuse, neglect, financial
2 exploitation, and self-neglect, including, but not limited
3 to, promotion of public and professional education to
4 increase awareness of abuse, neglect, financial
5 exploitation, and self-neglect; to increase reports; to
6 establish access to and use of the Registry established
7 under Section 7.5; and to improve response by various
8 legal, financial, social, and health systems;

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

22 (c) collection and analysis of data;

23 (d) monitoring of the performance of regional
24 administrative agencies and adult protective services
25 agencies;

26 (e) promotion of prevention activities;

1 (f) establishing and coordinating an aggressive
2 training program on the unique nature of adult abuse cases
3 with other agencies, councils, and like entities, to
4 include but not be limited to the Office of the Attorney
5 General, the Illinois State Police, the Illinois Law
6 Enforcement Training Standards Board, the State Triad, the
7 Illinois Criminal Justice Information Authority, the State
8 Departments of Public Health, Healthcare and Family
9 Services, and Human Services, the Family Violence
10 Coordinating Council, the Illinois Violence Prevention
11 Authority, the agency designated by the Governor under
12 Section 1 of the Protection and Advocacy for Persons with
13 Developmental Disabilities Act, and other entities that
14 may impact awareness of and response to abuse, neglect,
15 financial exploitation, and self-neglect;

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

26 (g-1) developing by joint rulemaking with the

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

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

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

17 Section 755. The Abused and Neglected Child Reporting Act
18 is amended by changing Sections 7.3, 7.4, and 11.1 as follows:

19 (325 ILCS 5/7.3) (from Ch. 23, par. 2057.3)

20 Sec. 7.3. (a) The Department shall be the sole agency
21 responsible for receiving and investigating reports of child
22 abuse or neglect made under this Act, including reports of
23 adult resident abuse or neglect as defined in this Act, except
24 where investigations by other agencies may be required with

1 respect to reports alleging the abuse or neglect of a child by
2 a person who is not the child's parent, a member of the child's
3 immediate family, a person responsible for the child's
4 welfare, an individual residing in the same home as the child,
5 or a paramour of the child's parent, the death of a child,
6 serious injury to a child or sexual abuse to a child made
7 pursuant to Sections 4.1 or 7 of this Act, and except that the
8 Department may delegate the performance of the investigation
9 to the Illinois ~~Department of~~ State Police, a law enforcement
10 agency and to those private social service agencies which have
11 been designated for this purpose by the Department prior to
12 July 1, 1980.

13 (b) Notwithstanding any other provision of this Act, the
14 Department shall adopt rules expressly allowing law
15 enforcement personnel to investigate reports of suspected
16 child abuse or neglect concurrently with the Department,
17 without regard to whether the Department determines a report
18 to be "indicated" or "unfounded" or deems a report to be
19 "undetermined".

20 (c) By June 1, 2016, the Department shall adopt rules that
21 address and set forth criteria and standards relevant to
22 investigations of reports of abuse or neglect committed by any
23 agency, as defined in Section 3 of this Act, or person working
24 for an agency responsible for the welfare of a child or adult
25 resident.

26 (Source: P.A. 101-583, eff. 1-1-20.)

1 (325 ILCS 5/7.4) (from Ch. 23, par. 2057.4)

2 Sec. 7.4. (a) The Department shall be capable of receiving
3 reports of suspected child abuse or neglect 24 hours a day, 7
4 days a week. Whenever the Department receives a report
5 alleging that a child is a truant as defined in Section 26-2a
6 of the School Code, as now or hereafter amended, the
7 Department shall notify the superintendent of the school
8 district in which the child resides and the appropriate
9 superintendent of the educational service region. The
10 notification to the appropriate officials by the Department
11 shall not be considered an allegation of abuse or neglect
12 under this Act.

13 (a-5) The Department of Children and Family Services may
14 implement a "differential response program" in accordance with
15 criteria, standards, and procedures prescribed by rule. The
16 program may provide that, upon receiving a report, the
17 Department shall determine whether to conduct a family
18 assessment or an investigation as appropriate to prevent or
19 provide a remedy for child abuse or neglect.

20 For purposes of this subsection (a-5), "family assessment"
21 means a comprehensive assessment of child safety, risk of
22 subsequent child maltreatment, and family strengths and needs
23 that is applied to a child maltreatment report that does not
24 allege substantial child endangerment. "Family assessment"
25 does not include a determination as to whether child

1 maltreatment occurred but does determine the need for services
2 to address the safety of family members and the risk of
3 subsequent maltreatment.

4 For purposes of this subsection (a-5), "investigation"
5 means fact-gathering related to the current safety of a child
6 and the risk of subsequent abuse or neglect that determines
7 whether a report of suspected child abuse or neglect should be
8 indicated or unfounded and whether child protective services
9 are needed.

10 Under the "differential response program" implemented
11 under this subsection (a-5), the Department:

12 (1) Shall conduct an investigation on reports
13 involving substantial child abuse or neglect.

14 (2) Shall begin an immediate investigation if, at any
15 time when it is using a family assessment response, it
16 determines that there is reason to believe that
17 substantial child abuse or neglect or a serious threat to
18 the child's safety exists.

19 (3) May conduct a family assessment for reports that
20 do not allege substantial child endangerment. In
21 determining that a family assessment is appropriate, the
22 Department may consider issues, including, but not limited
23 to, child safety, parental cooperation, and the need for
24 an immediate response.

25 (4) Shall promulgate criteria, standards, and
26 procedures that shall be applied in making this

1 determination, taking into consideration the Child
2 Endangerment Risk Assessment Protocol of the Department.

3 (5) May conduct a family assessment on a report that
4 was initially screened and assigned for an investigation.

5 In determining that a complete investigation is not
6 required, the Department must document the reason for
7 terminating the investigation and notify the local law
8 enforcement agency or the Illinois ~~Department of~~ State Police
9 if the local law enforcement agency or Illinois ~~Department of~~
10 State Police is conducting a joint investigation.

11 Once it is determined that a "family assessment" will be
12 implemented, the case shall not be reported to the central
13 register of abuse and neglect reports.

14 During a family assessment, the Department shall collect
15 any available and relevant information to determine child
16 safety, risk of subsequent abuse or neglect, and family
17 strengths.

18 Information collected includes, but is not limited to,
19 when relevant: information with regard to the person reporting
20 the alleged abuse or neglect, including the nature of the
21 reporter's relationship to the child and to the alleged
22 offender, and the basis of the reporter's knowledge for the
23 report; the child allegedly being abused or neglected; the
24 alleged offender; the child's caretaker; and other collateral
25 sources having relevant information related to the alleged
26 abuse or neglect. Information relevant to the assessment must

1 be asked for, and may include:

2 (A) The child's sex and age, prior reports of abuse or
3 neglect, information relating to developmental
4 functioning, credibility of the child's statement, and
5 whether the information provided under this paragraph (A)
6 is consistent with other information collected during the
7 course of the assessment or investigation.

8 (B) The alleged offender's age, a record check for
9 prior reports of abuse or neglect, and criminal charges
10 and convictions. The alleged offender may submit
11 supporting documentation relevant to the assessment.

12 (C) Collateral source information regarding the
13 alleged abuse or neglect and care of the child. Collateral
14 information includes, when relevant: (i) a medical
15 examination of the child; (ii) prior medical records
16 relating to the alleged maltreatment or care of the child
17 maintained by any facility, clinic, or health care
18 professional, and an interview with the treating
19 professionals; and (iii) interviews with the child's
20 caretakers, including the child's parent, guardian, foster
21 parent, child care provider, teachers, counselors, family
22 members, relatives, and other persons who may have
23 knowledge regarding the alleged maltreatment and the care
24 of the child.

25 (D) Information on the existence of domestic abuse and
26 violence in the home of the child, and substance abuse.

1 Nothing in this subsection (a-5) precludes the Department
2 from collecting other relevant information necessary to
3 conduct the assessment or investigation. Nothing in this
4 subsection (a-5) shall be construed to allow the name or
5 identity of a reporter to be disclosed in violation of the
6 protections afforded under Section 7.19 of this Act.

7 After conducting the family assessment, the Department
8 shall determine whether services are needed to address the
9 safety of the child and other family members and the risk of
10 subsequent abuse or neglect.

11 Upon completion of the family assessment, if the
12 Department concludes that no services shall be offered, then
13 the case shall be closed. If the Department concludes that
14 services shall be offered, the Department shall develop a
15 family preservation plan and offer or refer services to the
16 family.

17 At any time during a family assessment, if the Department
18 believes there is any reason to stop the assessment and
19 conduct an investigation based on the information discovered,
20 the Department shall do so.

21 The procedures available to the Department in conducting
22 investigations under this Act shall be followed as appropriate
23 during a family assessment.

24 If the Department implements a differential response
25 program authorized under this subsection (a-5), the Department
26 shall arrange for an independent evaluation of the program for

1 at least the first 3 years of implementation to determine
2 whether it is meeting the goals in accordance with Section 2 of
3 this Act.

4 The Department may adopt administrative rules necessary
5 for the execution of this Section, in accordance with Section
6 4 of the Children and Family Services Act.

7 The Department shall submit a report to the General
8 Assembly by January 15, 2018 on the implementation progress
9 and recommendations for additional needed legislative changes.

10 (b) (1) The following procedures shall be followed in the
11 investigation of all reports of suspected abuse or neglect of
12 a child, except as provided in subsection (c) of this Section.

13 (2) If, during a family assessment authorized by
14 subsection (a-5) or an investigation, it appears that the
15 immediate safety or well-being of a child is endangered, that
16 the family may flee or the child disappear, or that the facts
17 otherwise so warrant, the Child Protective Service Unit shall
18 commence an investigation immediately, regardless of the time
19 of day or night. All other investigations shall be commenced
20 within 24 hours of receipt of the report. Upon receipt of a
21 report, the Child Protective Service Unit shall conduct a
22 family assessment authorized by subsection (a-5) or begin an
23 initial investigation and make an initial determination
24 whether the report is a good faith indication of alleged child
25 abuse or neglect.

26 (3) Based on an initial investigation, if the Unit

1 determines the report is a good faith indication of alleged
2 child abuse or neglect, then a formal investigation shall
3 commence and, pursuant to Section 7.12 of this Act, may or may
4 not result in an indicated report. The formal investigation
5 shall include: direct contact with the subject or subjects of
6 the report as soon as possible after the report is received; an
7 evaluation of the environment of the child named in the report
8 and any other children in the same environment; a
9 determination of the risk to such children if they continue to
10 remain in the existing environments, as well as a
11 determination of the nature, extent and cause of any condition
12 enumerated in such report; the name, age and condition of
13 other children in the environment; and an evaluation as to
14 whether there would be an immediate and urgent necessity to
15 remove the child from the environment if appropriate family
16 preservation services were provided. After seeing to the
17 safety of the child or children, the Department shall
18 forthwith notify the subjects of the report in writing, of the
19 existence of the report and their rights existing under this
20 Act in regard to amendment or expungement. To fulfill the
21 requirements of this Section, the Child Protective Service
22 Unit shall have the capability of providing or arranging for
23 comprehensive emergency services to children and families at
24 all times of the day or night.

25 (4) If (i) at the conclusion of the Unit's initial
26 investigation of a report, the Unit determines the report to

1 be a good faith indication of alleged child abuse or neglect
2 that warrants a formal investigation by the Unit, the
3 Department, any law enforcement agency or any other
4 responsible agency and (ii) the person who is alleged to have
5 caused the abuse or neglect is employed or otherwise engaged
6 in an activity resulting in frequent contact with children and
7 the alleged abuse or neglect are in the course of such
8 employment or activity, then the Department shall, except in
9 investigations where the Director determines that such
10 notification would be detrimental to the Department's
11 investigation, inform the appropriate supervisor or
12 administrator of that employment or activity that the Unit has
13 commenced a formal investigation pursuant to this Act, which
14 may or may not result in an indicated report. The Department
15 shall also notify the person being investigated, unless the
16 Director determines that such notification would be
17 detrimental to the Department's investigation.

18 (c) In an investigation of a report of suspected abuse or
19 neglect of a child by a school employee at a school or on
20 school grounds, the Department shall make reasonable efforts
21 to follow the following procedures:

22 (1) Investigations involving teachers shall not, to
23 the extent possible, be conducted when the teacher is
24 scheduled to conduct classes. Investigations involving
25 other school employees shall be conducted so as to
26 minimize disruption of the school day. The school employee

1 accused of child abuse or neglect may have his superior,
2 his association or union representative and his attorney
3 present at any interview or meeting at which the teacher
4 or administrator is present. The accused school employee
5 shall be informed by a representative of the Department,
6 at any interview or meeting, of the accused school
7 employee's due process rights and of the steps in the
8 investigation process. These due process rights shall also
9 include the right of the school employee to present
10 countervailing evidence regarding the accusations. In an
11 investigation in which the alleged perpetrator of abuse or
12 neglect is a school employee, including, but not limited
13 to, a school teacher or administrator, and the
14 recommendation is to determine the report to be indicated,
15 in addition to other procedures as set forth and defined
16 in Department rules and procedures, the employee's due
17 process rights shall also include: (i) the right to a copy
18 of the investigation summary; (ii) the right to review the
19 specific allegations which gave rise to the investigation;
20 and (iii) the right to an administrator's teleconference
21 which shall be convened to provide the school employee
22 with the opportunity to present documentary evidence or
23 other information that supports his or her position and to
24 provide information before a final finding is entered.

25 (2) If a report of neglect or abuse of a child by a
26 teacher or administrator does not involve allegations of

1 sexual abuse or extreme physical abuse, the Child
2 Protective Service Unit shall make reasonable efforts to
3 conduct the initial investigation in coordination with the
4 employee's supervisor.

5 If the Unit determines that the report is a good faith
6 indication of potential child abuse or neglect, it shall
7 then commence a formal investigation under paragraph (3)
8 of subsection (b) of this Section.

9 (3) If a report of neglect or abuse of a child by a
10 teacher or administrator involves an allegation of sexual
11 abuse or extreme physical abuse, the Child Protective Unit
12 shall commence an investigation under paragraph (2) of
13 subsection (b) of this Section.

14 (c-5) In any instance in which a report is made or caused
15 to made by a school district employee involving the conduct of
16 a person employed by the school district, at the time the
17 report was made, as required under Section 4 of this Act, the
18 Child Protective Service Unit shall send a copy of its final
19 finding report to the general superintendent of that school
20 district.

21 (c-10) The Department may recommend that a school district
22 remove a school employee who is the subject of an
23 investigation from his or her employment position pending the
24 outcome of the investigation; however, all employment
25 decisions regarding school personnel shall be the sole
26 responsibility of the school district or employer. The

1 Department may not require a school district to remove a
2 school employee from his or her employment position or limit
3 the school employee's duties pending the outcome of an
4 investigation.

5 (d) If the Department has contact with an employer, or
6 with a religious institution or religious official having
7 supervisory or hierarchical authority over a member of the
8 clergy accused of the abuse of a child, in the course of its
9 investigation, the Department shall notify the employer or the
10 religious institution or religious official, in writing, when
11 a report is unfounded so that any record of the investigation
12 can be expunged from the employee's or member of the clergy's
13 personnel or other records. The Department shall also notify
14 the employee or the member of the clergy, in writing, that
15 notification has been sent to the employer or to the
16 appropriate religious institution or religious official
17 informing the employer or religious institution or religious
18 official that the Department's investigation has resulted in
19 an unfounded report.

20 (d-1) Whenever a report alleges that a child was abused or
21 neglected while receiving care in a hospital, including a
22 freestanding psychiatric hospital licensed by the Department
23 of Public Health, the Department shall send a copy of its final
24 finding to the Director of Public Health and the Director of
25 Healthcare and Family Services.

26 (e) Upon request by the Department, the Illinois

1 ~~Department of~~ State Police and law enforcement agencies are
2 authorized to provide criminal history record information as
3 defined in the Illinois Uniform Conviction Information Act and
4 information maintained in the adjudicatory and dispositional
5 record system as defined in Section 2605-355 of the Illinois
6 ~~Department of~~ State Police Law ~~(20 ILCS 2605/2605-355)~~ to
7 properly designated employees of the Department of Children
8 and Family Services if the Department determines the
9 information is necessary to perform its duties under the
10 Abused and Neglected Child Reporting Act, the Child Care Act
11 of 1969, and the Children and Family Services Act. The request
12 shall be in the form and manner required by the Illinois
13 ~~Department of~~ State Police. Any information obtained by the
14 Department of Children and Family Services under this Section
15 is confidential and may not be transmitted outside the
16 Department of Children and Family Services other than to a
17 court of competent jurisdiction or unless otherwise authorized
18 by law. Any employee of the Department of Children and Family
19 Services who transmits confidential information in violation
20 of this Section or causes the information to be transmitted in
21 violation of this Section is guilty of a Class A misdemeanor
22 unless the transmittal of the information is authorized by
23 this Section or otherwise authorized by law.

24 (f) For purposes of this Section, "child abuse or neglect"
25 includes abuse or neglect of an adult resident as defined in
26 this Act.

1 (Source: P.A. 100-68, eff. 1-1-18; 100-176, eff. 1-1-18;
2 100-191, eff. 1-1-18; 100-863, eff. 8-14-18; 101-43, eff.
3 1-1-20.)

4 (325 ILCS 5/11.1) (from Ch. 23, par. 2061.1)

5 Sec. 11.1. Access to records.

6 (a) A person shall have access to the records described in
7 Section 11 only in furtherance of purposes directly connected
8 with the administration of this Act or the Intergovernmental
9 Missing Child Recovery Act of 1984. Those persons and purposes
10 for access include:

11 (1) Department staff in the furtherance of their
12 responsibilities under this Act, or for the purpose of
13 completing background investigations on persons or
14 agencies licensed by the Department or with whom the
15 Department contracts for the provision of child welfare
16 services.

17 (2) A law enforcement agency investigating known or
18 suspected child abuse or neglect, known or suspected
19 involvement with child pornography, known or suspected
20 criminal sexual assault, known or suspected criminal
21 sexual abuse, or any other sexual offense when a child is
22 alleged to be involved.

23 (3) The Illinois ~~Department of~~ State Police when
24 administering the provisions of the Intergovernmental
25 Missing Child Recovery Act of 1984.

1 (4) A physician who has before him a child whom he
2 reasonably suspects may be abused or neglected.

3 (5) A person authorized under Section 5 of this Act to
4 place a child in temporary protective custody when such
5 person requires the information in the report or record to
6 determine whether to place the child in temporary
7 protective custody.

8 (6) A person having the legal responsibility or
9 authorization to care for, treat, or supervise a child, or
10 a parent, prospective adoptive parent, foster parent,
11 guardian, or other person responsible for the child's
12 welfare, who is the subject of a report.

13 (7) Except in regard to harmful or detrimental
14 information as provided in Section 7.19, any subject of
15 the report, and if the subject of the report is a minor,
16 his guardian or guardian ad litem.

17 (8) A court, upon its finding that access to such
18 records may be necessary for the determination of an issue
19 before such court; however, such access shall be limited
20 to in camera inspection, unless the court determines that
21 public disclosure of the information contained therein is
22 necessary for the resolution of an issue then pending
23 before it.

24 (8.1) A probation officer or other authorized
25 representative of a probation or court services department
26 conducting an investigation ordered by a court under the

1 Juvenile Court Act of 1987.

2 (9) A grand jury, upon its determination that access
3 to such records is necessary in the conduct of its
4 official business.

5 (10) Any person authorized by the Director, in
6 writing, for audit or bona fide research purposes.

7 (11) Law enforcement agencies, coroners or medical
8 examiners, physicians, courts, school superintendents and
9 child welfare agencies in other states who are responsible
10 for child abuse or neglect investigations or background
11 investigations.

12 (12) The Department of Professional Regulation, the
13 State Board of Education and school superintendents in
14 Illinois, who may use or disclose information from the
15 records as they deem necessary to conduct investigations
16 or take disciplinary action, as provided by law.

17 (13) A coroner or medical examiner who has reason to
18 believe that a child has died as the result of abuse or
19 neglect.

20 (14) The Director of a State-operated facility when an
21 employee of that facility is the perpetrator in an
22 indicated report.

23 (15) The operator of a licensed child care facility or
24 a facility licensed by the Department of Human Services
25 (as successor to the Department of Alcoholism and
26 Substance Abuse) in which children reside when a current

1 or prospective employee of that facility is the
2 perpetrator in an indicated child abuse or neglect report,
3 pursuant to Section 4.3 of the Child Care Act of 1969.

4 (16) Members of a multidisciplinary team in the
5 furtherance of its responsibilities under subsection (b)
6 of Section 7.1. All reports concerning child abuse and
7 neglect made available to members of such
8 multidisciplinary teams and all records generated as a
9 result of such reports shall be confidential and shall not
10 be disclosed, except as specifically authorized by this
11 Act or other applicable law. It is a Class A misdemeanor to
12 permit, assist or encourage the unauthorized release of
13 any information contained in such reports or records.
14 Nothing contained in this Section prevents the sharing of
15 reports or records relating or pertaining to the death of
16 a minor under the care of or receiving services from the
17 Department of Children and Family Services and under the
18 jurisdiction of the juvenile court with the juvenile
19 court, the State's Attorney, and the minor's attorney.

20 (17) The Department of Human Services, as provided in
21 Section 17 of the Rehabilitation of Persons with
22 Disabilities Act.

23 (18) Any other agency or investigative body, including
24 the Department of Public Health and a local board of
25 health, authorized by State law to conduct an
26 investigation into the quality of care provided to

1 children in hospitals and other State regulated care
2 facilities.

3 (19) The person appointed, under Section 2-17 of the
4 Juvenile Court Act of 1987, as the guardian ad litem of a
5 minor who is the subject of a report or records under this
6 Act; or the person appointed, under Section 5-610 of the
7 Juvenile Court Act of 1987, as the guardian ad litem of a
8 minor who is in the custody or guardianship of the
9 Department or who has an open intact family services case
10 with the Department and who is the subject of a report or
11 records made pursuant to this Act.

12 (20) The Department of Human Services, as provided in
13 Section 10 of the Early Intervention Services System Act,
14 and the operator of a facility providing early
15 intervention services pursuant to that Act, for the
16 purpose of determining whether a current or prospective
17 employee who provides or may provide direct services under
18 that Act is the perpetrator in an indicated report of
19 child abuse or neglect filed under this Act.

20 (b) Nothing contained in this Act prevents the sharing or
21 disclosure of information or records relating or pertaining to
22 juveniles subject to the provisions of the Serious Habitual
23 Offender Comprehensive Action Program when that information is
24 used to assist in the early identification and treatment of
25 habitual juvenile offenders.

26 (c) To the extent that persons or agencies are given

1 access to information pursuant to this Section, those persons
2 or agencies may give this information to and receive this
3 information from each other in order to facilitate an
4 investigation conducted by those persons or agencies.

5 (Source: P.A. 100-158, eff. 1-1-18; 101-43, eff. 1-1-20.)

6 Section 760. The Intergovernmental Missing Child Recovery
7 Act of 1984 is amended by changing Sections 2, 3, 3.5, 3.6, 6,
8 and 7 as follows:

9 (325 ILCS 40/2) (from Ch. 23, par. 2252)

10 Sec. 2. As used in this Act:

11 (a) (Blank). ~~"Department" means the Department of State~~
12 ~~Police.~~

13 (b) "Director" means the Director of the Illinois
14 ~~Department of State Police.~~

15 (c) "Unit of local government" is defined as in Article
16 VII, Section 1 of the Illinois Constitution and includes both
17 home rule units and units which are not home rule units. The
18 term is also defined to include all public school districts
19 subject to the provisions of the School Code.

20 (d) "Child" means a person under 21 years of age.

21 (e) A "LEADS terminal" is an interactive computerized
22 communication and processing unit which permits a direct
23 on-line communication with the Illinois ~~Department of State~~
24 Police's central data repository, the Law Enforcement Agencies

1 Data System (LEADS).

2 (f) A "primary contact agency" means a law enforcement
3 agency which maintains a LEADS terminal, or has immediate
4 access to one on a 24-hour-per-day, 7-day-per-week basis by
5 written agreement with another law enforcement agency.

6 (g) (Blank).

7 (h) "Missing child" means any person under 21 years of age
8 whose whereabouts are unknown to his or her parents or legal
9 guardian.

10 (i) "Exploitation" means activities and actions which
11 include, but are not limited to, child pornography, aggravated
12 child pornography, child prostitution, child sexual abuse,
13 drug and substance abuse by children, and child suicide.

14 (j) (Blank).

15 (Source: P.A. 96-1551, eff. 7-1-11; 97-938, eff. 1-1-13.)

16 (325 ILCS 40/3) (from Ch. 23, par. 2253)

17 Sec. 3. The Illinois State Police ~~Department~~ shall
18 establish a State Missing Persons Clearinghouse as a resource
19 to promote an immediate and effective community response to
20 missing children and may engage in, but shall not be limited
21 to, the following activities:

22 (a) To establish and conduct programs to educate parents,
23 children and communities in ways to prevent the abduction of
24 children.

25 (b) To conduct training programs and distribute materials

1 providing guidelines for children when dealing with strangers,
2 casual acquaintances, or non-custodial parents, in order to
3 avoid abduction or kidnapping situations.

4 (c) To compile, maintain and make available data upon the
5 request of law enforcement agencies and other entities deemed
6 appropriate by the Illinois State Police ~~Department~~ to assist
7 enforcement agencies in recovering missing children, including
8 but not limited to data regarding the places of shelter
9 commonly used by runaway children in a requested geographical
10 area.

11 (d) To draft and implement plans for the most efficient
12 use of available resources to publicize information regarding
13 missing children.

14 (e) To establish and maintain contacts with other state
15 missing persons clearinghouses, law enforcement agencies, and
16 missing persons non-profit organizations in order to increase
17 the probability of locating and returning missing children,
18 and to otherwise assist in the recovery and tracking of
19 missing children.

20 (f) To coordinate the tracking and recovery of children
21 under the custody or guardianship of the Department of
22 Children and Family Services whose disappearance has been
23 reported and to produce an annual report indicating the number
24 of children under the custody or guardianship of that
25 Department who have been reported missing and the number who
26 have been recovered.

1 (g) To conduct other activities as may be necessary to
2 achieve the goals established by this Act.

3 (Source: P.A. 97-938, eff. 1-1-13.)

4 (325 ILCS 40/3.5)

5 Sec. 3.5. Contact with Department of Children and Family
6 Services. For each child reported missing and entered into the
7 LEADS network, the Illinois State Police ~~Department~~ shall, in
8 the form and manner it determines, contact the Department of
9 Children and Family Services to provide it with the name, age,
10 and sex of the child, and the geographic area from which the
11 child was reported missing so that the Department of Children
12 and Family Services can determine if that child had been
13 abandoned within the previous 2 months.

14 (Source: P.A. 97-938, eff. 1-1-13.)

15 (325 ILCS 40/3.6)

16 Sec. 3.6. Department of Children and Family Services;
17 missing persons. The Illinois State Police ~~Department~~ shall
18 develop and conduct a training advisory for LEADS reporting of
19 missing persons when the missing individual, regardless of
20 age, is under the care and legal custody of the Department of
21 Children and Family Services.

22 (Source: P.A. 99-351, eff. 1-1-16.)

23 (325 ILCS 40/6) (from Ch. 23, par. 2256)

1 Sec. 6. The Illinois State Police ~~Department~~ shall:

2 (a) Utilize the ~~Establish and maintain a~~ statewide Law
3 Enforcement Agencies Data System (LEADS) for the purpose of
4 effecting an immediate law enforcement response to reports of
5 missing children. The Illinois State Police ~~Department~~ shall
6 implement an automated data exchange system to compile, to
7 maintain and to make available for dissemination to Illinois
8 and out-of-State law enforcement agencies, data which can
9 assist appropriate agencies in recovering missing children.

10 (b) Establish contacts and exchange information regarding
11 lost, missing or runaway children with nationally recognized
12 "missing person and runaway" service organizations and monitor
13 national research and publicize important developments.

14 (c) Provide a uniform reporting format for the entry of
15 pertinent information regarding reports of missing children
16 into LEADS.

17 (d) Develop and implement a policy whereby a statewide or
18 regional alert would be used in situations relating to the
19 disappearances of children, based on criteria and in a format
20 established by the Illinois State Police ~~Department~~. Such a
21 format shall include, but not be limited to, the age and
22 physical description of the missing child and the suspected
23 circumstances of the disappearance.

24 (e) Notify all law enforcement agencies that reports of
25 missing persons shall be entered as soon as the minimum level
26 of data specified by the Illinois State Police ~~Department~~ is

1 available to the reporting agency and that no waiting period
2 for entry of such data exists.

3 (f) Provide a procedure for prompt confirmation of the
4 receipt and entry of the missing child report into LEADS to the
5 parent or guardian of the missing child.

6 (g) Compile and retain information regarding missing
7 children in a separate data file, in a manner that allows such
8 information to be used by law enforcement and other agencies
9 deemed appropriate by the Director, for investigative
10 purposes. Such files shall be updated to reflect and include
11 information relating to the disposition of the case.

12 (h) Compile and maintain an historic data repository
13 relating to missing children in order (1) to develop and
14 improve techniques utilized by law enforcement agencies when
15 responding to reports of missing children and (2) to provide a
16 factual and statistical base for research that would address
17 the problem of missing children.

18 (i) Create a quality control program to monitor timeliness
19 of entries of missing children reports into LEADS and conduct
20 performance audits of all entering agencies.

21 (j) Prepare a periodic information bulletin concerning
22 missing children who it determines may be present in this
23 State, compiling such bulletin from information contained in
24 both the National Crime Information Center computer and from
25 reports, alerts and other information entered into LEADS or
26 otherwise compiled and retained by the Illinois State Police

1 ~~Department~~ pursuant to this Act. The bulletin shall indicate
2 the name, age, physical description, suspected circumstances
3 of disappearance if that information is available, a
4 photograph if one is available, the name of the law
5 enforcement agency investigating the case, and such other
6 information as the Director considers appropriate concerning
7 each missing child who the Illinois State Police ~~Department~~
8 determines may be present in this State. The Illinois State
9 Police ~~Department~~ shall send a copy of each periodic
10 information bulletin to the State Board of Education for its
11 use in accordance with Section 2-3.48 of the School Code. The
12 Illinois State Police ~~Department~~ shall provide a copy of the
13 bulletin, upon request, to law enforcement agencies of this or
14 any other state or of the federal government, and may provide a
15 copy of the bulletin, upon request, to other persons or
16 entities, if deemed appropriate by the Director, and may
17 establish limitations on its use and a reasonable fee for so
18 providing the same, except that no fee shall be charged for
19 providing the periodic information bulletin to the State Board
20 of Education, appropriate units of local government, State
21 agencies, or law enforcement agencies of this or any other
22 state or of the federal government.

23 (k) Provide for the entry into LEADS of the names and
24 addresses of sex offenders as defined in the Sex Offender
25 Registration Act who are required to register under that Act.
26 The information shall be immediately accessible to law

1 enforcement agencies and peace officers of this State or any
2 other state or of the federal government. Similar information
3 may be requested from any other state or of the federal
4 government for purposes of this Act.

5 (1) Provide for the entry into LEADS of the names and
6 addresses of violent offenders against youth as defined in the
7 Murderer and Violent Offender Against Youth Registration Act
8 who are required to register under that Act. The information
9 shall be immediately accessible to law enforcement agencies
10 and peace officers of this State or any other state or of the
11 federal government. Similar information may be requested from
12 any other state or of the federal government for purposes of
13 this Act.

14 (Source: P.A. 97-154, eff. 1-1-12.)

15 (325 ILCS 40/7) (from Ch. 23, par. 2257)

16 Sec. 7. (a) All law enforcement agencies and policing
17 bodies of this State shall, upon receipt of a report of a
18 missing person, enter that report into LEADS as soon as the
19 minimum level of data specified pursuant to subsection (e) of
20 Section 6 is available and shall furnish the Illinois State
21 Police Department, in the form and detail the Illinois State
22 Police Department requires, (1) reports of cases of lost,
23 missing or runaway children as they arise and the disposition
24 of such cases, (2) information relating to sex crimes which
25 occurred in their respective jurisdictions and which they

1 investigated, and (3) the names and addresses of sex offenders
2 required to register in their respective jurisdictions under
3 the Sex Offender Registration Act. Such information shall be
4 submitted on a regular basis, as deemed necessary by the
5 Illinois State Police Department, and shall be kept in a
6 central automated data repository for the purpose of
7 establishing profiles of sex offenders and victims and to
8 assist all law enforcement agencies in the identification and
9 apprehension of sex offenders.

10 (b) In addition to entering the report of a missing child
11 into LEADS as prescribed by subsection (a), all law
12 enforcement agencies shall, upon receipt of a report of a
13 missing child:

14 (1) Immediately make a radio dispatch to officers on
15 duty at the time of receipt of the report. The dispatch
16 shall contain the name and approximate age of the missing
17 child and any other pertinent information available at
18 that time. In the event that the law enforcement agency
19 receiving the report of the missing child does not operate
20 a radio dispatch system, a geographically appropriate
21 radio dispatch system shall be used, such as the Illinois
22 State Police Emergency Radio Network or a similar
23 multi-agency law enforcement radio communication system
24 serving the area of the reporting agency.

25 In addition, in the event that a missing child is not
26 recovered during the work shift in which the radio

1 dispatch was made, the law enforcement agency receiving
2 the report of the missing child shall disseminate the
3 information relating to the missing child to all sworn
4 personnel employed by the agency who work or are assigned
5 to other shifts or time periods.

6 (2) Immediately contact State Missing Persons
7 Clearinghouse personnel designated by the Illinois State
8 Police Department, by a means and in a manner and form
9 prescribed by the Illinois State Police Department,
10 informing the personnel of the report of the missing
11 child.

12 (Source: P.A. 97-938, eff. 1-1-13.)

13 Section 765. The Missing Children Records Act is amended
14 by changing Sections 1, 2, 3, 4, and 5 as follows:

15 (325 ILCS 50/1) (from Ch. 23, par. 2281)

16 Sec. 1. Definitions. As used in this Act, unless the
17 context requires otherwise:

18 (a) "Custodian" means the State Registrar of Vital
19 Records, local registrars of vital records appointed by the
20 State Registrar and county clerks.

21 (b) (Blank). ~~"Department" means the Illinois Department of~~
22 ~~State Police.~~

23 (c) "Missing person" means a person 17 years old or
24 younger reported to any law enforcement authority as abducted,

1 lost or a runaway.

2 (d) "Registrar" means the State Registrar of Vital
3 Records.

4 (Source: P.A. 84-1430.)

5 (325 ILCS 50/2) (from Ch. 23, par. 2282)

6 Sec. 2. Illinois State Police ~~Department~~ duties. Upon
7 entry of a report of a missing person born in Illinois into the
8 Law Enforcement Agencies Data System (LEADS) established
9 pursuant to the Intergovernmental Missing Child Recovery Act
10 of 1984, the Illinois State Police ~~Department~~ shall notify the
11 Registrar within 5 business days of the disappearance and
12 shall provide the Registrar with information concerning the
13 identity of the missing person. Upon entry of a report of a
14 missing person born in a state other than Illinois into the Law
15 Enforcement Agencies Data System (LEADS), the Illinois State
16 Police ~~Department~~ shall notify the registrar, or other state
17 agency responsible for vital records, in that state within 5
18 business days of the disappearance and shall provide such
19 registrar or other agency with information concerning the
20 identity of the missing person.

21 If the Illinois State Police ~~Department~~ has reason to
22 believe that a missing person has been enrolled in a specific
23 Illinois elementary or secondary school, it shall notify the
24 last such known school as to the disappearance at which time
25 the school shall flag the missing child's record pursuant to

1 Section 5.

2 Upon learning of the recovery of a missing person, the
3 Illinois State Police ~~Department~~ shall so notify the Registrar
4 and any school previously informed of the person's
5 disappearance.

6 The Illinois State Police ~~Department~~ shall by rule
7 determine the manner and form of notices and information
8 required by this Act.

9 (Source: P.A. 84-1430.)

10 (325 ILCS 50/3) (from Ch. 23, par. 2283)

11 Sec. 3. Registrar duties. Upon notification by the
12 Illinois State Police ~~Department~~ that a person born in this
13 State is missing, the Registrar shall flag the birth
14 certificate record of that person in such a manner that
15 whenever a copy of the birth certificate or information
16 regarding the birth record is requested, the Registrar shall
17 be alerted to the fact that the certificate is that of a
18 missing person. The Registrar shall also notify the
19 appropriate municipality or county custodians to likewise flag
20 their records. Upon notification by the Illinois State Police
21 ~~Department~~ that the missing person has been recovered, the
22 Registrar shall remove the flag from the person's birth
23 certificate record and shall notify any other previously
24 notified municipality or county custodian to remove the flag
25 from his record.

1 (Source: P.A. 84-1430.)

2 (325 ILCS 50/4) (from Ch. 23, par. 2284)

3 Sec. 4. Custodian duties. (a) In response to any inquiry,
4 a custodian shall not provide a copy of a birth certificate or
5 information concerning the birth record of any person whose
6 record is flagged pursuant to Section 3 except as approved by
7 the Illinois State Police Department.

8 (b) When a copy of the birth certificate of a person whose
9 record has been flagged is requested in person, the
10 custodian's personnel accepting the request shall immediately
11 notify his supervisor. The custodian's personnel shall then
12 follow procedures prescribed by the Illinois State Police
13 ~~Department~~ to clearly ascertain the identity of the person
14 making the request, his address and his physical description.
15 Such procedures shall include requiring the person making the
16 request to complete a standardized information form and to
17 present at least one form of photo identification. The
18 custodian's personnel shall inform the person making the
19 request that a copy of the certificate shall be mailed to him,
20 and, upon the latter's departure from the custodian's office,
21 his supervisor shall immediately notify the Illinois State
22 Police Department or the local law enforcement authority as to
23 the request and the information obtained pursuant to this
24 subsection. The custodian shall retain the form completed by
25 the person making the request.

1 (c) When a copy of the birth certificate of a person whose
2 record has been flagged is requested in writing, the
3 custodian's personnel receiving the request shall immediately
4 notify his supervisor. The supervisor shall immediately notify
5 the Illinois State Police Department or local law enforcement
6 authority as to the request and shall provide a copy of the
7 written request. The custodian shall retain the original
8 written request.

9 (Source: P.A. 84-1430.)

10 (325 ILCS 50/5) (from Ch. 23, par. 2285)

11 Sec. 5. Duties of school or other entity.

12 (a) Upon notification by the Illinois State Police
13 ~~Department~~ of a person's disappearance, a school, preschool
14 educational program, child care facility, or day care home or
15 group day care home in which the person is currently or was
16 previously enrolled shall flag the record of that person in
17 such a manner that whenever a copy of or information regarding
18 the record is requested, the school or other entity shall be
19 alerted to the fact that the record is that of a missing
20 person. The school or other entity shall immediately report to
21 the Illinois State Police Department any request concerning
22 flagged records or knowledge as to the whereabouts of any
23 missing person. Upon notification by the Illinois State Police
24 ~~Department~~ that the missing person has been recovered, the
25 school or other entity shall remove the flag from the person's

1 record.

2 (b) (1) For every child enrolled in a particular
3 elementary or secondary school, public or private preschool
4 educational program, public or private child care facility
5 licensed under the Child Care Act of 1969, or day care home or
6 group day care home licensed under the Child Care Act of 1969,
7 that school or other entity shall notify in writing the person
8 enrolling the child that within 30 days he must provide either
9 (i) a certified copy of the child's birth certificate or (ii)
10 other reliable proof, as determined by the Illinois State
11 Police Department, of the child's identity and age and an
12 affidavit explaining the inability to produce a copy of the
13 birth certificate. Other reliable proof of the child's
14 identity and age shall include a passport, visa or other
15 governmental documentation of the child's identity. When the
16 person enrolling the child provides the school or other entity
17 with a certified copy of the child's birth certificate, the
18 school or other entity shall promptly make a copy of the
19 certified copy for its records and return the original
20 certified copy to the person enrolling the child. Once a
21 school or other entity has been provided with a certified copy
22 of a child's birth certificate as required under item (i) of
23 this subdivision (b)(1), the school or other entity need not
24 request another such certified copy with respect to that child
25 for any other year in which the child is enrolled in that
26 school or other entity.

1 (2) Upon the failure of a person enrolling a child to
2 comply with subsection (b) (1), the school or other entity
3 shall immediately notify the Illinois State Police ~~Department~~
4 or local law enforcement agency of such failure, and shall
5 notify the person enrolling the child in writing that he has 10
6 additional days to comply.

7 (3) The school or other entity shall immediately report to
8 the Illinois State Police ~~Department~~ any affidavit received
9 pursuant to this subsection which appears inaccurate or
10 suspicious in form or content.

11 (c) Within 14 days after enrolling a transfer student, the
12 elementary or secondary school shall request directly from the
13 student's previous school a certified copy of his record. The
14 requesting school shall exercise due diligence in obtaining
15 the copy of the record requested. Any elementary or secondary
16 school requested to forward a copy of a transferring student's
17 record to the new school shall comply within 10 days of receipt
18 of the request unless the record has been flagged pursuant to
19 subsection (a), in which case the copy shall not be forwarded
20 and the requested school shall notify the Illinois State
21 Police ~~Department~~ or local law enforcement authority of the
22 request.

23 (Source: P.A. 95-439, eff. 1-1-08; 95-793, eff. 8-8-08.)

24 Section 770. The Missing Children Registration Law is
25 amended by changing Sections 1, 2, 3, 4, 5, and 6 as follows:

1 (325 ILCS 55/1) (from Ch. 23, par. 2271)

2 Sec. 1. Definitions. As used in this Article, unless the
3 context requires otherwise:

4 (a) "Custodian" means the State Registrar of Vital
5 Records, local registrars of vital records appointed by the
6 State Registrar and county clerks.

7 (b) (Blank). ~~"Department" means the Illinois Department of~~
8 ~~State Police.~~

9 (c) "Missing child" means a person under the age of 18
10 years, reported to any law enforcement authority as abducted,
11 lost or a runaway, whose identity is entered into the Law
12 Enforcement Agencies Data System.

13 (d) "Registrar" means the State Registrar of Vital
14 Records.

15 (Source: P.A. 84-1279.)

16 (325 ILCS 55/2) (from Ch. 23, par. 2272)

17 Sec. 2. Illinois State Police ~~Department~~ duties. Upon
18 entry of a report of a missing child born in Illinois into the
19 Law Enforcement Agencies Data System, the Illinois State
20 Police ~~Department~~ shall notify the Registrar of the
21 disappearance and shall provide the Registrar with information
22 concerning the identity of the missing child.

23 If the Illinois State Police ~~Department~~ has reason to
24 believe that a missing child may be enrolled in an Illinois

1 elementary or secondary school, it shall notify the last such
2 known school as to the disappearance, at which time the school
3 shall flag the missing child's record pursuant to Section 5.

4 Upon learning of the recovery of a missing child, the
5 Illinois State Police ~~Department~~ shall so notify the
6 Registrar.

7 The Illinois State Police ~~Department~~ shall by rule
8 determine the manner and form of notices and information
9 required by this Article.

10 (Source: P.A. 84-1279.)

11 (325 ILCS 55/3) (from Ch. 23, par. 2273)

12 Sec. 3. Registrar duties. Upon notification by the
13 Illinois State Police ~~Department~~ that a person under the age
14 of 18 years who was born in this State is missing, the
15 Registrar shall flag the birth certificate record of that
16 person in such a manner that whenever a copy of the birth
17 certificate or information regarding the birth record is
18 requested, the Registrar shall be alerted to the fact that the
19 certificate is that of a missing child. The Registrar shall
20 also notify the appropriate city or county custodian to
21 likewise flag his records. Upon notification by the Illinois
22 State Police ~~Department~~ that the missing child has been
23 recovered, the Registrar shall remove the flag from the
24 person's birth certificate record and shall notify any other
25 previously notified city or county custodian to remove the

1 flag from his record.

2 (Source: P.A. 84-1279.)

3 (325 ILCS 55/4) (from Ch. 23, par. 2274)

4 Sec. 4. Custodian duties. (a) In response to any inquiry,
5 a custodian shall not provide a copy of a birth certificate or
6 information concerning the birth record of any person whose
7 record is flagged pursuant to Section 3 except as approved by
8 the Illinois State Police Department.

9 (b) When a copy of the birth certificate of a person whose
10 record has been flagged is requested in person, the
11 custodian's personnel accepting the request shall immediately
12 notify his supervisor. The person making the request shall
13 complete a form as prescribed by the Illinois State Police
14 ~~Department~~, which may include the name, address, telephone
15 number and social security number of the person making the
16 request, his or her relationship to the missing child and the
17 name, address and birth date of the missing child. The
18 driver's license of the person making the request, if
19 available, shall be photocopied and returned to him. He shall
20 be informed that a copy of the certificate shall be mailed to
21 him. The custodian's personnel shall note the physical
22 description of the person making the request, and, upon the
23 latter's departure from the custodian's office, his supervisor
24 shall immediately notify the local law enforcement authority
25 as to the request and the information obtained pursuant to

1 this subsection. The custodian shall retain the form completed
2 by the person making the request.

3 (c) When a copy of the birth certificate of a person whose
4 record has been flagged is requested in writing, the
5 custodian's personnel receiving the request shall immediately
6 notify his supervisor. The supervisor shall immediately notify
7 the local law enforcement authority as to the request and
8 shall provide a copy of the written request. The custodian
9 shall retain the original written request.

10 (Source: P.A. 84-1279.)

11 (325 ILCS 55/5) (from Ch. 23, par. 2275)

12 Sec. 5. School duties. (a) Upon notification by the
13 Illinois State Police Department of a child's disappearance, a
14 school in which the child is currently or was previously
15 enrolled shall flag the record of that child in such a manner
16 that whenever a copy of or information regarding the record is
17 requested, the school shall be alerted to the fact that the
18 record is that of a missing child. The school shall
19 immediately report to the local law enforcement authority any
20 request concerning flagged records or knowledge as to the
21 whereabouts of any missing child. Upon notification by the
22 Illinois State Police Department that the missing child has
23 been recovered, the school shall remove the flag from the
24 person's record.

25 (b) Upon enrollment of a student for the first time in a

1 particular elementary or secondary school, that school shall
2 notify in writing the person enrolling the student that within
3 30 days he must provide either (1) a certified copy of the
4 student's birth certificate or (2) other reliable proof, as
5 determined by the Illinois State Police Department, of the
6 student's identity and age, and an affidavit explaining the
7 inability to produce a copy of the birth certificate.

8 Upon the failure of a person enrolling a student to comply
9 with this subsection, the school shall immediately notify the
10 local law enforcement agency and shall also notify the person
11 enrolling the student in writing that, unless he complies
12 within 10 days, the case shall be referred to the local law
13 enforcement authority for investigation. If compliance is not
14 obtained within that 10 day period, the school shall so refer
15 the case.

16 The school shall immediately report to the local law
17 enforcement authority any affidavit received pursuant to this
18 subsection which appears inaccurate or suspicious in form or
19 content.

20 (c) Within 14 days after enrolling a transfer student, the
21 elementary or secondary school shall request directly from the
22 student's previous school a certified copy of his record. The
23 requesting school shall exercise due diligence in obtaining
24 the copy of the record requested. Any elementary or secondary
25 school requested to forward a copy of a transferring student's
26 record to the new school shall comply within 10 days of receipt

1 of such request unless the record has been flagged pursuant to
2 subsection (a), in which case the copy shall not be forwarded
3 and the requested school shall notify the local law
4 enforcement authority of the request.

5 (Source: P.A. 84-1279.)

6 (325 ILCS 55/6) (from Ch. 23, par. 2276)

7 Sec. 6. Local law enforcement duties. Any local law
8 enforcement authority notified pursuant to this Article of the
9 request for the birth certificate or school record of or other
10 information concerning a missing child shall immediately
11 notify the Illinois State Police ~~Department~~ of such request
12 and shall investigate the request.

13 (Source: P.A. 84-1279.)

14 Section 815. The Mental Health and Developmental
15 Disabilities Code is amended by changing Sections 6-103.1,
16 6-103.2, and 6-103.3 as follows:

17 (405 ILCS 5/6-103.1)

18 Sec. 6-103.1. Adjudication as a person with a mental
19 disability. When a person has been adjudicated as a person
20 with a mental disability as defined in Section 1.1 of the
21 Firearm Owners Identification Card Act, including, but not
22 limited to, an adjudication as a person with a disability as
23 defined in Section 11a-2 of the Probate Act of 1975, the court

1 shall direct the circuit court clerk to notify the Illinois
2 ~~Department of~~ State Police, Firearm Owner's Identification
3 (FOID) Office, in a form and manner prescribed by the Illinois
4 ~~Department of~~ State Police, and shall forward a copy of the
5 court order to the Department no later than 7 days after the
6 entry of the order. Upon receipt of the order, the Illinois
7 ~~Department of~~ State Police shall provide notification to the
8 National Instant Criminal Background Check System.

9 (Source: P.A. 98-63, eff. 7-9-13; 99-143, eff. 7-27-15.)

10 (405 ILCS 5/6-103.2)

11 Sec. 6-103.2. Developmental disability; notice. If a
12 person 14 years old or older is determined to be a person with
13 a developmental disability by a physician, clinical
14 psychologist, or qualified examiner, the physician, clinical
15 psychologist, or qualified examiner shall notify the
16 Department of Human Services within 7 days of making the
17 determination that the person has a developmental disability.
18 The Department of Human Services shall immediately update its
19 records and information relating to mental health and
20 developmental disabilities, and if appropriate, shall notify
21 the Illinois ~~Department of~~ State Police in a form and manner
22 prescribed by the Illinois ~~Department of~~ State Police.
23 Information disclosed under this Section shall remain
24 privileged and confidential, and shall not be redisclosed,
25 except as required under subsection (e) of Section 3.1 of the

1 Firearm Owners Identification Card Act, nor used for any other
2 purpose. The method of providing this information shall
3 guarantee that the information is not released beyond that
4 which is necessary for the purpose of this Section and shall be
5 provided by rule by the Department of Human Services. The
6 identity of the person reporting under this Section shall not
7 be disclosed to the subject of the report.

8 The physician, clinical psychologist, or qualified
9 examiner making the determination and his or her employer may
10 not be held criminally, civilly, or professionally liable for
11 making or not making the notification required under this
12 Section, except for willful or wanton misconduct.

13 For purposes of this Section, "developmental disability"
14 means a disability which is attributable to any other
15 condition which results in impairment similar to that caused
16 by an intellectual disability and which requires services
17 similar to those required by intellectually disabled persons.
18 The disability must originate before the age of 18 years, be
19 expected to continue indefinitely, and constitute a
20 substantial disability. This disability results, in the
21 professional opinion of a physician, clinical psychologist, or
22 qualified examiner, in significant functional limitations in 3
23 or more of the following areas of major life activity:

24 (i) self-care;

25 (ii) receptive and expressive language;

26 (iii) learning;

1 (iv) mobility; or

2 (v) self-direction.

3 "Determined to be a person with a developmental disability
4 by a physician, clinical psychologist, or qualified examiner"
5 means in the professional opinion of the physician, clinical
6 psychologist, or qualified examiner, a person is diagnosed,
7 assessed, or evaluated as having a developmental disability.

8 (Source: P.A. 98-63, eff. 7-9-13; 99-29, eff. 7-10-15; 99-143,
9 eff. 7-27-15; 99-642, eff. 7-28-16.)

10 (405 ILCS 5/6-103.3)

11 Sec. 6-103.3. Clear and present danger; notice. If a
12 person is determined to pose a clear and present danger to
13 himself, herself, or to others by a physician, clinical
14 psychologist, or qualified examiner, whether employed by the
15 State, by any public or private mental health facility or part
16 thereof, or by a law enforcement official or a school
17 administrator, then the physician, clinical psychologist,
18 qualified examiner shall notify the Department of Human
19 Services and a law enforcement official or school
20 administrator shall notify the Illinois ~~Department of~~ State
21 Police, within 24 hours of making the determination that the
22 person poses a clear and present danger. The Department of
23 Human Services shall immediately update its records and
24 information relating to mental health and developmental
25 disabilities, and if appropriate, shall notify the Illinois

1 ~~Department of~~ State Police in a form and manner prescribed by
2 the Illinois ~~Department of~~ State Police. Information disclosed
3 under this Section shall remain privileged and confidential,
4 and shall not be redisclosed, except as required under
5 subsection (e) of Section 3.1 of the Firearm Owners
6 Identification Card Act, nor used for any other purpose. The
7 method of providing this information shall guarantee that the
8 information is not released beyond that which is necessary for
9 the purpose of this Section and shall be provided by rule by
10 the Department of Human Services. The identity of the person
11 reporting under this Section shall not be disclosed to the
12 subject of the report. The physician, clinical psychologist,
13 qualified examiner, law enforcement official, or school
14 administrator making the determination and his or her employer
15 shall not be held criminally, civilly, or professionally
16 liable for making or not making the notification required
17 under this Section, except for willful or wanton misconduct.
18 This Section does not apply to a law enforcement official, if
19 making the notification under this Section will interfere with
20 an ongoing or pending criminal investigation.

21 For the purposes of this Section:

22 "Clear and present danger" has the meaning ascribed to
23 it in Section 1.1 of the Firearm Owners Identification
24 Card Act.

25 "Determined to pose a clear and present danger to
26 himself, herself, or to others by a physician, clinical

1 psychologist, or qualified examiner" means in the
2 professional opinion of the physician, clinical
3 psychologist, or qualified examiner, a person poses a
4 clear and present danger.

5 "School administrator" means the person required to
6 report under the School Administrator Reporting of Mental
7 Health Clear and Present Danger Determinations Law.

8 (Source: P.A. 98-63, eff. 7-9-13; 99-29, eff. 7-10-15.)

9 Section 820. The Sexual Assault Survivors Emergency
10 Treatment Act is amended by changing Sections 1a, 5, 6.4, and
11 9.5 as follows:

12 (410 ILCS 70/1a) (from Ch. 111 1/2, par. 87-1a)

13 Sec. 1a. Definitions.

14 (a) In this Act:

15 "Advanced practice registered nurse" has the meaning
16 provided in Section 50-10 of the Nurse Practice Act.

17 "Ambulance provider" means an individual or entity that
18 owns and operates a business or service using ambulances or
19 emergency medical services vehicles to transport emergency
20 patients.

21 "Approved pediatric health care facility" means a health
22 care facility, other than a hospital, with a sexual assault
23 treatment plan approved by the Department to provide medical
24 forensic services to pediatric sexual assault survivors who

1 present with a complaint of sexual assault within a minimum of
2 the last 7 days or who have disclosed past sexual assault by a
3 specific individual and were in the care of that individual
4 within a minimum of the last 7 days.

5 "Areawide sexual assault treatment plan" means a plan,
6 developed by hospitals or by hospitals and approved pediatric
7 health care facilities in a community or area to be served,
8 which provides for medical forensic services to sexual assault
9 survivors that shall be made available by each of the
10 participating hospitals and approved pediatric health care
11 facilities.

12 "Board-certified child abuse pediatrician" means a
13 physician certified by the American Board of Pediatrics in
14 child abuse pediatrics.

15 "Board-eligible child abuse pediatrician" means a
16 physician who has completed the requirements set forth by the
17 American Board of Pediatrics to take the examination for
18 certification in child abuse pediatrics.

19 "Department" means the Department of Public Health.

20 "Emergency contraception" means medication as approved by
21 the federal Food and Drug Administration (FDA) that can
22 significantly reduce the risk of pregnancy if taken within 72
23 hours after sexual assault.

24 "Follow-up healthcare" means healthcare services related
25 to a sexual assault, including laboratory services and
26 pharmacy services, rendered within 90 days of the initial

1 visit for medical forensic services.

2 "Health care professional" means a physician, a physician
3 assistant, a sexual assault forensic examiner, an advanced
4 practice registered nurse, a registered professional nurse, a
5 licensed practical nurse, or a sexual assault nurse examiner.

6 "Hospital" means a hospital licensed under the Hospital
7 Licensing Act or operated under the University of Illinois
8 Hospital Act, any outpatient center included in the hospital's
9 sexual assault treatment plan where hospital employees provide
10 medical forensic services, and an out-of-state hospital that
11 has consented to the jurisdiction of the Department under
12 Section 2.06.

13 "Illinois State Police Sexual Assault Evidence Collection
14 Kit" means a prepackaged set of materials and forms to be used
15 for the collection of evidence relating to sexual assault. The
16 standardized evidence collection kit for the State of Illinois
17 shall be the Illinois State Police Sexual Assault Evidence
18 Collection Kit.

19 "Law enforcement agency having jurisdiction" means the law
20 enforcement agency in the jurisdiction where an alleged sexual
21 assault or sexual abuse occurred.

22 "Licensed practical nurse" has the meaning provided in
23 Section 50-10 of the Nurse Practice Act.

24 "Medical forensic services" means health care delivered to
25 patients within or under the care and supervision of personnel
26 working in a designated emergency department of a hospital or

1 an approved pediatric health care facility. "Medical forensic
2 services" includes, but is not limited to, taking a medical
3 history, performing photo documentation, performing a physical
4 and anogenital examination, assessing the patient for evidence
5 collection, collecting evidence in accordance with a statewide
6 sexual assault evidence collection program administered by the
7 Illinois Department of State Police using the Illinois State
8 Police Sexual Assault Evidence Collection Kit, if appropriate,
9 assessing the patient for drug-facilitated or
10 alcohol-facilitated sexual assault, providing an evaluation of
11 and care for sexually transmitted infection and human
12 immunodeficiency virus (HIV), pregnancy risk evaluation and
13 care, and discharge and follow-up healthcare planning.

14 "Pediatric health care facility" means a clinic or
15 physician's office that provides medical services to pediatric
16 patients.

17 "Pediatric sexual assault survivor" means a person under
18 the age of 13 who presents for medical forensic services in
19 relation to injuries or trauma resulting from a sexual
20 assault.

21 "Photo documentation" means digital photographs or
22 colposcope videos stored and backed up securely in the
23 original file format.

24 "Physician" means a person licensed to practice medicine
25 in all its branches.

26 "Physician assistant" has the meaning provided in Section

1 4 of the Physician Assistant Practice Act of 1987.

2 "Prepubescent sexual assault survivor" means a female who
3 is under the age of 18 years and has not had a first menstrual
4 cycle or a male who is under the age of 18 years and has not
5 started to develop secondary sex characteristics who presents
6 for medical forensic services in relation to injuries or
7 trauma resulting from a sexual assault.

8 "Qualified medical provider" means a board-certified child
9 abuse pediatrician, board-eligible child abuse pediatrician, a
10 sexual assault forensic examiner, or a sexual assault nurse
11 examiner who has access to photo documentation tools, and who
12 participates in peer review.

13 "Registered Professional Nurse" has the meaning provided
14 in Section 50-10 of the Nurse Practice Act.

15 "Sexual assault" means:

16 (1) an act of sexual conduct; as used in this
17 paragraph, "sexual conduct" has the meaning provided under
18 Section 11-0.1 of the Criminal Code of 2012; or

19 (2) any act of sexual penetration; as used in this
20 paragraph, "sexual penetration" has the meaning provided
21 under Section 11-0.1 of the Criminal Code of 2012 and
22 includes, without limitation, acts prohibited under
23 Sections 11-1.20 through 11-1.60 of the Criminal Code of
24 2012.

25 "Sexual assault forensic examiner" means a physician or
26 physician assistant who has completed training that meets or

1 is substantially similar to the Sexual Assault Nurse Examiner
2 Education Guidelines established by the International
3 Association of Forensic Nurses.

4 "Sexual assault nurse examiner" means an advanced practice
5 registered nurse or registered professional nurse who has
6 completed a sexual assault nurse examiner training program
7 that meets the Sexual Assault Nurse Examiner Education
8 Guidelines established by the International Association of
9 Forensic Nurses.

10 "Sexual assault services voucher" means a document
11 generated by a hospital or approved pediatric health care
12 facility at the time the sexual assault survivor receives
13 outpatient medical forensic services that may be used to seek
14 payment for any ambulance services, medical forensic services,
15 laboratory services, pharmacy services, and follow-up
16 healthcare provided as a result of the sexual assault.

17 "Sexual assault survivor" means a person who presents for
18 medical forensic services in relation to injuries or trauma
19 resulting from a sexual assault.

20 "Sexual assault transfer plan" means a written plan
21 developed by a hospital and approved by the Department, which
22 describes the hospital's procedures for transferring sexual
23 assault survivors to another hospital, and an approved
24 pediatric health care facility, if applicable, in order to
25 receive medical forensic services.

26 "Sexual assault treatment plan" means a written plan that

1 describes the procedures and protocols for providing medical
2 forensic services to sexual assault survivors who present
3 themselves for such services, either directly or through
4 transfer from a hospital or an approved pediatric health care
5 facility.

6 "Transfer hospital" means a hospital with a sexual assault
7 transfer plan approved by the Department.

8 "Transfer services" means the appropriate medical
9 screening examination and necessary stabilizing treatment
10 prior to the transfer of a sexual assault survivor to a
11 hospital or an approved pediatric health care facility that
12 provides medical forensic services to sexual assault survivors
13 pursuant to a sexual assault treatment plan or areawide sexual
14 assault treatment plan.

15 "Treatment hospital" means a hospital with a sexual
16 assault treatment plan approved by the Department to provide
17 medical forensic services to all sexual assault survivors who
18 present with a complaint of sexual assault within a minimum of
19 the last 7 days or who have disclosed past sexual assault by a
20 specific individual and were in the care of that individual
21 within a minimum of the last 7 days.

22 "Treatment hospital with approved pediatric transfer"
23 means a hospital with a treatment plan approved by the
24 Department to provide medical forensic services to sexual
25 assault survivors 13 years old or older who present with a
26 complaint of sexual assault within a minimum of the last 7 days

1 or who have disclosed past sexual assault by a specific
2 individual and were in the care of that individual within a
3 minimum of the last 7 days.

4 (b) This Section is effective on and after July 1, 2021.

5 (Source: P.A. 100-513, eff. 1-1-18; 100-775, eff. 1-1-19;
6 101-81, eff. 7-12-19; 101-634, eff. 6-5-20.)

7 (410 ILCS 70/5) (from Ch. 111 1/2, par. 87-5)

8 Sec. 5. Minimum requirements for medical forensic services
9 provided to sexual assault survivors by hospitals and approved
10 pediatric health care facilities.

11 (a) Every hospital and approved pediatric health care
12 facility providing medical forensic services to sexual assault
13 survivors under this Act shall, as minimum requirements for
14 such services, provide, with the consent of the sexual assault
15 survivor, and as ordered by the attending physician, an
16 advanced practice registered nurse, or a physician assistant,
17 the services set forth in subsection (a-5).

18 Beginning January 1, 2022, a qualified medical provider
19 must provide the services set forth in subsection (a-5).

20 (a-5) A treatment hospital, a treatment hospital with
21 approved pediatric transfer, or an approved pediatric health
22 care facility shall provide the following services in
23 accordance with subsection (a):

24 (1) Appropriate medical forensic services without
25 delay, in a private, age-appropriate or

1 developmentally-appropriate space, required to ensure the
2 health, safety, and welfare of a sexual assault survivor
3 and which may be used as evidence in a criminal proceeding
4 against a person accused of the sexual assault, in a
5 proceeding under the Juvenile Court Act of 1987, or in an
6 investigation under the Abused and Neglected Child
7 Reporting Act.

8 Records of medical forensic services, including
9 results of examinations and tests, the Illinois State
10 Police Medical Forensic Documentation Forms, the Illinois
11 State Police Patient Discharge Materials, and the Illinois
12 State Police Patient Consent: Collect and Test Evidence or
13 Collect and Hold Evidence Form, shall be maintained by the
14 hospital or approved pediatric health care facility as
15 part of the patient's electronic medical record.

16 Records of medical forensic services of sexual assault
17 survivors under the age of 18 shall be retained by the
18 hospital for a period of 60 years after the sexual assault
19 survivor reaches the age of 18. Records of medical
20 forensic services of sexual assault survivors 18 years of
21 age or older shall be retained by the hospital for a period
22 of 20 years after the date the record was created.

23 Records of medical forensic services may only be
24 disseminated in accordance with Section 6.5 of this Act
25 and other State and federal law.

26 (1.5) An offer to complete the Illinois Sexual Assault

1 Evidence Collection Kit for any sexual assault survivor
2 who presents within a minimum of the last 7 days of the
3 assault or who has disclosed past sexual assault by a
4 specific individual and was in the care of that individual
5 within a minimum of the last 7 days.

6 (A) Appropriate oral and written information
7 concerning evidence-based guidelines for the
8 appropriateness of evidence collection depending on
9 the sexual development of the sexual assault survivor,
10 the type of sexual assault, and the timing of the
11 sexual assault shall be provided to the sexual assault
12 survivor. Evidence collection is encouraged for
13 prepubescent sexual assault survivors who present to a
14 hospital or approved pediatric health care facility
15 with a complaint of sexual assault within a minimum of
16 96 hours after the sexual assault.

17 Before January 1, 2022, the information required
18 under this subparagraph shall be provided in person by
19 the health care professional providing medical
20 forensic services directly to the sexual assault
21 survivor.

22 On and after January 1, 2022, the information
23 required under this subparagraph shall be provided in
24 person by the qualified medical provider providing
25 medical forensic services directly to the sexual
26 assault survivor.

1 The written information provided shall be the
2 information created in accordance with Section 10 of
3 this Act.

4 (B) Following the discussion regarding the
5 evidence-based guidelines for evidence collection in
6 accordance with subparagraph (A), evidence collection
7 must be completed at the sexual assault survivor's
8 request. A sexual assault nurse examiner conducting an
9 examination using the Illinois State Police Sexual
10 Assault Evidence Collection Kit may do so without the
11 presence or participation of a physician.

12 (2) Appropriate oral and written information
13 concerning the possibility of infection, sexually
14 transmitted infection, including an evaluation of the
15 sexual assault survivor's risk of contracting human
16 immunodeficiency virus (HIV) from sexual assault, and
17 pregnancy resulting from sexual assault.

18 (3) Appropriate oral and written information
19 concerning accepted medical procedures, laboratory tests,
20 medication, and possible contraindications of such
21 medication available for the prevention or treatment of
22 infection or disease resulting from sexual assault.

23 (3.5) After a medical evidentiary or physical
24 examination, access to a shower at no cost, unless
25 showering facilities are unavailable.

26 (4) An amount of medication, including HIV

1 prophylaxis, for treatment at the hospital or approved
2 pediatric health care facility and after discharge as is
3 deemed appropriate by the attending physician, an advanced
4 practice registered nurse, or a physician assistant in
5 accordance with the Centers for Disease Control and
6 Prevention guidelines and consistent with the hospital's
7 or approved pediatric health care facility's current
8 approved protocol for sexual assault survivors.

9 (5) Photo documentation of the sexual assault
10 survivor's injuries, anatomy involved in the assault, or
11 other visible evidence on the sexual assault survivor's
12 body to supplement the medical forensic history and
13 written documentation of physical findings and evidence
14 beginning July 1, 2019. Photo documentation does not
15 replace written documentation of the injury.

16 (6) Written and oral instructions indicating the need
17 for follow-up examinations and laboratory tests after the
18 sexual assault to determine the presence or absence of
19 sexually transmitted infection.

20 (7) Referral by hospital or approved pediatric health
21 care facility personnel for appropriate counseling.

22 (8) Medical advocacy services provided by a rape
23 crisis counselor whose communications are protected under
24 Section 8-802.1 of the Code of Civil Procedure, if there
25 is a memorandum of understanding between the hospital or
26 approved pediatric health care facility and a rape crisis

1 center. With the consent of the sexual assault survivor, a
2 rape crisis counselor shall remain in the exam room during
3 the medical forensic examination.

4 (9) Written information regarding services provided by
5 a Children's Advocacy Center and rape crisis center, if
6 applicable.

7 (10) A treatment hospital, a treatment hospital with
8 approved pediatric transfer, an out-of-state hospital as
9 defined in Section 5.4, or an approved pediatric health
10 care facility shall comply with the rules relating to the
11 collection and tracking of sexual assault evidence adopted
12 by the Illinois ~~Department of~~ State Police under Section
13 50 of the Sexual Assault Evidence Submission Act.

14 (a-7) By January 1, 2022, every hospital with a treatment
15 plan approved by the Department shall employ or contract with
16 a qualified medical provider to initiate medical forensic
17 services to a sexual assault survivor within 90 minutes of the
18 patient presenting to the treatment hospital or treatment
19 hospital with approved pediatric transfer. The provision of
20 medical forensic services by a qualified medical provider
21 shall not delay the provision of life-saving medical care.

22 (b) Any person who is a sexual assault survivor who seeks
23 medical forensic services or follow-up healthcare under this
24 Act shall be provided such services without the consent of any
25 parent, guardian, custodian, surrogate, or agent. If a sexual
26 assault survivor is unable to consent to medical forensic

1 services, the services may be provided under the Consent by
2 Minors to Medical Procedures Act, the Health Care Surrogate
3 Act, or other applicable State and federal laws.

4 (b-5) Every hospital or approved pediatric health care
5 facility providing medical forensic services to sexual assault
6 survivors shall issue a voucher to any sexual assault survivor
7 who is eligible to receive one in accordance with Section 5.2
8 of this Act. The hospital shall make a copy of the voucher and
9 place it in the medical record of the sexual assault survivor.
10 The hospital shall provide a copy of the voucher to the sexual
11 assault survivor after discharge upon request.

12 (c) Nothing in this Section creates a physician-patient
13 relationship that extends beyond discharge from the hospital
14 or approved pediatric health care facility.

15 (d) This Section is effective on and after July 1, 2021.
16 (Source: P.A. 100-513, eff. 1-1-18; 100-775, eff. 1-1-19;
17 100-1087, eff. 1-1-19; 101-81, eff. 7-12-19; 101-377, eff.
18 8-16-19; 101-634, eff. 6-5-20.)

19 (410 ILCS 70/6.4) (from Ch. 111 1/2, par. 87-6.4)

20 Sec. 6.4. Sexual assault evidence collection program.

21 (a) There is created a statewide sexual assault evidence
22 collection program to facilitate the prosecution of persons
23 accused of sexual assault. This program shall be administered
24 by the Illinois State Police. The program shall consist of the
25 following: (1) distribution of sexual assault evidence

1 collection kits which have been approved by the Illinois State
2 Police to hospitals and approved pediatric health care
3 facilities that request them, or arranging for such
4 distribution by the manufacturer of the kits, (2) collection
5 of the kits from hospitals and approved pediatric health care
6 facilities after the kits have been used to collect evidence,
7 (3) analysis of the collected evidence and conducting of
8 laboratory tests, (4) maintaining the chain of custody and
9 safekeeping of the evidence for use in a legal proceeding, and
10 (5) the comparison of the collected evidence with the genetic
11 marker grouping analysis information maintained by the
12 Illinois Department of State Police under Section 5-4-3 of the
13 Unified Code of Corrections and with the information contained
14 in the Federal Bureau of Investigation's National DNA
15 database; provided the amount and quality of genetic marker
16 grouping results obtained from the evidence in the sexual
17 assault case meets the requirements of both the Illinois
18 ~~Department~~ of State Police and the Federal Bureau of
19 Investigation's Combined DNA Index System (CODIS) policies.
20 The standardized evidence collection kit for the State of
21 Illinois shall be the Illinois State Police Sexual Assault
22 Evidence Kit and shall include a written consent form
23 authorizing law enforcement to test the sexual assault
24 evidence and to provide law enforcement with details of the
25 sexual assault.

26 (a-5) (Blank).

1 (b) The Illinois State Police shall administer a program
2 to train hospital and approved pediatric health care facility
3 personnel participating in the sexual assault evidence
4 collection program, in the correct use and application of the
5 sexual assault evidence collection kits. The Department shall
6 cooperate with the Illinois State Police in this program as it
7 pertains to medical aspects of the evidence collection.

8 (c) (Blank).

9 (d) This Section is effective on and after July 1, 2021.

10 (Source: P.A. 100-775, eff. 1-1-19; 101-634, eff. 6-5-20.)

11 (410 ILCS 70/9.5)

12 (Section scheduled to be repealed on January 1, 2024)

13 Sec. 9.5. Sexual Assault Medical Forensic Services
14 Implementation Task Force.

15 (a) The Sexual Assault Medical Forensic Services
16 Implementation Task Force is created to assist hospitals and
17 approved pediatric health care facilities with the
18 implementation of the changes made by this amendatory Act of
19 the 100th General Assembly. The Task Force shall consist of
20 the following members, who shall serve without compensation:

21 (1) one member of the Senate appointed by the
22 President of the Senate, who may designate an alternate
23 member;

24 (2) one member of the Senate appointed by the Minority
25 Leader of the Senate, who may designate an alternate

1 member;

2 (3) one member of the House of Representatives
3 appointed by the Speaker of the House of Representatives,
4 who may designate an alternate member;

5 (4) one member of the House of Representatives
6 appointed by the Minority Leader of the House of
7 Representatives, who may designate an alternate member;

8 (5) two members representing the Office of the
9 Attorney General appointed by the Attorney General, one of
10 whom shall be the Sexual Assault Nurse Examiner
11 Coordinator for the State of Illinois;

12 (6) one member representing the Department of Public
13 Health appointed by the Director of Public Health;

14 (7) one member representing the Illinois ~~Department of~~
15 State Police appointed by the Director of the Illinois
16 State Police;

17 (8) one member representing the Department of
18 Healthcare and Family Services appointed by the Director
19 of Healthcare and Family Services;

20 (9) six members representing hospitals appointed by
21 the head of a statewide organization representing the
22 interests of hospitals in Illinois, at least one of whom
23 shall represent small and rural hospitals and at least one
24 of these members shall represent urban hospitals;

25 (10) one member representing physicians appointed by
26 the head of a statewide organization representing the

1 interests of physicians in Illinois;

2 (11) one member representing emergency physicians
3 appointed by the head of a statewide organization
4 representing the interests of emergency physicians in
5 Illinois;

6 (12) two members representing child abuse
7 pediatricians appointed by the head of a statewide
8 organization representing the interests of child abuse
9 pediatricians in Illinois, at least one of whom shall
10 represent child abuse pediatricians providing medical
11 forensic services in rural locations and at least one of
12 whom shall represent child abuse pediatricians providing
13 medical forensic services in urban locations;

14 (13) one member representing nurses appointed by the
15 head of a statewide organization representing the
16 interests of nurses in Illinois;

17 (14) two members representing sexual assault nurse
18 examiners appointed by the head of a statewide
19 organization representing the interests of forensic nurses
20 in Illinois, at least one of whom shall represent
21 pediatric/adolescent sexual assault nurse examiners and at
22 least one of these members shall represent
23 adult/adolescent sexual assault nurse examiners;

24 (15) one member representing State's Attorneys
25 appointed by the head of a statewide organization
26 representing the interests of State's Attorneys in

1 Illinois;

2 (16) three members representing sexual assault
3 survivors appointed by the head of a statewide
4 organization representing the interests of sexual assault
5 survivors and rape crisis centers, at least one of whom
6 shall represent rural rape crisis centers and at least one
7 of whom shall represent urban rape crisis centers; and

8 (17) one member representing children's advocacy
9 centers appointed by the head of a statewide organization
10 representing the interests of children's advocacy centers
11 in Illinois.

12 The members representing the Office of the Attorney
13 General and the Department of Public Health shall serve as
14 co-chairpersons of the Task Force. The Office of the Attorney
15 General shall provide administrative and other support to the
16 Task Force.

17 (b) The first meeting of the Task Force shall be called by
18 the co-chairpersons no later than 90 days after the effective
19 date of this Section.

20 (c) The goals of the Task Force shall include, but not be
21 limited to, the following:

22 (1) to facilitate the development of areawide
23 treatment plans among hospitals and pediatric health care
24 facilities;

25 (2) to facilitate the development of on-call systems
26 of qualified medical providers and assist hospitals with

1 the development of plans to employ or contract with a
2 qualified medical provider to initiate medical forensic
3 services to a sexual assault survivor within 90 minutes of
4 the patient presenting to the hospital as required in
5 subsection (a-7) of Section 5;

6 (3) to identify photography and storage options for
7 hospitals to comply with the photo documentation
8 requirements in Sections 5 and 5.1;

9 (4) to develop a model written agreement for use by
10 rape crisis centers, hospitals, and approved pediatric
11 health care facilities with sexual assault treatment plans
12 to comply with subsection (c) of Section 2;

13 (5) to develop and distribute educational information
14 regarding the implementation of this Act to hospitals,
15 health care providers, rape crisis centers, children's
16 advocacy centers, State's Attorney's offices;

17 (6) to examine the role of telemedicine in the
18 provision of medical forensic services under this Act and
19 to develop recommendations for statutory change and
20 standards and procedures for the use of telemedicine to be
21 adopted by the Department;

22 (7) to seek inclusion of the International Association
23 of Forensic Nurses Sexual Assault Nurse Examiner Education
24 Guidelines for nurses within the registered nurse training
25 curriculum in Illinois nursing programs and the American
26 College of Emergency Physicians Management of the Patient

1 with the Complaint of Sexual Assault for emergency
2 physicians within the Illinois residency training
3 curriculum for emergency physicians; and

4 (8) to submit a report to the General Assembly by
5 January 1, 2023 regarding the status of implementation of
6 this amendatory Act of the 100th General Assembly,
7 including, but not limited to, the impact of transfers to
8 out-of-state hospitals on sexual assault survivors and the
9 availability of treatment hospitals in Illinois; the
10 report to the General Assembly shall be filed with the
11 Clerk of the House of Representatives and the Secretary of
12 the Senate in electronic form only, in the manner that the
13 Clerk and the Secretary shall direct.

14 (d) This Section is repealed on January 1, 2024.

15 (Source: P.A. 100-775, eff. 8-10-18.)

16 Section 825. The Smoke Free Illinois Act is amended by
17 changing Sections 40 and 45 as follows:

18 (410 ILCS 82/40)

19 Sec. 40. Enforcement; complaints.

20 (a) The Department, State-certified local public health
21 departments, and local, Department of Natural Resources, and
22 Illinois ~~Department of~~ State Police law enforcement agencies
23 shall enforce the provisions of this Act through the issuance
24 of citations and may assess civil penalties pursuant to

1 Section 45 of this Act.

2 (a-2) The citations issued pursuant to this Act shall
3 conspicuously include the following:

4 (1) the name of the offense and its statutory
5 reference;

6 (2) the nature and elements of the violation;

7 (3) the date and location of the violation;

8 (4) the name of the enforcing agency;

9 (5) the name of the violator;

10 (6) the amount of the imposed civil penalty and the
11 location where the violator can pay the civil penalty
12 without objection;

13 (7) the address and phone number of the enforcing
14 agency where the violator can request a hearing before the
15 Department to contest the imposition of the civil penalty
16 imposed by the citation under the rules and procedures of
17 the Illinois Administrative Procedure Act;

18 (8) the time period in which to pay the civil penalty
19 or to request a hearing to contest the imposition of the
20 civil penalty imposed by the citation; and

21 (9) the verified signature of the person issuing the
22 citation.

23 (a-3) One copy of the citation shall be provided to the
24 violator, one copy shall be retained by the enforcing agency,
25 and one copy shall be provided to the entity otherwise
26 authorized by the enforcing agency to receive civil penalties

1 on their behalf.

2 (b) Any person may register a complaint with the
3 Department, a State-certified local public health department,
4 or a law enforcement agency for a violation of this Act. The
5 Department shall establish a telephone number that a person
6 may call to register a complaint under this subsection (b).

7 (c) The Department shall afford a violator the opportunity
8 to pay the civil penalty without objection or to contest the
9 citation in accordance with the Illinois Administrative
10 Procedure Act, except that in case of a conflict between the
11 Illinois Administrative Procedure Act and this Act, the
12 provisions of this Act shall control.

13 (d) Upon receipt of a request for hearing to contest the
14 imposition of a civil penalty imposed by a citation, the
15 enforcing agency shall immediately forward a copy of the
16 citation and notice of the request for hearing to the
17 Department for initiation of a hearing conducted in accordance
18 with the Illinois Administrative Procedure Act and the rules
19 established thereto by the Department applicable to contested
20 cases, except that in case of a conflict between the Illinois
21 Administrative Procedure Act and this Act, the provisions of
22 this Act shall control. Parties to the hearing shall be the
23 enforcing agency and the violator.

24 The Department shall notify the violator in writing of the
25 time, place, and location of the hearing. The hearing shall be
26 conducted at the nearest regional office of the Department, or

1 in a location contracted by the Department in the county where
2 the citation was issued.

3 (e) Civil penalties imposed under this Act may be
4 collected in accordance with all methods otherwise available
5 to the enforcing agency or the Department, except that there
6 shall be no collection efforts during the pendency of the
7 hearing before the Department.

8 (f) Rulemaking authority to implement this amendatory Act
9 of the 95th General Assembly, if any, is conditioned on the
10 rules being adopted in accordance with all provisions of the
11 Illinois Administrative Procedure Act and all rules and
12 procedures of the Joint Committee on Administrative Rules; any
13 purported rule not so adopted, for whatever reason, is
14 unauthorized.

15 (Source: P.A. 100-877, eff. 1-1-19.)

16 (410 ILCS 82/45)

17 Sec. 45. Violations.

18 (a) A person, corporation, partnership, association or
19 other entity who violates Section 15 or 20 of this Act shall be
20 liable for a civil penalty pursuant to this Section. Each day
21 that a violation occurs is a separate violation.

22 (b) A person who smokes in an area where smoking is
23 prohibited under Section 15 of this Act shall be liable for a
24 civil penalty in an amount that is \$100 for a first offense and
25 \$250 for each subsequent offense. A person who owns, operates,

1 or otherwise controls a public place or place of employment
2 that violates Section 15 or 20 of this Act shall be liable for
3 a civil penalty of (i) \$250 for the first violation, (ii) \$500
4 for the second violation within one year after the first
5 violation, and (iii) \$2,500 for each additional violation
6 within one year after the first violation.

7 (c) A civil penalty imposed under this Section shall be
8 allocated as follows:

9 (1) one-half of the civil penalty shall be distributed
10 to the Department; and

11 (2) one-half of the civil penalty shall be distributed
12 to the enforcing agency.

13 With respect to funds designated for the Illinois
14 ~~Department of~~ State Police under this subsection, the Illinois
15 ~~Department of~~ State Police shall deposit the moneys into the
16 State Police Operations Assistance Fund. With respect to funds
17 designated for the Department of Natural Resources under this
18 subsection, the Department of Natural Resources shall deposit
19 the moneys into the Conservation Police Operations Assistance
20 Fund.

21 (d) Rulemaking authority to implement this amendatory Act
22 of the 95th General Assembly, if any, is conditioned on the
23 rules being adopted in accordance with all provisions of the
24 Illinois Administrative Procedure Act and all rules and
25 procedures of the Joint Committee on Administrative Rules; any
26 purported rule not so adopted, for whatever reason, is

1 unauthorized.

2 (Source: P.A. 100-877, eff. 1-1-19.)

3 Section 830. The Compassionate Use of Medical Cannabis
4 Pilot Program Act is amended by changing Sections 85, 95, 100,
5 105, 145, 150, and 180 as follows:

6 (410 ILCS 130/85)

7 Sec. 85. Issuance and denial of medical cannabis
8 cultivation permit.

9 (a) The Department of Agriculture may register up to 22
10 cultivation center registrations for operation. The Department
11 of Agriculture may not issue more than one registration per
12 each Illinois State Police District boundary as specified on
13 the date of January 1, 2013. The Department of Agriculture may
14 not issue less than the 22 registrations if there are
15 qualified applicants who have applied with the Department.

16 (b) The registrations shall be issued and renewed annually
17 as determined by administrative rule.

18 (c) The Department of Agriculture shall determine a
19 registration fee by rule.

20 (d) A cultivation center may only operate if it has been
21 issued a valid registration from the Department of
22 Agriculture. When applying for a cultivation center
23 registration, the applicant shall submit the following in
24 accordance with Department of Agriculture rules:

- 1 (1) the proposed legal name of the cultivation center;
- 2 (2) the proposed physical address of the cultivation
3 center and description of the enclosed, locked facility as
4 it applies to cultivation centers where medical cannabis
5 will be grown, harvested, manufactured, packaged, or
6 otherwise prepared for distribution to a dispensing
7 organization;
- 8 (3) the name, address, and date of birth of each
9 principal officer and board member of the cultivation
10 center, provided that all those individuals shall be at
11 least 21 years of age;
- 12 (4) any instance in which a business that any of the
13 prospective board members of the cultivation center had
14 managed or served on the board of the business and was
15 convicted, fined, censured, or had a registration or
16 license suspended or revoked in any administrative or
17 judicial proceeding;
- 18 (5) cultivation, inventory, and packaging plans;
- 19 (6) proposed operating by-laws that include procedures
20 for the oversight of the cultivation center, development
21 and implementation of a plant monitoring system, medical
22 cannabis container tracking system, accurate record
23 keeping, staffing plan, and security plan reviewed by the
24 Illinois State Police that are in accordance with the
25 rules issued by the Department of Agriculture under this
26 Act. A physical inventory shall be performed of all plants

1 and medical cannabis containers on a weekly basis;

2 (7) experience with agricultural cultivation
3 techniques and industry standards;

4 (8) any academic degrees, certifications, or relevant
5 experience with related businesses;

6 (9) the identity of every person, association, trust,
7 or corporation having any direct or indirect pecuniary
8 interest in the cultivation center operation with respect
9 to which the registration is sought. If the disclosed
10 entity is a trust, the application shall disclose the
11 names and addresses of the beneficiaries; if a
12 corporation, the names and addresses of all stockholders
13 and directors; if a partnership, the names and addresses
14 of all partners, both general and limited;

15 (10) verification from the Illinois State Police that
16 all background checks of the principal officer, board
17 members, and registered agents have been conducted and
18 those individuals have not been convicted of an excluded
19 offense;

20 (11) provide a copy of the current local zoning
21 ordinance to the Department of Agriculture and verify that
22 proposed cultivation center is in compliance with the
23 local zoning rules issued in accordance with Section 140;

24 (12) an application fee set by the Department of
25 Agriculture by rule; and

26 (13) any other information required by Department of

1 Agriculture rules, including, but not limited to a
2 cultivation center applicant's experience with the
3 cultivation of agricultural or horticultural products,
4 operating an agriculturally related business, or operating
5 a horticultural business.

6 (e) An application for a cultivation center permit must be
7 denied if any of the following conditions are met:

8 (1) the applicant failed to submit the materials
9 required by this Section, including if the applicant's
10 plans do not satisfy the security, oversight, inventory,
11 or recordkeeping rules issued by the Department of
12 Agriculture;

13 (2) the applicant would not be in compliance with
14 local zoning rules issued in accordance with Section 140;

15 (3) one or more of the prospective principal officers
16 or board members has been convicted of an excluded
17 offense;

18 (4) one or more of the prospective principal officers
19 or board members has served as a principal officer or
20 board member for a registered dispensing organization or
21 cultivation center that has had its registration revoked;

22 (5) one or more of the principal officers or board
23 members is under 21 years of age;

24 (6) a principal officer or board member of the
25 cultivation center has been convicted of a felony under
26 the laws of this State, any other state, or the United

1 States;

2 (7) a principal officer or board member of the
3 cultivation center has been convicted of any violation of
4 Article 28 of the Criminal Code of 2012, or substantially
5 similar laws of any other jurisdiction; or

6 (8) the person has submitted an application for a
7 certificate under this Act which contains false
8 information.

9 (Source: P.A. 98-122, eff. 1-1-14.)

10 (410 ILCS 130/95)

11 Sec. 95. Background checks.

12 (a) The Department of Agriculture through the Illinois
13 ~~Department of~~ State Police shall conduct a background check of
14 the prospective cultivation center agents. The Illinois
15 ~~Department of~~ State Police shall charge a fee for conducting
16 the criminal history record check, which shall be deposited in
17 the State Police Services Fund and shall not exceed the actual
18 cost of the record check. In order to carry out this provision,
19 each person applying as a cultivation center agent shall
20 submit a full set of fingerprints to the Illinois ~~Department~~
21 ~~of~~ State Police for the purpose of obtaining a State and
22 federal criminal records check. These fingerprints shall be
23 checked against the fingerprint records now and hereafter, to
24 the extent allowed by law, filed in the Illinois ~~Department of~~
25 State Police and Federal Bureau of Investigation criminal

1 history records databases. The Illinois ~~Department of~~ State
2 Police shall furnish, following positive identification, all
3 Illinois conviction information to the Department of
4 Agriculture.

5 (b) When applying for the initial permit, the background
6 checks for the principal officer, board members, and
7 registered agents shall be completed prior to submitting the
8 application to the Department of Agriculture.

9 (Source: P.A. 98-122, eff. 1-1-14; 98-1172, eff. 1-12-15.)

10 (410 ILCS 130/100)

11 Sec. 100. Cultivation center agent identification card.

12 (a) The Department of Agriculture shall:

13 (1) verify the information contained in an application
14 or renewal for a cultivation center identification card
15 submitted under this Act, and approve or deny an
16 application or renewal, within 30 days of receiving a
17 completed application or renewal application and all
18 supporting documentation required by rule;

19 (2) issue a cultivation center agent identification
20 card to a qualifying agent within 15 business days of
21 approving the application or renewal;

22 (3) enter the registry identification number of the
23 cultivation center where the agent works; and

24 (4) allow for an electronic application process, and
25 provide a confirmation by electronic or other methods that

1 an application has been submitted.

2 (b) A cultivation center agent must keep his or her
3 identification card visible at all times when on the property
4 of a cultivation center and during the transportation of
5 medical cannabis to a registered dispensary organization.

6 (c) The cultivation center agent identification cards
7 shall contain the following:

8 (1) the name of the cardholder;

9 (2) the date of issuance and expiration date of
10 cultivation center agent identification cards;

11 (3) a random 10 digit alphanumeric identification
12 number containing at least 4 numbers and at least 4
13 letters; that is unique to the holder; and

14 (4) a photograph of the cardholder.

15 (d) The cultivation center agent identification cards
16 shall be immediately returned to the cultivation center upon
17 termination of employment.

18 (e) Any card lost by a cultivation center agent shall be
19 reported to the Illinois State Police and the Department of
20 Agriculture immediately upon discovery of the loss.

21 (f) An applicant shall be denied a cultivation center
22 agent identification card if he or she has been convicted of an
23 excluded offense.

24 (Source: P.A. 98-122, eff. 1-1-14.)

25 (410 ILCS 130/105)

1 Sec. 105. Requirements; prohibitions; penalties for
2 cultivation centers.

3 (a) The operating documents of a registered cultivation
4 center shall include procedures for the oversight of the
5 cultivation center, a cannabis plant monitoring system
6 including a physical inventory recorded weekly, a cannabis
7 container system including a physical inventory recorded
8 weekly, accurate record keeping, and a staffing plan.

9 (b) A registered cultivation center shall implement a
10 security plan reviewed by the Illinois State Police and
11 including but not limited to: facility access controls,
12 perimeter intrusion detection systems, personnel
13 identification systems, 24-hour surveillance system to monitor
14 the interior and exterior of the registered cultivation center
15 facility and accessible to authorized law enforcement and the
16 Department of Agriculture in real-time.

17 (c) A registered cultivation center may not be located
18 within 2,500 feet of the property line of a pre-existing
19 public or private preschool or elementary or secondary school
20 or day care center, day care home, group day care home, part
21 day child care facility, or an area zoned for residential use.

22 (d) All cultivation of cannabis for distribution to a
23 registered dispensing organization must take place in an
24 enclosed, locked facility as it applies to cultivation centers
25 at the physical address provided to the Department of
26 Agriculture during the registration process. The cultivation

1 center location shall only be accessed by the cultivation
2 center agents working for the registered cultivation center,
3 Department of Agriculture staff performing inspections,
4 Department of Public Health staff performing inspections, law
5 enforcement or other emergency personnel, and contractors
6 working on jobs unrelated to medical cannabis, such as
7 installing or maintaining security devices or performing
8 electrical wiring.

9 (e) A cultivation center may not sell or distribute any
10 cannabis to any individual or entity other than another
11 cultivation center, a dispensing organization registered under
12 this Act, or a laboratory licensed by the Department of
13 Agriculture.

14 (f) All harvested cannabis intended for distribution to a
15 dispensing organization must be packaged in a labeled medical
16 cannabis container and entered into a data collection system.

17 (g) No person who has been convicted of an excluded
18 offense may be a cultivation center agent.

19 (h) Registered cultivation centers are subject to random
20 inspection by the Illinois State Police.

21 (i) Registered cultivation centers are subject to random
22 inspections by the Department of Agriculture and the
23 Department of Public Health.

24 (j) A cultivation center agent shall notify local law
25 enforcement, the Illinois State Police, and the Department of
26 Agriculture within 24 hours of the discovery of any loss or

1 theft. Notification shall be made by phone or in-person, or by
2 written or electronic communication.

3 (k) A cultivation center shall comply with all State and
4 federal rules and regulations regarding the use of pesticides.
5 (Source: P.A. 101-363, eff. 8-9-19.)

6 (410 ILCS 130/145)
7 Sec. 145. Confidentiality.

8 (a) The following information received and records kept by
9 the Department of Public Health, Department of Financial and
10 Professional Regulation, Department of Agriculture, or
11 Illinois ~~Department of~~ State Police for purposes of
12 administering this Act are subject to all applicable federal
13 privacy laws, confidential, and exempt from the Freedom of
14 Information Act, and not subject to disclosure to any
15 individual or public or private entity, except as necessary
16 for authorized employees of those authorized agencies to
17 perform official duties under this Act and the following
18 information received and records kept by Department of Public
19 Health, Department of Agriculture, Department of Financial and
20 Professional Regulation, and Illinois ~~Department of~~ State
21 Police, excluding any existing or non-existing Illinois or
22 national criminal history record information as defined in
23 subsection (d), may be disclosed to each other upon request:

24 (1) Applications and renewals, their contents, and
25 supporting information submitted by qualifying patients

1 and designated caregivers, including information regarding
2 their designated caregivers and certifying health care
3 professionals.

4 (2) Applications and renewals, their contents, and
5 supporting information submitted by or on behalf of
6 cultivation centers and dispensing organizations in
7 compliance with this Act, including their physical
8 addresses.

9 (3) The individual names and other information
10 identifying persons to whom the Department of Public
11 Health has issued registry identification cards.

12 (4) Any dispensing information required to be kept
13 under Section 135, Section 150, or Department of Public
14 Health, Department of Agriculture, or Department of
15 Financial and Professional Regulation rules shall identify
16 cardholders and registered cultivation centers by their
17 registry identification numbers and medical cannabis
18 dispensing organizations by their registration number and
19 not contain names or other personally identifying
20 information.

21 (5) All medical records provided to the Department of
22 Public Health in connection with an application for a
23 registry card.

24 (b) Nothing in this Section precludes the following:

25 (1) Department of Agriculture, Department of Financial
26 and Professional Regulation, or Public Health employees

1 may notify law enforcement about falsified or fraudulent
2 information submitted to the Departments if the employee
3 who suspects that falsified or fraudulent information has
4 been submitted conferred with his or her supervisor and
5 both agree that circumstances exist that warrant
6 reporting.

7 (2) If the employee conferred with his or her
8 supervisor and both agree that circumstances exist that
9 warrant reporting, Department of Public Health employees
10 may notify the Department of Financial and Professional
11 Regulation if there is reasonable cause to believe a
12 certifying health care professional:

13 (A) issued a written certification without a bona
14 fide health care professional-patient relationship
15 under this Act;

16 (B) issued a written certification to a person who
17 was not under the certifying health care
18 professional's care for the debilitating medical
19 condition; or

20 (C) failed to abide by the acceptable and
21 prevailing standard of care when evaluating a
22 patient's medical condition.

23 (3) The Department of Public Health, Department of
24 Agriculture, and Department of Financial and Professional
25 Regulation may notify State or local law enforcement about
26 apparent criminal violations of this Act if the employee

1 who suspects the offense has conferred with his or her
2 supervisor and both agree that circumstances exist that
3 warrant reporting.

4 (4) Medical cannabis cultivation center agents and
5 medical cannabis dispensing organizations may notify the
6 Department of Public Health, Department of Financial and
7 Professional Regulation, or Department of Agriculture of a
8 suspected violation or attempted violation of this Act or
9 the rules issued under it.

10 (5) Each Department may verify registry identification
11 cards under Section 150.

12 (6) The submission of the report to the General
13 Assembly under Section 160.

14 (c) It is a Class B misdemeanor with a \$1,000 fine for any
15 person, including an employee or official of the Department of
16 Public Health, Department of Financial and Professional
17 Regulation, or Department of Agriculture or another State
18 agency or local government, to breach the confidentiality of
19 information obtained under this Act.

20 (d) The Department of Public Health, the Department of
21 Agriculture, the Illinois ~~Department of~~ State Police, and the
22 Department of Financial and Professional Regulation shall not
23 share or disclose any existing or non-existing Illinois or
24 national criminal history record information. For the purposes
25 of this Section, "any existing or non-existing Illinois or
26 national criminal history record information" means any

1 Illinois or national criminal history record information,
2 including but not limited to the lack of or non-existence of
3 these records.

4 (Source: P.A. 101-363, eff. 8-9-19.)

5 (410 ILCS 130/150)

6 Sec. 150. Registry identification and registration
7 certificate verification.

8 (a) The Department of Public Health shall maintain a
9 confidential list of the persons to whom the Department of
10 Public Health has issued registry identification cards and
11 their addresses, phone numbers, and registry identification
12 numbers. This confidential list may not be combined or linked
13 in any manner with any other list or database except as
14 provided in this Section.

15 (b) Within 180 days of the effective date of this Act, the
16 Department of Public Health, Department of Financial and
17 Professional Regulation, and Department of Agriculture shall
18 together establish a computerized database or verification
19 system. The database or verification system must allow law
20 enforcement personnel and medical cannabis dispensary
21 organization agents to determine whether or not the
22 identification number corresponds with a current, valid
23 registry identification card. The system shall only disclose
24 whether the identification card is valid, whether the
25 cardholder is a registered qualifying patient or a registered

1 designated caregiver, the registry identification number of
2 the registered medical cannabis dispensing organization
3 designated to serve the registered qualifying patient who
4 holds the card, and the registry identification number of the
5 patient who is assisted by a registered designated caregiver
6 who holds the card. The Department of Public Health, the
7 Department of Agriculture, the Illinois ~~Department of~~ State
8 Police, and the Department of Financial and Professional
9 Regulation shall not share or disclose any existing or
10 non-existing Illinois or national criminal history record
11 information. Notwithstanding any other requirements
12 established by this subsection, the Department of Public
13 Health shall issue registry cards to qualifying patients, the
14 Department of Financial and Professional Regulation may issue
15 registration to medical cannabis dispensing organizations for
16 the period during which the database is being established, and
17 the Department of Agriculture may issue registration to
18 medical cannabis cultivation organizations for the period
19 during which the database is being established.

20 (c) For the purposes of this Section, "any existing or
21 non-existing Illinois or national criminal history record
22 information" means any Illinois or national criminal history
23 record information, including but not limited to the lack of
24 or non-existence of these records.

25 (Source: P.A. 98-122, eff. 1-1-14; 98-1172, eff. 1-12-15.)

1 (410 ILCS 130/180)

2 Sec. 180. Destruction of medical cannabis.

3 (a) All cannabis byproduct, scrap, and harvested cannabis
4 not intended for distribution to a medical cannabis
5 organization must be destroyed and disposed of pursuant to
6 State law. Documentation of destruction and disposal shall be
7 retained at the cultivation center for a period of not less
8 than 5 years.

9 (b) A cultivation center shall prior to the destruction,
10 notify the Department of Agriculture and the Illinois State
11 Police.

12 (c) The cultivation center shall keep record of the date
13 of destruction and how much was destroyed.

14 (d) A dispensary organization shall destroy all cannabis,
15 including cannabis-infused products, that are not sold to
16 registered qualifying patients. Documentation of destruction
17 and disposal shall be retained at the dispensary organization
18 for a period of not less than 5 years.

19 (e) A dispensary organization shall prior to the
20 destruction, notify the Department of Financial and
21 Professional Regulation and the Illinois State Police.

22 (Source: P.A. 98-122, eff. 1-1-14.)

23 Section 835. The Vital Records Act is amended by changing
24 Sections 15.1 and 25.1 as follows:

1 (410 ILCS 535/15.1) (from Ch. 111 1/2, par. 73-15.1)

2 Sec. 15.1. (1) The Director of the Illinois ~~Department of~~
3 State Police or his designee may obtain a registration of a
4 fictitious vital record for the purpose and in the manner
5 prescribed in this Section.

6 (2) A registration of a fictitious vital record may be
7 obtained pursuant to this Section only for law enforcement
8 purposes in providing: (a) witnesses with new identification
9 to protect them during and following criminal investigations
10 or proceedings; and (b) law enforcement officers with new
11 identification to enable them to escape detection while
12 performing criminal investigations.

13 (3) The Director of the Illinois State Police or his
14 designee may apply to the circuit court on behalf of a person
15 for an order directing the State Registrar of Vital Records to
16 establish a fictitious vital record if it is determined by the
17 Director that normal procedures of investigation or protection
18 are inadequate or reasonably appear to be unlikely to succeed
19 if tried or are too dangerous to employ. The court shall fix a
20 time and place for hearing the application and, if it finds
21 that the application should be granted, shall order the State
22 Registrar of Vital Records to establish the vital record
23 requested. The order shall include the data to be registered,
24 and shall be delivered in person by the designee of the
25 Director of the Illinois ~~Department of~~ State Police to the
26 State Registrar of Vital Records. Upon receipt of such order,

1 the State Registrar of Vital Records shall establish a vital
2 record as if such data had been registered pursuant to Section
3 12 or 18 of this Act or pursuant to Section 210 or 413 of the
4 Illinois Marriage and Dissolution of Marriage Act.

5 (4) The general public shall be excluded from any hearing
6 on an application for an order under this Section and only
7 persons, including representatives of agencies, who in the
8 opinion of the court have a direct interest in the matter of
9 the application shall be admitted to the hearing.

10 (5) The court's file relating to any proceeding under this
11 Section shall be impounded by the clerk of the court and shall
12 be opened for examination only upon specific order of the
13 court, which order shall name the person or persons who are to
14 be permitted to examine such file. Certified copies of any
15 paper or document contained in any file so impounded shall be
16 made only on like order.

17 (6) Any documentation concerning a vital record registered
18 pursuant to this Section, including any court order entered
19 under subsection (3), maintained by the Illinois ~~Department of~~
20 State Police or by the State Registrar of Vital Records shall
21 be sealed. Such documentation maintained by the Registrar of
22 Vital Records shall be opened for examination only upon
23 specific order of the court, which order shall name the person
24 or persons who are to be permitted to examine such file. Such
25 documentation maintained by the Illinois ~~Department of~~ State
26 Police shall be opened for examination only upon the written

1 permission of the Director of that Department or his designee.

2 (7) The Registrar of Vital Records shall immediately
3 notify the Director of the Illinois ~~Department of~~ State Police
4 or his designee upon receiving any request for a copy of or
5 information concerning any vital record registered pursuant to
6 this Section.

7 (8) If the court order directing the State Registrar of
8 Vital Records to establish a fictitious vital record does not
9 specify a time for the destruction or elimination of such
10 vital record, the fictitious vital record shall be destroyed
11 or eliminated at the conclusion of the investigation or when
12 the Director of the Illinois ~~Department of~~ State Police
13 determines that such record is no longer necessary. After the
14 destruction of such record, the Director of the Illinois
15 ~~Department of~~ State Police shall so notify the court which
16 entered the order directing the establishment of the
17 fictitious vital record.

18 (Source: P.A. 85-829.)

19 (410 ILCS 535/25.1) (from Ch. 111 1/2, par. 73-25.1)

20 Sec. 25.1. (a) When the State Registrar of Vital Records
21 receives or prepares a death certificate the Registrar shall
22 make an appropriate notation in the birth certificate record
23 of that person that the person is deceased. The Registrar
24 shall also notify the appropriate municipal or county
25 custodian of such birth record that the person is deceased,

1 and such custodian shall likewise make an appropriate notation
2 in its records.

3 (b) In response to any inquiry, the Registrar or a
4 custodian shall not provide a copy of a birth certificate or
5 information concerning the birth record of any deceased person
6 except as provided in this subsection (b) or as otherwise
7 provided in this Act or as approved by the Department. When a
8 copy of the birth certificate of a deceased person is
9 requested, the Registrar or custodian shall require the person
10 making the request to complete an information form, which
11 shall be developed and furnished by the Department and shall
12 include, at a minimum, the name, address, telephone number,
13 social security number and driver's license number of the
14 person making the request. Before furnishing the copy, the
15 custodian shall prominently stamp on the copy the word
16 "DECEASED" and write or stamp on the copy the date of death of
17 the deceased person. The custodian shall retain the
18 information form completed by the person making the request,
19 and note on the birth certificate record that such a request
20 was made. The custodian shall make the information form
21 available to the Illinois Department ~~of State Police~~ or any
22 local law enforcement agency upon request. A city or county
23 custodian shall promptly submit copies of all completed forms
24 to the Registrar. The word "DECEASED" and the date of death
25 shall not appear on a copy of a birth certificate furnished to
26 a parent of a child who died within 3 months of birth, provided

1 no other copy of a birth certificate was furnished to the
2 parent prior to the child's death.

3 (c) The Registrar shall furnish, no later than 60 days
4 after receipt of a form used to request a birth certificate
5 record of a deceased person, a copy of the form and a copy of
6 the corresponding birth certificate record to the Department
7 of Healthcare and Family Services and the Department of Human
8 Services. The Department of Healthcare and Family Services and
9 the Department of Human Services shall, upon receipt of such
10 information, check their records to ensure that no claim for
11 public assistance under the Illinois Public Aid Code is being
12 made either by a person purporting to be the deceased person or
13 by any person on behalf of the deceased person.

14 (d) Notwithstanding the requirements of subsection (b),
15 when the death of a child occurs within 90 days of that child's
16 live birth, the mother listed on the birth certificate of that
17 child may request the issuance of a copy of a certificate of
18 live birth from the State Registrar. Such request shall be
19 made in accordance with subsection (b), shall indicate the
20 requestor's relationship to the child, and shall be made not
21 later than 9 months from the date of the death of the child.
22 Except as provided herein, the Registrar shall conform to all
23 requirements of this Act in issuing copies of certificates
24 under this subsection (d).

25 (Source: P.A. 94-7, eff. 6-6-05; 95-331, eff. 8-21-07.)

1 Section 840. The Illinois Food, Drug and Cosmetic Act is
2 amended by changing Section 3.21 as follows:

3 (410 ILCS 620/3.21) (from Ch. 56 1/2, par. 503.21)

4 Sec. 3.21. Except as authorized by this Act, the Illinois
5 Controlled Substances Act, the Pharmacy Practice Act, the
6 Dental Practice Act, the Medical Practice Act of 1987, the
7 Veterinary Medicine and Surgery Practice Act of 2004, the
8 Podiatric Medical Practice Act of 1987, Section 22-30 of the
9 School Code, Section 40 of the Illinois State Police Act,
10 Section 10.19 of the Illinois Police Training Act, or the
11 Epinephrine Injector Act, to sell or dispense a prescription
12 drug without a prescription.

13 (Source: P.A. 99-78, eff. 7-20-15; 99-711, eff. 1-1-17;
14 100-799, eff. 1-1-19.)

15 Section 845. The Cannabis Regulation and Tax Act is
16 amended by changing Sections 1-10, 5-20, 15-25, 15-30, 15-40,
17 15-65, 15-75, 15-100, 15-135, 20-15, 20-30, 20-35, 20-40,
18 25-30, 25-35, 30-10, 30-30, 30-35, 30-40, 35-10, 35-25, 35-30,
19 40-10, 40-25, 40-30, 40-35, 55-15, 55-30, 55-35, 55-40, 55-50,
20 55-55, and 55-80 as follows:

21 (410 ILCS 705/1-10)

22 Sec. 1-10. Definitions. In this Act:

23 "Adult Use Cultivation Center License" means a license

1 issued by the Department of Agriculture that permits a person
2 to act as a cultivation center under this Act and any
3 administrative rule made in furtherance of this Act.

4 "Adult Use Dispensing Organization License" means a
5 license issued by the Department of Financial and Professional
6 Regulation that permits a person to act as a dispensing
7 organization under this Act and any administrative rule made
8 in furtherance of this Act.

9 "Advertise" means to engage in promotional activities
10 including, but not limited to: newspaper, radio, Internet and
11 electronic media, and television advertising; the distribution
12 of fliers and circulars; billboard advertising; and the
13 display of window and interior signs. "Advertise" does not
14 mean exterior signage displaying only the name of the licensed
15 cannabis business establishment.

16 "BLS Region" means a region in Illinois used by the United
17 States Bureau of Labor Statistics to gather and categorize
18 certain employment and wage data. The 17 such regions in
19 Illinois are: Bloomington, Cape Girardeau, Carbondale-Marion,
20 Champaign-Urbana, Chicago-Naperville-Elgin, Danville,
21 Davenport-Moline-Rock Island, Decatur, Kankakee, Peoria,
22 Rockford, St. Louis, Springfield, Northwest Illinois
23 nonmetropolitan area, West Central Illinois nonmetropolitan
24 area, East Central Illinois nonmetropolitan area, and South
25 Illinois nonmetropolitan area.

26 "Cannabis" means marijuana, hashish, and other substances

1 that are identified as including any parts of the plant
2 Cannabis sativa and including derivatives or subspecies, such
3 as indica, of all strains of cannabis, whether growing or not;
4 the seeds thereof, the resin extracted from any part of the
5 plant; and any compound, manufacture, salt, derivative,
6 mixture, or preparation of the plant, its seeds, or resin,
7 including tetrahydrocannabinol (THC) and all other naturally
8 produced cannabinol derivatives, whether produced directly or
9 indirectly by extraction; however, "cannabis" does not include
10 the mature stalks of the plant, fiber produced from the
11 stalks, oil or cake made from the seeds of the plant, any other
12 compound, manufacture, salt, derivative, mixture, or
13 preparation of the mature stalks (except the resin extracted
14 from it), fiber, oil or cake, or the sterilized seed of the
15 plant that is incapable of germination. "Cannabis" does not
16 include industrial hemp as defined and authorized under the
17 Industrial Hemp Act. "Cannabis" also means cannabis flower,
18 concentrate, and cannabis-infused products.

19 "Cannabis business establishment" means a cultivation
20 center, craft grower, processing organization, infuser
21 organization, dispensing organization, or transporting
22 organization.

23 "Cannabis concentrate" means a product derived from
24 cannabis that is produced by extracting cannabinoids,
25 including tetrahydrocannabinol (THC), from the plant through
26 the use of propylene glycol, glycerin, butter, olive oil or

1 other typical cooking fats; water, ice, or dry ice; or butane,
2 propane, CO₂, ethanol, or isopropanol and with the intended
3 use of smoking or making a cannabis-infused product. The use
4 of any other solvent is expressly prohibited unless and until
5 it is approved by the Department of Agriculture.

6 "Cannabis container" means a sealed, traceable, container,
7 or package used for the purpose of containment of cannabis or
8 cannabis-infused product during transportation.

9 "Cannabis flower" means marijuana, hashish, and other
10 substances that are identified as including any parts of the
11 plant Cannabis sativa and including derivatives or subspecies,
12 such as indica, of all strains of cannabis; including raw
13 kief, leaves, and buds, but not resin that has been extracted
14 from any part of such plant; nor any compound, manufacture,
15 salt, derivative, mixture, or preparation of such plant, its
16 seeds, or resin.

17 "Cannabis-infused product" means a beverage, food, oil,
18 ointment, tincture, topical formulation, or another product
19 containing cannabis or cannabis concentrate that is not
20 intended to be smoked.

21 "Cannabis paraphernalia" means equipment, products, or
22 materials intended to be used for planting, propagating,
23 cultivating, growing, harvesting, manufacturing, producing,
24 processing, preparing, testing, analyzing, packaging,
25 repackaging, storing, containing, concealing, ingesting, or
26 otherwise introducing cannabis into the human body.

1 "Cannabis plant monitoring system" or "plant monitoring
2 system" means a system that includes, but is not limited to,
3 testing and data collection established and maintained by the
4 cultivation center, craft grower, or processing organization
5 and that is available to the Department of Revenue, the
6 Department of Agriculture, the Department of Financial and
7 Professional Regulation, and the Illinois ~~Department of~~ State
8 Police for the purposes of documenting each cannabis plant and
9 monitoring plant development throughout the life cycle of a
10 cannabis plant cultivated for the intended use by a customer
11 from seed planting to final packaging.

12 "Cannabis testing facility" means an entity registered by
13 the Department of Agriculture to test cannabis for potency and
14 contaminants.

15 "Clone" means a plant section from a female cannabis plant
16 not yet rootbound, growing in a water solution or other
17 propagation matrix, that is capable of developing into a new
18 plant.

19 "Community College Cannabis Vocational Training Pilot
20 Program faculty participant" means a person who is 21 years of
21 age or older, licensed by the Department of Agriculture, and
22 is employed or contracted by an Illinois community college to
23 provide student instruction using cannabis plants at an
24 Illinois Community College.

25 "Community College Cannabis Vocational Training Pilot
26 Program faculty participant Agent Identification Card" means a

1 document issued by the Department of Agriculture that
2 identifies a person as a Community College Cannabis Vocational
3 Training Pilot Program faculty participant.

4 "Conditional Adult Use Dispensing Organization License"
5 means a license awarded to top-scoring applicants for an Adult
6 Use Dispensing Organization License that reserves the right to
7 an Adult Use Dispensing Organization License if the applicant
8 meets certain conditions described in this Act, but does not
9 entitle the recipient to begin purchasing or selling cannabis
10 or cannabis-infused products.

11 "Conditional Adult Use Cultivation Center License" means a
12 license awarded to top-scoring applicants for an Adult Use
13 Cultivation Center License that reserves the right to an Adult
14 Use Cultivation Center License if the applicant meets certain
15 conditions as determined by the Department of Agriculture by
16 rule, but does not entitle the recipient to begin growing,
17 processing, or selling cannabis or cannabis-infused products.

18 "Craft grower" means a facility operated by an
19 organization or business that is licensed by the Department of
20 Agriculture to cultivate, dry, cure, and package cannabis and
21 perform other necessary activities to make cannabis available
22 for sale at a dispensing organization or use at a processing
23 organization. A craft grower may contain up to 5,000 square
24 feet of canopy space on its premises for plants in the
25 flowering state. The Department of Agriculture may authorize
26 an increase or decrease of flowering stage cultivation space

1 in increments of 3,000 square feet by rule based on market
2 need, craft grower capacity, and the licensee's history of
3 compliance or noncompliance, with a maximum space of 14,000
4 square feet for cultivating plants in the flowering stage,
5 which must be cultivated in all stages of growth in an enclosed
6 and secure area. A craft grower may share premises with a
7 processing organization or a dispensing organization, or both,
8 provided each licensee stores currency and cannabis or
9 cannabis-infused products in a separate secured vault to which
10 the other licensee does not have access or all licensees
11 sharing a vault share more than 50% of the same ownership.

12 "Craft grower agent" means a principal officer, board
13 member, employee, or other agent of a craft grower who is 21
14 years of age or older.

15 "Craft Grower Agent Identification Card" means a document
16 issued by the Department of Agriculture that identifies a
17 person as a craft grower agent.

18 "Cultivation center" means a facility operated by an
19 organization or business that is licensed by the Department of
20 Agriculture to cultivate, process, transport (unless otherwise
21 limited by this Act), and perform other necessary activities
22 to provide cannabis and cannabis-infused products to cannabis
23 business establishments.

24 "Cultivation center agent" means a principal officer,
25 board member, employee, or other agent of a cultivation center
26 who is 21 years of age or older.

1 "Cultivation Center Agent Identification Card" means a
2 document issued by the Department of Agriculture that
3 identifies a person as a cultivation center agent.

4 "Currency" means currency and coin of the United States.

5 "Dispensary" means a facility operated by a dispensing
6 organization at which activities licensed by this Act may
7 occur.

8 "Dispensing organization" means a facility operated by an
9 organization or business that is licensed by the Department of
10 Financial and Professional Regulation to acquire cannabis from
11 a cultivation center, craft grower, processing organization,
12 or another dispensary for the purpose of selling or dispensing
13 cannabis, cannabis-infused products, cannabis seeds,
14 paraphernalia, or related supplies under this Act to
15 purchasers or to qualified registered medical cannabis
16 patients and caregivers. As used in this Act, "dispensing
17 organization" includes a registered medical cannabis
18 organization as defined in the Compassionate Use of Medical
19 Cannabis Program Act or its successor Act that has obtained an
20 Early Approval Adult Use Dispensing Organization License.

21 "Dispensing organization agent" means a principal officer,
22 employee, or agent of a dispensing organization who is 21
23 years of age or older.

24 "Dispensing organization agent identification card" means
25 a document issued by the Department of Financial and
26 Professional Regulation that identifies a person as a

1 dispensing organization agent.

2 "Disproportionately Impacted Area" means a census tract or
3 comparable geographic area that satisfies the following
4 criteria as determined by the Department of Commerce and
5 Economic Opportunity, that:

6 (1) meets at least one of the following criteria:

7 (A) the area has a poverty rate of at least 20%
8 according to the latest federal decennial census; or

9 (B) 75% or more of the children in the area
10 participate in the federal free lunch program
11 according to reported statistics from the State Board
12 of Education; or

13 (C) at least 20% of the households in the area
14 receive assistance under the Supplemental Nutrition
15 Assistance Program; or

16 (D) the area has an average unemployment rate, as
17 determined by the Illinois Department of Employment
18 Security, that is more than 120% of the national
19 unemployment average, as determined by the United
20 States Department of Labor, for a period of at least 2
21 consecutive calendar years preceding the date of the
22 application; and

23 (2) has high rates of arrest, conviction, and
24 incarceration related to the sale, possession, use,
25 cultivation, manufacture, or transport of cannabis.

26 "Early Approval Adult Use Cultivation Center License"

1 means a license that permits a medical cannabis cultivation
2 center licensed under the Compassionate Use of Medical
3 Cannabis Program Act as of the effective date of this Act to
4 begin cultivating, infusing, packaging, transporting (unless
5 otherwise provided in this Act), processing and selling
6 cannabis or cannabis-infused product to cannabis business
7 establishments for resale to purchasers as permitted by this
8 Act as of January 1, 2020.

9 "Early Approval Adult Use Dispensing Organization License"
10 means a license that permits a medical cannabis dispensing
11 organization licensed under the Compassionate Use of Medical
12 Cannabis Program Act as of the effective date of this Act to
13 begin selling cannabis or cannabis-infused product to
14 purchasers as permitted by this Act as of January 1, 2020.

15 "Early Approval Adult Use Dispensing Organization at a
16 secondary site" means a license that permits a medical
17 cannabis dispensing organization licensed under the
18 Compassionate Use of Medical Cannabis Program Act as of the
19 effective date of this Act to begin selling cannabis or
20 cannabis-infused product to purchasers as permitted by this
21 Act on January 1, 2020 at a different dispensary location from
22 its existing registered medical dispensary location.

23 "Enclosed, locked facility" means a room, greenhouse,
24 building, or other enclosed area equipped with locks or other
25 security devices that permit access only by cannabis business
26 establishment agents working for the licensed cannabis

1 business establishment or acting pursuant to this Act to
2 cultivate, process, store, or distribute cannabis.

3 "Enclosed, locked space" means a closet, room, greenhouse,
4 building or other enclosed area equipped with locks or other
5 security devices that permit access only by authorized
6 individuals under this Act. "Enclosed, locked space" may
7 include:

8 (1) a space within a residential building that (i) is
9 the primary residence of the individual cultivating 5 or
10 fewer cannabis plants that are more than 5 inches tall and
11 (ii) includes sleeping quarters and indoor plumbing. The
12 space must only be accessible by a key or code that is
13 different from any key or code that can be used to access
14 the residential building from the exterior; or

15 (2) a structure, such as a shed or greenhouse, that
16 lies on the same plot of land as a residential building
17 that (i) includes sleeping quarters and indoor plumbing
18 and (ii) is used as a primary residence by the person
19 cultivating 5 or fewer cannabis plants that are more than
20 5 inches tall, such as a shed or greenhouse. The structure
21 must remain locked when it is unoccupied by people.

22 "Financial institution" has the same meaning as "financial
23 organization" as defined in Section 1501 of the Illinois
24 Income Tax Act, and also includes the holding companies,
25 subsidiaries, and affiliates of such financial organizations.

26 "Flowering stage" means the stage of cultivation where and

1 when a cannabis plant is cultivated to produce plant material
2 for cannabis products. This includes mature plants as follows:

3 (1) if greater than 2 stigmas are visible at each
4 internode of the plant; or

5 (2) if the cannabis plant is in an area that has been
6 intentionally deprived of light for a period of time
7 intended to produce flower buds and induce maturation,
8 from the moment the light deprivation began through the
9 remainder of the marijuana plant growth cycle.

10 "Individual" means a natural person.

11 "Infuser organization" or "infuser" means a facility
12 operated by an organization or business that is licensed by
13 the Department of Agriculture to directly incorporate cannabis
14 or cannabis concentrate into a product formulation to produce
15 a cannabis-infused product.

16 "Kief" means the resinous crystal-like trichomes that are
17 found on cannabis and that are accumulated, resulting in a
18 higher concentration of cannabinoids, untreated by heat or
19 pressure, or extracted using a solvent.

20 "Labor peace agreement" means an agreement between a
21 cannabis business establishment and any labor organization
22 recognized under the National Labor Relations Act, referred to
23 in this Act as a bona fide labor organization, that prohibits
24 labor organizations and members from engaging in picketing,
25 work stoppages, boycotts, and any other economic interference
26 with the cannabis business establishment. This agreement means

1 that the cannabis business establishment has agreed not to
2 disrupt efforts by the bona fide labor organization to
3 communicate with, and attempt to organize and represent, the
4 cannabis business establishment's employees. The agreement
5 shall provide a bona fide labor organization access at
6 reasonable times to areas in which the cannabis business
7 establishment's employees work, for the purpose of meeting
8 with employees to discuss their right to representation,
9 employment rights under State law, and terms and conditions of
10 employment. This type of agreement shall not mandate a
11 particular method of election or certification of the bona
12 fide labor organization.

13 "Limited access area" means a room or other area under the
14 control of a cannabis dispensing organization licensed under
15 this Act and upon the licensed premises where cannabis sales
16 occur with access limited to purchasers, dispensing
17 organization owners and other dispensing organization agents,
18 or service professionals conducting business with the
19 dispensing organization, or, if sales to registered qualifying
20 patients, caregivers, provisional patients, and Opioid
21 Alternative Pilot Program participants licensed pursuant to
22 the Compassionate Use of Medical Cannabis Program Act are also
23 permitted at the dispensary, registered qualifying patients,
24 caregivers, provisional patients, and Opioid Alternative Pilot
25 Program participants.

26 "Member of an impacted family" means an individual who has

1 a parent, legal guardian, child, spouse, or dependent, or was
2 a dependent of an individual who, prior to the effective date
3 of this Act, was arrested for, convicted of, or adjudicated
4 delinquent for any offense that is eligible for expungement
5 under this Act.

6 "Mother plant" means a cannabis plant that is cultivated
7 or maintained for the purpose of generating clones, and that
8 will not be used to produce plant material for sale to an
9 infuser or dispensing organization.

10 "Ordinary public view" means within the sight line with
11 normal visual range of a person, unassisted by visual aids,
12 from a public street or sidewalk adjacent to real property, or
13 from within an adjacent property.

14 "Ownership and control" means ownership of at least 51% of
15 the business, including corporate stock if a corporation, and
16 control over the management and day-to-day operations of the
17 business and an interest in the capital, assets, and profits
18 and losses of the business proportionate to percentage of
19 ownership.

20 "Person" means a natural individual, firm, partnership,
21 association, joint stock company, joint venture, public or
22 private corporation, limited liability company, or a receiver,
23 executor, trustee, guardian, or other representative appointed
24 by order of any court.

25 "Possession limit" means the amount of cannabis under
26 Section 10-10 that may be possessed at any one time by a person

1 21 years of age or older or who is a registered qualifying
2 medical cannabis patient or caregiver under the Compassionate
3 Use of Medical Cannabis Program Act.

4 "Principal officer" includes a cannabis business
5 establishment applicant or licensed cannabis business
6 establishment's board member, owner with more than 1% interest
7 of the total cannabis business establishment or more than 5%
8 interest of the total cannabis business establishment of a
9 publicly traded company, president, vice president, secretary,
10 treasurer, partner, officer, member, manager member, or person
11 with a profit sharing, financial interest, or revenue sharing
12 arrangement. The definition includes a person with authority
13 to control the cannabis business establishment, a person who
14 assumes responsibility for the debts of the cannabis business
15 establishment and who is further defined in this Act.

16 "Primary residence" means a dwelling where a person
17 usually stays or stays more often than other locations. It may
18 be determined by, without limitation, presence, tax filings;
19 address on an Illinois driver's license, an Illinois
20 Identification Card, or an Illinois Person with a Disability
21 Identification Card; or voter registration. No person may have
22 more than one primary residence.

23 "Processing organization" or "processor" means a facility
24 operated by an organization or business that is licensed by
25 the Department of Agriculture to either extract constituent
26 chemicals or compounds to produce cannabis concentrate or

1 incorporate cannabis or cannabis concentrate into a product
2 formulation to produce a cannabis product.

3 "Processing organization agent" means a principal officer,
4 board member, employee, or agent of a processing organization.

5 "Processing organization agent identification card" means
6 a document issued by the Department of Agriculture that
7 identifies a person as a processing organization agent.

8 "Purchaser" means a person 21 years of age or older who
9 acquires cannabis for a valuable consideration. "Purchaser"
10 does not include a cardholder under the Compassionate Use of
11 Medical Cannabis Program Act.

12 "Qualified Social Equity Applicant" means a Social Equity
13 Applicant who has been awarded a conditional license under
14 this Act to operate a cannabis business establishment.

15 "Resided" means an individual's primary residence was
16 located within the relevant geographic area as established by
17 2 of the following:

18 (1) a signed lease agreement that includes the
19 applicant's name;

20 (2) a property deed that includes the applicant's
21 name;

22 (3) school records;

23 (4) a voter registration card;

24 (5) an Illinois driver's license, an Illinois
25 Identification Card, or an Illinois Person with a
26 Disability Identification Card;

- 1 (6) a paycheck stub;
- 2 (7) a utility bill;
- 3 (8) tax records; or
- 4 (9) any other proof of residency or other information
- 5 necessary to establish residence as provided by rule.

6 "Smoking" means the inhalation of smoke caused by the
7 combustion of cannabis.

8 "Social Equity Applicant" means an applicant that is an
9 Illinois resident that meets one of the following criteria:

10 (1) an applicant with at least 51% ownership and
11 control by one or more individuals who have resided for at
12 least 5 of the preceding 10 years in a Disproportionately
13 Impacted Area;

14 (2) an applicant with at least 51% ownership and
15 control by one or more individuals who:

16 (i) have been arrested for, convicted of, or
17 adjudicated delinquent for any offense that is
18 eligible for expungement under this Act; or

19 (ii) is a member of an impacted family;

20 (3) for applicants with a minimum of 10 full-time
21 employees, an applicant with at least 51% of current
22 employees who:

23 (i) currently reside in a Disproportionately
24 Impacted Area; or

25 (ii) have been arrested for, convicted of, or
26 adjudicated delinquent for any offense that is

1 eligible for expungement under this Act or member of
2 an impacted family.

3 Nothing in this Act shall be construed to preempt or limit
4 the duties of any employer under the Job Opportunities for
5 Qualified Applicants Act. Nothing in this Act shall permit an
6 employer to require an employee to disclose sealed or expunged
7 offenses, unless otherwise required by law.

8 "Tincture" means a cannabis-infused solution, typically
9 comprised of alcohol, glycerin, or vegetable oils, derived
10 either directly from the cannabis plant or from a processed
11 cannabis extract. A tincture is not an alcoholic liquor as
12 defined in the Liquor Control Act of 1934. A tincture shall
13 include a calibrated dropper or other similar device capable
14 of accurately measuring servings.

15 "Transporting organization" or "transporter" means an
16 organization or business that is licensed by the Department of
17 Agriculture to transport cannabis or cannabis-infused product
18 on behalf of a cannabis business establishment or a community
19 college licensed under the Community College Cannabis
20 Vocational Training Pilot Program.

21 "Transporting organization agent" means a principal
22 officer, board member, employee, or agent of a transporting
23 organization.

24 "Transporting organization agent identification card"
25 means a document issued by the Department of Agriculture that
26 identifies a person as a transporting organization agent.

1 "Unit of local government" means any county, city,
2 village, or incorporated town.

3 "Vegetative stage" means the stage of cultivation in which
4 a cannabis plant is propagated to produce additional cannabis
5 plants or reach a sufficient size for production. This
6 includes seedlings, clones, mothers, and other immature
7 cannabis plants as follows:

8 (1) if the cannabis plant is in an area that has not
9 been intentionally deprived of light for a period of time
10 intended to produce flower buds and induce maturation, it
11 has no more than 2 stigmas visible at each internode of the
12 cannabis plant; or

13 (2) any cannabis plant that is cultivated solely for
14 the purpose of propagating clones and is never used to
15 produce cannabis.

16 (Source: P.A. 101-27, eff. 6-25-19; 101-593, eff. 12-4-19.)

17 (410 ILCS 705/5-20)

18 Sec. 5-20. Background checks.

19 (a) Through the Illinois ~~Department of~~ State Police, the
20 licensing or issuing Department shall conduct a criminal
21 history record check of the prospective principal officers,
22 board members, and agents of a cannabis business establishment
23 applying for a license or identification card under this Act.

24 Each cannabis business establishment prospective principal
25 officer, board member, or agent shall submit his or her

1 fingerprints to the Illinois ~~Department of~~ State Police in the
2 form and manner prescribed by the Illinois ~~Department of~~ State
3 Police.

4 Unless otherwise provided in this Act, such fingerprints
5 shall be transmitted through a live scan fingerprint vendor
6 licensed by the Department of Financial and Professional
7 Regulation. These fingerprints shall be checked against the
8 fingerprint records now and hereafter filed in the Illinois
9 ~~Department of~~ State Police and Federal Bureau of Investigation
10 criminal history records databases. The Illinois ~~Department of~~
11 State Police shall charge a fee for conducting the criminal
12 history record check, which shall be deposited into the State
13 Police Services Fund and shall not exceed the actual cost of
14 the State and national criminal history record check. The
15 Illinois ~~Department of~~ State Police shall furnish, pursuant to
16 positive identification, all Illinois conviction information
17 and shall forward the national criminal history record
18 information to:

19 (i) the Department of Agriculture, with respect to a
20 cultivation center, craft grower, infuser organization, or
21 transporting organization; or

22 (ii) the Department of Financial and Professional
23 Regulation, with respect to a dispensing organization.

24 (b) When applying for the initial license or
25 identification card, the background checks for all prospective
26 principal officers, board members, and agents shall be

1 completed before submitting the application to the licensing
2 or issuing agency.

3 (c) All applications for licensure under this Act by
4 applicants with criminal convictions shall be subject to
5 Sections 2105-131, 2105-135, and 2105-205 of the Department of
6 Professional Regulation Law of the Civil Administrative Code
7 of Illinois.

8 (Source: P.A. 101-27, eff. 6-25-19; 101-593, eff. 12-4-19.)

9 (410 ILCS 705/15-25)

10 Sec. 15-25. Awarding of Conditional Adult Use Dispensing
11 Organization Licenses prior to January 1, 2021.

12 (a) The Department shall issue up to 75 Conditional Adult
13 Use Dispensing Organization Licenses before May 1, 2020.

14 (b) The Department shall make the application for a
15 Conditional Adult Use Dispensing Organization License
16 available no later than October 1, 2019 and shall accept
17 applications no later than January 1, 2020.

18 (c) To ensure the geographic dispersion of Conditional
19 Adult Use Dispensing Organization License holders, the
20 following number of licenses shall be awarded in each BLS
21 Region as determined by each region's percentage of the
22 State's population:

23 (1) Bloomington: 1

24 (2) Cape Girardeau: 1

25 (3) Carbondale-Marion: 1

- 1 (4) Champaign-Urbana: 1
- 2 (5) Chicago-Naperville-Elgin: 47
- 3 (6) Danville: 1
- 4 (7) Davenport-Moline-Rock Island: 1
- 5 (8) Decatur: 1
- 6 (9) Kankakee: 1
- 7 (10) Peoria: 3
- 8 (11) Rockford: 2
- 9 (12) St. Louis: 4
- 10 (13) Springfield: 1
- 11 (14) Northwest Illinois nonmetropolitan: 3
- 12 (15) West Central Illinois nonmetropolitan: 3
- 13 (16) East Central Illinois nonmetropolitan: 2
- 14 (17) South Illinois nonmetropolitan: 2

15 (d) An applicant seeking issuance of a Conditional Adult
16 Use Dispensing Organization License shall submit an
17 application on forms provided by the Department. An applicant
18 must meet the following requirements:

19 (1) Payment of a nonrefundable application fee of
20 \$5,000 for each license for which the applicant is
21 applying, which shall be deposited into the Cannabis
22 Regulation Fund;

23 (2) Certification that the applicant will comply with
24 the requirements contained in this Act;

25 (3) The legal name of the proposed dispensing
26 organization;

1 (4) A statement that the dispensing organization
2 agrees to respond to the Department's supplemental
3 requests for information;

4 (5) From each principal officer, a statement
5 indicating whether that person:

6 (A) has previously held or currently holds an
7 ownership interest in a cannabis business
8 establishment in Illinois; or

9 (B) has held an ownership interest in a dispensing
10 organization or its equivalent in another state or
11 territory of the United States that had the dispensing
12 organization registration or license suspended,
13 revoked, placed on probationary status, or subjected
14 to other disciplinary action;

15 (6) Disclosure of whether any principal officer has
16 ever filed for bankruptcy or defaulted on spousal support
17 or child support obligation;

18 (7) A resume for each principal officer, including
19 whether that person has an academic degree, certification,
20 or relevant experience with a cannabis business
21 establishment or in a related industry;

22 (8) A description of the training and education that
23 will be provided to dispensing organization agents;

24 (9) A copy of the proposed operating bylaws;

25 (10) A copy of the proposed business plan that
26 complies with the requirements in this Act, including, at

1 a minimum, the following:

2 (A) A description of services to be offered; and

3 (B) A description of the process of dispensing
4 cannabis;

5 (11) A copy of the proposed security plan that
6 complies with the requirements in this Article, including:

7 (A) The process or controls that will be
8 implemented to monitor the dispensary, secure the
9 premises, agents, and currency, and prevent the
10 diversion, theft, or loss of cannabis; and

11 (B) The process to ensure that access to the
12 restricted access areas is restricted to, registered
13 agents, service professionals, transporting
14 organization agents, Department inspectors, and
15 security personnel;

16 (12) A proposed inventory control plan that complies
17 with this Section;

18 (13) A proposed floor plan, a square footage estimate,
19 and a description of proposed security devices, including,
20 without limitation, cameras, motion detectors, servers,
21 video storage capabilities, and alarm service providers;

22 (14) The name, address, social security number, and
23 date of birth of each principal officer and board member
24 of the dispensing organization; each of those individuals
25 shall be at least 21 years of age;

26 (15) Evidence of the applicant's status as a Social

1 Equity Applicant, if applicable, and whether a Social
2 Equity Applicant plans to apply for a loan or grant issued
3 by the Department of Commerce and Economic Opportunity;

4 (16) The address, telephone number, and email address
5 of the applicant's principal place of business, if
6 applicable. A post office box is not permitted;

7 (17) Written summaries of any information regarding
8 instances in which a business or not-for-profit that a
9 prospective board member previously managed or served on
10 were fined or censured, or any instances in which a
11 business or not-for-profit that a prospective board member
12 previously managed or served on had its registration
13 suspended or revoked in any administrative or judicial
14 proceeding;

15 (18) A plan for community engagement;

16 (19) Procedures to ensure accurate recordkeeping and
17 security measures that are in accordance with this Article
18 and Department rules;

19 (20) The estimated volume of cannabis it plans to
20 store at the dispensary;

21 (21) A description of the features that will provide
22 accessibility to purchasers as required by the Americans
23 with Disabilities Act;

24 (22) A detailed description of air treatment systems
25 that will be installed to reduce odors;

26 (23) A reasonable assurance that the issuance of a

1 license will not have a detrimental impact on the
2 community in which the applicant wishes to locate;

3 (24) The dated signature of each principal officer;

4 (25) A description of the enclosed, locked facility
5 where cannabis will be stored by the dispensing
6 organization;

7 (26) Signed statements from each dispensing
8 organization agent stating that he or she will not divert
9 cannabis;

10 (27) The number of licenses it is applying for in each
11 BLS Region;

12 (28) A diversity plan that includes a narrative of at
13 least 2,500 words that establishes a goal of diversity in
14 ownership, management, employment, and contracting to
15 ensure that diverse participants and groups are afforded
16 equality of opportunity;

17 (29) A contract with a private security contractor
18 that is licensed under Section 10-5 of the Private
19 Detective, Private Alarm, Private Security, Fingerprint
20 Vendor, and Locksmith Act of 2004 in order for the
21 dispensary to have adequate security at its facility; and

22 (30) Other information deemed necessary by the
23 Illinois Cannabis Regulation Oversight Officer to conduct
24 the disparity and availability study referenced in
25 subsection (e) of Section 5-45.

26 (e) An applicant who receives a Conditional Adult Use

1 Dispensing Organization License under this Section has 180
2 days from the date of award to identify a physical location for
3 the dispensing organization retail storefront. Before a
4 conditional licensee receives an authorization to build out
5 the dispensing organization from the Department, the
6 Department shall inspect the physical space selected by the
7 conditional licensee. The Department shall verify the site is
8 suitable for public access, the layout promotes the safe
9 dispensing of cannabis, the location is sufficient in size,
10 power allocation, lighting, parking, handicapped accessible
11 parking spaces, accessible entry and exits as required by the
12 Americans with Disabilities Act, product handling, and
13 storage. The applicant shall also provide a statement of
14 reasonable assurance that the issuance of a license will not
15 have a detrimental impact on the community. The applicant
16 shall also provide evidence that the location is not within
17 1,500 feet of an existing dispensing organization. If an
18 applicant is unable to find a suitable physical address in the
19 opinion of the Department within 180 days of the issuance of
20 the Conditional Adult Use Dispensing Organization License, the
21 Department may extend the period for finding a physical
22 address another 180 days if the Conditional Adult Use
23 Dispensing Organization License holder demonstrates concrete
24 attempts to secure a location and a hardship. If the
25 Department denies the extension or the Conditional Adult Use
26 Dispensing Organization License holder is unable to find a

1 location or become operational within 360 days of being
2 awarded a conditional license, the Department shall rescind
3 the conditional license and award it to the next highest
4 scoring applicant in the BLS Region for which the license was
5 assigned, provided the applicant receiving the license: (i)
6 confirms a continued interest in operating a dispensing
7 organization; (ii) can provide evidence that the applicant
8 continues to meet all requirements for holding a Conditional
9 Adult Use Dispensing Organization License set forth in this
10 Act; and (iii) has not otherwise become ineligible to be
11 awarded a dispensing organization license. If the new awardee
12 is unable to accept the Conditional Adult Use Dispensing
13 Organization License, the Department shall award the
14 Conditional Adult Use Dispensing Organization License to the
15 next highest scoring applicant in the same manner. The new
16 awardee shall be subject to the same required deadlines as
17 provided in this subsection.

18 (e-5) If, within 180 days of being awarded a Conditional
19 Adult Use Dispensing Organization License, a dispensing
20 organization is unable to find a location within the BLS
21 Region in which it was awarded a Conditional Adult Use
22 Dispensing Organization License because no jurisdiction within
23 the BLS Region allows for the operation of an Adult Use
24 Dispensing Organization, the Department of Financial and
25 Professional Regulation may authorize the Conditional Adult
26 Use Dispensing Organization License holder to transfer its

1 license to a BLS Region specified by the Department.

2 (f) A dispensing organization that is awarded a
3 Conditional Adult Use Dispensing Organization License pursuant
4 to the criteria in Section 15-30 shall not purchase, possess,
5 sell, or dispense cannabis or cannabis-infused products until
6 the person has received an Adult Use Dispensing Organization
7 License issued by the Department pursuant to Section 15-36 of
8 this Act.

9 (g) The Department shall conduct a background check of the
10 prospective organization agents in order to carry out this
11 Article. The Illinois ~~Department of~~ State Police shall charge
12 the applicant a fee for conducting the criminal history record
13 check, which shall be deposited into the State Police Services
14 Fund and shall not exceed the actual cost of the record check.
15 Each person applying as a dispensing organization agent shall
16 submit a full set of fingerprints to the Illinois ~~Department~~
17 ~~of~~ State Police for the purpose of obtaining a State and
18 federal criminal records check. These fingerprints shall be
19 checked against the fingerprint records now and hereafter, to
20 the extent allowed by law, filed in the Illinois ~~Department of~~
21 State Police and Federal Bureau of Identification criminal
22 history records databases. The Illinois ~~Department of~~ State
23 Police shall furnish, following positive identification, all
24 Illinois conviction information to the Department.

25 (Source: P.A. 101-27, eff. 6-25-19; 101-593, eff. 12-4-19.)

1 (410 ILCS 705/15-30)

2 Sec. 15-30. Selection criteria for conditional licenses
3 awarded under Section 15-25.

4 (a) Applicants for a Conditional Adult Use Dispensing
5 Organization License must submit all required information,
6 including the information required in Section 15-25, to the
7 Department. Failure by an applicant to submit all required
8 information may result in the application being disqualified.

9 (b) If the Department receives an application that fails
10 to provide the required elements contained in this Section,
11 the Department shall issue a deficiency notice to the
12 applicant. The applicant shall have 10 calendar days from the
13 date of the deficiency notice to resubmit the incomplete
14 information. Applications that are still incomplete after this
15 opportunity to cure will not be scored and will be
16 disqualified.

17 (c) The Department will award up to 250 points to complete
18 applications based on the sufficiency of the applicant's
19 responses to required information. Applicants will be awarded
20 points based on a determination that the application
21 satisfactorily includes the following elements:

22 (1) Suitability of Employee Training Plan (15 points).

23 The plan includes an employee training plan that
24 demonstrates that employees will understand the rules
25 and laws to be followed by dispensary employees, have
26 knowledge of any security measures and operating

1 procedures of the dispensary, and are able to advise
2 purchasers on how to safely consume cannabis and use
3 individual products offered by the dispensary.

4 (2) Security and Recordkeeping (65 points).

5 (A) The security plan accounts for the prevention
6 of the theft or diversion of cannabis. The security
7 plan demonstrates safety procedures for dispensing
8 organization agents and purchasers, and safe delivery
9 and storage of cannabis and currency. It demonstrates
10 compliance with all security requirements in this Act
11 and rules.

12 (B) A plan for recordkeeping, tracking, and
13 monitoring inventory, quality control, and other
14 policies and procedures that will promote standard
15 recordkeeping and discourage unlawful activity. This
16 plan includes the applicant's strategy to communicate
17 with the Department and the Illinois ~~Department of~~
18 State Police on the destruction and disposal of
19 cannabis. The plan must also demonstrate compliance
20 with this Act and rules.

21 (C) The security plan shall also detail which
22 private security contractor licensed under Section
23 10-5 of the Private Detective, Private Alarm, Private
24 Security, Fingerprint Vendor, and Locksmith Act of
25 2004 the dispensary will contract with in order to
26 provide adequate security at its facility.

1 (3) Applicant's Business Plan, Financials, Operating
2 and Floor Plan (65 points).

3 (A) The business plan shall describe, at a
4 minimum, how the dispensing organization will be
5 managed on a long-term basis. This shall include a
6 description of the dispensing organization's
7 point-of-sale system, purchases and denials of sale,
8 confidentiality, and products and services to be
9 offered. It will demonstrate compliance with this Act
10 and rules.

11 (B) The operating plan shall include, at a
12 minimum, best practices for day-to-day dispensary
13 operation and staffing. The operating plan may also
14 include information about employment practices,
15 including information about the percentage of
16 full-time employees who will be provided a living
17 wage.

18 (C) The proposed floor plan is suitable for public
19 access, the layout promotes safe dispensing of
20 cannabis, is compliant with the Americans with
21 Disabilities Act and the Environmental Barriers Act,
22 and facilitates safe product handling and storage.

23 (4) Knowledge and Experience (30 points).

24 (A) The applicant's principal officers must
25 demonstrate experience and qualifications in business
26 management or experience with the cannabis industry.

1 This includes ensuring optimal safety and accuracy in
2 the dispensing and sale of cannabis.

3 (B) The applicant's principal officers must
4 demonstrate knowledge of various cannabis product
5 strains or varieties and describe the types and
6 quantities of products planned to be sold. This
7 includes confirmation of whether the dispensing
8 organization plans to sell cannabis paraphernalia or
9 edibles.

10 (C) Knowledge and experience may be demonstrated
11 through experience in other comparable industries that
12 reflect on the applicant's ability to operate a
13 cannabis business establishment.

14 (5) Status as a Social Equity Applicant (50 points).

15 The applicant meets the qualifications for a
16 Social Equity Applicant as set forth in this Act.

17 (6) Labor and employment practices (5 points): The
18 applicant may describe plans to provide a safe, healthy,
19 and economically beneficial working environment for its
20 agents, including, but not limited to, codes of conduct,
21 health care benefits, educational benefits, retirement
22 benefits, living wage standards, and entering a labor
23 peace agreement with employees.

24 (7) Environmental Plan (5 points): The applicant may
25 demonstrate an environmental plan of action to minimize
26 the carbon footprint, environmental impact, and resource

1 needs for the dispensary, which may include, without
2 limitation, recycling cannabis product packaging.

3 (8) Illinois owner (5 points): The applicant is 51% or
4 more owned and controlled by an Illinois resident, who can
5 prove residency in each of the past 5 years with tax
6 records or 2 of the following:

7 (A) a signed lease agreement that includes the
8 applicant's name;

9 (B) a property deed that includes the applicant's
10 name;

11 (C) school records;

12 (D) a voter registration card;

13 (E) an Illinois driver's license, an Illinois
14 Identification Card, or an Illinois Person with a
15 Disability Identification Card;

16 (F) a paycheck stub;

17 (G) a utility bill; or

18 (H) any other proof of residency or other
19 information necessary to establish residence as
20 provided by rule.

21 (9) Status as veteran (5 points): The applicant is 51%
22 or more controlled and owned by an individual or
23 individuals who meet the qualifications of a veteran as
24 defined by Section 45-57 of the Illinois Procurement Code.

25 (10) A diversity plan (5 points): that includes a
26 narrative of not more than 2,500 words that establishes a

1 goal of diversity in ownership, management, employment,
2 and contracting to ensure that diverse participants and
3 groups are afforded equality of opportunity.

4 (d) The Department may also award up to 2 bonus points for
5 a plan to engage with the community. The applicant may
6 demonstrate a desire to engage with its community by
7 participating in one or more of, but not limited to, the
8 following actions: (i) establishment of an incubator program
9 designed to increase participation in the cannabis industry by
10 persons who would qualify as Social Equity Applicants; (ii)
11 providing financial assistance to substance abuse treatment
12 centers; (iii) educating children and teens about the
13 potential harms of cannabis use; or (iv) other measures
14 demonstrating a commitment to the applicant's community. Bonus
15 points will only be awarded if the Department receives
16 applications that receive an equal score for a particular
17 region.

18 (e) The Department may verify information contained in
19 each application and accompanying documentation to assess the
20 applicant's veracity and fitness to operate a dispensing
21 organization.

22 (f) The Department may, in its discretion, refuse to issue
23 an authorization to any applicant:

24 (1) Who is unqualified to perform the duties required
25 of the applicant;

26 (2) Who fails to disclose or states falsely any

1 information called for in the application;

2 (3) Who has been found guilty of a violation of this
3 Act, or whose medical cannabis dispensing organization,
4 medical cannabis cultivation organization, or Early
5 Approval Adult Use Dispensing Organization License, or
6 Early Approval Adult Use Dispensing Organization License
7 at a secondary site, or Early Approval Cultivation Center
8 License was suspended, restricted, revoked, or denied for
9 just cause, or the applicant's cannabis business
10 establishment license was suspended, restricted, revoked,
11 or denied in any other state; or

12 (4) Who has engaged in a pattern or practice of unfair
13 or illegal practices, methods, or activities in the
14 conduct of owning a cannabis business establishment or
15 other business.

16 (g) The Department shall deny the license if any principal
17 officer, board member, or person having a financial or voting
18 interest of 5% or greater in the licensee is delinquent in
19 filing any required tax returns or paying any amounts owed to
20 the State of Illinois.

21 (h) The Department shall verify an applicant's compliance
22 with the requirements of this Article and rules before issuing
23 a dispensing organization license.

24 (i) Should the applicant be awarded a license, the
25 information and plans provided in the application, including
26 any plans submitted for bonus points, shall become a condition

1 of the Conditional Adult Use Dispensing Organization Licenses
2 and any Adult Use Dispensing Organization License issued to
3 the holder of the Conditional Adult Use Dispensing
4 Organization License, except as otherwise provided by this Act
5 or rule. Dispensing organizations have a duty to disclose any
6 material changes to the application. The Department shall
7 review all material changes disclosed by the dispensing
8 organization, and may re-evaluate its prior decision regarding
9 the awarding of a license, including, but not limited to,
10 suspending or permanently revoking a license. Failure to
11 comply with the conditions or requirements in the application
12 may subject the dispensing organization to discipline, up to
13 and including suspension or permanent revocation of its
14 authorization or license by the Department.

15 (j) If an applicant has not begun operating as a
16 dispensing organization within one year of the issuance of the
17 Conditional Adult Use Dispensing Organization License, the
18 Department may permanently revoke the Conditional Adult Use
19 Dispensing Organization License and award it to the next
20 highest scoring applicant in the BLS Region if a suitable
21 applicant indicates a continued interest in the license or
22 begin a new selection process to award a Conditional Adult Use
23 Dispensing Organization License.

24 (k) The Department shall deny an application if granting
25 that application would result in a single person or entity
26 having a direct or indirect financial interest in more than 10

1 Early Approval Adult Use Dispensing Organization Licenses,
2 Conditional Adult Use Dispensing Organization Licenses, or
3 Adult Use Dispensing Organization Licenses. Any entity that is
4 awarded a license that results in a single person or entity
5 having a direct or indirect financial interest in more than 10
6 licenses shall forfeit the most recently issued license and
7 suffer a penalty to be determined by the Department, unless
8 the entity declines the license at the time it is awarded.

9 (Source: P.A. 101-27, eff. 6-25-19; 101-593, eff. 12-4-19.)

10 (410 ILCS 705/15-40)

11 Sec. 15-40. Dispensing organization agent identification
12 card; agent training.

13 (a) The Department shall:

14 (1) verify the information contained in an application
15 or renewal for a dispensing organization agent
16 identification card submitted under this Article, and
17 approve or deny an application or renewal, within 30 days
18 of receiving a completed application or renewal
19 application and all supporting documentation required by
20 rule;

21 (2) issue a dispensing organization agent
22 identification card to a qualifying agent within 15
23 business days of approving the application or renewal;

24 (3) enter the registry identification number of the
25 dispensing organization where the agent works;

1 (4) within one year from the effective date of this
2 Act, allow for an electronic application process and
3 provide a confirmation by electronic or other methods that
4 an application has been submitted; and

5 (5) collect a \$100 nonrefundable fee from the
6 applicant to be deposited into the Cannabis Regulation
7 Fund.

8 (b) A dispensing organization agent must keep his or her
9 identification card visible at all times when in the
10 dispensary.

11 (c) The dispensing organization agent identification cards
12 shall contain the following:

13 (1) the name of the cardholder;

14 (2) the date of issuance and expiration date of the
15 dispensing organization agent identification cards;

16 (3) a random 10-digit alphanumeric identification
17 number containing at least 4 numbers and at least 4
18 letters that is unique to the cardholder; and

19 (4) a photograph of the cardholder.

20 (d) The dispensing organization agent identification cards
21 shall be immediately returned to the dispensing organization
22 upon termination of employment.

23 (e) The Department shall not issue an agent identification
24 card if the applicant is delinquent in filing any required tax
25 returns or paying any amounts owed to the State of Illinois.

26 (f) Any card lost by a dispensing organization agent shall

1 be reported to the Illinois ~~Department of~~ State Police and the
2 Department immediately upon discovery of the loss.

3 (g) An applicant shall be denied a dispensing organization
4 agent identification card renewal if he or she fails to
5 complete the training provided for in this Section.

6 (h) A dispensing organization agent shall only be required
7 to hold one card for the same employer regardless of what type
8 of dispensing organization license the employer holds.

9 (i) Cannabis retail sales training requirements.

10 (1) Within 90 days of September 1, 2019, or 90 days of
11 employment, whichever is later, all owners, managers,
12 employees, and agents involved in the handling or sale of
13 cannabis or cannabis-infused product employed by an adult
14 use dispensing organization or medical cannabis dispensing
15 organization as defined in Section 10 of the Compassionate
16 Use of Medical Cannabis Program Act shall attend and
17 successfully complete a Responsible Vendor Program.

18 (2) Each owner, manager, employee, and agent of an
19 adult use dispensing organization or medical cannabis
20 dispensing organization shall successfully complete the
21 program annually.

22 (3) Responsible Vendor Program Training modules shall
23 include at least 2 hours of instruction time approved by
24 the Department including:

25 (i) Health and safety concerns of cannabis use,
26 including the responsible use of cannabis, its

1 physical effects, onset of physiological effects,
2 recognizing signs of impairment, and appropriate
3 responses in the event of overconsumption.

4 (ii) Training on laws and regulations on driving
5 while under the influence and operating a watercraft
6 or snowmobile while under the influence.

7 (iii) Sales to minors prohibition. Training shall
8 cover all relevant Illinois laws and rules.

9 (iv) Quantity limitations on sales to purchasers.
10 Training shall cover all relevant Illinois laws and
11 rules.

12 (v) Acceptable forms of identification. Training
13 shall include:

14 (I) How to check identification; and

15 (II) Common mistakes made in verification;

16 (vi) Safe storage of cannabis;

17 (vii) Compliance with all inventory tracking
18 system regulations;

19 (viii) Waste handling, management, and disposal;

20 (ix) Health and safety standards;

21 (x) Maintenance of records;

22 (xi) Security and surveillance requirements;

23 (xii) Permitting inspections by State and local
24 licensing and enforcement authorities;

25 (xiii) Privacy issues;

26 (xiv) Packaging and labeling requirement for sales

1 to purchasers; and

2 (xv) Other areas as determined by rule.

3 (j) Blank.

4 (k) Upon the successful completion of the Responsible
5 Vendor Program, the provider shall deliver proof of completion
6 either through mail or electronic communication to the
7 dispensing organization, which shall retain a copy of the
8 certificate.

9 (l) The license of a dispensing organization or medical
10 cannabis dispensing organization whose owners, managers,
11 employees, or agents fail to comply with this Section may be
12 suspended or permanently revoked under Section 15-145 or may
13 face other disciplinary action.

14 (m) The regulation of dispensing organization and medical
15 cannabis dispensing employer and employee training is an
16 exclusive function of the State, and regulation by a unit of
17 local government, including a home rule unit, is prohibited.
18 This subsection (m) is a denial and limitation of home rule
19 powers and functions under subsection (h) of Section 6 of
20 Article VII of the Illinois Constitution.

21 (n) Persons seeking Department approval to offer the
22 training required by paragraph (3) of subsection (i) may apply
23 for such approval between August 1 and August 15 of each
24 odd-numbered year in a manner prescribed by the Department.

25 (o) Persons seeking Department approval to offer the
26 training required by paragraph (3) of subsection (i) shall

1 submit a nonrefundable application fee of \$2,000 to be
2 deposited into the Cannabis Regulation Fund or a fee as may be
3 set by rule. Any changes made to the training module shall be
4 approved by the Department.

5 (p) The Department shall not unreasonably deny approval of
6 a training module that meets all the requirements of paragraph
7 (3) of subsection (i). A denial of approval shall include a
8 detailed description of the reasons for the denial.

9 (q) Any person approved to provide the training required
10 by paragraph (3) of subsection (i) shall submit an application
11 for re-approval between August 1 and August 15 of each
12 odd-numbered year and include a nonrefundable application fee
13 of \$2,000 to be deposited into the Cannabis Regulation Fund or
14 a fee as may be set by rule.

15 (r) All persons applying to become or renewing their
16 registrations to be agents, including agents-in-charge and
17 principal officers, shall disclose any disciplinary action
18 taken against them that may have occurred in Illinois, another
19 state, or another country in relation to their employment at a
20 cannabis business establishment or at any cannabis cultivation
21 center, processor, infuser, dispensary, or other cannabis
22 business establishment.

23 (Source: P.A. 101-27, eff. 6-25-19; 101-593, eff. 12-4-19.)

24 (410 ILCS 705/15-65)

25 Sec. 15-65. Administration.

1 (a) A dispensing organization shall establish, maintain,
2 and comply with written policies and procedures as submitted
3 in the Business, Financial and Operating plan as required in
4 this Article or by rules established by the Department, and
5 approved by the Department, for the security, storage,
6 inventory, and distribution of cannabis. These policies and
7 procedures shall include methods for identifying, recording,
8 and reporting diversion, theft, or loss, and for correcting
9 errors and inaccuracies in inventories. At a minimum,
10 dispensing organizations shall ensure the written policies and
11 procedures provide for the following:

12 (1) Mandatory and voluntary recalls of cannabis
13 products. The policies shall be adequate to deal with
14 recalls due to any action initiated at the request of the
15 Department and any voluntary action by the dispensing
16 organization to remove defective or potentially defective
17 cannabis from the market or any action undertaken to
18 promote public health and safety, including:

19 (i) A mechanism reasonably calculated to contact
20 purchasers who have, or likely have, obtained the
21 product from the dispensary, including information on
22 the policy for return of the recalled product;

23 (ii) A mechanism to identify and contact the adult
24 use cultivation center, craft grower, or infuser that
25 manufactured the cannabis;

26 (iii) Policies for communicating with the

1 Department, the Department of Agriculture, and the
2 Department of Public Health within 24 hours of
3 discovering defective or potentially defective
4 cannabis; and

5 (iv) Policies for destruction of any recalled
6 cannabis product;

7 (2) Responses to local, State, or national
8 emergencies, including natural disasters, that affect the
9 security or operation of a dispensary;

10 (3) Segregation and destruction of outdated, damaged,
11 deteriorated, misbranded, or adulterated cannabis. This
12 procedure shall provide for written documentation of the
13 cannabis disposition;

14 (4) Ensure the oldest stock of a cannabis product is
15 distributed first. The procedure may permit deviation from
16 this requirement, if such deviation is temporary and
17 appropriate;

18 (5) Training of dispensing organization agents in the
19 provisions of this Act and rules, to effectively operate
20 the point-of-sale system and the State's verification
21 system, proper inventory handling and tracking, specific
22 uses of cannabis or cannabis-infused products, instruction
23 regarding regulatory inspection preparedness and law
24 enforcement interaction, awareness of the legal
25 requirements for maintaining status as an agent, and other
26 topics as specified by the dispensing organization or the

1 Department. The dispensing organization shall maintain
2 evidence of all training provided to each agent in its
3 files that is subject to inspection and audit by the
4 Department. The dispensing organization shall ensure
5 agents receive a minimum of 8 hours of training subject to
6 the requirements in subsection (i) of Section 15-40
7 annually, unless otherwise approved by the Department;

8 (6) Maintenance of business records consistent with
9 industry standards, including bylaws, consents, manual or
10 computerized records of assets and liabilities, audits,
11 monetary transactions, journals, ledgers, and supporting
12 documents, including agreements, checks, invoices,
13 receipts, and vouchers. Records shall be maintained in a
14 manner consistent with this Act and shall be retained for
15 5 years;

16 (7) Inventory control, including:

17 (i) Tracking purchases and denials of sale;

18 (ii) Disposal of unusable or damaged cannabis as
19 required by this Act and rules; and

20 (8) Purchaser education and support, including:

21 (i) Whether possession of cannabis is illegal
22 under federal law;

23 (ii) Current educational information issued by the
24 Department of Public Health about the health risks
25 associated with the use or abuse of cannabis;

26 (iii) Information about possible side effects;

1 (iv) Prohibition on smoking cannabis in public
2 places; and

3 (v) Offering any other appropriate purchaser
4 education or support materials.

5 (b) Blank.

6 (c) A dispensing organization shall maintain copies of the
7 policies and procedures on the dispensary premises and provide
8 copies to the Department upon request. The dispensing
9 organization shall review the dispensing organization policies
10 and procedures at least once every 12 months from the issue
11 date of the license and update as needed due to changes in
12 industry standards or as requested by the Department.

13 (d) A dispensing organization shall ensure that each
14 principal officer and each dispensing organization agent has a
15 current agent identification card in the agent's immediate
16 possession when the agent is at the dispensary.

17 (e) A dispensing organization shall provide prompt written
18 notice to the Department, including the date of the event,
19 when a dispensing organization agent no longer is employed by
20 the dispensing organization.

21 (f) A dispensing organization shall promptly document and
22 report any loss or theft of cannabis from the dispensary to the
23 Illinois Department of State Police and the Department. It is
24 the duty of any dispensing organization agent who becomes
25 aware of the loss or theft to report it as provided in this
26 Article.

1 (g) A dispensing organization shall post the following
2 information in a conspicuous location in an area of the
3 dispensary accessible to consumers:

4 (1) The dispensing organization's license;

5 (2) The hours of operation.

6 (h) Signage that shall be posted inside the premises.

7 (1) All dispensing organizations must display a
8 placard that states the following: "Cannabis consumption
9 can impair cognition and driving, is for adult use only,
10 may be habit forming, and should not be used by pregnant or
11 breastfeeding women."

12 (2) Any dispensing organization that sells edible
13 cannabis-infused products must display a placard that
14 states the following:

15 (A) "Edible cannabis-infused products were
16 produced in a kitchen that may also process common
17 food allergens."; and

18 (B) "The effects of cannabis products can vary
19 from person to person, and it can take as long as two
20 hours to feel the effects of some cannabis-infused
21 products. Carefully review the portion size
22 information and warnings contained on the product
23 packaging before consuming."

24 (3) All of the required signage in this subsection (h)
25 shall be no smaller than 24 inches tall by 36 inches wide,
26 with typed letters no smaller than 2 inches. The signage

1 shall be clearly visible and readable by customers. The
2 signage shall be placed in the area where cannabis and
3 cannabis-infused products are sold and may be translated
4 into additional languages as needed. The Department may
5 require a dispensary to display the required signage in a
6 different language, other than English, if the Secretary
7 deems it necessary.

8 (i) A dispensing organization shall prominently post
9 notices inside the dispensing organization that state
10 activities that are strictly prohibited and punishable by law,
11 including, but not limited to:

12 (1) no minors permitted on the premises unless the
13 minor is a minor qualifying patient under the
14 Compassionate Use of Medical Cannabis Program Act;

15 (2) distribution to persons under the age of 21 is
16 prohibited;

17 (3) transportation of cannabis or cannabis products
18 across state lines is prohibited.

19 (Source: P.A. 101-27, eff. 6-25-19; 101-593, eff. 12-4-19.)

20 (410 ILCS 705/15-75)

21 Sec. 15-75. Inventory control system.

22 (a) A dispensing organization agent-in-charge shall have
23 primary oversight of the dispensing organization's cannabis
24 inventory verification system, and its point-of-sale system.
25 The inventory point-of-sale system shall be real-time,

1 web-based, and accessible by the Department at any time. The
2 point-of-sale system shall track, at a minimum the date of
3 sale, amount, price, and currency.

4 (b) A dispensing organization shall establish an account
5 with the State's verification system that documents:

6 (1) Each sales transaction at the time of sale and
7 each day's beginning inventory, acquisitions, sales,
8 disposal, and ending inventory.

9 (2) Acquisition of cannabis and cannabis-infused
10 products from a licensed adult use cultivation center,
11 craft grower, infuser, or transporter, including:

12 (i) A description of the products, including the
13 quantity, strain, variety, and batch number of each
14 product received;

15 (ii) The name and registry identification number
16 of the licensed adult use cultivation center, craft
17 grower, or infuser providing the cannabis and
18 cannabis-infused products;

19 (iii) The name and registry identification number
20 of the licensed adult use cultivation center, craft
21 grower, infuser, or transporting agent delivering the
22 cannabis;

23 (iv) The name and registry identification number
24 of the dispensing organization agent receiving the
25 cannabis; and

26 (v) The date of acquisition.

- 1 (3) The disposal of cannabis, including:
- 2 (i) A description of the products, including the
- 3 quantity, strain, variety, batch number, and reason
- 4 for the cannabis being disposed;
- 5 (ii) The method of disposal; and
- 6 (iii) The date and time of disposal.
- 7 (c) Upon cannabis delivery, a dispensing organization
- 8 shall confirm the product's name, strain name, weight, and
- 9 identification number on the manifest matches the information
- 10 on the cannabis product label and package. The product name
- 11 listed and the weight listed in the State's verification
- 12 system shall match the product packaging.
- 13 (d) The agent-in-charge shall conduct daily inventory
- 14 reconciliation documenting and balancing cannabis inventory by
- 15 confirming the State's verification system matches the
- 16 dispensing organization's point-of-sale system and the amount
- 17 of physical product at the dispensary.
- 18 (1) A dispensing organization must receive Department
- 19 approval before completing an inventory adjustment. It
- 20 shall provide a detailed reason for the adjustment.
- 21 Inventory adjustment documentation shall be kept at the
- 22 dispensary for 2 years from the date performed.
- 23 (2) If the dispensing organization identifies an
- 24 imbalance in the amount of cannabis after the daily
- 25 inventory reconciliation due to mistake, the dispensing
- 26 organization shall determine how the imbalance occurred

1 and immediately upon discovery take and document
2 corrective action. If the dispensing organization cannot
3 identify the reason for the mistake within 2 calendar days
4 after first discovery, it shall inform the Department
5 immediately in writing of the imbalance and the corrective
6 action taken to date. The dispensing organization shall
7 work diligently to determine the reason for the mistake.

8 (3) If the dispensing organization identifies an
9 imbalance in the amount of cannabis after the daily
10 inventory reconciliation or through other means due to
11 theft, criminal activity, or suspected criminal activity,
12 the dispensing organization shall immediately determine
13 how the reduction occurred and take and document
14 corrective action. Within 24 hours after the first
15 discovery of the reduction due to theft, criminal
16 activity, or suspected criminal activity, the dispensing
17 organization shall inform the Department and the Illinois
18 ~~Department of State Police~~ in writing.

19 (4) The dispensing organization shall file an annual
20 compilation report with the Department, including a
21 financial statement that shall include, but not be limited
22 to, an income statement, balance sheet, profit and loss
23 statement, statement of cash flow, wholesale cost and
24 sales, and any other documentation requested by the
25 Department in writing. The financial statement shall
26 include any other information the Department deems

1 necessary in order to effectively administer this Act and
2 all rules, orders, and final decisions promulgated under
3 this Act. Statements required by this Section shall be
4 filed with the Department within 60 days after the end of
5 the calendar year. The compilation report shall include a
6 letter authored by a licensed certified public accountant
7 that it has been reviewed and is accurate based on the
8 information provided. The dispensing organization,
9 financial statement, and accompanying documents are not
10 required to be audited unless specifically requested by
11 the Department.

12 (e) A dispensing organization shall:

13 (1) Maintain the documentation required in this
14 Section in a secure locked location at the dispensing
15 organization for 5 years from the date on the document;

16 (2) Provide any documentation required to be
17 maintained in this Section to the Department for review
18 upon request; and

19 (3) If maintaining a bank account, retain for a period
20 of 5 years a record of each deposit or withdrawal from the
21 account.

22 (f) If a dispensing organization chooses to have a return
23 policy for cannabis and cannabis products, the dispensing
24 organization shall seek prior approval from the Department.

25 (Source: P.A. 101-27, eff. 6-25-19; 101-593, eff. 12-4-19.)

1 (410 ILCS 705/15-100)

2 Sec. 15-100. Security.

3 (a) A dispensing organization shall implement security
4 measures to deter and prevent entry into and theft of cannabis
5 or currency.

6 (b) A dispensing organization shall submit any changes to
7 the floor plan or security plan to the Department for
8 pre-approval. All cannabis shall be maintained and stored in a
9 restricted access area during construction.

10 (c) The dispensing organization shall implement security
11 measures to protect the premises, purchasers, and dispensing
12 organization agents including, but not limited to the
13 following:

14 (1) Establish a locked door or barrier between the
15 facility's entrance and the limited access area;

16 (2) Prevent individuals from remaining on the premises
17 if they are not engaging in activity permitted by this Act
18 or rules;

19 (3) Develop a policy that addresses the maximum
20 capacity and purchaser flow in the waiting rooms and
21 limited access areas;

22 (4) Dispose of cannabis in accordance with this Act
23 and rules;

24 (5) During hours of operation, store and dispense all
25 cannabis from the restricted access area. During
26 operational hours, cannabis shall be stored in an enclosed

1 locked room or cabinet and accessible only to specifically
2 authorized dispensing organization agents;

3 (6) When the dispensary is closed, store all cannabis
4 and currency in a reinforced vault room in the restricted
5 access area and in a manner as to prevent diversion,
6 theft, or loss;

7 (7) Keep the reinforced vault room and any other
8 equipment or cannabis storage areas securely locked and
9 protected from unauthorized entry;

10 (8) Keep an electronic daily log of dispensing
11 organization agents with access to the reinforced vault
12 room and knowledge of the access code or combination;

13 (9) Keep all locks and security equipment in good
14 working order;

15 (10) Maintain an operational security and alarm system
16 at all times;

17 (11) Prohibit keys, if applicable, from being left in
18 the locks, or stored or placed in a location accessible to
19 persons other than specifically authorized personnel;

20 (12) Prohibit accessibility of security measures,
21 including combination numbers, passwords, or electronic or
22 biometric security systems to persons other than
23 specifically authorized dispensing organization agents;

24 (13) Ensure that the dispensary interior and exterior
25 premises are sufficiently lit to facilitate surveillance;

26 (14) Ensure that trees, bushes, and other foliage

1 outside of the dispensary premises do not allow for a
2 person or persons to conceal themselves from sight;

3 (15) Develop emergency policies and procedures for
4 securing all product and currency following any instance
5 of diversion, theft, or loss of cannabis, and conduct an
6 assessment to determine whether additional safeguards are
7 necessary; and

8 (16) Develop sufficient additional safeguards in
9 response to any special security concerns, or as required
10 by the Department.

11 (d) The Department may request or approve alternative
12 security provisions that it determines are an adequate
13 substitute for a security requirement specified in this
14 Article. Any additional protections may be considered by the
15 Department in evaluating overall security measures.

16 (e) A dispensing organization may share premises with a
17 craft grower or an infuser organization, or both, provided
18 each licensee stores currency and cannabis or cannabis-infused
19 products in a separate secured vault to which the other
20 licensee does not have access or all licensees sharing a vault
21 share more than 50% of the same ownership.

22 (f) A dispensing organization shall provide additional
23 security as needed and in a manner appropriate for the
24 community where it operates.

25 (g) Restricted access areas.

26 (1) All restricted access areas must be identified by

1 the posting of a sign that is a minimum of 12 inches by 12
2 inches and that states "Do Not Enter - Restricted Access
3 Area - Authorized Personnel Only" in lettering no smaller
4 than one inch in height.

5 (2) All restricted access areas shall be clearly
6 described in the floor plan of the premises, in the form
7 and manner determined by the Department, reflecting walls,
8 partitions, counters, and all areas of entry and exit. The
9 floor plan shall show all storage, disposal, and retail
10 sales areas.

11 (3) All restricted access areas must be secure, with
12 locking devices that prevent access from the limited
13 access areas.

14 (h) Security and alarm.

15 (1) A dispensing organization shall have an adequate
16 security plan and security system to prevent and detect
17 diversion, theft, or loss of cannabis, currency, or
18 unauthorized intrusion using commercial grade equipment
19 installed by an Illinois licensed private alarm contractor
20 or private alarm contractor agency that shall, at a
21 minimum, include:

22 (i) A perimeter alarm on all entry points and
23 glass break protection on perimeter windows;

24 (ii) Security shatterproof tinted film on exterior
25 windows;

26 (iii) A failure notification system that provides

1 an audible, text, or visual notification of any
2 failure in the surveillance system, including, but not
3 limited to, panic buttons, alarms, and video
4 monitoring system. The failure notification system
5 shall provide an alert to designated dispensing
6 organization agents within 5 minutes after the
7 failure, either by telephone or text message;

8 (iv) A duress alarm, panic button, and alarm, or
9 holdup alarm and after-hours intrusion detection alarm
10 that by design and purpose will directly or indirectly
11 notify, by the most efficient means, the Public Safety
12 Answering Point for the law enforcement agency having
13 primary jurisdiction;

14 (v) Security equipment to deter and prevent
15 unauthorized entrance into the dispensary, including
16 electronic door locks on the limited and restricted
17 access areas that include devices or a series of
18 devices to detect unauthorized intrusion that may
19 include a signal system interconnected with a radio
20 frequency method, cellular, private radio signals or
21 other mechanical or electronic device.

22 (2) All security system equipment and recordings shall
23 be maintained in good working order, in a secure location
24 so as to prevent theft, loss, destruction, or alterations.

25 (3) Access to surveillance monitoring recording
26 equipment shall be limited to persons who are essential to

1 surveillance operations, law enforcement authorities
2 acting within their jurisdiction, security system service
3 personnel, and the Department. A current list of
4 authorized dispensing organization agents and service
5 personnel that have access to the surveillance equipment
6 must be available to the Department upon request.

7 (4) All security equipment shall be inspected and
8 tested at regular intervals, not to exceed one month from
9 the previous inspection, and tested to ensure the systems
10 remain functional.

11 (5) The security system shall provide protection
12 against theft and diversion that is facilitated or hidden
13 by tampering with computers or electronic records.

14 (6) The dispensary shall ensure all access doors are
15 not solely controlled by an electronic access panel to
16 ensure that locks are not released during a power outage.

17 (i) To monitor the dispensary, the dispensing organization
18 shall incorporate continuous electronic video monitoring
19 including the following:

20 (1) All monitors must be 19 inches or greater;

21 (2) Unobstructed video surveillance of all enclosed
22 dispensary areas, unless prohibited by law, including all
23 points of entry and exit that shall be appropriate for the
24 normal lighting conditions of the area under surveillance.
25 The cameras shall be directed so all areas are captured,
26 including, but not limited to, safes, vaults, sales areas,

1 and areas where cannabis is stored, handled, dispensed, or
2 destroyed. Cameras shall be angled to allow for facial
3 recognition, the capture of clear and certain
4 identification of any person entering or exiting the
5 dispensary area and in lighting sufficient during all
6 times of night or day;

7 (3) Unobstructed video surveillance of outside areas,
8 the storefront, and the parking lot, that shall be
9 appropriate for the normal lighting conditions of the area
10 under surveillance. Cameras shall be angled so as to allow
11 for the capture of facial recognition, clear and certain
12 identification of any person entering or exiting the
13 dispensary and the immediate surrounding area, and license
14 plates of vehicles in the parking lot;

15 (4) 24-hour recordings from all video cameras
16 available for immediate viewing by the Department upon
17 request. Recordings shall not be destroyed or altered and
18 shall be retained for at least 90 days. Recordings shall
19 be retained as long as necessary if the dispensing
20 organization is aware of the loss or theft of cannabis or a
21 pending criminal, civil, or administrative investigation
22 or legal proceeding for which the recording may contain
23 relevant information;

24 (5) The ability to immediately produce a clear, color
25 still photo from the surveillance video, either live or
26 recorded;

1 (6) A date and time stamp embedded on all video
2 surveillance recordings. The date and time shall be
3 synchronized and set correctly and shall not significantly
4 obscure the picture;

5 (7) The ability to remain operational during a power
6 outage and ensure all access doors are not solely
7 controlled by an electronic access panel to ensure that
8 locks are not released during a power outage;

9 (8) All video surveillance equipment shall allow for
10 the exporting of still images in an industry standard
11 image format, including .jpg, .bmp, and .gif. Exported
12 video shall have the ability to be archived in a
13 proprietary format that ensures authentication of the
14 video and guarantees that no alteration of the recorded
15 image has taken place. Exported video shall also have the
16 ability to be saved in an industry standard file format
17 that can be played on a standard computer operating
18 system. All recordings shall be erased or destroyed before
19 disposal;

20 (9) The video surveillance system shall be operational
21 during a power outage with a 4-hour minimum battery
22 backup;

23 (10) A video camera or cameras recording at each
24 point-of-sale location allowing for the identification of
25 the dispensing organization agent distributing the
26 cannabis and any purchaser. The camera or cameras shall

1 capture the sale, the individuals and the computer
2 monitors used for the sale;

3 (11) A failure notification system that provides an
4 audible and visual notification of any failure in the
5 electronic video monitoring system; and

6 (12) All electronic video surveillance monitoring must
7 record at least the equivalent of 8 frames per second and
8 be available as recordings to the Department and the
9 Illinois ~~Department of~~ State Police 24 hours a day via a
10 secure web-based portal with reverse functionality.

11 (j) The requirements contained in this Act are minimum
12 requirements for operating a dispensing organization. The
13 Department may establish additional requirements by rule.

14 (Source: P.A. 101-27, eff. 6-25-19; 101-593, eff. 12-4-19.)

15 (410 ILCS 705/15-135)

16 Sec. 15-135. Investigations.

17 (a) Dispensing organizations are subject to random and
18 unannounced dispensary inspections and cannabis testing by the
19 Department, the Illinois ~~Department of~~ State Police, and local
20 law enforcement.

21 (b) The Department and its authorized representatives may
22 enter any place, including a vehicle, in which cannabis is
23 held, stored, dispensed, sold, produced, delivered,
24 transported, manufactured, or disposed of and inspect, in a
25 reasonable manner, the place and all pertinent equipment,

1 containers and labeling, and all things including records,
2 files, financial data, sales data, shipping data, pricing
3 data, personnel data, research, papers, processes, controls,
4 and facility, and inventory any stock of cannabis and obtain
5 samples of any cannabis or cannabis-infused product, any
6 labels or containers for cannabis, or paraphernalia.

7 (c) The Department may conduct an investigation of an
8 applicant, application, dispensing organization, principal
9 officer, dispensary agent, third party vendor, or any other
10 party associated with a dispensing organization for an alleged
11 violation of this Act or rules or to determine qualifications
12 to be granted a registration by the Department.

13 (d) The Department may require an applicant or holder of
14 any license issued pursuant to this Article to produce
15 documents, records, or any other material pertinent to the
16 investigation of an application or alleged violations of this
17 Act or rules. Failure to provide the required material may be
18 grounds for denial or discipline.

19 (e) Every person charged with preparation, obtaining, or
20 keeping records, logs, reports, or other documents in
21 connection with this Act and rules and every person in charge,
22 or having custody, of those documents shall, upon request by
23 the Department, make the documents immediately available for
24 inspection and copying by the Department, the Department's
25 authorized representative, or others authorized by law to
26 review the documents.

1 (Source: P.A. 101-27, eff. 6-25-19.)

2 (410 ILCS 705/20-15)

3 Sec. 20-15. Conditional Adult Use Cultivation Center
4 application.

5 (a) If the Department of Agriculture makes available
6 additional cultivation center licenses pursuant to Section
7 20-5, applicants for a Conditional Adult Use Cultivation
8 Center License shall electronically submit the following in
9 such form as the Department of Agriculture may direct:

10 (1) the nonrefundable application fee set by rule by
11 the Department of Agriculture, to be deposited into the
12 Cannabis Regulation Fund;

13 (2) the legal name of the cultivation center;

14 (3) the proposed physical address of the cultivation
15 center;

16 (4) the name, address, social security number, and
17 date of birth of each principal officer and board member
18 of the cultivation center; each principal officer and
19 board member shall be at least 21 years of age;

20 (5) the details of any administrative or judicial
21 proceeding in which any of the principal officers or board
22 members of the cultivation center (i) pled guilty, were
23 convicted, were fined, or had a registration or license
24 suspended or revoked, or (ii) managed or served on the
25 board of a business or non-profit organization that pled

1 guilty, was convicted, was fined, or had a registration or
2 license suspended or revoked;

3 (6) proposed operating bylaws that include procedures
4 for the oversight of the cultivation center, including the
5 development and implementation of a plant monitoring
6 system, accurate recordkeeping, staffing plan, and
7 security plan approved by the Illinois ~~Department of~~ State
8 Police that are in accordance with the rules issued by the
9 Department of Agriculture under this Act. A physical
10 inventory shall be performed of all plants and cannabis on
11 a weekly basis by the cultivation center;

12 (7) verification from the Illinois ~~Department of~~ State
13 Police that all background checks of the prospective
14 principal officers, board members, and agents of the
15 cannabis business establishment have been conducted;

16 (8) a copy of the current local zoning ordinance or
17 permit and verification that the proposed cultivation
18 center is in compliance with the local zoning rules and
19 distance limitations established by the local
20 jurisdiction;

21 (9) proposed employment practices, in which the
22 applicant must demonstrate a plan of action to inform,
23 hire, and educate minorities, women, veterans, and persons
24 with disabilities, engage in fair labor practices, and
25 provide worker protections;

26 (10) whether an applicant can demonstrate experience

1 in or business practices that promote economic empowerment
2 in Disproportionately Impacted Areas;

3 (11) experience with the cultivation of agricultural
4 or horticultural products, operating an agriculturally
5 related business, or operating a horticultural business;

6 (12) a description of the enclosed, locked facility
7 where cannabis will be grown, harvested, manufactured,
8 processed, packaged, or otherwise prepared for
9 distribution to a dispensing organization;

10 (13) a survey of the enclosed, locked facility,
11 including the space used for cultivation;

12 (14) cultivation, processing, inventory, and packaging
13 plans;

14 (15) a description of the applicant's experience with
15 agricultural cultivation techniques and industry
16 standards;

17 (16) a list of any academic degrees, certifications,
18 or relevant experience of all prospective principal
19 officers, board members, and agents of the related
20 business;

21 (17) the identity of every person having a financial
22 or voting interest of 5% or greater in the cultivation
23 center operation with respect to which the license is
24 sought, whether a trust, corporation, partnership, limited
25 liability company, or sole proprietorship, including the
26 name and address of each person;

1 (18) a plan describing how the cultivation center will
2 address each of the following:

3 (i) energy needs, including estimates of monthly
4 electricity and gas usage, to what extent it will
5 procure energy from a local utility or from on-site
6 generation, and if it has or will adopt a sustainable
7 energy use and energy conservation policy;

8 (ii) water needs, including estimated water draw
9 and if it has or will adopt a sustainable water use and
10 water conservation policy; and

11 (iii) waste management, including if it has or
12 will adopt a waste reduction policy;

13 (19) a diversity plan that includes a narrative of not
14 more than 2,500 words that establishes a goal of diversity
15 in ownership, management, employment, and contracting to
16 ensure that diverse participants and groups are afforded
17 equality of opportunity;

18 (20) any other information required by rule;

19 (21) a recycling plan:

20 (A) Purchaser packaging, including cartridges,
21 shall be accepted by the applicant and recycled.

22 (B) Any recyclable waste generated by the cannabis
23 cultivation facility shall be recycled per applicable
24 State and local laws, ordinances, and rules.

25 (C) Any cannabis waste, liquid waste, or hazardous
26 waste shall be disposed of in accordance with 8 Ill.

1 Adm. Code 1000.460, except, to the greatest extent
2 feasible, all cannabis plant waste will be rendered
3 unusable by grinding and incorporating the cannabis
4 plant waste with compostable mixed waste to be
5 disposed of in accordance with 8 Ill. Adm. Code
6 1000.460(g)(1);

7 (22) commitment to comply with local waste provisions:
8 a cultivation facility must remain in compliance with
9 applicable State and federal environmental requirements,
10 including, but not limited to:

11 (A) storing, securing, and managing all
12 recyclables and waste, including organic waste
13 composed of or containing finished cannabis and
14 cannabis products, in accordance with applicable State
15 and local laws, ordinances, and rules; and

16 (B) disposing liquid waste containing cannabis or
17 byproducts of cannabis processing in compliance with
18 all applicable State and federal requirements,
19 including, but not limited to, the cannabis
20 cultivation facility's permits under Title X of the
21 Environmental Protection Act; and

22 (23) a commitment to a technology standard for
23 resource efficiency of the cultivation center facility.

24 (A) A cannabis cultivation facility commits to use
25 resources efficiently, including energy and water. For
26 the following, a cannabis cultivation facility commits

1 to meet or exceed the technology standard identified
2 in items (i), (ii), (iii), and (iv), which may be
3 modified by rule:

4 (i) lighting systems, including light bulbs;

5 (ii) HVAC system;

6 (iii) water application system to the crop;

7 and

8 (iv) filtration system for removing
9 contaminants from wastewater.

10 (B) Lighting. The Lighting Power Densities (LPD)
11 for cultivation space commits to not exceed an average
12 of 36 watts per gross square foot of active and growing
13 space canopy, or all installed lighting technology
14 shall meet a photosynthetic photon efficacy (PPE) of
15 no less than 2.2 micromoles per joule fixture and
16 shall be featured on the DesignLights Consortium (DLC)
17 Horticultural Specification Qualified Products List
18 (QPL). In the event that DLC requirement for minimum
19 efficacy exceeds 2.2 micromoles per joule fixture,
20 that PPE shall become the new standard.

21 (C) HVAC.

22 (i) For cannabis grow operations with less
23 than 6,000 square feet of canopy, the licensee
24 commits that all HVAC units will be
25 high-efficiency ductless split HVAC units, or
26 other more energy efficient equipment.

1 (ii) For cannabis grow operations with 6,000
2 square feet of canopy or more, the licensee
3 commits that all HVAC units will be variable
4 refrigerant flow HVAC units, or other more energy
5 efficient equipment.

6 (D) Water application.

7 (i) The cannabis cultivation facility commits
8 to use automated watering systems, including, but
9 not limited to, drip irrigation and flood tables,
10 to irrigate cannabis crop.

11 (ii) The cannabis cultivation facility commits
12 to measure runoff from watering events and report
13 this volume in its water usage plan, and that on
14 average, watering events shall have no more than
15 20% of runoff of water.

16 (E) Filtration. The cultivator commits that HVAC
17 condensate, dehumidification water, excess runoff, and
18 other wastewater produced by the cannabis cultivation
19 facility shall be captured and filtered to the best of
20 the facility's ability to achieve the quality needed
21 to be reused in subsequent watering rounds.

22 (F) Reporting energy use and efficiency as
23 required by rule.

24 (b) Applicants must submit all required information,
25 including the information required in Section 20-10, to the
26 Department of Agriculture. Failure by an applicant to submit

1 all required information may result in the application being
2 disqualified.

3 (c) If the Department of Agriculture receives an
4 application with missing information, the Department of
5 Agriculture may issue a deficiency notice to the applicant.
6 The applicant shall have 10 calendar days from the date of the
7 deficiency notice to resubmit the incomplete information.
8 Applications that are still incomplete after this opportunity
9 to cure will not be scored and will be disqualified.

10 (e) A cultivation center that is awarded a Conditional
11 Adult Use Cultivation Center License pursuant to the criteria
12 in Section 20-20 shall not grow, purchase, possess, or sell
13 cannabis or cannabis-infused products until the person has
14 received an Adult Use Cultivation Center License issued by the
15 Department of Agriculture pursuant to Section 20-21 of this
16 Act.

17 (Source: P.A. 101-27, eff. 6-25-19; 101-593, eff. 12-4-19.)

18 (410 ILCS 705/20-30)

19 Sec. 20-30. Cultivation center requirements; prohibitions.

20 (a) The operating documents of a cultivation center shall
21 include procedures for the oversight of the cultivation center
22 a cannabis plant monitoring system including a physical
23 inventory recorded weekly, accurate recordkeeping, and a
24 staffing plan.

25 (b) A cultivation center shall implement a security plan

1 reviewed by the Illinois ~~Department of~~ State Police that
2 includes, but is not limited to: facility access controls,
3 perimeter intrusion detection systems, personnel
4 identification systems, 24-hour surveillance system to monitor
5 the interior and exterior of the cultivation center facility
6 and accessibility to authorized law enforcement, the
7 Department of Public Health where processing takes place, and
8 the Department of Agriculture in real time.

9 (c) All cultivation of cannabis by a cultivation center
10 must take place in an enclosed, locked facility at the
11 physical address provided to the Department of Agriculture
12 during the licensing process. The cultivation center location
13 shall only be accessed by the agents working for the
14 cultivation center, the Department of Agriculture staff
15 performing inspections, the Department of Public Health staff
16 performing inspections, local and State law enforcement or
17 other emergency personnel, contractors working on jobs
18 unrelated to cannabis, such as installing or maintaining
19 security devices or performing electrical wiring, transporting
20 organization agents as provided in this Act, individuals in a
21 mentoring or educational program approved by the State, or
22 other individuals as provided by rule.

23 (d) A cultivation center may not sell or distribute any
24 cannabis or cannabis-infused products to any person other than
25 a dispensing organization, craft grower, infuser organization,
26 transporter, or as otherwise authorized by rule.

1 (e) A cultivation center may not either directly or
2 indirectly discriminate in price between different dispensing
3 organizations, craft growers, or infuser organizations that
4 are purchasing a like grade, strain, brand, and quality of
5 cannabis or cannabis-infused product. Nothing in this
6 subsection (e) prevents a cultivation center ~~centers~~ from
7 pricing cannabis differently based on differences in the cost
8 of manufacturing or processing, the quantities sold, such as
9 volume discounts, or the way the products are delivered.

10 (f) All cannabis harvested by a cultivation center and
11 intended for distribution to a dispensing organization must be
12 entered into a data collection system, packaged and labeled
13 under Section 55-21, and placed into a cannabis container for
14 transport. All cannabis harvested by a cultivation center and
15 intended for distribution to a craft grower or infuser
16 organization must be packaged in a labeled cannabis container
17 and entered into a data collection system before transport.

18 (g) Cultivation centers are subject to random inspections
19 by the Department of Agriculture, the Department of Public
20 Health, local safety or health inspectors, and the Illinois
21 ~~Department of~~ State Police.

22 (h) A cultivation center agent shall notify local law
23 enforcement, the Illinois ~~Department of~~ State Police, and the
24 Department of Agriculture within 24 hours of the discovery of
25 any loss or theft. Notification shall be made by phone or in
26 person, or by written or electronic communication.

1 (i) A cultivation center shall comply with all State and
2 any applicable federal rules and regulations regarding the use
3 of pesticides on cannabis plants.

4 (j) No person or entity shall hold any legal, equitable,
5 ownership, or beneficial interest, directly or indirectly, of
6 more than 3 cultivation centers licensed under this Article.
7 Further, no person or entity that is employed by, an agent of,
8 has a contract to receive payment in any form from a
9 cultivation center, is a principal officer of a cultivation
10 center, or entity controlled by or affiliated with a principal
11 officer of a cultivation shall hold any legal, equitable,
12 ownership, or beneficial interest, directly or indirectly, in
13 a cultivation that would result in the person or entity owning
14 or controlling in combination with any cultivation center,
15 principal officer of a cultivation center, or entity
16 controlled or affiliated with a principal officer of a
17 cultivation center by which he, she, or it is employed, is an
18 agent of, or participates in the management of, more than 3
19 cultivation center licenses.

20 (k) A cultivation center may not contain more than 210,000
21 square feet of canopy space for plants in the flowering stage
22 for cultivation of adult use cannabis as provided in this Act.

23 (l) A cultivation center may process cannabis, cannabis
24 concentrates, and cannabis-infused products.

25 (m) Beginning July 1, 2020, a cultivation center shall not
26 transport cannabis or cannabis-infused products to a craft

1 grower, dispensing organization, infuser organization, or
2 laboratory licensed under this Act, unless it has obtained a
3 transporting organization license.

4 (n) It is unlawful for any person having a cultivation
5 center license or any officer, associate, member,
6 representative, or agent of such licensee to offer or deliver
7 money, or anything else of value, directly or indirectly to
8 any person having an Early Approval Adult Use Dispensing
9 Organization License, a Conditional Adult Use Dispensing
10 Organization License, an Adult Use Dispensing Organization
11 License, or a medical cannabis dispensing organization license
12 issued under the Compassionate Use of Medical Cannabis Program
13 Act, or to any person connected with or in any way
14 representing, or to any member of the family of, such person
15 holding an Early Approval Adult Use Dispensing Organization
16 License, a Conditional Adult Use Dispensing Organization
17 License, an Adult Use Dispensing Organization License, or a
18 medical cannabis dispensing organization license issued under
19 the Compassionate Use of Medical Cannabis Program Act, or to
20 any stockholders in any corporation engaged in the retail sale
21 of cannabis, or to any officer, manager, agent, or
22 representative of the Early Approval Adult Use Dispensing
23 Organization License, a Conditional Adult Use Dispensing
24 Organization License, an Adult Use Dispensing Organization
25 License, or a medical cannabis dispensing organization license
26 issued under the Compassionate Use of Medical Cannabis Program

1 Act to obtain preferential placement within the dispensing
2 organization, including, without limitation, on shelves and in
3 display cases where purchasers can view products, or on the
4 dispensing organization's website.

5 (o) A cultivation center must comply with any other
6 requirements or prohibitions set by administrative rule of the
7 Department of Agriculture.

8 (Source: P.A. 101-27, eff. 6-25-19; 101-593, eff. 12-4-19.)

9 (410 ILCS 705/20-35)

10 Sec. 20-35. Cultivation center agent identification card.

11 (a) The Department of Agriculture shall:

12 (1) establish by rule the information required in an
13 initial application or renewal application for an agent
14 identification card submitted under this Act and the
15 nonrefundable fee to accompany the initial application or
16 renewal application;

17 (2) verify the information contained in an initial
18 application or renewal application for an agent
19 identification card submitted under this Act, and approve
20 or deny an application within 30 days of receiving a
21 completed initial application or renewal application and
22 all supporting documentation required by rule;

23 (3) issue an agent identification card to a qualifying
24 agent within 15 business days of approving the initial
25 application or renewal application;

1 (4) enter the license number of the cultivation center
2 where the agent works; and

3 (5) allow for an electronic initial application and
4 renewal application process, and provide a confirmation by
5 electronic or other methods that an application has been
6 submitted. The Department of Agriculture may by rule
7 require prospective agents to file their applications by
8 electronic means and provide notices to the agents by
9 electronic means.

10 (b) An agent must keep his or her identification card
11 visible at all times when on the property of the cultivation
12 center at which the agent is employed.

13 (c) The agent identification cards shall contain the
14 following:

15 (1) the name of the cardholder;

16 (2) the date of issuance and expiration date of the
17 identification card;

18 (3) a random 10-digit alphanumeric identification
19 number containing at least 4 numbers and at least 4
20 letters that is unique to the holder;

21 (4) a photograph of the cardholder; and

22 (5) the legal name of the cultivation center employing
23 the agent.

24 (d) An agent identification card shall be immediately
25 returned to the cultivation center of the agent upon
26 termination of his or her employment.

1 (e) Any agent identification card lost by a cultivation
2 center agent shall be reported to the Illinois ~~Department of~~
3 State Police and the Department of Agriculture immediately
4 upon discovery of the loss.

5 (f) The Department of Agriculture shall not issue an agent
6 identification card if the applicant is delinquent in filing
7 any required tax returns or paying any amounts owed to the
8 State of Illinois.

9 (Source: P.A. 101-27, eff. 6-25-19.)

10 (410 ILCS 705/20-40)

11 Sec. 20-40. Cultivation center background checks.

12 (a) Through the Illinois ~~Department of~~ State Police, the
13 Department of Agriculture shall conduct a background check of
14 the prospective principal officers, board members, and agents
15 of a cultivation center applying for a license or
16 identification card under this Act. The Illinois ~~Department of~~
17 State Police shall charge a fee set by rule for conducting the
18 criminal history record check, which shall be deposited into
19 the State Police Services Fund and shall not exceed the actual
20 cost of the record check. In order to carry out this provision,
21 each cultivation center prospective principal officer, board
22 member, or agent shall submit a full set of fingerprints to the
23 Illinois ~~Department of~~ State Police for the purpose of
24 obtaining a State and federal criminal records check. These
25 fingerprints shall be checked against the fingerprint records

1 now and hereafter, to the extent allowed by law, filed in the
2 Illinois ~~Department of~~ State Police and Federal Bureau of
3 Investigation criminal history records databases. The Illinois
4 ~~Department of~~ State Police shall furnish, following positive
5 identification, all conviction information to the Department
6 of Agriculture.

7 (b) When applying for the initial license or
8 identification card, the background checks for all prospective
9 principal officers, board members, and agents shall be
10 completed before submitting the application to the licensing
11 or issuing agency.

12 (Source: P.A. 101-27, eff. 6-25-19.)

13 (410 ILCS 705/25-30)

14 (Section scheduled to be repealed on July 1, 2026)

15 Sec. 25-30. Inspection rights.

16 (a) A licensee's enclosed, locked facilities are subject
17 to random inspections by the Department and the Illinois
18 ~~Department of~~ State Police.

19 (b) Nothing in this Section shall be construed to give the
20 Department or the Illinois ~~Department of~~ State Police a right
21 of inspection or access to any location on the licensee's
22 premises beyond the facilities licensed under this Article.

23 (Source: P.A. 101-27, eff. 6-25-19.)

24 (410 ILCS 705/25-35)

1 (Section scheduled to be repealed on July 1, 2026)

2 Sec. 25-35. Community College Cannabis Vocational Training
3 Pilot Program faculty participant agent identification card.

4 (a) The Department shall:

5 (1) establish by rule the information required in an
6 initial application or renewal application for an agent
7 identification card submitted under this Article and the
8 nonrefundable fee to accompany the initial application or
9 renewal application;

10 (2) verify the information contained in an initial
11 application or renewal application for an agent
12 identification card submitted under this Article, and
13 approve or deny an application within 30 days of receiving
14 a completed initial application or renewal application and
15 all supporting documentation required by rule;

16 (3) issue an agent identification card to a qualifying
17 agent within 15 business days of approving the initial
18 application or renewal application;

19 (4) enter the license number of the community college
20 where the agent works; and

21 (5) allow for an electronic initial application and
22 renewal application process, and provide a confirmation by
23 electronic or other methods that an application has been
24 submitted. Each Department may by rule require prospective
25 agents to file their applications by electronic means and
26 to provide notices to the agents by electronic means.

1 (b) An agent must keep his or her identification card
2 visible at all times when in the enclosed, locked facility, or
3 facilities for which he or she is an agent.

4 (c) The agent identification cards shall contain the
5 following:

6 (1) the name of the cardholder;

7 (2) the date of issuance and expiration date of the
8 identification card;

9 (3) a random 10-digit alphanumeric identification
10 number containing at least 4 numbers and at least 4
11 letters that is unique to the holder;

12 (4) a photograph of the cardholder; and

13 (5) the legal name of the community college employing
14 the agent.

15 (d) An agent identification card shall be immediately
16 returned to the community college of the agent upon
17 termination of his or her employment.

18 (e) Any agent identification card lost shall be reported
19 to the Illinois ~~Department of~~ State Police and the Department
20 of Agriculture immediately upon discovery of the loss.

21 (Source: P.A. 101-27, eff. 6-25-19.)

22 (410 ILCS 705/30-10)

23 Sec. 30-10. Application.

24 (a) When applying for a license, the applicant shall
25 electronically submit the following in such form as the

1 Department of Agriculture may direct:

2 (1) the nonrefundable application fee of \$5,000 to be
3 deposited into the Cannabis Regulation Fund, or another
4 amount as the Department of Agriculture may set by rule
5 after January 1, 2021;

6 (2) the legal name of the craft grower;

7 (3) the proposed physical address of the craft grower;

8 (4) the name, address, social security number, and
9 date of birth of each principal officer and board member
10 of the craft grower; each principal officer and board
11 member shall be at least 21 years of age;

12 (5) the details of any administrative or judicial
13 proceeding in which any of the principal officers or board
14 members of the craft grower (i) pled guilty, were
15 convicted, were fined, or had a registration or license
16 suspended or revoked or (ii) managed or served on the
17 board of a business or non-profit organization that pled
18 guilty, was convicted, was fined, or had a registration or
19 license suspended or revoked;

20 (6) proposed operating bylaws that include procedures
21 for the oversight of the craft grower, including the
22 development and implementation of a plant monitoring
23 system, accurate recordkeeping, staffing plan, and
24 security plan approved by the Illinois ~~Department of State~~
25 Police that are in accordance with the rules issued by the
26 Department of Agriculture under this Act; a physical

1 inventory shall be performed of all plants and on a weekly
2 basis by the craft grower;

3 (7) verification from the Illinois ~~Department of State~~
4 Police that all background checks of the prospective
5 principal officers, board members, and agents of the
6 cannabis business establishment have been conducted;

7 (8) a copy of the current local zoning ordinance or
8 permit and verification that the proposed craft grower is
9 in compliance with the local zoning rules and distance
10 limitations established by the local jurisdiction;

11 (9) proposed employment practices, in which the
12 applicant must demonstrate a plan of action to inform,
13 hire, and educate minorities, women, veterans, and persons
14 with disabilities, engage in fair labor practices, and
15 provide worker protections;

16 (10) whether an applicant can demonstrate experience
17 in or business practices that promote economic empowerment
18 in Disproportionately Impacted Areas;

19 (11) experience with the cultivation of agricultural
20 or horticultural products, operating an agriculturally
21 related business, or operating a horticultural business;

22 (12) a description of the enclosed, locked facility
23 where cannabis will be grown, harvested, manufactured,
24 packaged, or otherwise prepared for distribution to a
25 dispensing organization or other cannabis business
26 establishment;

1 (13) a survey of the enclosed, locked facility,
2 including the space used for cultivation;

3 (14) cultivation, processing, inventory, and packaging
4 plans;

5 (15) a description of the applicant's experience with
6 agricultural cultivation techniques and industry
7 standards;

8 (16) a list of any academic degrees, certifications,
9 or relevant experience of all prospective principal
10 officers, board members, and agents of the related
11 business;

12 (17) the identity of every person having a financial
13 or voting interest of 5% or greater in the craft grower
14 operation, whether a trust, corporation, partnership,
15 limited liability company, or sole proprietorship,
16 including the name and address of each person;

17 (18) a plan describing how the craft grower will
18 address each of the following:

19 (i) energy needs, including estimates of monthly
20 electricity and gas usage, to what extent it will
21 procure energy from a local utility or from on-site
22 generation, and if it has or will adopt a sustainable
23 energy use and energy conservation policy;

24 (ii) water needs, including estimated water draw
25 and if it has or will adopt a sustainable water use and
26 water conservation policy; and

1 (iii) waste management, including if it has or
2 will adopt a waste reduction policy;

3 (19) a recycling plan:

4 (A) Purchaser packaging, including cartridges,
5 shall be accepted by the applicant and recycled.

6 (B) Any recyclable waste generated by the craft
7 grower facility shall be recycled per applicable State
8 and local laws, ordinances, and rules.

9 (C) Any cannabis waste, liquid waste, or hazardous
10 waste shall be disposed of in accordance with 8 Ill.
11 Adm. Code 1000.460, except, to the greatest extent
12 feasible, all cannabis plant waste will be rendered
13 unusable by grinding and incorporating the cannabis
14 plant waste with compostable mixed waste to be
15 disposed of in accordance with 8 Ill. Adm. Code
16 1000.460(g)(1);

17 (20) a commitment to comply with local waste
18 provisions: a craft grower facility must remain in
19 compliance with applicable State and federal environmental
20 requirements, including, but not limited to:

21 (A) storing, securing, and managing all
22 recyclables and waste, including organic waste
23 composed of or containing finished cannabis and
24 cannabis products, in accordance with applicable State
25 and local laws, ordinances, and rules; and

26 (B) disposing liquid waste containing cannabis or

1 byproducts of cannabis processing in compliance with
2 all applicable State and federal requirements,
3 including, but not limited to, the cannabis
4 cultivation facility's permits under Title X of the
5 Environmental Protection Act;

6 (21) a commitment to a technology standard for
7 resource efficiency of the craft grower facility.

8 (A) A craft grower facility commits to use
9 resources efficiently, including energy and water. For
10 the following, a cannabis cultivation facility commits
11 to meet or exceed the technology standard identified
12 in paragraphs (i), (ii), (iii), and (iv), which may be
13 modified by rule:

14 (i) lighting systems, including light bulbs;

15 (ii) HVAC system;

16 (iii) water application system to the crop;

17 and

18 (iv) filtration system for removing
19 contaminants from wastewater.

20 (B) Lighting. The Lighting Power Densities (LPD)
21 for cultivation space commits to not exceed an average
22 of 36 watts per gross square foot of active and growing
23 space canopy, or all installed lighting technology
24 shall meet a photosynthetic photon efficacy (PPE) of
25 no less than 2.2 micromoles per joule fixture and
26 shall be featured on the DesignLights Consortium (DLC)

1 Horticultural Specification Qualified Products List
2 (QPL). In the event that DLC requirement for minimum
3 efficacy exceeds 2.2 micromoles per joule fixture,
4 that PPE shall become the new standard.

5 (C) HVAC.

6 (i) For cannabis grow operations with less
7 than 6,000 square feet of canopy, the licensee
8 commits that all HVAC units will be
9 high-efficiency ductless split HVAC units, or
10 other more energy efficient equipment.

11 (ii) For cannabis grow operations with 6,000
12 square feet of canopy or more, the licensee
13 commits that all HVAC units will be variable
14 refrigerant flow HVAC units, or other more energy
15 efficient equipment.

16 (D) Water application.

17 (i) The craft grower facility commits to use
18 automated watering systems, including, but not
19 limited to, drip irrigation and flood tables, to
20 irrigate cannabis crop.

21 (ii) The craft grower facility commits to
22 measure runoff from watering events and report
23 this volume in its water usage plan, and that on
24 average, watering events shall have no more than
25 20% of runoff of water.

26 (E) Filtration. The craft grower commits that HVAC

1 condensate, dehumidification water, excess runoff, and
2 other wastewater produced by the craft grower facility
3 shall be captured and filtered to the best of the
4 facility's ability to achieve the quality needed to be
5 reused in subsequent watering rounds.

6 (F) Reporting energy use and efficiency as
7 required by rule; and

8 (22) any other information required by rule.

9 (b) Applicants must submit all required information,
10 including the information required in Section 30-15, to the
11 Department of Agriculture. Failure by an applicant to submit
12 all required information may result in the application being
13 disqualified.

14 (c) If the Department of Agriculture receives an
15 application with missing information, the Department of
16 Agriculture may issue a deficiency notice to the applicant.
17 The applicant shall have 10 calendar days from the date of the
18 deficiency notice to resubmit the incomplete information.
19 Applications that are still incomplete after this opportunity
20 to cure will not be scored and will be disqualified.

21 (Source: P.A. 101-27, eff. 6-25-19; 101-593, eff. 12-4-19.)

22 (410 ILCS 705/30-30)

23 Sec. 30-30. Craft grower requirements; prohibitions.

24 (a) The operating documents of a craft grower shall
25 include procedures for the oversight of the craft grower, a

1 cannabis plant monitoring system including a physical
2 inventory recorded weekly, accurate recordkeeping, and a
3 staffing plan.

4 (b) A craft grower shall implement a security plan
5 reviewed by the Illinois ~~Department of~~ State Police that
6 includes, but is not limited to: facility access controls,
7 perimeter intrusion detection systems, personnel
8 identification systems, and a 24-hour surveillance system to
9 monitor the interior and exterior of the craft grower facility
10 and that is accessible to authorized law enforcement and the
11 Department of Agriculture in real time.

12 (c) All cultivation of cannabis by a craft grower must
13 take place in an enclosed, locked facility at the physical
14 address provided to the Department of Agriculture during the
15 licensing process. The craft grower location shall only be
16 accessed by the agents working for the craft grower, the
17 Department of Agriculture staff performing inspections, the
18 Department of Public Health staff performing inspections,
19 State and local law enforcement or other emergency personnel,
20 contractors working on jobs unrelated to cannabis, such as
21 installing or maintaining security devices or performing
22 electrical wiring, transporting organization agents as
23 provided in this Act, or participants in the incubator
24 program, individuals in a mentoring or educational program
25 approved by the State, or other individuals as provided by
26 rule. However, if a craft grower shares a premises with an

1 infuser or dispensing organization, agents from those other
2 licensees may access the craft grower portion of the premises
3 if that is the location of common bathrooms, lunchrooms,
4 locker rooms, or other areas of the building where work or
5 cultivation of cannabis is not performed. At no time may an
6 infuser or dispensing organization agent perform work at a
7 craft grower without being a registered agent of the craft
8 grower.

9 (d) A craft grower may not sell or distribute any cannabis
10 to any person other than a cultivation center, a craft grower,
11 an infuser organization, a dispensing organization, or as
12 otherwise authorized by rule.

13 (e) A craft grower may not be located in an area zoned for
14 residential use.

15 (f) A craft grower may not either directly or indirectly
16 discriminate in price between different cannabis business
17 establishments that are purchasing a like grade, strain,
18 brand, and quality of cannabis or cannabis-infused product.
19 Nothing in this subsection (f) prevents a craft grower from
20 pricing cannabis differently based on differences in the cost
21 of manufacturing or processing, the quantities sold, such as
22 volume discounts, or the way the products are delivered.

23 (g) All cannabis harvested by a craft grower and intended
24 for distribution to a dispensing organization must be entered
25 into a data collection system, packaged and labeled under
26 Section 55-21, and, if distribution is to a dispensing

1 organization that does not share a premises with the
2 dispensing organization receiving the cannabis, placed into a
3 cannabis container for transport. All cannabis harvested by a
4 craft grower and intended for distribution to a cultivation
5 center, to an infuser organization, or to a craft grower with
6 which it does not share a premises, must be packaged in a
7 labeled cannabis container and entered into a data collection
8 system before transport.

9 (h) Craft growers are subject to random inspections by the
10 Department of Agriculture, local safety or health inspectors,
11 and the Illinois ~~Department of~~ State Police.

12 (i) A craft grower agent shall notify local law
13 enforcement, the Illinois ~~Department of~~ State Police, and the
14 Department of Agriculture within 24 hours of the discovery of
15 any loss or theft. Notification shall be made by phone, in
16 person, or written or electronic communication.

17 (j) A craft grower shall comply with all State and any
18 applicable federal rules and regulations regarding the use of
19 pesticides.

20 (k) A craft grower or craft grower agent shall not
21 transport cannabis or cannabis-infused products to any other
22 cannabis business establishment without a transport
23 organization license unless:

24 (i) If the craft grower is located in a county with a
25 population of 3,000,000 or more, the cannabis business
26 establishment receiving the cannabis is within 2,000 feet

1 of the property line of the craft grower;

2 (ii) If the craft grower is located in a county with a
3 population of more than 700,000 but fewer than 3,000,000,
4 the cannabis business establishment receiving the cannabis
5 is within 2 miles of the craft grower; or

6 (iii) If the craft grower is located in a county with a
7 population of fewer than 700,000, the cannabis business
8 establishment receiving the cannabis is within 15 miles of
9 the craft grower.

10 (l) A craft grower may enter into a contract with a
11 transporting organization to transport cannabis to a
12 cultivation center, a craft grower, an infuser organization, a
13 dispensing organization, or a laboratory.

14 (m) No person or entity shall hold any legal, equitable,
15 ownership, or beneficial interest, directly or indirectly, of
16 more than 3 craft grower licenses. Further, no person or
17 entity that is employed by, an agent of, or has a contract to
18 receive payment from or participate in the management of a
19 craft grower, is a principal officer of a craft grower, or
20 entity controlled by or affiliated with a principal officer of
21 a craft grower shall hold any legal, equitable, ownership, or
22 beneficial interest, directly or indirectly, in a craft grower
23 license that would result in the person or entity owning or
24 controlling in combination with any craft grower, principal
25 officer of a craft grower, or entity controlled or affiliated
26 with a principal officer of a craft grower by which he, she, or

1 it is employed, is an agent of, or participates in the
2 management of more than 3 craft grower licenses.

3 (n) It is unlawful for any person having a craft grower
4 license or any officer, associate, member, representative, or
5 agent of the licensee to offer or deliver money, or anything
6 else of value, directly or indirectly, to any person having an
7 Early Approval Adult Use Dispensing Organization License, a
8 Conditional Adult Use Dispensing Organization License, an
9 Adult Use Dispensing Organization License, or a medical
10 cannabis dispensing organization license issued under the
11 Compassionate Use of Medical Cannabis Program Act, or to any
12 person connected with or in any way representing, or to any
13 member of the family of, the person holding an Early Approval
14 Adult Use Dispensing Organization License, a Conditional Adult
15 Use Dispensing Organization License, an Adult Use Dispensing
16 Organization License, or a medical cannabis dispensing
17 organization license issued under the Compassionate Use of
18 Medical Cannabis Program Act, or to any stockholders in any
19 corporation engaged in the retail sale of cannabis, or to any
20 officer, manager, agent, or representative of the Early
21 Approval Adult Use Dispensing Organization License, a
22 Conditional Adult Use Dispensing Organization License, an
23 Adult Use Dispensing Organization License, or a medical
24 cannabis dispensing organization license issued under the
25 Compassionate Use of Medical Cannabis Program Act to obtain
26 preferential placement within the dispensing organization,

1 including, without limitation, on shelves and in display cases
2 where purchasers can view products, or on the dispensing
3 organization's website.

4 (o) A craft grower shall not be located within 1,500 feet
5 of another craft grower or a cultivation center.

6 (p) A craft grower may process cannabis, cannabis
7 concentrates, and cannabis-infused products.

8 (q) A craft grower must comply with any other requirements
9 or prohibitions set by administrative rule of the Department
10 of Agriculture.

11 (Source: P.A. 101-27, eff. 6-25-19; 101-593, eff. 12-4-19.)

12 (410 ILCS 705/30-35)

13 Sec. 30-35. Craft grower agent identification card.

14 (a) The Department of Agriculture shall:

15 (1) establish by rule the information required in an
16 initial application or renewal application for an agent
17 identification card submitted under this Act and the
18 nonrefundable fee to accompany the initial application or
19 renewal application;

20 (2) verify the information contained in an initial
21 application or renewal application for an agent
22 identification card submitted under this Act and approve
23 or deny an application within 30 days of receiving a
24 completed initial application or renewal application and
25 all supporting documentation required by rule;

1 (3) issue an agent identification card to a qualifying
2 agent within 15 business days of approving the initial
3 application or renewal application;

4 (4) enter the license number of the craft grower where
5 the agent works; and

6 (5) allow for an electronic initial application and
7 renewal application process, and provide a confirmation by
8 electronic or other methods that an application has been
9 submitted. The Department of Agriculture may by rule
10 require prospective agents to file their applications by
11 electronic means and provide notices to the agents by
12 electronic means.

13 (b) An agent must keep his or her identification card
14 visible at all times when on the property of a cannabis
15 business establishment, including the craft grower
16 organization for which he or she is an agent.

17 (c) The agent identification cards shall contain the
18 following:

19 (1) the name of the cardholder;

20 (2) the date of issuance and expiration date of the
21 identification card;

22 (3) a random 10-digit alphanumeric identification
23 number containing at least 4 numbers and at least 4
24 letters that is unique to the holder;

25 (4) a photograph of the cardholder; and

26 (5) the legal name of the craft grower organization

1 employing the agent.

2 (d) An agent identification card shall be immediately
3 returned to the cannabis business establishment of the agent
4 upon termination of his or her employment.

5 (e) Any agent identification card lost by a craft grower
6 agent shall be reported to the Illinois ~~Department of~~ State
7 Police and the Department of Agriculture immediately upon
8 discovery of the loss.

9 (Source: P.A. 101-27, eff. 6-25-19.)

10 (410 ILCS 705/30-40)

11 Sec. 30-40. Craft grower background checks.

12 (a) Through the Illinois ~~Department of~~ State Police, the
13 Department of Agriculture shall conduct a background check of
14 the prospective principal officers, board members, and agents
15 of a craft grower applying for a license or identification
16 card under this Act. The Illinois ~~Department of~~ State Police
17 shall charge a fee set by rule for conducting the criminal
18 history record check, which shall be deposited into the State
19 Police Services Fund and shall not exceed the actual cost of
20 the record check. In order to carry out this Section, each
21 craft grower organization's prospective principal officer,
22 board member, or agent shall submit a full set of fingerprints
23 to the Illinois ~~Department of~~ State Police for the purpose of
24 obtaining a State and federal criminal records check. These
25 fingerprints shall be checked against the fingerprint records

1 now and hereafter, to the extent allowed by law, filed in the
2 Illinois ~~Department of~~ State Police and Federal Bureau of
3 Investigation criminal history records databases. The Illinois
4 ~~Department of~~ State Police shall furnish, following positive
5 identification, all conviction information to the Department
6 of Agriculture.

7 (b) When applying for the initial license or
8 identification card, the background checks for all prospective
9 principal officers, board members, and agents shall be
10 completed before submitting the application to the licensing
11 or issuing agency.

12 (Source: P.A. 101-27, eff. 6-25-19.)

13 (410 ILCS 705/35-10)

14 Sec. 35-10. Application.

15 (a) When applying for a license, the applicant shall
16 electronically submit the following in such form as the
17 Department of Agriculture may direct:

18 (1) the nonrefundable application fee of \$5,000 or,
19 after January 1, 2021, another amount as set by rule by the
20 Department of Agriculture, to be deposited into the
21 Cannabis Regulation Fund;

22 (2) the legal name of the infuser;

23 (3) the proposed physical address of the infuser;

24 (4) the name, address, social security number, and
25 date of birth of each principal officer and board member

1 of the infuser; each principal officer and board member
2 shall be at least 21 years of age;

3 (5) the details of any administrative or judicial
4 proceeding in which any of the principal officers or board
5 members of the infuser (i) pled guilty, were convicted,
6 fined, or had a registration or license suspended or
7 revoked, or (ii) managed or served on the board of a
8 business or non-profit organization that pled guilty, was
9 convicted, fined, or had a registration or license
10 suspended or revoked;

11 (6) proposed operating bylaws that include procedures
12 for the oversight of the infuser, including the
13 development and implementation of a plant monitoring
14 system, accurate recordkeeping, staffing plan, and
15 security plan approved by the Illinois ~~Department of~~ State
16 Police that are in accordance with the rules issued by the
17 Department of Agriculture under this Act; a physical
18 inventory of all cannabis shall be performed on a weekly
19 basis by the infuser;

20 (7) verification from the Illinois ~~Department of~~ State
21 Police that all background checks of the prospective
22 principal officers, board members, and agents of the
23 infuser organization have been conducted;

24 (8) a copy of the current local zoning ordinance and
25 verification that the proposed infuser is in compliance
26 with the local zoning rules and distance limitations

1 established by the local jurisdiction;

2 (9) proposed employment practices, in which the
3 applicant must demonstrate a plan of action to inform,
4 hire, and educate minorities, women, veterans, and persons
5 with disabilities, engage in fair labor practices, and
6 provide worker protections;

7 (10) whether an applicant can demonstrate experience
8 in or business practices that promote economic empowerment
9 in Disproportionately Impacted Areas;

10 (11) experience with infusing products with cannabis
11 concentrate;

12 (12) a description of the enclosed, locked facility
13 where cannabis will be infused, packaged, or otherwise
14 prepared for distribution to a dispensing organization or
15 other infuser;

16 (13) processing, inventory, and packaging plans;

17 (14) a description of the applicant's experience with
18 operating a commercial kitchen or laboratory preparing
19 products for human consumption;

20 (15) a list of any academic degrees, certifications,
21 or relevant experience of all prospective principal
22 officers, board members, and agents of the related
23 business;

24 (16) the identity of every person having a financial
25 or voting interest of 5% or greater in the infuser
26 operation with respect to which the license is sought,

1 whether a trust, corporation, partnership, limited
2 liability company, or sole proprietorship, including the
3 name and address of each person;

4 (17) a plan describing how the infuser will address
5 each of the following:

6 (i) energy needs, including estimates of monthly
7 electricity and gas usage, to what extent it will
8 procure energy from a local utility or from on-site
9 generation, and if it has or will adopt a sustainable
10 energy use and energy conservation policy;

11 (ii) water needs, including estimated water draw,
12 and if it has or will adopt a sustainable water use and
13 water conservation policy; and

14 (iii) waste management, including if it has or
15 will adopt a waste reduction policy;

16 (18) a recycling plan:

17 (A) a commitment that any recyclable waste
18 generated by the infuser shall be recycled per
19 applicable State and local laws, ordinances, and
20 rules; and

21 (B) a commitment to comply with local waste
22 provisions. An infuser commits to remain in compliance
23 with applicable State and federal environmental
24 requirements, including, but not limited to, storing,
25 securing, and managing all recyclables and waste,
26 including organic waste composed of or containing

1 finished cannabis and cannabis products, in accordance
2 with applicable State and local laws, ordinances, and
3 rules; and

4 (19) any other information required by rule.

5 (b) Applicants must submit all required information,
6 including the information required in Section 35-15, to the
7 Department of Agriculture. Failure by an applicant to submit
8 all required information may result in the application being
9 disqualified.

10 (c) If the Department of Agriculture receives an
11 application with missing information, the Department of
12 Agriculture may issue a deficiency notice to the applicant.
13 The applicant shall have 10 calendar days from the date of the
14 deficiency notice to resubmit the incomplete information.
15 Applications that are still incomplete after this opportunity
16 to cure will not be scored and will be disqualified.

17 (Source: P.A. 101-27, eff. 6-25-19.)

18 (410 ILCS 705/35-25)

19 Sec. 35-25. Infuser organization requirements;
20 prohibitions.

21 (a) The operating documents of an infuser shall include
22 procedures for the oversight of the infuser, an inventory
23 monitoring system including a physical inventory recorded
24 weekly, accurate recordkeeping, and a staffing plan.

25 (b) An infuser shall implement a security plan reviewed by

1 the Illinois ~~Department of~~ State Police that includes, but is
2 not limited to: facility access controls, perimeter intrusion
3 detection systems, personnel identification systems, and a
4 24-hour surveillance system to monitor the interior and
5 exterior of the infuser facility and that is accessible to
6 authorized law enforcement, the Department of Public Health,
7 and the Department of Agriculture in real time.

8 (c) All processing of cannabis by an infuser must take
9 place in an enclosed, locked facility at the physical address
10 provided to the Department of Agriculture during the licensing
11 process. The infuser location shall only be accessed by the
12 agents working for the infuser, the Department of Agriculture
13 staff performing inspections, the Department of Public Health
14 staff performing inspections, State and local law enforcement
15 or other emergency personnel, contractors working on jobs
16 unrelated to cannabis, such as installing or maintaining
17 security devices or performing electrical wiring, transporting
18 organization agents as provided in this Act, participants in
19 the incubator program, individuals in a mentoring or
20 educational program approved by the State, local safety or
21 health inspectors, or other individuals as provided by rule.
22 However, if an infuser shares a premises with a craft grower or
23 dispensing organization, agents from these other licensees may
24 access the infuser portion of the premises if that is the
25 location of common bathrooms, lunchrooms, locker rooms, or
26 other areas of the building where processing of cannabis is

1 not performed. At no time may a craft grower or dispensing
2 organization agent perform work at an infuser without being a
3 registered agent of the infuser.

4 (d) An infuser may not sell or distribute any cannabis to
5 any person other than a dispensing organization, or as
6 otherwise authorized by rule.

7 (e) An infuser may not either directly or indirectly
8 discriminate in price between different cannabis business
9 establishments that are purchasing a like grade, strain,
10 brand, and quality of cannabis or cannabis-infused product.
11 Nothing in this subsection (e) prevents an infuser from
12 pricing cannabis differently based on differences in the cost
13 of manufacturing or processing, the quantities sold, such
14 volume discounts, or the way the products are delivered.

15 (f) All cannabis infused by an infuser and intended for
16 distribution to a dispensing organization must be entered into
17 a data collection system, packaged and labeled under Section
18 55-21, and, if distribution is to a dispensing organization
19 that does not share a premises with the infuser, placed into a
20 cannabis container for transport. All cannabis produced by an
21 infuser and intended for distribution to a cultivation center,
22 infuser organization, or craft grower with which it does not
23 share a premises, must be packaged in a labeled cannabis
24 container and entered into a data collection system before
25 transport.

26 (g) Infusers are subject to random inspections by the

1 Department of Agriculture, the Department of Public Health,
2 the Illinois ~~Department of~~ State Police, and local law
3 enforcement.

4 (h) An infuser agent shall notify local law enforcement,
5 the Illinois ~~Department of~~ State Police, and the Department of
6 Agriculture within 24 hours of the discovery of any loss or
7 theft. Notification shall be made by phone, in person, or by
8 written or electronic communication.

9 (i) An infuser organization may not be located in an area
10 zoned for residential use.

11 (j) An infuser or infuser agent shall not transport
12 cannabis or cannabis-infused products to any other cannabis
13 business establishment without a transport organization
14 license unless:

15 (i) If the infuser is located in a county with a
16 population of 3,000,000 or more, the cannabis business
17 establishment receiving the cannabis or cannabis-infused
18 product is within 2,000 feet of the property line of the
19 infuser;

20 (ii) If the infuser is located in a county with a
21 population of more than 700,000 but fewer than 3,000,000,
22 the cannabis business establishment receiving the cannabis
23 or cannabis-infused product is within 2 miles of the
24 infuser; or

25 (iii) If the infuser is located in a county with a
26 population of fewer than 700,000, the cannabis business

1 establishment receiving the cannabis or cannabis-infused
2 product is within 15 miles of the infuser.

3 (k) An infuser may enter into a contract with a
4 transporting organization to transport cannabis to a
5 dispensing organization or a laboratory.

6 (l) An infuser organization may share premises with a
7 craft grower or a dispensing organization, or both, provided
8 each licensee stores currency and cannabis or cannabis-infused
9 products in a separate secured vault to which the other
10 licensee does not have access or all licensees sharing a vault
11 share more than 50% of the same ownership.

12 (m) It is unlawful for any person or entity having an
13 infuser organization license or any officer, associate,
14 member, representative or agent of such licensee to offer or
15 deliver money, or anything else of value, directly or
16 indirectly to any person having an Early Approval Adult Use
17 Dispensing Organization License, a Conditional Adult Use
18 Dispensing Organization License, an Adult Use Dispensing
19 Organization License, or a medical cannabis dispensing
20 organization license issued under the Compassionate Use of
21 Medical Cannabis Program Act, or to any person connected with
22 or in any way representing, or to any member of the family of,
23 such person holding an Early Approval Adult Use Dispensing
24 Organization License, a Conditional Adult Use Dispensing
25 Organization License, an Adult Use Dispensing Organization
26 License, or a medical cannabis dispensing organization license

1 issued under the Compassionate Use of Medical Cannabis Program
2 Act, or to any stockholders in any corporation engaged the
3 retail sales of cannabis, or to any officer, manager, agent,
4 or representative of the Early Approval Adult Use Dispensing
5 Organization License, a Conditional Adult Use Dispensing
6 Organization License, an Adult Use Dispensing Organization
7 License, or a medical cannabis dispensing organization license
8 issued under the Compassionate Use of Medical Cannabis Program
9 Act to obtain preferential placement within the dispensing
10 organization, including, without limitation, on shelves and in
11 display cases where purchasers can view products, or on the
12 dispensing organization's website.

13 (n) At no time shall an infuser organization or an infuser
14 agent perform the extraction of cannabis concentrate from
15 cannabis flower.

16 (Source: P.A. 101-27, eff. 6-25-19; 101-593, eff. 12-4-19.)

17 (410 ILCS 705/35-30)

18 Sec. 35-30. Infuser agent identification card.

19 (a) The Department of Agriculture shall:

20 (1) establish by rule the information required in an
21 initial application or renewal application for an agent
22 identification card submitted under this Act and the
23 nonrefundable fee to accompany the initial application or
24 renewal application;

25 (2) verify the information contained in an initial

1 application or renewal application for an agent
2 identification card submitted under this Act, and approve
3 or deny an application within 30 days of receiving a
4 completed initial application or renewal application and
5 all supporting documentation required by rule;

6 (3) issue an agent identification card to a qualifying
7 agent within 15 business days of approving the initial
8 application or renewal application;

9 (4) enter the license number of the infuser where the
10 agent works; and

11 (5) allow for an electronic initial application and
12 renewal application process, and provide a confirmation by
13 electronic or other methods that an application has been
14 submitted. The Department of Agriculture may by rule
15 require prospective agents to file their applications by
16 electronic means and provide notices to the agents by
17 electronic means.

18 (b) An agent must keep his or her identification card
19 visible at all times when on the property of a cannabis
20 business establishment including the cannabis business
21 establishment for which he or she is an agent.

22 (c) The agent identification cards shall contain the
23 following:

24 (1) the name of the cardholder;

25 (2) the date of issuance and expiration date of the
26 identification card;

1 (3) a random 10-digit alphanumeric identification
2 number containing at least 4 numbers and at least 4
3 letters that is unique to the holder;

4 (4) a photograph of the cardholder; and

5 (5) the legal name of the infuser organization
6 employing the agent.

7 (d) An agent identification card shall be immediately
8 returned to the infuser organization of the agent upon
9 termination of his or her employment.

10 (e) Any agent identification card lost by a transporting
11 agent shall be reported to the Illinois ~~Department of~~ State
12 Police and the Department of Agriculture immediately upon
13 discovery of the loss.

14 (Source: P.A. 101-27, eff. 6-25-19.)

15 (410 ILCS 705/40-10)

16 Sec. 40-10. Application.

17 (a) When applying for a transporting organization license,
18 the applicant shall submit the following in such form as the
19 Department of Agriculture may direct:

20 (1) the nonrefundable application fee of \$5,000 or,
21 after January 1, 2021, another amount as set by rule by the
22 Department of Agriculture, to be deposited into the
23 Cannabis Regulation Fund;

24 (2) the legal name of the transporting organization;

25 (3) the proposed physical address of the transporting

1 organization, if one is proposed;

2 (4) the name, address, social security number, and
3 date of birth of each principal officer and board member
4 of the transporting organization; each principal officer
5 and board member shall be at least 21 years of age;

6 (5) the details of any administrative or judicial
7 proceeding in which any of the principal officers or board
8 members of the transporting organization (i) pled guilty,
9 were convicted, fined, or had a registration or license
10 suspended or revoked, or (ii) managed or served on the
11 board of a business or non-profit organization that pled
12 guilty, was convicted, fined, or had a registration or
13 license suspended or revoked;

14 (6) proposed operating bylaws that include procedures
15 for the oversight of the transporting organization,
16 including the development and implementation of an
17 accurate recordkeeping plan, staffing plan, and security
18 plan approved by the Illinois ~~Department of~~ State Police
19 that are in accordance with the rules issued by the
20 Department of Agriculture under this Act; a physical
21 inventory shall be performed of all cannabis on a weekly
22 basis by the transporting organization;

23 (7) verification from the Illinois ~~Department of~~ State
24 Police that all background checks of the prospective
25 principal officers, board members, and agents of the
26 transporting organization have been conducted;

1 (8) a copy of the current local zoning ordinance or
2 permit and verification that the proposed transporting
3 organization is in compliance with the local zoning rules
4 and distance limitations established by the local
5 jurisdiction, if the transporting organization has a
6 business address;

7 (9) proposed employment practices, in which the
8 applicant must demonstrate a plan of action to inform,
9 hire, and educate minorities, women, veterans, and persons
10 with disabilities, engage in fair labor practices, and
11 provide worker protections;

12 (10) whether an applicant can demonstrate experience
13 in or business practices that promote economic empowerment
14 in Disproportionately Impacted Areas;

15 (11) the number and type of equipment the transporting
16 organization will use to transport cannabis and
17 cannabis-infused products;

18 (12) loading, transporting, and unloading plans;

19 (13) a description of the applicant's experience in
20 the distribution or security business;

21 (14) the identity of every person having a financial
22 or voting interest of 5% or more in the transporting
23 organization with respect to which the license is sought,
24 whether a trust, corporation, partnership, limited
25 liability company, or sole proprietorship, including the
26 name and address of each person; and

1 (15) any other information required by rule.

2 (b) Applicants must submit all required information,
3 including the information required in Section 40-35 to the
4 Department. Failure by an applicant to submit all required
5 information may result in the application being disqualified.

6 (c) If the Department receives an application with missing
7 information, the Department of Agriculture may issue a
8 deficiency notice to the applicant. The applicant shall have
9 10 calendar days from the date of the deficiency notice to
10 resubmit the incomplete information. Applications that are
11 still incomplete after this opportunity to cure will not be
12 scored and will be disqualified.

13 (Source: P.A. 101-27, eff. 6-25-19; 101-593, eff. 12-4-19.)

14 (410 ILCS 705/40-25)

15 Sec. 40-25. Transporting organization requirements;
16 prohibitions.

17 (a) The operating documents of a transporting organization
18 shall include procedures for the oversight of the transporter,
19 an inventory monitoring system including a physical inventory
20 recorded weekly, accurate recordkeeping, and a staffing plan.

21 (b) A transporting organization may not transport cannabis
22 or cannabis-infused products to any person other than a
23 cultivation center, a craft grower, an infuser organization, a
24 dispensing organization, a testing facility, or as otherwise
25 authorized by rule.

1 (c) All cannabis transported by a transporting
2 organization must be entered into a data collection system and
3 placed into a cannabis container for transport.

4 (d) Transporters are subject to random inspections by the
5 Department of Agriculture, the Department of Public Health,
6 and the Illinois ~~Department of~~ State Police.

7 (e) A transporting organization agent shall notify local
8 law enforcement, the Illinois ~~Department of~~ State Police, and
9 the Department of Agriculture within 24 hours of the discovery
10 of any loss or theft. Notification shall be made by phone, in
11 person, or by written or electronic communication.

12 (f) No person under the age of 21 years shall be in a
13 commercial vehicle or trailer transporting cannabis goods.

14 (g) No person or individual who is not a transporting
15 organization agent shall be in a vehicle while transporting
16 cannabis goods.

17 (h) Transporters may not use commercial motor vehicles
18 with a weight rating of over 10,001 pounds.

19 (i) It is unlawful for any person to offer or deliver
20 money, or anything else of value, directly or indirectly, to
21 any of the following persons to obtain preferential placement
22 within the dispensing organization, including, without
23 limitation, on shelves and in display cases where purchasers
24 can view products, or on the dispensing organization's
25 website:

26 (1) a person having a transporting organization

1 license, or any officer, associate, member,
2 representative, or agent of the licensee;

3 (2) a person having an Early Applicant Adult Use
4 Dispensing Organization License, an Adult Use Dispensing
5 Organization License, or a medical cannabis dispensing
6 organization license issued under the Compassionate Use of
7 Medical Cannabis Program Act;

8 (3) a person connected with or in any way
9 representing, or a member of the family of, a person
10 holding an Early Applicant Adult Use Dispensing
11 Organization License, an Adult Use Dispensing Organization
12 License, or a medical cannabis dispensing organization
13 license issued under the Compassionate Use of Medical
14 Cannabis Program Act; or

15 (4) a stockholder, officer, manager, agent, or
16 representative of a corporation engaged in the retail sale
17 of cannabis, an Early Applicant Adult Use Dispensing
18 Organization License, an Adult Use Dispensing Organization
19 License, or a medical cannabis dispensing organization
20 license issued under the Compassionate Use of Medical
21 Cannabis Program Act.

22 (j) A transporting organization agent must keep his or her
23 identification card visible at all times when on the property
24 of a cannabis business establishment and during the
25 transporting of cannabis when acting under his or her duties
26 as a transportation organization agent. During these times,

1 the transporting organization agent must also provide the
2 identification card upon request of any law enforcement
3 officer engaged in his or her official duties.

4 (k) A copy of the transporting organization's registration
5 and a manifest for the delivery shall be present in any vehicle
6 transporting cannabis.

7 (l) Cannabis shall be transported so it is not visible or
8 recognizable from outside the vehicle.

9 (m) A vehicle transporting cannabis must not bear any
10 markings to indicate the vehicle contains cannabis or bear the
11 name or logo of the cannabis business establishment.

12 (n) Cannabis must be transported in an enclosed, locked
13 storage compartment that is secured or affixed to the vehicle.

14 (o) The Department of Agriculture may, by rule, impose any
15 other requirements or prohibitions on the transportation of
16 cannabis.

17 (Source: P.A. 101-27, eff. 6-25-19; 101-593, eff. 12-4-19.)

18 (410 ILCS 705/40-30)

19 Sec. 40-30. Transporting agent identification card.

20 (a) The Department of Agriculture shall:

21 (1) establish by rule the information required in an
22 initial application or renewal application for an agent
23 identification card submitted under this Act and the
24 nonrefundable fee to accompany the initial application or
25 renewal application;

1 (2) verify the information contained in an initial
2 application or renewal application for an agent
3 identification card submitted under this Act and approve
4 or deny an application within 30 days of receiving a
5 completed initial application or renewal application and
6 all supporting documentation required by rule;

7 (3) issue an agent identification card to a qualifying
8 agent within 15 business days of approving the initial
9 application or renewal application;

10 (4) enter the license number of the transporting
11 organization where the agent works; and

12 (5) allow for an electronic initial application and
13 renewal application process, and provide a confirmation by
14 electronic or other methods that an application has been
15 submitted. The Department of Agriculture may by rule
16 require prospective agents to file their applications by
17 electronic means and provide notices to the agents by
18 electronic means.

19 (b) An agent must keep his or her identification card
20 visible at all times when on the property of a cannabis
21 business establishment, including the cannabis business
22 establishment for which he or she is an agent.

23 (c) The agent identification cards shall contain the
24 following:

25 (1) the name of the cardholder;

26 (2) the date of issuance and expiration date of the

1 identification card;

2 (3) a random 10-digit alphanumeric identification
3 number containing at least 4 numbers and at least 4
4 letters that is unique to the holder;

5 (4) a photograph of the cardholder; and

6 (5) the legal name of the transporting organization
7 employing the agent.

8 (d) An agent identification card shall be immediately
9 returned to the transporting organization of the agent upon
10 termination of his or her employment.

11 (e) Any agent identification card lost by a transporting
12 agent shall be reported to the Illinois ~~Department of~~ State
13 Police and the Department of Agriculture immediately upon
14 discovery of the loss.

15 (f) An application for an agent identification card shall
16 be denied if the applicant is delinquent in filing any
17 required tax returns or paying any amounts owed to the State of
18 Illinois.

19 (Source: P.A. 101-27, eff. 6-25-19; 101-593, eff. 12-4-19.)

20 (410 ILCS 705/40-35)

21 Sec. 40-35. Transporting organization background checks.

22 (a) Through the Illinois ~~Department of~~ State Police, the
23 Department of Agriculture shall conduct a background check of
24 the prospective principal officers, board members, and agents
25 of a transporter applying for a license or identification card

1 under this Act. The Illinois ~~Department of~~ State Police shall
2 charge a fee set by rule for conducting the criminal history
3 record check, which shall be deposited into the State Police
4 Services Fund and shall not exceed the actual cost of the
5 record check. In order to carry out this provision, each
6 transporting organization's prospective principal officer,
7 board member, or agent shall submit a full set of fingerprints
8 to the Illinois ~~Department of~~ State Police for the purpose of
9 obtaining a State and federal criminal records check. These
10 fingerprints shall be checked against the fingerprint records
11 now and hereafter, to the extent allowed by law, filed in the
12 Illinois ~~Department of~~ State Police and Federal Bureau of
13 Investigation criminal history records databases. The Illinois
14 ~~Department of~~ State Police shall furnish, following positive
15 identification, all conviction information to the Department
16 of Agriculture.

17 (b) When applying for the initial license or
18 identification card, the background checks for all prospective
19 principal officers, board members, and agents shall be
20 completed before submitting the application to the Department
21 of Agriculture.

22 (Source: P.A. 101-27, eff. 6-25-19; 101-593, eff. 12-4-19.)

23 (410 ILCS 705/55-15)

24 Sec. 55-15. Destruction of cannabis.

25 (a) All cannabis byproduct, scrap, and harvested cannabis

1 not intended for distribution to a dispensing organization
2 must be destroyed and disposed of under rules adopted by the
3 Department of Agriculture under this Act. Documentation of
4 destruction and disposal shall be retained at the cultivation
5 center, craft grower, infuser organization, transporter, or
6 testing facility as applicable for a period of not less than 5
7 years.

8 (b) A cultivation center, craft grower, or infuser
9 organization shall, before destruction, notify the Department
10 of Agriculture and the Illinois ~~Department of~~ State Police. A
11 dispensing organization shall, before destruction, notify the
12 Department of Financial and Professional Regulation and the
13 Illinois ~~Department of~~ State Police. The Department of
14 Agriculture may by rule require that an employee of the
15 Department of Agriculture or the Department of Financial and
16 Professional Regulation be present during the destruction of
17 any cannabis byproduct, scrap, and harvested cannabis, as
18 applicable.

19 (c) The cultivation center, craft grower, infuser
20 organization, or dispensing organization shall keep a record
21 of the date of destruction and how much was destroyed.

22 (d) A dispensing organization shall destroy all cannabis,
23 including cannabis-infused products, not sold to purchasers.
24 Documentation of destruction and disposal shall be retained at
25 the dispensing organization for a period of not less than 5
26 years.

1 (Source: P.A. 101-27, eff. 6-25-19.)

2 (410 ILCS 705/55-30)

3 Sec. 55-30. Confidentiality.

4 (a) Information provided by the cannabis business
5 establishment licensees or applicants to the Department of
6 Agriculture, the Department of Public Health, the Department
7 of Financial and Professional Regulation, the Department of
8 Commerce and Economic Opportunity, or other agency shall be
9 limited to information necessary for the purposes of
10 administering this Act. The information is subject to the
11 provisions and limitations contained in the Freedom of
12 Information Act and may be disclosed in accordance with
13 Section 55-65.

14 (b) The following information received and records kept by
15 the Department of Agriculture, the Department of Public
16 Health, the Illinois ~~Department of~~ State Police, and the
17 Department of Financial and Professional Regulation for
18 purposes of administering this Article are subject to all
19 applicable federal privacy laws, are confidential and exempt
20 from disclosure under the Freedom of Information Act, except
21 as provided in this Act, and not subject to disclosure to any
22 individual or public or private entity, except to the
23 Department of Financial and Professional Regulation, the
24 Department of Agriculture, the Department of Public Health,
25 and the Illinois ~~Department of~~ State Police as necessary to

1 perform official duties under this Article and to the Attorney
2 General as necessary to enforce the provisions of this Act.
3 The following information received and kept by the Department
4 of Financial and Professional Regulation or the Department of
5 Agriculture may be disclosed to the Department of Public
6 Health, the Department of Agriculture, the Department of
7 Revenue, the Illinois ~~Department of~~ State Police, or the
8 Attorney General upon proper request:

9 (1) Applications and renewals, their contents, and
10 supporting information submitted by or on behalf of
11 dispensing organizations in compliance with this Article,
12 including their physical addresses;

13 (2) Any plans, procedures, policies, or other records
14 relating to dispensing organization security; and

15 (3) Information otherwise exempt from disclosure by
16 State or federal law.

17 Illinois or national criminal history record information,
18 or the nonexistence or lack of such information, may not be
19 disclosed by the Department of Financial and Professional
20 Regulation or the Department of Agriculture, except as
21 necessary to the Attorney General to enforce this Act.

22 (c) The name and address of a dispensing organization
23 licensed under this Act shall be subject to disclosure under
24 the Freedom of Information Act. The name and cannabis business
25 establishment address of the person or entity holding each
26 cannabis business establishment license shall be subject to

1 disclosure.

2 (d) All information collected by the Department of
3 Financial and Professional Regulation in the course of an
4 examination, inspection, or investigation of a licensee or
5 applicant, including, but not limited to, any complaint
6 against a licensee or applicant filed with the Department and
7 information collected to investigate any such complaint, shall
8 be maintained for the confidential use of the Department and
9 shall not be disclosed, except as otherwise provided in this
10 Act. A formal complaint against a licensee by the Department
11 or any disciplinary order issued by the Department against a
12 licensee or applicant shall be a public record, except as
13 otherwise provided by law. Complaints from consumers or
14 members of the general public received regarding a specific,
15 named licensee or complaints regarding conduct by unlicensed
16 entities shall be subject to disclosure under the Freedom of
17 Information Act.

18 (e) The Department of Agriculture, the Illinois ~~Department~~
19 ~~of~~ State Police, and the Department of Financial and
20 Professional Regulation shall not share or disclose any
21 Illinois or national criminal history record information, or
22 the nonexistence or lack of such information, to any person or
23 entity not expressly authorized by this Act.

24 (f) Each Department responsible for licensure under this
25 Act shall publish on the Department's website a list of the
26 ownership information of cannabis business establishment

1 licensees under the Department's jurisdiction. The list shall
2 include, but is not limited to: the name of the person or
3 entity holding each cannabis business establishment license;
4 and the address at which the entity is operating under this
5 Act. This list shall be published and updated monthly.

6 (Source: P.A. 101-27, eff. 6-25-19; 101-593, eff. 12-4-19.)

7 (410 ILCS 705/55-35)

8 Sec. 55-35. Administrative rulemaking.

9 (a) No later than 180 days after the effective date of this
10 Act, the Department of Agriculture, the Illinois ~~Department of~~
11 State Police, the Department of Financial and Professional
12 Regulation, the Department of Revenue, the Department of
13 Commerce and Economic Opportunity, and the Treasurer's Office
14 shall adopt permanent rules in accordance with their
15 responsibilities under this Act. The Department of
16 Agriculture, the Illinois ~~Department of~~ State Police, the
17 Department of Financial and Professional Regulation, the
18 Department of Revenue, and the Department of Commerce and
19 Economic Opportunity may adopt rules necessary to regulate
20 personal cannabis use through the use of emergency rulemaking
21 in accordance with subsection (gg) of Section 5-45 of the
22 Illinois Administrative Procedure Act. The General Assembly
23 finds that the adoption of rules to regulate cannabis use is
24 deemed an emergency and necessary for the public interest,
25 safety, and welfare.

1 (b) The Department of Agriculture rules may address, but
2 are not limited to, the following matters related to
3 cultivation centers, craft growers, infuser organizations, and
4 transporting organizations with the goal of protecting against
5 diversion and theft, without imposing an undue burden on the
6 cultivation centers, craft growers, infuser organizations, or
7 transporting organizations:

8 (1) oversight requirements for cultivation centers,
9 craft growers, infuser organizations, and transporting
10 organizations;

11 (2) recordkeeping requirements for cultivation
12 centers, craft growers, infuser organizations, and
13 transporting organizations;

14 (3) security requirements for cultivation centers,
15 craft growers, infuser organizations, and transporting
16 organizations, which shall include that each cultivation
17 center, craft grower, infuser organization, and
18 transporting organization location must be protected by a
19 fully operational security alarm system;

20 (4) standards for enclosed, locked facilities under
21 this Act;

22 (5) procedures for suspending or revoking the
23 identification cards of agents of cultivation centers,
24 craft growers, infuser organizations, and transporting
25 organizations that commit violations of this Act or the
26 rules adopted under this Section;

1 (6) rules concerning the intrastate transportation of
2 cannabis from a cultivation center, craft grower, infuser
3 organization, and transporting organization to a
4 dispensing organization;

5 (7) standards concerning the testing, quality,
6 cultivation, and processing of cannabis; and

7 (8) any other matters under oversight by the
8 Department of Agriculture as are necessary for the fair,
9 impartial, stringent, and comprehensive administration of
10 this Act.

11 (c) The Department of Financial and Professional
12 Regulation rules may address, but are not limited to, the
13 following matters related to dispensing organizations, with
14 the goal of protecting against diversion and theft, without
15 imposing an undue burden on the dispensing organizations:

16 (1) oversight requirements for dispensing
17 organizations;

18 (2) recordkeeping requirements for dispensing
19 organizations;

20 (3) security requirements for dispensing
21 organizations, which shall include that each dispensing
22 organization location must be protected by a fully
23 operational security alarm system;

24 (4) procedures for suspending or revoking the licenses
25 of dispensing organization agents that commit violations
26 of this Act or the rules adopted under this Act;

1 (5) any other matters under oversight by the
2 Department of Financial and Professional Regulation that
3 are necessary for the fair, impartial, stringent, and
4 comprehensive administration of this Act.

5 (d) The Department of Revenue rules may address, but are
6 not limited to, the following matters related to the payment
7 of taxes by cannabis business establishments:

8 (1) recording of sales;

9 (2) documentation of taxable income and expenses;

10 (3) transfer of funds for the payment of taxes; or

11 (4) any other matter under the oversight of the
12 Department of Revenue.

13 (e) The Department of Commerce and Economic Opportunity
14 rules may address, but are not limited to, a loan program or
15 grant program to assist Social Equity Applicants access the
16 capital needed to start a cannabis business establishment. The
17 names of recipients and the amounts of any moneys received
18 through a loan program or grant program shall be a public
19 record.

20 (f) The Illinois ~~Department of~~ State Police rules may
21 address enforcement of its authority under this Act. The
22 Illinois ~~Department of~~ State Police shall not make rules that
23 infringe on the exclusive authority of the Department of
24 Financial and Professional Regulation or the Department of
25 Agriculture over licensees under this Act.

26 (g) The Department of Human Services shall develop and

1 disseminate:

2 (1) educational information about the health risks
3 associated with the use of cannabis; and

4 (2) one or more public education campaigns in
5 coordination with local health departments and community
6 organizations, including one or more prevention campaigns
7 directed at children, adolescents, parents, and pregnant
8 or breastfeeding women, to inform them of the potential
9 health risks associated with intentional or unintentional
10 cannabis use.

11 (Source: P.A. 101-27, eff. 6-25-19; 101-593, eff. 12-4-19.)

12 (410 ILCS 705/55-40)

13 Sec. 55-40. Enforcement.

14 (a) If the Department of Agriculture, Illinois Department
15 ~~of~~ State Police, Department of Financial and Professional
16 Regulation, Department of Commerce and Economic Opportunity,
17 or Department of Revenue fails to adopt rules to implement
18 this Act within the times provided in this Act, any citizen may
19 commence a mandamus action in the circuit court to compel the
20 agencies to perform the actions mandated under Section 55-35.

21 (b) If the Department of Agriculture or the Department of
22 Financial and Professional Regulation fails to issue a valid
23 agent identification card in response to a valid initial
24 application or renewal application submitted under this Act or
25 fails to issue a verbal or written notice of denial of the

1 application within 30 days of its submission, the agent
2 identification card is deemed granted and a copy of the agent
3 identification initial application or renewal application
4 shall be deemed a valid agent identification card.

5 (c) Authorized employees of State or local law enforcement
6 agencies shall immediately notify the Department of
7 Agriculture and the Department of Financial and Professional
8 Regulation when any person in possession of an agent
9 identification card has been convicted of or pled guilty to
10 violating this Act.

11 (Source: P.A. 101-27, eff. 6-25-19.)

12 (410 ILCS 705/55-50)

13 Sec. 55-50. Petition for rehearing. Within 20 days after
14 the service of any order or decision of the Department of
15 Public Health, the Department of Agriculture, the Department
16 of Financial and Professional Regulation, or the Illinois
17 ~~Department of~~ State Police upon any party to the proceeding,
18 the party may apply for a rehearing in respect to any matters
19 determined by them under this Act, except for decisions made
20 under the Cannabis Cultivation Privilege Tax Law, the Cannabis
21 Purchaser Excise Tax Law, the County Cannabis Retailers'
22 Occupation Tax Law, and the Municipal Cannabis Retailers'
23 Occupation Tax Law, which shall be governed by the provisions
24 of those Laws. If a rehearing is granted, an agency shall hold
25 the rehearing and render a decision within 30 days from the

1 filing of the application for rehearing with the agency. The
2 time for holding such rehearing and rendering a decision may
3 be extended for a period not to exceed 30 days, for good cause
4 shown, and by notice in writing to all parties of interest. If
5 an agency fails to act on the application for rehearing within
6 30 days, or the date the time for rendering a decision was
7 extended for good cause shown, the order or decision of the
8 agency is final. No action for the judicial review of any order
9 or decision of an agency shall be allowed unless the party
10 commencing such action has first filed an application for a
11 rehearing and the agency has acted or failed to act upon the
12 application. Only one rehearing may be granted by an agency on
13 application of any one party.

14 (Source: P.A. 101-27, eff. 6-25-19.)

15 (410 ILCS 705/55-55)

16 Sec. 55-55. Review of administrative decisions. All final
17 administrative decisions of the Department of Public Health,
18 the Department of Agriculture, the Department of Financial and
19 Professional Regulation, and the Illinois ~~Department of~~ State
20 Police are subject to judicial review under the Administrative
21 Review Law and the rules adopted under that Law. The term
22 "administrative decision" is defined as in Section 3-101 of
23 the Code of Civil Procedure.

24 (Source: P.A. 101-27, eff. 6-25-19.)

1 (410 ILCS 705/55-80)

2 Sec. 55-80. Annual reports.

3 (a) The Department of Financial and Professional
4 Regulation shall submit to the General Assembly and Governor a
5 report, by September 30 of each year, that does not disclose
6 any information identifying information about cultivation
7 centers, craft growers, infuser organizations, transporting
8 organizations, or dispensing organizations, but does contain,
9 at a minimum, all of the following information for the
10 previous fiscal year:

11 (1) The number of licenses issued to dispensing
12 organizations by county, or, in counties with greater than
13 3,000,000 residents, by zip code;

14 (2) The total number of dispensing organization owners
15 that are Social Equity Applicants or minority persons,
16 women, or persons with disabilities as those terms are
17 defined in the Business Enterprise for Minorities, Women,
18 and Persons with Disabilities Act;

19 (3) The total number of revenues received from
20 dispensing organizations, segregated from revenues
21 received from dispensing organizations under the
22 Compassionate Use of Medical Cannabis Program Act by
23 county, separated by source of revenue;

24 (4) The total amount of revenue received from
25 dispensing organizations that share a premises or majority
26 ownership with a craft grower;

1 (5) The total amount of revenue received from
2 dispensing organizations that share a premises or majority
3 ownership with an infuser; and

4 (6) An analysis of revenue generated from taxation,
5 licensing, and other fees for the State, including
6 recommendations to change the tax rate applied.

7 (b) The Department of Agriculture shall submit to the
8 General Assembly and Governor a report, by September 30 of
9 each year, that does not disclose any information identifying
10 information about cultivation centers, craft growers, infuser
11 organizations, transporting organizations, or dispensing
12 organizations, but does contain, at a minimum, all of the
13 following information for the previous fiscal year:

14 (1) The number of licenses issued to cultivation
15 centers, craft growers, infusers, and transporters by
16 license type, and, in counties with more than 3,000,000
17 residents, by zip code;

18 (2) The total number of cultivation centers, craft
19 growers, infusers, and transporters by license type that
20 are Social Equity Applicants or minority persons, women,
21 or persons with disabilities as those terms are defined in
22 the Business Enterprise for Minorities, Women, and Persons
23 with Disabilities Act;

24 (3) The total amount of revenue received from
25 cultivation centers, craft growers, infusers, and
26 transporters, separated by license types and source of

1 revenue;

2 (4) The total amount of revenue received from craft
3 growers and infusers that share a premises or majority
4 ownership with a dispensing organization;

5 (5) The total amount of revenue received from craft
6 growers that share a premises or majority ownership with
7 an infuser, but do not share a premises or ownership with a
8 dispensary;

9 (6) The total amount of revenue received from infusers
10 that share a premises or majority ownership with a craft
11 grower, but do not share a premises or ownership with a
12 dispensary;

13 (7) The total amount of revenue received from craft
14 growers that share a premises or majority ownership with a
15 dispensing organization, but do not share a premises or
16 ownership with an infuser;

17 (8) The total amount of revenue received from infusers
18 that share a premises or majority ownership with a
19 dispensing organization, but do not share a premises or
20 ownership with a craft grower;

21 (9) The total amount of revenue received from
22 transporters; and

23 (10) An analysis of revenue generated from taxation,
24 licensing, and other fees for the State, including
25 recommendations to change the tax rate applied.

26 (c) The Illinois ~~Department of~~ State Police shall submit

1 to the General Assembly and Governor a report, by September 30
2 of each year that contains, at a minimum, all of the following
3 information for the previous fiscal year:

4 (1) The effect of regulation and taxation of cannabis
5 on law enforcement resources;

6 (2) The impact of regulation and taxation of cannabis
7 on highway and waterway safety and rates of impaired
8 driving or operating, where impairment was determined
9 based on failure of a field sobriety test;

10 (3) The available and emerging methods for detecting
11 the metabolites for delta-9-tetrahydrocannabinol in bodily
12 fluids, including, without limitation, blood and saliva;

13 (4) The effectiveness of current DUI laws and
14 recommendations for improvements to policy to better
15 ensure safe highways and fair laws.

16 (d) The Adult Use Cannabis Health Advisory Committee shall
17 submit to the General Assembly and Governor a report, by
18 September 30 of each year, that does not disclose any
19 identifying information about any individuals, but does
20 contain, at a minimum:

21 (1) Self-reported youth cannabis use, as published in
22 the most recent Illinois Youth Survey available;

23 (2) Self-reported adult cannabis use, as published in
24 the most recent Behavioral Risk Factor Surveillance Survey
25 available;

26 (3) Hospital room admissions and hospital utilization

1 rates caused by cannabis consumption, including the
2 presence or detection of other drugs;

3 (4) Overdoses of cannabis and poison control data,
4 including the presence of other drugs that may have
5 contributed;

6 (5) Incidents of impaired driving caused by the
7 consumption of cannabis or cannabis products, including
8 the presence of other drugs or alcohol that may have
9 contributed to the impaired driving;

10 (6) Prevalence of infants born testing positive for
11 cannabis or delta-9-tetrahydrocannabinol, including
12 demographic and racial information on which infants are
13 tested;

14 (7) Public perceptions of use and risk of harm;

15 (8) Revenue collected from cannabis taxation and how
16 that revenue was used;

17 (9) Cannabis retail licenses granted and locations;

18 (10) Cannabis-related arrests; and

19 (11) The number of individuals completing required bud
20 tender training.

21 (e) Each agency or committee submitting reports under this
22 Section may consult with one another in the preparation of
23 each report.

24 (Source: P.A. 101-27, eff. 6-25-19; 101-593, eff. 12-4-19.)

25 Section 850. The Radiation Protection Act of 1990 is

1 amended by changing Section 34 as follows:

2 (420 ILCS 40/34) (from Ch. 111 1/2, par. 210-34)

3 (Section scheduled to be repealed on January 1, 2022)

4 Sec. 34. All intrastate and interstate carriers of
5 irradiated nuclear reactor fuel in the State of Illinois are
6 hereby required to notify the Agency 24 hours prior to any
7 transportation of irradiated nuclear reactor fuel within this
8 State of the proposed route, the place and time of entry into
9 the State, and the amount and the source of the fuel. The
10 Agency shall immediately notify the Illinois State Police,
11 which shall notify the sheriff of those counties along the
12 route of such shipment.

13 For the purpose of this subsection, a "carrier" is any
14 entity charged with transportation of such irradiated reactor
15 fuel from the nuclear steam-generating facility to a storage
16 facility.

17 For the purpose of this subsection, "irradiated reactor
18 fuel" is any nuclear fuel assembly containing fissile-bearing
19 material that has been irradiated in and removed from a
20 nuclear reactor facility.

21 (Source: P.A. 94-104, eff. 7-1-05.)

22 Section 865. The Firearm Owners Identification Card Act is
23 amended by changing Sections 1.1, 2, 3, 3.1, 3.3, 4, 5, 5.1, 6,
24 8, 8.1, 8.2, 8.3, 9.5, 10, 11, 13.1, 13.2, 13.3, 15a, and 15b

1 as follows:

2 (430 ILCS 65/1.1) (from Ch. 38, par. 83-1.1)

3 Sec. 1.1. For purposes of this Act:

4 "Addicted to narcotics" means a person who has been:

5 (1) convicted of an offense involving the use or
6 possession of cannabis, a controlled substance, or
7 methamphetamine within the past year; or

8 (2) determined by the Illinois ~~Department of~~ State
9 Police to be addicted to narcotics based upon federal law
10 or federal guidelines.

11 "Addicted to narcotics" does not include possession or use
12 of a prescribed controlled substance under the direction and
13 authority of a physician or other person authorized to
14 prescribe the controlled substance when the controlled
15 substance is used in the prescribed manner.

16 "Adjudicated as a person with a mental disability" means
17 the person is the subject of a determination by a court, board,
18 commission or other lawful authority that the person, as a
19 result of marked subnormal intelligence, or mental illness,
20 mental impairment, incompetency, condition, or disease:

21 (1) presents a clear and present danger to himself,
22 herself, or to others;

23 (2) lacks the mental capacity to manage his or her own
24 affairs or is adjudicated a person with a disability as
25 defined in Section 11a-2 of the Probate Act of 1975;

1 (3) is not guilty in a criminal case by reason of
2 insanity, mental disease or defect;

3 (3.5) is guilty but mentally ill, as provided in
4 Section 5-2-6 of the Unified Code of Corrections;

5 (4) is incompetent to stand trial in a criminal case;

6 (5) is not guilty by reason of lack of mental
7 responsibility under Articles 50a and 72b of the Uniform
8 Code of Military Justice, 10 U.S.C. 850a, 876b;

9 (6) is a sexually violent person under subsection (f)
10 of Section 5 of the Sexually Violent Persons Commitment
11 Act;

12 (7) is a sexually dangerous person under the Sexually
13 Dangerous Persons Act;

14 (8) is unfit to stand trial under the Juvenile Court
15 Act of 1987;

16 (9) is not guilty by reason of insanity under the
17 Juvenile Court Act of 1987;

18 (10) is subject to involuntary admission as an
19 inpatient as defined in Section 1-119 of the Mental Health
20 and Developmental Disabilities Code;

21 (11) is subject to involuntary admission as an
22 outpatient as defined in Section 1-119.1 of the Mental
23 Health and Developmental Disabilities Code;

24 (12) is subject to judicial admission as set forth in
25 Section 4-500 of the Mental Health and Developmental
26 Disabilities Code; or

1 (13) is subject to the provisions of the Interstate
2 Agreements on Sexually Dangerous Persons Act.

3 "Clear and present danger" means a person who:

4 (1) communicates a serious threat of physical violence
5 against a reasonably identifiable victim or poses a clear
6 and imminent risk of serious physical injury to himself,
7 herself, or another person as determined by a physician,
8 clinical psychologist, or qualified examiner; or

9 (2) demonstrates threatening physical or verbal
10 behavior, such as violent, suicidal, or assaultive
11 threats, actions, or other behavior, as determined by a
12 physician, clinical psychologist, qualified examiner,
13 school administrator, or law enforcement official.

14 "Clinical psychologist" has the meaning provided in
15 Section 1-103 of the Mental Health and Developmental
16 Disabilities Code.

17 "Controlled substance" means a controlled substance or
18 controlled substance analog as defined in the Illinois
19 Controlled Substances Act.

20 "Counterfeit" means to copy or imitate, without legal
21 authority, with intent to deceive.

22 "Federally licensed firearm dealer" means a person who is
23 licensed as a federal firearms dealer under Section 923 of the
24 federal Gun Control Act of 1968 (18 U.S.C. 923).

25 "Firearm" means any device, by whatever name known, which
26 is designed to expel a projectile or projectiles by the action

1 of an explosion, expansion of gas or escape of gas; excluding,
2 however:

3 (1) any pneumatic gun, spring gun, paint ball gun, or
4 B-B gun which expels a single globular projectile not
5 exceeding .18 inch in diameter or which has a maximum
6 muzzle velocity of less than 700 feet per second;

7 (1.1) any pneumatic gun, spring gun, paint ball gun,
8 or B-B gun which expels breakable paint balls containing
9 washable marking colors;

10 (2) any device used exclusively for signaling
11 ~~signalling~~ or safety and required or recommended by the
12 United States Coast Guard or the Interstate Commerce
13 Commission;

14 (3) any device used exclusively for the firing of stud
15 cartridges, explosive rivets or similar industrial
16 ammunition; and

17 (4) an antique firearm (other than a machine-gun)
18 which, although designed as a weapon, the Illinois
19 ~~Department of~~ State Police finds by reason of the date of
20 its manufacture, value, design, and other characteristics
21 is primarily a collector's item and is not likely to be
22 used as a weapon.

23 "Firearm ammunition" means any self-contained cartridge or
24 shotgun shell, by whatever name known, which is designed to be
25 used or adaptable to use in a firearm; excluding, however:

26 (1) any ammunition exclusively designed for use with a

1 device used exclusively for signalling or safety and
2 required or recommended by the United States Coast Guard
3 or the Interstate Commerce Commission; and

4 (2) any ammunition designed exclusively for use with a
5 stud or rivet driver or other similar industrial
6 ammunition.

7 "Gun show" means an event or function:

8 (1) at which the sale and transfer of firearms is the
9 regular and normal course of business and where 50 or more
10 firearms are displayed, offered, or exhibited for sale,
11 transfer, or exchange; or

12 (2) at which not less than 10 gun show vendors
13 display, offer, or exhibit for sale, sell, transfer, or
14 exchange firearms.

15 "Gun show" includes the entire premises provided for an
16 event or function, including parking areas for the event or
17 function, that is sponsored to facilitate the purchase, sale,
18 transfer, or exchange of firearms as described in this
19 Section. Nothing in this definition shall be construed to
20 exclude a gun show held in conjunction with competitive
21 shooting events at the World Shooting Complex sanctioned by a
22 national governing body in which the sale or transfer of
23 firearms is authorized under subparagraph (5) of paragraph (g)
24 of subsection (A) of Section 24-3 of the Criminal Code of 2012.

25 Unless otherwise expressly stated, "gun show" does not
26 include training or safety classes, competitive shooting

1 events, such as rifle, shotgun, or handgun matches, trap,
2 skeet, or sporting clays shoots, dinners, banquets, raffles,
3 or any other event where the sale or transfer of firearms is
4 not the primary course of business.

5 "Gun show promoter" means a person who organizes or
6 operates a gun show.

7 "Gun show vendor" means a person who exhibits, sells,
8 offers for sale, transfers, or exchanges any firearms at a gun
9 show, regardless of whether the person arranges with a gun
10 show promoter for a fixed location from which to exhibit,
11 sell, offer for sale, transfer, or exchange any firearm.

12 "Involuntarily admitted" has the meaning as prescribed in
13 Sections 1-119 and 1-119.1 of the Mental Health and
14 Developmental Disabilities Code.

15 "Mental health facility" means any licensed private
16 hospital or hospital affiliate, institution, or facility, or
17 part thereof, and any facility, or part thereof, operated by
18 the State or a political subdivision thereof which provide
19 treatment of persons with mental illness and includes all
20 hospitals, institutions, clinics, evaluation facilities,
21 mental health centers, colleges, universities, long-term care
22 facilities, and nursing homes, or parts thereof, which provide
23 treatment of persons with mental illness whether or not the
24 primary purpose is to provide treatment of persons with mental
25 illness.

26 "National governing body" means a group of persons who

1 adopt rules and formulate policy on behalf of a national
2 firearm sporting organization.

3 "Patient" means:

4 (1) a person who is admitted as an inpatient or
5 resident of a public or private mental health facility for
6 mental health treatment under Chapter III of the Mental
7 Health and Developmental Disabilities Code as an informal
8 admission, a voluntary admission, a minor admission, an
9 emergency admission, or an involuntary admission, unless
10 the treatment was solely for an alcohol abuse disorder; or

11 (2) a person who voluntarily or involuntarily receives
12 mental health treatment as an out-patient or is otherwise
13 provided services by a public or private mental health
14 facility, and who poses a clear and present danger to
15 himself, herself, or to others.

16 "Person with a developmental disability" means a person
17 with a disability which is attributable to any other condition
18 which results in impairment similar to that caused by an
19 intellectual disability and which requires services similar to
20 those required by persons with intellectual disabilities. The
21 disability must originate before the age of 18 years, be
22 expected to continue indefinitely, and constitute a
23 substantial disability. This disability results, in the
24 professional opinion of a physician, clinical psychologist, or
25 qualified examiner, in significant functional limitations in 3
26 or more of the following areas of major life activity:

- 1 (i) self-care;
- 2 (ii) receptive and expressive language;
- 3 (iii) learning;
- 4 (iv) mobility; or
- 5 (v) self-direction.

6 "Person with an intellectual disability" means a person
7 with a significantly subaverage general intellectual
8 functioning which exists concurrently with impairment in
9 adaptive behavior and which originates before the age of 18
10 years.

11 "Physician" has the meaning as defined in Section 1-120 of
12 the Mental Health and Developmental Disabilities Code.

13 "Qualified examiner" has the meaning provided in Section
14 1-122 of the Mental Health and Developmental Disabilities
15 Code.

16 "Sanctioned competitive shooting event" means a shooting
17 contest officially recognized by a national or state shooting
18 sport association, and includes any sight-in or practice
19 conducted in conjunction with the event.

20 "School administrator" means the person required to report
21 under the School Administrator Reporting of Mental Health
22 Clear and Present Danger Determinations Law.

23 "Stun gun or taser" has the meaning ascribed to it in
24 Section 24-1 of the Criminal Code of 2012.

25 (Source: P.A. 99-29, eff. 7-10-15; 99-143, eff. 7-27-15;
26 99-642, eff. 7-28-16; 100-906, eff. 1-1-19.)

1 (430 ILCS 65/2) (from Ch. 38, par. 83-2)

2 Sec. 2. Firearm Owner's Identification Card required;
3 exceptions.

4 (a) (1) No person may acquire or possess any firearm, stun
5 gun, or taser within this State without having in his or her
6 possession a Firearm Owner's Identification Card previously
7 issued in his or her name by the Illinois ~~Department of~~ State
8 Police under the provisions of this Act.

9 (2) No person may acquire or possess firearm ammunition
10 within this State without having in his or her possession a
11 Firearm Owner's Identification Card previously issued in his
12 or her name by the Illinois ~~Department of~~ State Police under
13 the provisions of this Act.

14 (b) The provisions of this Section regarding the
15 possession of firearms, firearm ammunition, stun guns, and
16 tasers do not apply to:

17 (1) United States Marshals, while engaged in the
18 operation of their official duties;

19 (2) Members of the Armed Forces of the United States
20 or the National Guard, while engaged in the operation of
21 their official duties;

22 (3) Federal officials required to carry firearms,
23 while engaged in the operation of their official duties;

24 (4) Members of bona fide veterans organizations which
25 receive firearms directly from the armed forces of the

1 United States, while using the firearms for ceremonial
2 purposes with blank ammunition;

3 (5) Nonresident hunters during hunting season, with
4 valid nonresident hunting licenses and while in an area
5 where hunting is permitted; however, at all other times
6 and in all other places these persons must have their
7 firearms unloaded and enclosed in a case;

8 (6) Those hunters exempt from obtaining a hunting
9 license who are required to submit their Firearm Owner's
10 Identification Card when hunting on Department of Natural
11 Resources owned or managed sites;

12 (7) Nonresidents while on a firing or shooting range
13 recognized by the Illinois ~~Department of~~ State Police;
14 however, these persons must at all other times and in all
15 other places have their firearms unloaded and enclosed in
16 a case;

17 (8) Nonresidents while at a firearm showing or display
18 recognized by the Illinois ~~Department of~~ State Police;
19 however, at all other times and in all other places these
20 persons must have their firearms unloaded and enclosed in
21 a case;

22 (9) Nonresidents whose firearms are unloaded and
23 enclosed in a case;

24 (10) Nonresidents who are currently licensed or
25 registered to possess a firearm in their resident state;

26 (11) Unemancipated minors while in the custody and

1 immediate control of their parent or legal guardian or
2 other person in loco parentis to the minor if the parent or
3 legal guardian or other person in loco parentis to the
4 minor has a currently valid Firearm Owner's Identification
5 Card;

6 (12) Color guards of bona fide veterans organizations
7 or members of bona fide American Legion bands while using
8 firearms for ceremonial purposes with blank ammunition;

9 (13) Nonresident hunters whose state of residence does
10 not require them to be licensed or registered to possess a
11 firearm and only during hunting season, with valid hunting
12 licenses, while accompanied by, and using a firearm owned
13 by, a person who possesses a valid Firearm Owner's
14 Identification Card and while in an area within a
15 commercial club licensed under the Wildlife Code where
16 hunting is permitted and controlled, but in no instance
17 upon sites owned or managed by the Department of Natural
18 Resources;

19 (14) Resident hunters who are properly authorized to
20 hunt and, while accompanied by a person who possesses a
21 valid Firearm Owner's Identification Card, hunt in an area
22 within a commercial club licensed under the Wildlife Code
23 where hunting is permitted and controlled;

24 (15) A person who is otherwise eligible to obtain a
25 Firearm Owner's Identification Card under this Act and is
26 under the direct supervision of a holder of a Firearm

1 Owner's Identification Card who is 21 years of age or
2 older while the person is on a firing or shooting range or
3 is a participant in a firearms safety and training course
4 recognized by a law enforcement agency or a national,
5 statewide shooting sports organization; and

6 (16) Competitive shooting athletes whose competition
7 firearms are sanctioned by the International Olympic
8 Committee, the International Paralympic Committee, the
9 International Shooting Sport Federation, or USA Shooting
10 in connection with such athletes' training for and
11 participation in shooting competitions at the 2016 Olympic
12 and Paralympic Games and sanctioned test events leading up
13 to the 2016 Olympic and Paralympic Games.

14 (c) The provisions of this Section regarding the
15 acquisition and possession of firearms, firearm ammunition,
16 stun guns, and tasers do not apply to law enforcement
17 officials of this or any other jurisdiction, while engaged in
18 the operation of their official duties.

19 (c-5) The provisions of paragraphs (1) and (2) of
20 subsection (a) of this Section regarding the possession of
21 firearms and firearm ammunition do not apply to the holder of a
22 valid concealed carry license issued under the Firearm
23 Concealed Carry Act who is in physical possession of the
24 concealed carry license.

25 (d) Any person who becomes a resident of this State, who is
26 not otherwise prohibited from obtaining, possessing, or using

1 a firearm or firearm ammunition, shall not be required to have
2 a Firearm Owner's Identification Card to possess firearms or
3 firearms ammunition until 60 calendar days after he or she
4 obtains an Illinois driver's license or Illinois
5 Identification Card.

6 (Source: P.A. 99-29, eff. 7-10-15.)

7 (430 ILCS 65/3) (from Ch. 38, par. 83-3)

8 Sec. 3. (a) Except as provided in Section 3a, no person may
9 knowingly transfer, or cause to be transferred, any firearm,
10 firearm ammunition, stun gun, or taser to any person within
11 this State unless the transferee with whom he deals displays
12 either: (1) a currently valid Firearm Owner's Identification
13 Card which has previously been issued in his or her name by the
14 Illinois Department of State Police under the provisions of
15 this Act; or (2) a currently valid license to carry a concealed
16 firearm which has previously been issued in his or her name by
17 the Illinois Department of State Police under the Firearm
18 Concealed Carry Act. In addition, all firearm, stun gun, and
19 taser transfers by federally licensed firearm dealers are
20 subject to Section 3.1.

21 (a-5) Any person who is not a federally licensed firearm
22 dealer and who desires to transfer or sell a firearm while that
23 person is on the grounds of a gun show must, before selling or
24 transferring the firearm, request the Illinois Department of
25 State Police to conduct a background check on the prospective

1 recipient of the firearm in accordance with Section 3.1.

2 (a-10) Notwithstanding item (2) of subsection (a) of this
3 Section, any person who is not a federally licensed firearm
4 dealer and who desires to transfer or sell a firearm or
5 firearms to any person who is not a federally licensed firearm
6 dealer shall, before selling or transferring the firearms,
7 contact the Illinois ~~Department of~~ State Police with the
8 transferee's or purchaser's Firearm Owner's Identification
9 Card number to determine the validity of the transferee's or
10 purchaser's Firearm Owner's Identification Card. This
11 subsection shall not be effective until January 1, 2014. The
12 Illinois ~~Department of~~ State Police may adopt rules concerning
13 the implementation of this subsection. The Illinois ~~Department~~
14 ~~of~~ State Police shall provide the seller or transferor an
15 approval number if the purchaser's Firearm Owner's
16 Identification Card is valid. Approvals issued by the
17 Department for the purchase of a firearm pursuant to this
18 subsection are valid for 30 days from the date of issue.

19 (a-15) The provisions of subsection (a-10) of this Section
20 do not apply to:

21 (1) transfers that occur at the place of business of a
22 federally licensed firearm dealer, if the federally
23 licensed firearm dealer conducts a background check on the
24 prospective recipient of the firearm in accordance with
25 Section 3.1 of this Act and follows all other applicable
26 federal, State, and local laws as if he or she were the

1 seller or transferor of the firearm, although the dealer
2 is not required to accept the firearm into his or her
3 inventory. The purchaser or transferee may be required by
4 the federally licensed firearm dealer to pay a fee not to
5 exceed \$10 per firearm, which the dealer may retain as
6 compensation for performing the functions required under
7 this paragraph, plus the applicable fees authorized by
8 Section 3.1;

9 (2) transfers as a bona fide gift to the transferor's
10 husband, wife, son, daughter, stepson, stepdaughter,
11 father, mother, stepfather, stepmother, brother, sister,
12 nephew, niece, uncle, aunt, grandfather, grandmother,
13 grandson, granddaughter, father-in-law, mother-in-law,
14 son-in-law, or daughter-in-law;

15 (3) transfers by persons acting pursuant to operation
16 of law or a court order;

17 (4) transfers on the grounds of a gun show under
18 subsection (a-5) of this Section;

19 (5) the delivery of a firearm by its owner to a
20 gunsmith for service or repair, the return of the firearm
21 to its owner by the gunsmith, or the delivery of a firearm
22 by a gunsmith to a federally licensed firearms dealer for
23 service or repair and the return of the firearm to the
24 gunsmith;

25 (6) temporary transfers that occur while in the home
26 of the unlicensed transferee, if the unlicensed transferee

1 is not otherwise prohibited from possessing firearms and
2 the unlicensed transferee reasonably believes that
3 possession of the firearm is necessary to prevent imminent
4 death or great bodily harm to the unlicensed transferee;

5 (7) transfers to a law enforcement or corrections
6 agency or a law enforcement or corrections officer acting
7 within the course and scope of his or her official duties;

8 (8) transfers of firearms that have been rendered
9 permanently inoperable to a nonprofit historical society,
10 museum, or institutional collection; and

11 (9) transfers to a person who is exempt from the
12 requirement of possessing a Firearm Owner's Identification
13 Card under Section 2 of this Act.

14 (a-20) The Illinois ~~Department of~~ State Police shall
15 develop an Internet-based system for individuals to determine
16 the validity of a Firearm Owner's Identification Card prior to
17 the sale or transfer of a firearm. The Department shall have
18 the Internet-based system completed and available for use by
19 July 1, 2015. The Department shall adopt rules not
20 inconsistent with this Section to implement this system.

21 (b) Any person within this State who transfers or causes
22 to be transferred any firearm, stun gun, or taser shall keep a
23 record of such transfer for a period of 10 years from the date
24 of transfer. Such record shall contain the date of the
25 transfer; the description, serial number or other information
26 identifying the firearm, stun gun, or taser if no serial

1 number is available; and, if the transfer was completed within
2 this State, the transferee's Firearm Owner's Identification
3 Card number and any approval number or documentation provided
4 by the Illinois ~~Department of~~ State Police pursuant to
5 subsection (a-10) of this Section; if the transfer was not
6 completed within this State, the record shall contain the name
7 and address of the transferee. On or after January 1, 2006, the
8 record shall contain the date of application for transfer of
9 the firearm. On demand of a peace officer such transferor
10 shall produce for inspection such record of transfer. If the
11 transfer or sale took place at a gun show, the record shall
12 include the unique identification number. Failure to record
13 the unique identification number or approval number is a petty
14 offense. For transfers of a firearm, stun gun, or taser made on
15 or after the effective date of this amendatory Act of the 100th
16 General Assembly, failure by the private seller to maintain
17 the transfer records in accordance with this Section is a
18 Class A misdemeanor for the first offense and a Class 4 felony
19 for a second or subsequent offense. A transferee shall not be
20 criminally liable under this Section provided that he or she
21 provides the Illinois ~~Department of~~ State Police with the
22 transfer records in accordance with procedures established by
23 the Department. The Department shall establish, by rule, a
24 standard form on its website.

25 (b-5) Any resident may purchase ammunition from a person
26 within or outside of Illinois if shipment is by United States

1 mail or by a private express carrier authorized by federal law
2 to ship ammunition. Any resident purchasing ammunition within
3 or outside the State of Illinois must provide the seller with a
4 copy of his or her valid Firearm Owner's Identification Card
5 or valid concealed carry license and either his or her
6 Illinois driver's license or Illinois State Identification
7 Card prior to the shipment of the ammunition. The ammunition
8 may be shipped only to an address on either of those 2
9 documents.

10 (c) The provisions of this Section regarding the transfer
11 of firearm ammunition shall not apply to those persons
12 specified in paragraph (b) of Section 2 of this Act.

13 (Source: P.A. 99-29, eff. 7-10-15; 100-1178, eff. 1-18-19.)

14 (430 ILCS 65/3.1) (from Ch. 38, par. 83-3.1)

15 Sec. 3.1. Dial up system.

16 (a) The Illinois ~~Department of~~ State Police shall provide
17 a dial up telephone system or utilize other existing
18 technology which shall be used by any federally licensed
19 firearm dealer, gun show promoter, or gun show vendor who is to
20 transfer a firearm, stun gun, or taser under the provisions of
21 this Act. The Illinois ~~Department of~~ State Police may utilize
22 existing technology which allows the caller to be charged a
23 fee not to exceed \$2. Fees collected by the Illinois
24 ~~Department of~~ State Police shall be deposited in the State
25 Police Services Fund and used to provide the service.

1 (b) Upon receiving a request from a federally licensed
2 firearm dealer, gun show promoter, or gun show vendor, the
3 Illinois ~~Department of~~ State Police shall immediately approve,
4 or within the time period established by Section 24-3 of the
5 Criminal Code of 2012 regarding the delivery of firearms, stun
6 guns, and tasers notify the inquiring dealer, gun show
7 promoter, or gun show vendor of any objection that would
8 disqualify the transferee from acquiring or possessing a
9 firearm, stun gun, or taser. In conducting the inquiry, the
10 Illinois ~~Department of~~ State Police shall initiate and
11 complete an automated search of its criminal history record
12 information files and those of the Federal Bureau of
13 Investigation, including the National Instant Criminal
14 Background Check System, and of the files of the Department of
15 Human Services relating to mental health and developmental
16 disabilities to obtain any felony conviction or patient
17 hospitalization information which would disqualify a person
18 from obtaining or require revocation of a currently valid
19 Firearm Owner's Identification Card.

20 (c) If receipt of a firearm would not violate Section 24-3
21 of the Criminal Code of 2012, federal law, or this Act the
22 Illinois ~~Department of~~ State Police shall:

23 (1) assign a unique identification number to the
24 transfer; and

25 (2) provide the licensee, gun show promoter, or gun
26 show vendor with the number.

1 (d) Approvals issued by the Illinois ~~Department of~~ State
2 Police for the purchase of a firearm are valid for 30 days from
3 the date of issue.

4 (e) (1) The Illinois ~~Department of~~ State Police must act
5 as the Illinois Point of Contact for the National Instant
6 Criminal Background Check System.

7 (2) The Illinois ~~Department of~~ State Police and the
8 Department of Human Services shall, in accordance with State
9 and federal law regarding confidentiality, enter into a
10 memorandum of understanding with the Federal Bureau of
11 Investigation for the purpose of implementing the National
12 Instant Criminal Background Check System in the State. The
13 Illinois ~~Department of~~ State Police shall report the name,
14 date of birth, and physical description of any person
15 prohibited from possessing a firearm pursuant to the Firearm
16 Owners Identification Card Act or 18 U.S.C. 922(g) and (n) to
17 the National Instant Criminal Background Check System Index,
18 Denied Persons Files.

19 (3) The Illinois ~~Department of~~ State Police shall provide
20 notice of the disqualification of a person under subsection
21 (b) of this Section or the revocation of a person's Firearm
22 Owner's Identification Card under Section 8 or Section 8.2 of
23 this Act, and the reason for the disqualification or
24 revocation, to all law enforcement agencies with jurisdiction
25 to assist with the seizure of the person's Firearm Owner's
26 Identification Card.

1 (f) The Illinois ~~Department of~~ State Police shall adopt
2 rules not inconsistent with this Section to implement this
3 system.

4 (Source: P.A. 98-63, eff. 7-9-13; 99-787, eff. 1-1-17.)

5 (430 ILCS 65/3.3)

6 Sec. 3.3. Report to the local law enforcement agency. The
7 Illinois ~~Department of~~ State Police must report the name and
8 address of a person to the local law enforcement agency where
9 the person resides if the person attempting to purchase a
10 firearm is disqualified from purchasing a firearm because of
11 information obtained under subsection (a-10) of Section 3 or
12 Section 3.1 that would disqualify the person from obtaining a
13 Firearm Owner's Identification Card under any of subsections
14 (c) through (n) of Section 8 of this Act.

15 (Source: P.A. 98-508, eff. 8-19-13.)

16 (430 ILCS 65/4) (from Ch. 38, par. 83-4)

17 Sec. 4. Application for Firearm Owner's Identification
18 Cards.

19 (a) Each applicant for a Firearm Owner's Identification
20 Card must:

21 (1) Make application on blank forms prepared and
22 furnished at convenient locations throughout the State by
23 the Illinois ~~Department of~~ State Police, or by electronic
24 means, if and when made available by the Illinois

1 ~~Department of~~ State Police; and

2 (2) Submit evidence to the Illinois ~~Department of~~
3 State Police that:

4 (i) This subparagraph (i) applies through the
5 180th day following the effective date of this
6 amendatory Act of the 101st General Assembly. He or
7 she is 21 years of age or over, or if he or she is
8 under 21 years of age that he or she has the written
9 consent of his or her parent or legal guardian to
10 possess and acquire firearms and firearm ammunition
11 and that he or she has never been convicted of a
12 misdemeanor other than a traffic offense or adjudged
13 delinquent, provided, however, that such parent or
14 legal guardian is not an individual prohibited from
15 having a Firearm Owner's Identification Card and files
16 an affidavit with the Department as prescribed by the
17 Department stating that he or she is not an individual
18 prohibited from having a Card;

19 (i-5) This subparagraph (i-5) applies on and after
20 the 181st day following the effective date of this
21 amendatory Act of the 101st General Assembly. He or
22 she is 21 years of age or over, or if he or she is
23 under 21 years of age that he or she has never been
24 convicted of a misdemeanor other than a traffic
25 offense or adjudged delinquent and is an active duty
26 member of the United States Armed Forces or has the

1 written consent of his or her parent or legal guardian
2 to possess and acquire firearms and firearm
3 ammunition, provided, however, that such parent or
4 legal guardian is not an individual prohibited from
5 having a Firearm Owner's Identification Card and files
6 an affidavit with the Department as prescribed by the
7 Department stating that he or she is not an individual
8 prohibited from having a Card or the active duty
9 member of the United States Armed Forces under 21
10 years of age annually submits proof to the Illinois
11 ~~Department of~~ State Police, in a manner prescribed by
12 the Department;

13 (ii) He or she has not been convicted of a felony
14 under the laws of this or any other jurisdiction;

15 (iii) He or she is not addicted to narcotics;

16 (iv) He or she has not been a patient in a mental
17 health facility within the past 5 years or, if he or
18 she has been a patient in a mental health facility more
19 than 5 years ago submit the certification required
20 under subsection (u) of Section 8 of this Act;

21 (v) He or she is not a person with an intellectual
22 disability;

23 (vi) He or she is not an alien who is unlawfully
24 present in the United States under the laws of the
25 United States;

26 (vii) He or she is not subject to an existing order

1 of protection prohibiting him or her from possessing a
2 firearm;

3 (viii) He or she has not been convicted within the
4 past 5 years of battery, assault, aggravated assault,
5 violation of an order of protection, or a
6 substantially similar offense in another jurisdiction,
7 in which a firearm was used or possessed;

8 (ix) He or she has not been convicted of domestic
9 battery, aggravated domestic battery, or a
10 substantially similar offense in another jurisdiction
11 committed before, on or after January 1, 2012 (the
12 effective date of Public Act 97-158). If the applicant
13 knowingly and intelligently waives the right to have
14 an offense described in this clause (ix) tried by a
15 jury, and by guilty plea or otherwise, results in a
16 conviction for an offense in which a domestic
17 relationship is not a required element of the offense
18 but in which a determination of the applicability of
19 18 U.S.C. 922(g) (9) is made under Section 112A-11.1 of
20 the Code of Criminal Procedure of 1963, an entry by the
21 court of a judgment of conviction for that offense
22 shall be grounds for denying the issuance of a Firearm
23 Owner's Identification Card under this Section;

24 (x) (Blank);

25 (xi) He or she is not an alien who has been
26 admitted to the United States under a non-immigrant

1 visa (as that term is defined in Section 101(a)(26) of
2 the Immigration and Nationality Act (8 U.S.C.
3 1101(a)(26))), or that he or she is an alien who has
4 been lawfully admitted to the United States under a
5 non-immigrant visa if that alien is:

6 (1) admitted to the United States for lawful
7 hunting or sporting purposes;

8 (2) an official representative of a foreign
9 government who is:

10 (A) accredited to the United States
11 Government or the Government's mission to an
12 international organization having its
13 headquarters in the United States; or

14 (B) en route to or from another country to
15 which that alien is accredited;

16 (3) an official of a foreign government or
17 distinguished foreign visitor who has been so
18 designated by the Department of State;

19 (4) a foreign law enforcement officer of a
20 friendly foreign government entering the United
21 States on official business; or

22 (5) one who has received a waiver from the
23 Attorney General of the United States pursuant to
24 18 U.S.C. 922 (y) (3);

25 (xii) He or she is not a minor subject to a
26 petition filed under Section 5-520 of the Juvenile

1 Court Act of 1987 alleging that the minor is a
2 delinquent minor for the commission of an offense that
3 if committed by an adult would be a felony;

4 (xiii) He or she is not an adult who had been
5 adjudicated a delinquent minor under the Juvenile
6 Court Act of 1987 for the commission of an offense that
7 if committed by an adult would be a felony;

8 (xiv) He or she is a resident of the State of
9 Illinois;

10 (xv) He or she has not been adjudicated as a person
11 with a mental disability;

12 (xvi) He or she has not been involuntarily
13 admitted into a mental health facility; and

14 (xvii) He or she is not a person with a
15 developmental disability; and

16 (3) Upon request by the Illinois ~~Department of~~ State
17 Police, sign a release on a form prescribed by the
18 Illinois ~~Department of~~ State Police waiving any right to
19 confidentiality and requesting the disclosure to the
20 Illinois ~~Department of~~ State Police of limited mental
21 health institution admission information from another
22 state, the District of Columbia, any other territory of
23 the United States, or a foreign nation concerning the
24 applicant for the sole purpose of determining whether the
25 applicant is or was a patient in a mental health
26 institution and disqualified because of that status from

1 receiving a Firearm Owner's Identification Card. No mental
2 health care or treatment records may be requested. The
3 information received shall be destroyed within one year of
4 receipt.

5 (a-5) Each applicant for a Firearm Owner's Identification
6 Card who is over the age of 18 shall furnish to the Illinois
7 ~~Department of~~ State Police either his or her Illinois driver's
8 license number or Illinois Identification Card number, except
9 as provided in subsection (a-10).

10 (a-10) Each applicant for a Firearm Owner's Identification
11 Card, who is employed as a law enforcement officer, an armed
12 security officer in Illinois, or by the United States Military
13 permanently assigned in Illinois and who is not an Illinois
14 resident, shall furnish to the Illinois ~~Department of~~ State
15 Police his or her driver's license number or state
16 identification card number from his or her state of residence.
17 The Illinois ~~Department of~~ State Police may adopt rules to
18 enforce the provisions of this subsection (a-10).

19 (a-15) If an applicant applying for a Firearm Owner's
20 Identification Card moves from the residence address named in
21 the application, he or she shall immediately notify in a form
22 and manner prescribed by the Illinois ~~Department of~~ State
23 Police of that change of address.

24 (a-20) Each applicant for a Firearm Owner's Identification
25 Card shall furnish to the Illinois ~~Department of~~ State Police
26 his or her photograph. An applicant who is 21 years of age or

1 older seeking a religious exemption to the photograph
2 requirement must furnish with the application an approved copy
3 of United States Department of the Treasury Internal Revenue
4 Service Form 4029. In lieu of a photograph, an applicant
5 regardless of age seeking a religious exemption to the
6 photograph requirement shall submit fingerprints on a form and
7 manner prescribed by the Department with his or her
8 application.

9 (b) Each application form shall include the following
10 statement printed in bold type: "Warning: Entering false
11 information on an application for a Firearm Owner's
12 Identification Card is punishable as a Class 2 felony in
13 accordance with subsection (d-5) of Section 14 of the Firearm
14 Owners Identification Card Act.".

15 (c) Upon such written consent, pursuant to Section 4,
16 paragraph (a)(2)(i), the parent or legal guardian giving the
17 consent shall be liable for any damages resulting from the
18 applicant's use of firearms or firearm ammunition.

19 (Source: P.A. 101-80, eff. 7-12-19.)

20 (430 ILCS 65/5) (from Ch. 38, par. 83-5)

21 Sec. 5. Application and renewal.

22 (a) The Illinois ~~Department of~~ State Police shall either
23 approve or deny all applications within 30 days from the date
24 they are received, except as provided in subsection (b) of
25 this Section, and every applicant found qualified under

1 Section 8 of this Act by the Department shall be entitled to a
2 Firearm Owner's Identification Card upon the payment of a \$10
3 fee. Any applicant who is an active duty member of the Armed
4 Forces of the United States, a member of the Illinois National
5 Guard, or a member of the Reserve Forces of the United States
6 is exempt from the application fee. \$6 of each fee derived from
7 the issuance of Firearm Owner's Identification Cards, or
8 renewals thereof, shall be deposited in the Wildlife and Fish
9 Fund in the State Treasury; \$1 of the fee shall be deposited in
10 the State Police Services Fund and \$3 of the fee shall be
11 deposited in the State Police Firearm Services Fund.

12 (b) Renewal applications shall be approved or denied
13 within 60 business days, provided the applicant submitted his
14 or her renewal application prior to the expiration of his or
15 her Firearm Owner's Identification Card. If a renewal
16 application has been submitted prior to the expiration date of
17 the applicant's Firearm Owner's Identification Card, the
18 Firearm Owner's Identification Card shall remain valid while
19 the Department processes the application, unless the person is
20 subject to or becomes subject to revocation under this Act.
21 The cost for a renewal application shall be \$10 which shall be
22 deposited into the State Police Firearm Services Fund.

23 (Source: P.A. 100-906, eff. 1-1-19.)

24 (430 ILCS 65/5.1)

25 Sec. 5.1. State Police Firearm Services Fund. All moneys

1 remaining in the Firearm Owner's Notification Fund on the
2 effective date of this amendatory Act of the 98th General
3 Assembly shall be transferred into the State Police Firearm
4 Services Fund, a special fund created in the State treasury,
5 to be expended by the Illinois ~~Department of~~ State Police, for
6 the purposes specified in this Act and Section 2605-595 of the
7 Illinois ~~Department of~~ State Police Law of the Civil
8 Administrative Code of Illinois.

9 (Source: P.A. 98-63, eff. 7-9-13.)

10 (430 ILCS 65/6) (from Ch. 38, par. 83-6)

11 Sec. 6. Contents of Firearm Owner's Identification Card.

12 (a) A Firearm Owner's Identification Card, issued by the
13 Illinois ~~Department of~~ State Police at such places as the
14 Director of the Illinois State Police ~~Department~~ shall
15 specify, shall contain the applicant's name, residence, date
16 of birth, sex, physical description, recent photograph, except
17 as provided in subsection (c-5), and signature. Each Firearm
18 Owner's Identification Card must have the expiration date
19 boldly and conspicuously displayed on the face of the card.
20 Each Firearm Owner's Identification Card must have printed on
21 it the following: "CAUTION - This card does not permit bearer
22 to UNLAWFULLY carry or use firearms." Before December 1, 2002,
23 the Department may use a person's digital photograph and
24 signature from his or her Illinois driver's license or
25 Illinois Identification Card, if available. On and after

1 December 1, 2002, the Department shall use a person's digital
2 photograph and signature from his or her Illinois driver's
3 license or Illinois Identification Card, if available. The
4 Department shall decline to use a person's digital photograph
5 or signature if the digital photograph or signature is the
6 result of or associated with fraudulent or erroneous data,
7 unless otherwise provided by law.

8 (b) A person applying for a Firearm Owner's Identification
9 Card shall consent to the Illinois ~~Department of~~ State Police
10 using the applicant's digital driver's license or Illinois
11 Identification Card photograph, if available, and signature on
12 the applicant's Firearm Owner's Identification Card. The
13 Secretary of State shall allow the Illinois ~~Department of~~
14 State Police access to the photograph and signature for the
15 purpose of identifying the applicant and issuing to the
16 applicant a Firearm Owner's Identification Card.

17 (c) The Secretary of State shall conduct a study to
18 determine the cost and feasibility of creating a method of
19 adding an identifiable code, background, or other means on the
20 driver's license or Illinois Identification Card to show that
21 an individual is not disqualified from owning or possessing a
22 firearm under State or federal law. The Secretary shall report
23 the findings of this study 12 months after the effective date
24 of this amendatory Act of the 92nd General Assembly.

25 (c-5) If a person qualifies for a photograph exemption, in
26 lieu of a photograph, the Firearm Owner's Identification Card

1 shall contain a copy of the card holder's fingerprints. Each
2 Firearm Owner's Identification Card described in this
3 subsection (c-5) must have printed on it the following: "This
4 card is only valid for firearm purchases through a federally
5 licensed firearms dealer when presented with photographic
6 identification, as prescribed by 18 U.S.C. 922(t)(1)(C)."
7 (Source: P.A. 97-1131, eff. 1-1-13.)

8 (430 ILCS 65/8) (from Ch. 38, par. 83-8)

9 Sec. 8. Grounds for denial and revocation. The Illinois
10 ~~Department~~ of State Police has authority to deny an
11 application for or to revoke and seize a Firearm Owner's
12 Identification Card previously issued under this Act only if
13 the Department finds that the applicant or the person to whom
14 such card was issued is or was at the time of issuance:

15 (a) A person under 21 years of age who has been
16 convicted of a misdemeanor other than a traffic offense or
17 adjudged delinquent;

18 (b) This subsection (b) applies through the 180th day
19 following the effective date of this amendatory Act of the
20 101st General Assembly. A person under 21 years of age who
21 does not have the written consent of his parent or
22 guardian to acquire and possess firearms and firearm
23 ammunition, or whose parent or guardian has revoked such
24 written consent, or where such parent or guardian does not
25 qualify to have a Firearm Owner's Identification Card;

1 (b-5) This subsection (b-5) applies on and after the
2 181st day following the effective date of this amendatory
3 Act of the 101st General Assembly. A person under 21 years
4 of age who is not an active duty member of the United
5 States Armed Forces and does not have the written consent
6 of his or her parent or guardian to acquire and possess
7 firearms and firearm ammunition, or whose parent or
8 guardian has revoked such written consent, or where such
9 parent or guardian does not qualify to have a Firearm
10 Owner's Identification Card;

11 (c) A person convicted of a felony under the laws of
12 this or any other jurisdiction;

13 (d) A person addicted to narcotics;

14 (e) A person who has been a patient of a mental health
15 facility within the past 5 years or a person who has been a
16 patient in a mental health facility more than 5 years ago
17 who has not received the certification required under
18 subsection (u) of this Section. An active law enforcement
19 officer employed by a unit of government who is denied,
20 revoked, or has his or her Firearm Owner's Identification
21 Card seized under this subsection (e) may obtain relief as
22 described in subsection (c-5) of Section 10 of this Act if
23 the officer did not act in a manner threatening to the
24 officer, another person, or the public as determined by
25 the treating clinical psychologist or physician, and the
26 officer seeks mental health treatment;

1 (f) A person whose mental condition is of such a
2 nature that it poses a clear and present danger to the
3 applicant, any other person or persons or the community;

4 (g) A person who has an intellectual disability;

5 (h) A person who intentionally makes a false statement
6 in the Firearm Owner's Identification Card application;

7 (i) An alien who is unlawfully present in the United
8 States under the laws of the United States;

9 (i-5) An alien who has been admitted to the United
10 States under a non-immigrant visa (as that term is defined
11 in Section 101(a)(26) of the Immigration and Nationality
12 Act (8 U.S.C. 1101(a)(26))), except that this subsection
13 (i-5) does not apply to any alien who has been lawfully
14 admitted to the United States under a non-immigrant visa
15 if that alien is:

16 (1) admitted to the United States for lawful
17 hunting or sporting purposes;

18 (2) an official representative of a foreign
19 government who is:

20 (A) accredited to the United States Government
21 or the Government's mission to an international
22 organization having its headquarters in the United
23 States; or

24 (B) en route to or from another country to
25 which that alien is accredited;

26 (3) an official of a foreign government or

1 distinguished foreign visitor who has been so
2 designated by the Department of State;

3 (4) a foreign law enforcement officer of a
4 friendly foreign government entering the United States
5 on official business; or

6 (5) one who has received a waiver from the
7 Attorney General of the United States pursuant to 18
8 U.S.C. 922(y)(3);

9 (j) (Blank);

10 (k) A person who has been convicted within the past 5
11 years of battery, assault, aggravated assault, violation
12 of an order of protection, or a substantially similar
13 offense in another jurisdiction, in which a firearm was
14 used or possessed;

15 (l) A person who has been convicted of domestic
16 battery, aggravated domestic battery, or a substantially
17 similar offense in another jurisdiction committed before,
18 on or after January 1, 2012 (the effective date of Public
19 Act 97-158). If the applicant or person who has been
20 previously issued a Firearm Owner's Identification Card
21 under this Act knowingly and intelligently waives the
22 right to have an offense described in this paragraph (l)
23 tried by a jury, and by guilty plea or otherwise, results
24 in a conviction for an offense in which a domestic
25 relationship is not a required element of the offense but
26 in which a determination of the applicability of 18 U.S.C.

1 922(g)(9) is made under Section 112A-11.1 of the Code of
2 Criminal Procedure of 1963, an entry by the court of a
3 judgment of conviction for that offense shall be grounds
4 for denying an application for and for revoking and
5 seizing a Firearm Owner's Identification Card previously
6 issued to the person under this Act;

7 (m) (Blank);

8 (n) A person who is prohibited from acquiring or
9 possessing firearms or firearm ammunition by any Illinois
10 State statute or by federal law;

11 (o) A minor subject to a petition filed under Section
12 5-520 of the Juvenile Court Act of 1987 alleging that the
13 minor is a delinquent minor for the commission of an
14 offense that if committed by an adult would be a felony;

15 (p) An adult who had been adjudicated a delinquent
16 minor under the Juvenile Court Act of 1987 for the
17 commission of an offense that if committed by an adult
18 would be a felony;

19 (q) A person who is not a resident of the State of
20 Illinois, except as provided in subsection (a-10) of
21 Section 4;

22 (r) A person who has been adjudicated as a person with
23 a mental disability;

24 (s) A person who has been found to have a
25 developmental disability;

26 (t) A person involuntarily admitted into a mental

1 health facility; or

2 (u) A person who has had his or her Firearm Owner's
3 Identification Card revoked or denied under subsection (e)
4 of this Section or item (iv) of paragraph (2) of
5 subsection (a) of Section 4 of this Act because he or she
6 was a patient in a mental health facility as provided in
7 subsection (e) of this Section, shall not be permitted to
8 obtain a Firearm Owner's Identification Card, after the
9 5-year period has lapsed, unless he or she has received a
10 mental health evaluation by a physician, clinical
11 psychologist, or qualified examiner as those terms are
12 defined in the Mental Health and Developmental
13 Disabilities Code, and has received a certification that
14 he or she is not a clear and present danger to himself,
15 herself, or others. The physician, clinical psychologist,
16 or qualified examiner making the certification and his or
17 her employer shall not be held criminally, civilly, or
18 professionally liable for making or not making the
19 certification required under this subsection, except for
20 willful or wanton misconduct. This subsection does not
21 apply to a person whose firearm possession rights have
22 been restored through administrative or judicial action
23 under Section 10 or 11 of this Act.

24 Upon revocation of a person's Firearm Owner's
25 Identification Card, the Illinois ~~Department of~~ State Police
26 shall provide notice to the person and the person shall comply

1 with Section 9.5 of this Act.

2 (Source: P.A. 101-80, eff. 7-12-19.)

3 (430 ILCS 65/8.1) (from Ch. 38, par. 83-8.1)

4 Sec. 8.1. Notifications to the Illinois ~~Department of~~
5 State Police.

6 (a) The Circuit Clerk shall, in the form and manner
7 required by the Supreme Court, notify the Illinois ~~Department~~
8 ~~of~~ State Police of all final dispositions of cases for which
9 the Department has received information reported to it under
10 Sections 2.1 and 2.2 of the Criminal Identification Act.

11 (b) Upon adjudication of any individual as a person with a
12 mental disability as defined in Section 1.1 of this Act or a
13 finding that a person has been involuntarily admitted, the
14 court shall direct the circuit court clerk to immediately
15 notify the Illinois ~~Department of~~ State Police, Firearm
16 Owner's Identification (FOID) department, and shall forward a
17 copy of the court order to the Department.

18 (b-1) Beginning July 1, 2016, and each July 1 and December
19 30 of every year thereafter, the circuit court clerk shall, in
20 the form and manner prescribed by the Illinois ~~Department of~~
21 State Police, notify the Illinois ~~Department of~~ State Police,
22 Firearm Owner's Identification (FOID) department if the court
23 has not directed the circuit court clerk to notify the
24 Illinois ~~Department of~~ State Police, Firearm Owner's
25 Identification (FOID) department under subsection (b) of this

1 Section, within the preceding 6 months, because no person has
2 been adjudicated as a person with a mental disability by the
3 court as defined in Section 1.1 of this Act or if no person has
4 been involuntarily admitted. The Supreme Court may adopt any
5 orders or rules necessary to identify the persons who shall be
6 reported to the Illinois ~~Department of~~ State Police under
7 subsection (b), or any other orders or rules necessary to
8 implement the requirements of this Act.

9 (c) The Department of Human Services shall, in the form
10 and manner prescribed by the Illinois ~~Department of~~ State
11 Police, report all information collected under subsection (b)
12 of Section 12 of the Mental Health and Developmental
13 Disabilities Confidentiality Act for the purpose of
14 determining whether a person who may be or may have been a
15 patient in a mental health facility is disqualified under
16 State or federal law from receiving or retaining a Firearm
17 Owner's Identification Card, or purchasing a weapon.

18 (d) If a person is determined to pose a clear and present
19 danger to himself, herself, or to others:

20 (1) by a physician, clinical psychologist, or
21 qualified examiner, or is determined to have a
22 developmental disability by a physician, clinical
23 psychologist, or qualified examiner, whether employed by
24 the State or privately, then the physician, clinical
25 psychologist, or qualified examiner shall, within 24 hours
26 of making the determination, notify the Department of

1 Human Services that the person poses a clear and present
2 danger or has a developmental disability; or

3 (2) by a law enforcement official or school
4 administrator, then the law enforcement official or school
5 administrator shall, within 24 hours of making the
6 determination, notify the Illinois ~~Department of~~ State
7 Police that the person poses a clear and present danger.

8 The Department of Human Services shall immediately update
9 its records and information relating to mental health and
10 developmental disabilities, and if appropriate, shall notify
11 the Illinois ~~Department of~~ State Police in a form and manner
12 prescribed by the Illinois ~~Department of~~ State Police. The
13 Illinois ~~Department of~~ State Police shall determine whether to
14 revoke the person's Firearm Owner's Identification Card under
15 Section 8 of this Act. Any information disclosed under this
16 subsection shall remain privileged and confidential, and shall
17 not be redisclosed, except as required under subsection (e) of
18 Section 3.1 of this Act, nor used for any other purpose. The
19 method of providing this information shall guarantee that the
20 information is not released beyond what is necessary for the
21 purpose of this Section and shall be provided by rule by the
22 Department of Human Services. The identity of the person
23 reporting under this Section shall not be disclosed to the
24 subject of the report. The physician, clinical psychologist,
25 qualified examiner, law enforcement official, or school
26 administrator making the determination and his or her employer

1 shall not be held criminally, civilly, or professionally
2 liable for making or not making the notification required
3 under this subsection, except for willful or wanton
4 misconduct.

5 (e) The Illinois ~~Department of~~ State Police shall adopt
6 rules to implement this Section.

7 (Source: P.A. 98-63, eff. 7-9-13; 98-600, eff. 12-6-13;
8 99-143, eff. 7-27-15; 99-696, eff. 7-29-16.)

9 (430 ILCS 65/8.2)

10 Sec. 8.2. Firearm Owner's Identification Card denial or
11 revocation. The Illinois ~~Department of~~ State Police shall deny
12 an application or shall revoke and seize a Firearm Owner's
13 Identification Card previously issued under this Act if the
14 Department finds that the applicant or person to whom such
15 card was issued is or was at the time of issuance subject to an
16 existing order of protection or firearms restraining order.

17 (Source: P.A. 100-607, eff. 1-1-19.)

18 (430 ILCS 65/8.3)

19 Sec. 8.3. Suspension of Firearm Owner's Identification
20 Card. The Illinois ~~Department of~~ State Police may, by rule in a
21 manner consistent with the Department's rules concerning
22 revocation, provide for the suspension of the Firearm Owner's
23 Identification Card of a person whose Firearm Owner's
24 Identification Card is subject to revocation and seizure under

1 this Act for the duration of the disqualification if the
2 disqualification is not a permanent grounds for revocation of
3 a Firearm Owner's Identification Card under this Act.

4 (Source: P.A. 100-607, eff. 1-1-19; 100-906, eff. 1-1-19.)

5 (430 ILCS 65/9.5)

6 Sec. 9.5. Revocation of Firearm Owner's Identification
7 Card.

8 (a) A person who receives a revocation notice under
9 Section 9 of this Act shall, within 48 hours of receiving
10 notice of the revocation:

11 (1) surrender his or her Firearm Owner's
12 Identification Card to the local law enforcement agency
13 where the person resides. The local law enforcement agency
14 shall provide the person a receipt and transmit the
15 Firearm Owner's Identification Card to the Illinois
16 ~~Department of State Police~~; and

17 (2) complete a Firearm Disposition Record on a form
18 prescribed by the Illinois ~~Department of State Police~~ and
19 place his or her firearms in the location or with the
20 person reported in the Firearm Disposition Record. The
21 form shall require the person to disclose:

22 (A) the make, model, and serial number of each
23 firearm owned by or under the custody and control of
24 the revoked person;

25 (B) the location where each firearm will be

1 maintained during the prohibited term; and

2 (C) if any firearm will be transferred to the
3 custody of another person, the name, address and
4 Firearm Owner's Identification Card number of the
5 transferee.

6 (b) The local law enforcement agency shall provide a copy
7 of the Firearm Disposition Record to the person whose Firearm
8 Owner's Identification Card has been revoked and to the
9 Illinois ~~Department of~~ State Police.

10 (c) If the person whose Firearm Owner's Identification
11 Card has been revoked fails to comply with the requirements of
12 this Section, the sheriff or law enforcement agency where the
13 person resides may petition the circuit court to issue a
14 warrant to search for and seize the Firearm Owner's
15 Identification Card and firearms in the possession or under
16 the custody or control of the person whose Firearm Owner's
17 Identification Card has been revoked.

18 (d) A violation of subsection (a) of this Section is a
19 Class A misdemeanor.

20 (e) The observation of a Firearm Owner's Identification
21 Card in the possession of a person whose Firearm Owner's
22 Identification Card has been revoked constitutes a sufficient
23 basis for the arrest of that person for violation of this
24 Section.

25 (f) Within 30 days after the effective date of this
26 amendatory Act of the 98th General Assembly, the Illinois

1 ~~Department of~~ State Police shall provide written notice of the
2 requirements of this Section to persons whose Firearm Owner's
3 Identification Cards have been revoked, suspended, or expired
4 and who have failed to surrender their cards to the
5 Department.

6 (g) A person whose Firearm Owner's Identification Card has
7 been revoked and who received notice under subsection (f)
8 shall comply with the requirements of this Section within 48
9 hours of receiving notice.

10 (Source: P.A. 98-63, eff. 7-9-13.)

11 (430 ILCS 65/10) (from Ch. 38, par. 83-10)

12 Sec. 10. Appeal to director; hearing; relief from firearm
13 prohibitions.

14 (a) Whenever an application for a Firearm Owner's
15 Identification Card is denied, whenever the Department fails
16 to act on an application within 30 days of its receipt, or
17 whenever such a Card is revoked or seized as provided for in
18 Section 8 of this Act, the aggrieved party may appeal to the
19 Director of the Illinois State Police for a hearing upon such
20 denial, revocation or seizure, unless the denial, revocation,
21 or seizure was based upon a forcible felony, stalking,
22 aggravated stalking, domestic battery, any violation of the
23 Illinois Controlled Substances Act, the Methamphetamine
24 Control and Community Protection Act, or the Cannabis Control
25 Act that is classified as a Class 2 or greater felony, any

1 felony violation of Article 24 of the Criminal Code of 1961 or
2 the Criminal Code of 2012, or any adjudication as a delinquent
3 minor for the commission of an offense that if committed by an
4 adult would be a felony, in which case the aggrieved party may
5 petition the circuit court in writing in the county of his or
6 her residence for a hearing upon such denial, revocation, or
7 seizure.

8 (b) At least 30 days before any hearing in the circuit
9 court, the petitioner shall serve the relevant State's
10 Attorney with a copy of the petition. The State's Attorney may
11 object to the petition and present evidence. At the hearing
12 the court shall determine whether substantial justice has been
13 done. Should the court determine that substantial justice has
14 not been done, the court shall issue an order directing the
15 Illinois Department of State Police to issue a Card. However,
16 the court shall not issue the order if the petitioner is
17 otherwise prohibited from obtaining, possessing, or using a
18 firearm under federal law.

19 (c) Any person prohibited from possessing a firearm under
20 Sections 24-1.1 or 24-3.1 of the Criminal Code of 2012 or
21 acquiring a Firearm Owner's Identification Card under Section
22 8 of this Act may apply to the Director of the Illinois State
23 Police or petition the circuit court in the county where the
24 petitioner resides, whichever is applicable in accordance with
25 subsection (a) of this Section, requesting relief from such
26 prohibition and the Director or court may grant such relief if

1 it is established by the applicant to the court's or
2 Director's satisfaction that:

3 (0.05) when in the circuit court, the State's Attorney
4 has been served with a written copy of the petition at
5 least 30 days before any such hearing in the circuit court
6 and at the hearing the State's Attorney was afforded an
7 opportunity to present evidence and object to the
8 petition;

9 (1) the applicant has not been convicted of a forcible
10 felony under the laws of this State or any other
11 jurisdiction within 20 years of the applicant's
12 application for a Firearm Owner's Identification Card, or
13 at least 20 years have passed since the end of any period
14 of imprisonment imposed in relation to that conviction;

15 (2) the circumstances regarding a criminal conviction,
16 where applicable, the applicant's criminal history and his
17 reputation are such that the applicant will not be likely
18 to act in a manner dangerous to public safety;

19 (3) granting relief would not be contrary to the
20 public interest; and

21 (4) granting relief would not be contrary to federal
22 law.

23 (c-5) (1) An active law enforcement officer employed by a
24 unit of government, who is denied, revoked, or has his or her
25 Firearm Owner's Identification Card seized under subsection
26 (e) of Section 8 of this Act may apply to the Director of the

1 Illinois State Police requesting relief if the officer did not
2 act in a manner threatening to the officer, another person, or
3 the public as determined by the treating clinical psychologist
4 or physician, and as a result of his or her work is referred by
5 the employer for or voluntarily seeks mental health evaluation
6 or treatment by a licensed clinical psychologist,
7 psychiatrist, or qualified examiner, and:

8 (A) the officer has not received treatment
9 involuntarily at a mental health facility, regardless of
10 the length of admission; or has not been voluntarily
11 admitted to a mental health facility for more than 30 days
12 and not for more than one incident within the past 5 years;
13 and

14 (B) the officer has not left the mental institution
15 against medical advice.

16 (2) The Director of the Illinois State Police shall grant
17 expedited relief to active law enforcement officers described
18 in paragraph (1) of this subsection (c-5) upon a determination
19 by the Director that the officer's possession of a firearm
20 does not present a threat to themselves, others, or public
21 safety. The Director shall act on the request for relief
22 within 30 business days of receipt of:

23 (A) a notarized statement from the officer in the form
24 prescribed by the Director detailing the circumstances
25 that led to the hospitalization;

26 (B) all documentation regarding the admission,

1 evaluation, treatment and discharge from the treating
2 licensed clinical psychologist or psychiatrist of the
3 officer;

4 (C) a psychological fitness for duty evaluation of the
5 person completed after the time of discharge; and

6 (D) written confirmation in the form prescribed by the
7 Director from the treating licensed clinical psychologist
8 or psychiatrist that the provisions set forth in paragraph
9 (1) of this subsection (c-5) have been met, the person
10 successfully completed treatment, and their professional
11 opinion regarding the person's ability to possess
12 firearms.

13 (3) Officers eligible for the expedited relief in
14 paragraph (2) of this subsection (c-5) have the burden of
15 proof on eligibility and must provide all information
16 required. The Director may not consider granting expedited
17 relief until the proof and information is received.

18 (4) "Clinical psychologist", "psychiatrist", and
19 "qualified examiner" shall have the same meaning as provided
20 in Chapter I of the Mental Health and Developmental
21 Disabilities Code.

22 (c-10) (1) An applicant, who is denied, revoked, or has
23 his or her Firearm Owner's Identification Card seized under
24 subsection (e) of Section 8 of this Act based upon a
25 determination of a developmental disability or an intellectual
26 disability may apply to the Director of the Illinois State

1 Police requesting relief.

2 (2) The Director shall act on the request for relief
3 within 60 business days of receipt of written certification,
4 in the form prescribed by the Director, from a physician or
5 clinical psychologist, or qualified examiner, that the
6 aggrieved party's developmental disability or intellectual
7 disability condition is determined by a physician, clinical
8 psychologist, or qualified to be mild. If a fact-finding
9 conference is scheduled to obtain additional information
10 concerning the circumstances of the denial or revocation, the
11 60 business days the Director has to act shall be tolled until
12 the completion of the fact-finding conference.

13 (3) The Director may grant relief if the aggrieved party's
14 developmental disability or intellectual disability is mild as
15 determined by a physician, clinical psychologist, or qualified
16 examiner and it is established by the applicant to the
17 Director's satisfaction that:

18 (A) granting relief would not be contrary to the
19 public interest; and

20 (B) granting relief would not be contrary to federal
21 law.

22 (4) The Director may not grant relief if the condition is
23 determined by a physician, clinical psychologist, or qualified
24 examiner to be moderate, severe, or profound.

25 (5) The changes made to this Section by this amendatory
26 Act of the 99th General Assembly apply to requests for relief

1 pending on or before the effective date of this amendatory
2 Act, except that the 60-day period for the Director to act on
3 requests pending before the effective date shall begin on the
4 effective date of this amendatory Act.

5 (d) When a minor is adjudicated delinquent for an offense
6 which if committed by an adult would be a felony, the court
7 shall notify the Illinois ~~Department of~~ State Police.

8 (e) The court shall review the denial of an application or
9 the revocation of a Firearm Owner's Identification Card of a
10 person who has been adjudicated delinquent for an offense that
11 if committed by an adult would be a felony if an application
12 for relief has been filed at least 10 years after the
13 adjudication of delinquency and the court determines that the
14 applicant should be granted relief from disability to obtain a
15 Firearm Owner's Identification Card. If the court grants
16 relief, the court shall notify the Illinois ~~Department of~~
17 State Police that the disability has been removed and that the
18 applicant is eligible to obtain a Firearm Owner's
19 Identification Card.

20 (f) Any person who is subject to the disabilities of 18
21 U.S.C. 922(d)(4) and 922(g)(4) of the federal Gun Control Act
22 of 1968 because of an adjudication or commitment that occurred
23 under the laws of this State or who was determined to be
24 subject to the provisions of subsections (e), (f), or (g) of
25 Section 8 of this Act may apply to the Illinois ~~Department of~~
26 State Police requesting relief from that prohibition. The

1 Director shall grant the relief if it is established by a
2 preponderance of the evidence that the person will not be
3 likely to act in a manner dangerous to public safety and that
4 granting relief would not be contrary to the public interest.
5 In making this determination, the Director shall receive
6 evidence concerning (i) the circumstances regarding the
7 firearms disabilities from which relief is sought; (ii) the
8 petitioner's mental health and criminal history records, if
9 any; (iii) the petitioner's reputation, developed at a minimum
10 through character witness statements, testimony, or other
11 character evidence; and (iv) changes in the petitioner's
12 condition or circumstances since the disqualifying events
13 relevant to the relief sought. If relief is granted under this
14 subsection or by order of a court under this Section, the
15 Director shall as soon as practicable but in no case later than
16 15 business days, update, correct, modify, or remove the
17 person's record in any database that the Illinois Department
18 ~~of~~ State Police makes available to the National Instant
19 Criminal Background Check System and notify the United States
20 Attorney General that the basis for the record being made
21 available no longer applies. The Illinois Department ~~of~~ State
22 Police shall adopt rules for the administration of this
23 Section.

24 (Source: P.A. 98-63, eff. 7-9-13; 99-29, eff. 7-10-15; 99-78,
25 eff. 7-20-15.)

1 (430 ILCS 65/11) (from Ch. 38, par. 83-11)

2 Sec. 11. Judicial review of final administrative
3 decisions.

4 (a) All final administrative decisions of the Department
5 under this Act, except final administrative decisions of the
6 Director of the Illinois State Police to deny a person's
7 application for relief under subsection (f) of Section 10 of
8 this Act, shall be subject to judicial review under the
9 provisions of the Administrative Review Law, and all
10 amendments and modifications thereof, and the rules adopted
11 pursuant thereto. The term "administrative decision" is
12 defined as in Section 3-101 of the Code of Civil Procedure.

13 (b) Any final administrative decision by the Director of
14 the Illinois State Police to deny a person's application for
15 relief under subsection (f) of Section 10 of this Act is
16 subject to de novo judicial review by the circuit court, and
17 any party may offer evidence that is otherwise proper and
18 admissible without regard to whether that evidence is part of
19 the administrative record.

20 (c) The Director of the Illinois State Police shall submit
21 a report to the General Assembly on March 1 of each year,
22 beginning March 1, 1991, listing all final decisions by a
23 court of this State upholding, reversing, or reversing in part
24 any administrative decision made by the Illinois ~~Department of~~
25 State Police.

26 (Source: P.A. 97-1131, eff. 1-1-13.)

1 (430 ILCS 65/13.1) (from Ch. 38, par. 83-13.1)

2 Sec. 13.1. Preemption.

3 (a) Except as otherwise provided in the Firearm Concealed
4 Carry Act and subsections (b) and (c) of this Section, the
5 provisions of any ordinance enacted by any municipality which
6 requires registration or imposes greater restrictions or
7 limitations on the acquisition, possession and transfer of
8 firearms than are imposed by this Act, are not invalidated or
9 affected by this Act.

10 (b) Notwithstanding subsection (a) of this Section, the
11 regulation, licensing, possession, and registration of
12 handguns and ammunition for a handgun, and the transportation
13 of any firearm and ammunition by a holder of a valid Firearm
14 Owner's Identification Card issued by the Illinois Department
15 ~~of~~ State Police under this Act are exclusive powers and
16 functions of this State. Any ordinance or regulation, or
17 portion of that ordinance or regulation, enacted on or before
18 the effective date of this amendatory Act of the 98th General
19 Assembly that purports to impose regulations or restrictions
20 on a holder of a valid Firearm Owner's Identification Card
21 issued by the Illinois Department~~of~~ State Police under this
22 Act in a manner that is inconsistent with this Act, on the
23 effective date of this amendatory Act of the 98th General
24 Assembly, shall be invalid in its application to a holder of a
25 valid Firearm Owner's Identification Card issued by the

1 Illinois Department of State Police under this Act.

2 (c) Notwithstanding subsection (a) of this Section, the
3 regulation of the possession or ownership of assault weapons
4 are exclusive powers and functions of this State. Any
5 ordinance or regulation, or portion of that ordinance or
6 regulation, that purports to regulate the possession or
7 ownership of assault weapons in a manner that is inconsistent
8 with this Act, shall be invalid unless the ordinance or
9 regulation is enacted on, before, or within 10 days after the
10 effective date of this amendatory Act of the 98th General
11 Assembly. Any ordinance or regulation described in this
12 subsection (c) enacted more than 10 days after the effective
13 date of this amendatory Act of the 98th General Assembly is
14 invalid. An ordinance enacted on, before, or within 10 days
15 after the effective date of this amendatory Act of the 98th
16 General Assembly may be amended. The enactment or amendment of
17 ordinances under this subsection (c) are subject to the
18 submission requirements of Section 13.3. For the purposes of
19 this subsection, "assault weapons" means firearms designated
20 by either make or model or by a test or list of cosmetic
21 features that cumulatively would place the firearm into a
22 definition of "assault weapon" under the ordinance.

23 (d) For the purposes of this Section, "handgun" has the
24 meaning ascribed to it in Section 5 of the Firearm Concealed
25 Carry Act.

26 (e) This Section is a denial and limitation of home rule

1 powers and functions under subsection (h) of Section 6 of
2 Article VII of the Illinois Constitution.

3 (Source: P.A. 98-63, eff. 7-9-13.)

4 (430 ILCS 65/13.2) (from Ch. 38, par. 83-13.2)

5 Sec. 13.2. Renewal; name or address change; replacement
6 card. The Illinois ~~Department of~~ State Police shall, 60 days
7 prior to the expiration of a Firearm Owner's Identification
8 Card, forward by first class mail to each person whose card is
9 to expire a notification of the expiration of the card and
10 instructions for renewal. It is the obligation of the holder
11 of a Firearm Owner's Identification Card to notify the
12 Illinois ~~Department of~~ State Police of any address change
13 since the issuance of the Firearm Owner's Identification Card.
14 Whenever any person moves from the residence address named on
15 his or her card, the person shall within 21 calendar days
16 thereafter notify in a form and manner prescribed by the
17 Department of his or her old and new residence addresses and
18 the card number held by him or her. Any person whose legal name
19 has changed from the name on the card that he or she has been
20 previously issued must apply for a corrected card within 30
21 calendar days after the change. The cost for a corrected card
22 shall be \$5. The cost for replacement of a card which has been
23 lost, destroyed, or stolen shall be \$5 if the loss,
24 destruction, or theft of the card is reported to the Illinois
25 ~~Department of~~ State Police. The fees collected under this

1 Section shall be deposited into the State Police Firearm
2 Services Fund.

3 (Source: P.A. 100-906, eff. 1-1-19.)

4 (430 ILCS 65/13.3)

5 Sec. 13.3. Municipal ordinance submission. Within 6 months
6 after the effective date of this amendatory Act of the 92nd
7 General Assembly, every municipality must submit to the
8 Illinois ~~Department of~~ State Police a copy of every ordinance
9 adopted by the municipality that regulates the acquisition,
10 possession, sale, or transfer of firearms within the
11 municipality and must submit, 30 days after adoption, every
12 such ordinance adopted after its initial submission of
13 ordinances under this Section. The Illinois ~~Department of~~
14 State Police shall compile these ordinances and publish them
15 in a form available to the public free of charge and shall
16 periodically update this compilation of ordinances in a manner
17 prescribed by the Director of the Illinois State Police.

18 (Source: P.A. 92-238, eff. 8-3-01.)

19 (430 ILCS 65/15a) (from Ch. 38, par. 83-15a)

20 Sec. 15a. When this amendatory Act enacted by the
21 Seventy-Sixth General Assembly takes effect the records of the
22 Department of Public Safety relating to the administration of
23 the Act amended shall be transferred to the Illinois
24 ~~Department of~~ State Police. All Firearm Owner's Identification

1 Cards issued by the Department of Public Safety shall be valid
2 for the period for which they were issued unless revoked or
3 seized in the manner provided in the Act amended. The Illinois
4 ~~Department of~~ State Police as the successor to the Department
5 of Public Safety shall have the rights, powers and duties
6 provided in, and be subject to the provisions of Sections
7 5-95, 5-700, and 5-705 of the Departments of State Government
8 Law ~~(20 ILCS 5/5-95, 5/5-700, and 5/5-705)~~.

9 (Source: P.A. 91-239, eff. 1-1-00.)

10 (430 ILCS 65/15b)

11 Sec. 15b. Certified abstracts. Any certified abstract
12 issued by the Director of the Illinois State Police or
13 transmitted electronically by the Director of the Illinois
14 State Police under this Section to a court or on request of a
15 law enforcement agency for the record of a named person as to
16 the status of the person's Firearm Owner's Identification Card
17 is prima facie evidence of the facts stated in the certified
18 abstract and if the name appearing in the abstract is the same
19 as that of a person named in an information or warrant, the
20 abstract is prima facie evidence that the person named in the
21 information or warrant is the same person as the person named
22 in the abstract and is admissible for any prosecution under
23 this Act or any other applicable violation of law and may be
24 admitted as proof of any prior conviction or proof of records,
25 notices, or orders recorded on individual Firearm Owner's

1 Identification Card records maintained by the Illinois
2 ~~Department of State Police.~~

3 (Source: P.A. 92-839, eff. 8-22-02.)

4 Section 870. The Firearm Concealed Carry Act is amended by
5 changing Sections 5, 10, 15, 20, 25, 30, 35, 40, 45, 50, 55,
6 65, 70, 75, 80, 87, 95, and 105 as follows:

7 (430 ILCS 66/5)

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

9 "Applicant" means a person who is applying for a license
10 to carry a concealed firearm under this Act.

11 "Board" means the Concealed Carry Licensing Review Board.

12 "Concealed firearm" means a loaded or unloaded handgun
13 carried on or about a person completely or mostly concealed
14 from view of the public or on or about a person within a
15 vehicle.

16 ~~"Department" means the Department of State Police.~~

17 "Director" means the Director of the Illinois State
18 Police.

19 "Handgun" means any device which is designed to expel a
20 projectile or projectiles by the action of an explosion,
21 expansion of gas, or escape of gas that is designed to be held
22 and fired by the use of a single hand. "Handgun" does not
23 include:

24 (1) a stun gun or taser;

1 (2) a machine gun as defined in item (i) of paragraph
2 (7) of subsection (a) of Section 24-1 of the Criminal Code
3 of 2012;

4 (3) a short-barreled rifle or shotgun as defined in
5 item (ii) of paragraph (7) of subsection (a) of Section
6 24-1 of the Criminal Code of 2012; or

7 (4) any pneumatic gun, spring gun, paint ball gun, or
8 B-B gun which expels a single globular projectile not
9 exceeding .18 inch in diameter, or which has a maximum
10 muzzle velocity of less than 700 feet per second, or which
11 expels breakable paint balls containing washable marking
12 colors.

13 "Law enforcement agency" means any federal, State, or
14 local law enforcement agency, including offices of State's
15 Attorneys and the Office of the Attorney General.

16 "License" means a license issued by the Illinois
17 ~~Department of~~ State Police to carry a concealed handgun.

18 "Licensee" means a person issued a license to carry a
19 concealed handgun.

20 "Municipality" has the meaning ascribed to it in Section 1
21 of Article VII of the Illinois Constitution.

22 "Unit of local government" has the meaning ascribed to it
23 in Section 1 of Article VII of the Illinois Constitution.

24 (Source: P.A. 98-63, eff. 7-9-13.)

1 Sec. 10. Issuance of licenses to carry a concealed
2 firearm.

3 (a) The Illinois State Police ~~Department~~ shall issue a
4 license to carry a concealed firearm under this Act to an
5 applicant who:

6 (1) meets the qualifications of Section 25 of this
7 Act;

8 (2) has provided the application and documentation
9 required in Section 30 of this Act;

10 (3) has submitted the requisite fees; and

11 (4) does not pose a danger to himself, herself, or
12 others, or a threat to public safety as determined by the
13 Concealed Carry Licensing Review Board in accordance with
14 Section 20.

15 (b) The Illinois State Police ~~Department~~ shall issue a
16 renewal, corrected, or duplicate license as provided in this
17 Act.

18 (c) A license shall be valid throughout the State for a
19 period of 5 years from the date of issuance. A license shall
20 permit the licensee to:

21 (1) carry a loaded or unloaded concealed firearm,
22 fully concealed or partially concealed, on or about his or
23 her person; and

24 (2) keep or carry a loaded or unloaded concealed
25 firearm on or about his or her person within a vehicle.

26 (d) The Illinois State Police ~~Department~~ shall make

1 applications for a license available no later than 180 days
2 after the effective date of this Act. The Illinois State
3 Police Department shall establish rules for the availability
4 and submission of applications in accordance with this Act.

5 (e) An application for a license submitted to the Illinois
6 State Police Department that contains all the information and
7 materials required by this Act, including the requisite fee,
8 shall be deemed completed. Except as otherwise provided in
9 this Act, no later than 90 days after receipt of a completed
10 application, the Illinois State Police Department shall issue
11 or deny the applicant a license.

12 (f) The Illinois State Police Department shall deny the
13 applicant a license if the applicant fails to meet the
14 requirements under this Act or the Illinois State Police
15 Department receives a determination from the Board that the
16 applicant is ineligible for a license. The Illinois State
17 Police Department must notify the applicant stating the
18 grounds for the denial. The notice of denial must inform the
19 applicant of his or her right to an appeal through
20 administrative and judicial review.

21 (g) A licensee shall possess a license at all times the
22 licensee carries a concealed firearm except:

23 (1) when the licensee is carrying or possessing a
24 concealed firearm on his or her land or in his or her
25 abode, legal dwelling, or fixed place of business, or on
26 the land or in the legal dwelling of another person as an

1 invitee with that person's permission;

2 (2) when the person is authorized to carry a firearm
3 under Section 24-2 of the Criminal Code of 2012, except
4 subsection (a-5) of that Section; or

5 (3) when the handgun is broken down in a
6 non-functioning state, is not immediately accessible, or
7 is unloaded and enclosed in a case.

8 (h) If an officer of a law enforcement agency initiates an
9 investigative stop, including but not limited to a traffic
10 stop, of a licensee or a non-resident carrying a concealed
11 firearm under subsection (e) of Section 40 of this Act, upon
12 the request of the officer the licensee or non-resident shall
13 disclose to the officer that he or she is in possession of a
14 concealed firearm under this Act, or present the license upon
15 the request of the officer if he or she is a licensee or
16 present upon the request of the officer evidence under
17 paragraph (2) of subsection (e) of Section 40 of this Act that
18 he or she is a non-resident qualified to carry under that
19 subsection. The disclosure requirement under this subsection
20 (h) is satisfied if the licensee presents his or her license to
21 the officer or the non-resident presents to the officer
22 evidence under paragraph (2) of subsection (e) of Section 40
23 of this Act that he or she is qualified to carry under that
24 subsection. Upon the request of the officer, the licensee or
25 non-resident shall also identify the location of the concealed
26 firearm and permit the officer to safely secure the firearm

1 for the duration of the investigative stop. During a traffic
2 stop, any passenger within the vehicle who is a licensee or a
3 non-resident carrying under subsection (e) of Section 40 of
4 this Act must comply with the requirements of this subsection
5 (h).

6 (h-1) If a licensee carrying a firearm or a non-resident
7 carrying a firearm in a vehicle under subsection (e) of
8 Section 40 of this Act is contacted by a law enforcement
9 officer or emergency services personnel, the law enforcement
10 officer or emergency services personnel may secure the firearm
11 or direct that it be secured during the duration of the contact
12 if the law enforcement officer or emergency services personnel
13 determines that it is necessary for the safety of any person
14 present, including the law enforcement officer or emergency
15 services personnel. The licensee or nonresident shall submit
16 to the order to secure the firearm. When the law enforcement
17 officer or emergency services personnel have determined that
18 the licensee or non-resident is not a threat to the safety of
19 any person present, including the law enforcement officer or
20 emergency services personnel, and if the licensee or
21 non-resident is physically and mentally capable of possessing
22 the firearm, the law enforcement officer or emergency services
23 personnel shall return the firearm to the licensee or
24 non-resident before releasing him or her from the scene and
25 breaking contact. If the licensee or non-resident is
26 transported for treatment to another location, the firearm

1 shall be turned over to any peace officer. The peace officer
2 shall provide a receipt which includes the make, model,
3 caliber, and serial number of the firearm.

4 (i) The Illinois State Police ~~Department~~ shall maintain a
5 database of license applicants and licensees. The database
6 shall be available to all federal, State, and local law
7 enforcement agencies, State's Attorneys, the Attorney General,
8 and authorized court personnel. Within 180 days after the
9 effective date of this Act, the database shall be searchable
10 and provide all information included in the application,
11 including the applicant's previous addresses within the 10
12 years prior to the license application and any information
13 related to violations of this Act. No law enforcement agency,
14 State's Attorney, Attorney General, or member or staff of the
15 judiciary shall provide any information to a requester who is
16 not entitled to it by law.

17 (j) No later than 10 days after receipt of a completed
18 application, the Illinois State Police ~~Department~~ shall enter
19 the relevant information about the applicant into the database
20 under subsection (i) of this Section which is accessible by
21 law enforcement agencies.

22 (Source: P.A. 98-63, eff. 7-9-13; 98-600, eff. 12-6-13; 99-29,
23 eff. 7-10-15.)

24 (430 ILCS 66/15)

25 Sec. 15. Objections by law enforcement agencies.

1 (a) Any law enforcement agency may submit an objection to
2 a license applicant based upon a reasonable suspicion that the
3 applicant is a danger to himself or herself or others, or a
4 threat to public safety. The objection shall be made by the
5 chief law enforcement officer of the law enforcement agency,
6 or his or her designee, and must include any information
7 relevant to the objection. If a law enforcement agency submits
8 an objection within 30 days after the entry of an applicant
9 into the database, the Illinois State Police ~~Department~~ shall
10 submit the objection and all information available to the
11 Board under State and federal law related to the application
12 to the Board within 10 days of completing all necessary
13 background checks.

14 (b) If an applicant has 5 or more arrests for any reason,
15 that have been entered into the Criminal History Records
16 Information (CHRI) System, within the 7 years preceding the
17 date of application for a license, or has 3 or more arrests
18 within the 7 years preceding the date of application for a
19 license for any combination of gang-related offenses, the
20 Illinois State Police ~~Department~~ shall object and submit the
21 applicant's arrest record to the extent the Board is allowed
22 to receive that information under State and federal law, the
23 application materials, and any additional information
24 submitted by a law enforcement agency to the Board. For
25 purposes of this subsection, "gang-related offense" is an
26 offense described in Section 12-6.4, Section 24-1.8, Section

1 25-5, Section 33-4, or Section 33G-4, or in paragraph (1) of
2 subsection (a) of Section 12-6.2, paragraph (2) of subsection
3 (b) of Section 16-30, paragraph (2) of subsection (b) of
4 Section 31-4, or item (iii) of paragraph (1.5) of subsection
5 (i) of Section 48-1 of the Criminal Code of 2012.

6 (c) The referral of an objection under this Section to the
7 Board shall toll the 90-day period for the Illinois State
8 Police Department to issue or deny the applicant a license
9 under subsection (e) of Section 10 of this Act, during the
10 period of review and until the Board issues its decision.

11 (d) If no objection is made by a law enforcement agency or
12 the Illinois State Police Department under this Section, the
13 Illinois State Police Department shall process the application
14 in accordance with this Act.

15 (Source: P.A. 98-63, eff. 7-9-13; 98-600, eff. 12-6-13.)

16 (430 ILCS 66/20)

17 Sec. 20. Concealed Carry Licensing Review Board.

18 (a) There is hereby created within the Illinois Department
19 ~~of~~ State Police a Concealed Carry Licensing Review Board to
20 consider any objection to an applicant's eligibility to obtain
21 a license under this Act submitted by a law enforcement agency
22 or the Illinois State Police Department under Section 15 of
23 this Act. The Board shall consist of 7 commissioners to be
24 appointed by the Governor, with the advice and consent of the
25 Senate, with 3 commissioners residing within the First

1 Judicial District and one commissioner residing within each of
2 the 4 remaining Judicial Districts. No more than 4
3 commissioners shall be members of the same political party.
4 The Governor shall designate one commissioner as the
5 Chairperson. The Board shall consist of:

6 (1) one commissioner with at least 5 years of service
7 as a federal judge;

8 (2) 2 commissioners with at least 5 years of
9 experience serving as an attorney with the United States
10 Department of Justice;

11 (3) 3 commissioners with at least 5 years of
12 experience as a federal agent or employee with
13 investigative experience or duties related to criminal
14 justice under the United States Department of Justice,
15 Drug Enforcement Administration, Department of Homeland
16 Security, or Federal Bureau of Investigation; and

17 (4) one member with at least 5 years of experience as a
18 licensed physician or clinical psychologist with expertise
19 in the diagnosis and treatment of mental illness.

20 (b) The initial terms of the commissioners shall end on
21 January 12, 2015. Thereafter, the commissioners shall hold
22 office for 4 years, with terms expiring on the second Monday in
23 January of the fourth year. Commissioners may be reappointed.
24 Vacancies in the office of commissioner shall be filled in the
25 same manner as the original appointment, for the remainder of
26 the unexpired term. The Governor may remove a commissioner for

1 incompetence, neglect of duty, malfeasance, or inability to
2 serve. Commissioners shall receive compensation in an amount
3 equal to the compensation of members of the Executive Ethics
4 Commission and may be reimbursed for reasonable expenses
5 actually incurred in the performance of their Board duties,
6 from funds appropriated for that purpose.

7 (c) The Board shall meet at the call of the chairperson as
8 often as necessary to consider objections to applications for
9 a license under this Act. If necessary to ensure the
10 participation of a commissioner, the Board shall allow a
11 commissioner to participate in a Board meeting by electronic
12 communication. Any commissioner participating electronically
13 shall be deemed present for purposes of establishing a quorum
14 and voting.

15 (d) The Board shall adopt rules for the review of
16 objections and the conduct of hearings. The Board shall
17 maintain a record of its decisions and all materials
18 considered in making its decisions. All Board decisions and
19 voting records shall be kept confidential and all materials
20 considered by the Board shall be exempt from inspection except
21 upon order of a court.

22 (e) In considering an objection of a law enforcement
23 agency or the Illinois State Police ~~Department~~, the Board
24 shall review the materials received with the objection from
25 the law enforcement agency or the Illinois State Police
26 ~~Department~~. By a vote of at least 4 commissioners, the Board

1 may request additional information from the law enforcement
2 agency, Illinois State Police ~~Department~~, or the applicant, or
3 the testimony of the law enforcement agency, Illinois State
4 Police ~~Department~~, or the applicant. The Board may require
5 that the applicant submit electronic fingerprints to the
6 Illinois State Police ~~Department~~ for an updated background
7 check where the Board determines it lacks sufficient
8 information to determine eligibility. The Board may only
9 consider information submitted by the Illinois State Police
10 ~~Department~~, a law enforcement agency, or the applicant. The
11 Board shall review each objection and determine by a majority
12 of commissioners whether an applicant is eligible for a
13 license.

14 (f) The Board shall issue a decision within 30 days of
15 receipt of the objection from the Illinois State Police
16 ~~Department~~. However, the Board need not issue a decision
17 within 30 days if:

18 (1) the Board requests information from the applicant,
19 including but not limited to electronic fingerprints to be
20 submitted to the Illinois State Police ~~Department~~, in
21 accordance with subsection (e) of this Section, in which
22 case the Board shall make a decision within 30 days of
23 receipt of the required information from the applicant;

24 (2) the applicant agrees, in writing, to allow the
25 Board additional time to consider an objection; or

26 (3) the Board notifies the applicant and the Illinois

1 State Police Department that the Board needs an additional
2 30 days to issue a decision.

3 (g) If the Board determines by a preponderance of the
4 evidence that the applicant poses a danger to himself or
5 herself or others, or is a threat to public safety, then the
6 Board shall affirm the objection of the law enforcement agency
7 or the Illinois State Police Department and shall notify the
8 Illinois State Police Department that the applicant is
9 ineligible for a license. If the Board does not determine by a
10 preponderance of the evidence that the applicant poses a
11 danger to himself or herself or others, or is a threat to
12 public safety, then the Board shall notify the Illinois State
13 Police Department that the applicant is eligible for a
14 license.

15 (h) Meetings of the Board shall not be subject to the Open
16 Meetings Act and records of the Board shall not be subject to
17 the Freedom of Information Act.

18 (i) The Board shall report monthly to the Governor and the
19 General Assembly on the number of objections received and
20 provide details of the circumstances in which the Board has
21 determined to deny licensure based on law enforcement or
22 Illinois State Police Department objections under Section 15
23 of this Act. The report shall not contain any identifying
24 information about the applicants.

25 (Source: P.A. 98-63, eff. 7-9-13; 98-600, eff. 12-6-13.)

1 (430 ILCS 66/25)

2 Sec. 25. Qualifications for a license.

3 The Illinois State Police ~~Department~~ shall issue a license
4 to an applicant completing an application in accordance with
5 Section 30 of this Act if the person:

6 (1) is at least 21 years of age;

7 (2) has a currently valid Firearm Owner's
8 Identification Card and at the time of application meets
9 the requirements for the issuance of a Firearm Owner's
10 Identification Card and is not prohibited under the
11 Firearm Owners Identification Card Act or federal law from
12 possessing or receiving a firearm;

13 (3) has not been convicted or found guilty in this
14 State or in any other state of:

15 (A) a misdemeanor involving the use or threat of
16 physical force or violence to any person within the 5
17 years preceding the date of the license application;
18 or

19 (B) 2 or more violations related to driving while
20 under the influence of alcohol, other drug or drugs,
21 intoxicating compound or compounds, or any combination
22 thereof, within the 5 years preceding the date of the
23 license application;

24 (4) is not the subject of a pending arrest warrant,
25 prosecution, or proceeding for an offense or action that
26 could lead to disqualification to own or possess a

1 firearm;

2 (5) has not been in residential or court-ordered
3 treatment for alcoholism, alcohol detoxification, or drug
4 treatment within the 5 years immediately preceding the
5 date of the license application; and

6 (6) has completed firearms training and any education
7 component required under Section 75 of this Act.

8 (Source: P.A. 98-63, eff. 7-9-13; 98-756, eff. 7-16-14.)

9 (430 ILCS 66/30)

10 Sec. 30. Contents of license application.

11 (a) The license application shall be in writing, under
12 penalty of perjury, on a standard form adopted by the Illinois
13 State Police Department and shall be accompanied by the
14 documentation required in this Section and the applicable fee.
15 Each application form shall include the following statement
16 printed in bold type: "Warning: Entering false information on
17 this form is punishable as perjury under Section 32-2 of the
18 Criminal Code of 2012."

19 (b) The application shall contain the following:

20 (1) the applicant's name, current address, date and
21 year of birth, place of birth, height, weight, hair color,
22 eye color, maiden name or any other name the applicant has
23 used or identified with, and any address where the
24 applicant resided for more than 30 days within the 10
25 years preceding the date of the license application;

1 (2) the applicant's valid driver's license number or
2 valid state identification card number;

3 (3) a waiver of the applicant's privacy and
4 confidentiality rights and privileges under all federal
5 and state laws, including those limiting access to
6 juvenile court, criminal justice, psychological, or
7 psychiatric records or records relating to any
8 institutionalization of the applicant, and an affirmative
9 request that a person having custody of any of these
10 records provide it or information concerning it to the
11 Illinois State Police Department. The waiver only applies
12 to records sought in connection with determining whether
13 the applicant qualifies for a license to carry a concealed
14 firearm under this Act, or whether the applicant remains
15 in compliance with the Firearm Owners Identification Card
16 Act;

17 (4) an affirmation that the applicant possesses a
18 currently valid Firearm Owner's Identification Card and
19 card number if possessed or notice the applicant is
20 applying for a Firearm Owner's Identification Card in
21 conjunction with the license application;

22 (5) an affirmation that the applicant has not been
23 convicted or found guilty of:

24 (A) a felony;

25 (B) a misdemeanor involving the use or threat of
26 physical force or violence to any person within the 5

1 years preceding the date of the application; or

2 (C) 2 or more violations related to driving while
3 under the influence of alcohol, other drug or drugs,
4 intoxicating compound or compounds, or any combination
5 thereof, within the 5 years preceding the date of the
6 license application; and

7 (6) whether the applicant has failed a drug test for a
8 drug for which the applicant did not have a prescription,
9 within the previous year, and if so, the provider of the
10 test, the specific substance involved, and the date of the
11 test;

12 (7) written consent for the Illinois State Police
13 ~~Department~~ to review and use the applicant's Illinois
14 digital driver's license or Illinois identification card
15 photograph and signature;

16 (8) a full set of fingerprints submitted to the
17 Illinois State Police ~~Department~~ in electronic format,
18 provided the Illinois State Police ~~Department~~ may accept
19 an application submitted without a set of fingerprints in
20 which case the Illinois State Police ~~Department~~ shall be
21 granted 30 days in addition to the 90 days provided under
22 subsection (e) of Section 10 of this Act to issue or deny a
23 license;

24 (9) a head and shoulder color photograph in a size
25 specified by the Illinois State Police ~~Department~~ taken
26 within the 30 days preceding the date of the license

1 application; and

2 (10) a photocopy of any certificates or other evidence
3 of compliance with the training requirements under this
4 Act.

5 (Source: P.A. 98-63, eff. 7-9-13; 99-29, eff. 7-10-15.)

6 (430 ILCS 66/35)

7 Sec. 35. Investigation of the applicant.

8 The Illinois State Police ~~Department~~ shall conduct a
9 background check of the applicant to ensure compliance with
10 the requirements of this Act and all federal, State, and local
11 laws. The background check shall include a search of the
12 following:

13 (1) the National Instant Criminal Background Check
14 System of the Federal Bureau of Investigation;

15 (2) all available state and local criminal history
16 record information files, including records of juvenile
17 adjudications;

18 (3) all available federal, state, and local records
19 regarding wanted persons;

20 (4) all available federal, state, and local records of
21 domestic violence restraining and protective orders;

22 (5) the files of the Department of Human Services
23 relating to mental health and developmental disabilities;
24 and

25 (6) all other available records of a federal, state,

1 or local agency or other public entity in any jurisdiction
2 likely to contain information relevant to whether the
3 applicant is prohibited from purchasing, possessing, or
4 carrying a firearm under federal, state, or local law.

5 Fingerprints collected under Section 30 shall be checked
6 against the Illinois ~~Department of~~ State Police and Federal
7 Bureau of Investigation criminal history record databases now
8 and hereafter filed. The Illinois State Police ~~Department~~
9 shall charge applicants a fee for conducting the criminal
10 history records check, which shall be deposited in the State
11 Police Services Fund and shall not exceed the actual cost of
12 the records check.

13 (Source: P.A. 98-63, eff. 7-9-13; 98-756, eff. 7-16-14.)

14 (430 ILCS 66/40)

15 Sec. 40. Non-resident license applications.

16 (a) For the purposes of this Section, "non-resident" means
17 a person who has not resided within this State for more than 30
18 days and resides in another state or territory.

19 (b) The Illinois State Police ~~Department~~ shall by rule
20 allow for non-resident license applications from any state or
21 territory of the United States with laws related to firearm
22 ownership, possession, and carrying, that are substantially
23 similar to the requirements to obtain a license under this
24 Act.

25 (c) A resident of a state or territory approved by the

1 Illinois State Police ~~Department~~ under subsection (b) of this
2 Section may apply for a non-resident license. The applicant
3 shall apply to the Illinois State Police ~~Department~~ and must
4 meet all of the qualifications established in Section 25 of
5 this Act, except for the Illinois residency requirement in
6 item (xiv) of paragraph (2) of subsection (a) of Section 4 of
7 the Firearm Owners Identification Card Act. The applicant
8 shall submit:

9 (1) the application and documentation required under
10 Section 30 of this Act and the applicable fee;

11 (2) a notarized document stating that the applicant:

12 (A) is eligible under federal law and the laws of
13 his or her state or territory of residence to own or
14 possess a firearm;

15 (B) if applicable, has a license or permit to
16 carry a firearm or concealed firearm issued by his or
17 her state or territory of residence and attach a copy
18 of the license or permit to the application;

19 (C) understands Illinois laws pertaining to the
20 possession and transport of firearms; and

21 (D) acknowledges that the applicant is subject to
22 the jurisdiction of the Illinois State Police
23 ~~Department~~ and Illinois courts for any violation of
24 this Act;

25 (3) a photocopy of any certificates or other evidence
26 of compliance with the training requirements under Section

1 75 of this Act; and

2 (4) a head and shoulder color photograph in a size
3 specified by the Illinois State Police ~~Department~~ taken
4 within the 30 days preceding the date of the application.

5 (d) In lieu of an Illinois driver's license or Illinois
6 identification card, a non-resident applicant shall provide
7 similar documentation from his or her state or territory of
8 residence. In lieu of a valid Firearm Owner's Identification
9 Card, the applicant shall submit documentation and information
10 required by the Illinois State Police ~~Department~~ to obtain a
11 Firearm Owner's Identification Card, including an affidavit
12 that the non-resident meets the mental health standards to
13 obtain a firearm under Illinois law, and the Illinois State
14 Police ~~Department~~ shall ensure that the applicant would meet
15 the eligibility criteria to obtain a Firearm Owner's
16 Identification card if he or she was a resident of this State.

17 (e) Nothing in this Act shall prohibit a non-resident from
18 transporting a concealed firearm within his or her vehicle in
19 Illinois, if the concealed firearm remains within his or her
20 vehicle and the non-resident:

21 (1) is not prohibited from owning or possessing a
22 firearm under federal law;

23 (2) is eligible to carry a firearm in public under the
24 laws of his or her state or territory of residence, as
25 evidenced by the possession of a concealed carry license
26 or permit issued by his or her state of residence, if

1 applicable; and

2 (3) is not in possession of a license under this Act.

3 If the non-resident leaves his or her vehicle unattended,
4 he or she shall store the firearm within a locked vehicle or
5 locked container within the vehicle in accordance with
6 subsection (b) of Section 65 of this Act.

7 (Source: P.A. 98-63, eff. 7-9-13; 98-600, eff. 12-6-13; 99-78,
8 eff. 7-20-15.)

9 (430 ILCS 66/45)

10 Sec. 45. Civil immunity; Board, employees, and agents. The
11 Board, Illinois State Police Department, local law enforcement
12 agency, or the employees and agents of the Board, Illinois
13 State Police Department, or local law enforcement agency
14 participating in the licensing process under this Act shall
15 not be held liable for damages in any civil action arising from
16 alleged wrongful or improper granting, denying, renewing,
17 revoking, suspending, or failing to grant, deny, renew,
18 revoke, or suspend a license under this Act, except for
19 willful or wanton misconduct.

20 (Source: P.A. 98-63, eff. 7-9-13.)

21 (430 ILCS 66/50)

22 Sec. 50. License renewal.

23 (a) This subsection (a) applies through the 180th day
24 following the effective date of this amendatory Act of the

1 101st General Assembly. Applications for renewal of a license
2 shall be made to the Illinois State Police ~~Department~~. A
3 license shall be renewed for a period of 5 years upon receipt
4 of a completed renewal application, completion of 3 hours of
5 training required under Section 75 of this Act, payment of the
6 applicable renewal fee, and completion of an investigation
7 under Section 35 of this Act. The renewal application shall
8 contain the information required in Section 30 of this Act,
9 except that the applicant need not resubmit a full set of
10 fingerprints.

11 (b) This subsection (b) applies on and after the 181st day
12 following the effective date of this amendatory Act of the
13 101st General Assembly. Applications for renewal of a license
14 shall be made to the Illinois State Police ~~Department~~. A
15 license shall be renewed for a period of 5 years from the date
16 of expiration on the applicant's current license upon the
17 receipt of a completed renewal application, completion of 3
18 hours of training required under Section 75 of this Act,
19 payment of the applicable renewal fee, and completion of an
20 investigation under Section 35 of this Act. The renewal
21 application shall contain the information required in Section
22 30 of this Act, except that the applicant need not resubmit a
23 full set of fingerprints.

24 (Source: P.A. 101-80, eff. 7-12-19.)

1 Sec. 55. Change of address or name; lost, destroyed, or
2 stolen licenses.

3 (a) A licensee shall notify the Illinois State Police
4 ~~Department~~ within 30 days of moving or changing residence or
5 any change of name. The licensee shall submit the requisite
6 fee and the Illinois State Police ~~Department~~ may require a
7 notarized statement that the licensee has changed his or her
8 residence or his or her name, including the prior and current
9 address or name and the date the applicant moved or changed his
10 or her name.

11 (b) A licensee shall notify the Illinois State Police
12 ~~Department~~ within 10 days of discovering that a license has
13 been lost, destroyed, or stolen. A lost, destroyed, or stolen
14 license is invalid. To request a replacement license, the
15 licensee shall submit:

16 (1) a notarized statement that the licensee no longer
17 possesses the license, and that it was lost, destroyed, or
18 stolen;

19 (2) if applicable, a copy of a police report stating
20 that the license was stolen; and

21 (3) the requisite fee.

22 (c) A violation of this Section is a petty offense with a
23 fine of \$150 which shall be deposited into the Mental Health
24 Reporting Fund.

25 (Source: P.A. 98-63, eff. 7-9-13; 99-29, eff. 7-10-15.)

1 (430 ILCS 66/65)

2 Sec. 65. Prohibited areas.

3 (a) A licensee under this Act shall not knowingly carry a
4 firearm on or into:

5 (1) Any building, real property, and parking area
6 under the control of a public or private elementary or
7 secondary school.

8 (2) Any building, real property, and parking area
9 under the control of a pre-school or child care facility,
10 including any room or portion of a building under the
11 control of a pre-school or child care facility. Nothing in
12 this paragraph shall prevent the operator of a child care
13 facility in a family home from owning or possessing a
14 firearm in the home or license under this Act, if no child
15 under child care at the home is present in the home or the
16 firearm in the home is stored in a locked container when a
17 child under child care at the home is present in the home.

18 (3) Any building, parking area, or portion of a
19 building under the control of an officer of the executive
20 or legislative branch of government, provided that nothing
21 in this paragraph shall prohibit a licensee from carrying
22 a concealed firearm onto the real property, bikeway, or
23 trail in a park regulated by the Department of Natural
24 Resources or any other designated public hunting area or
25 building where firearm possession is permitted as
26 established by the Department of Natural Resources under

1 Section 1.8 of the Wildlife Code.

2 (4) Any building designated for matters before a
3 circuit court, appellate court, or the Supreme Court, or
4 any building or portion of a building under the control of
5 the Supreme Court.

6 (5) Any building or portion of a building under the
7 control of a unit of local government.

8 (6) Any building, real property, and parking area
9 under the control of an adult or juvenile detention or
10 correctional institution, prison, or jail.

11 (7) Any building, real property, and parking area
12 under the control of a public or private hospital or
13 hospital affiliate, mental health facility, or nursing
14 home.

15 (8) Any bus, train, or form of transportation paid for
16 in whole or in part with public funds, and any building,
17 real property, and parking area under the control of a
18 public transportation facility paid for in whole or in
19 part with public funds.

20 (9) Any building, real property, and parking area
21 under the control of an establishment that serves alcohol
22 on its premises, if more than 50% of the establishment's
23 gross receipts within the prior 3 months is from the sale
24 of alcohol. The owner of an establishment who knowingly
25 fails to prohibit concealed firearms on its premises as
26 provided in this paragraph or who knowingly makes a false

1 statement or record to avoid the prohibition on concealed
2 firearms under this paragraph is subject to the penalty
3 under subsection (c-5) of Section 10-1 of the Liquor
4 Control Act of 1934.

5 (10) Any public gathering or special event conducted
6 on property open to the public that requires the issuance
7 of a permit from the unit of local government, provided
8 this prohibition shall not apply to a licensee who must
9 walk through a public gathering in order to access his or
10 her residence, place of business, or vehicle.

11 (11) Any building or real property that has been
12 issued a Special Event Retailer's license as defined in
13 Section 1-3.17.1 of the Liquor Control Act during the time
14 designated for the sale of alcohol by the Special Event
15 Retailer's license, or a Special use permit license as
16 defined in subsection (q) of Section 5-1 of the Liquor
17 Control Act during the time designated for the sale of
18 alcohol by the Special use permit license.

19 (12) Any public playground.

20 (13) Any public park, athletic area, or athletic
21 facility under the control of a municipality or park
22 district, provided nothing in this Section shall prohibit
23 a licensee from carrying a concealed firearm while on a
24 trail or bikeway if only a portion of the trail or bikeway
25 includes a public park.

26 (14) Any real property under the control of the Cook

1 County Forest Preserve District.

2 (15) Any building, classroom, laboratory, medical
3 clinic, hospital, artistic venue, athletic venue,
4 entertainment venue, officially recognized
5 university-related organization property, whether owned or
6 leased, and any real property, including parking areas,
7 sidewalks, and common areas under the control of a public
8 or private community college, college, or university.

9 (16) Any building, real property, or parking area
10 under the control of a gaming facility licensed under the
11 Illinois Gambling Act or the Illinois Horse Racing Act of
12 1975, including an inter-track wagering location licensee.

13 (17) Any stadium, arena, or the real property or
14 parking area under the control of a stadium, arena, or any
15 collegiate or professional sporting event.

16 (18) Any building, real property, or parking area
17 under the control of a public library.

18 (19) Any building, real property, or parking area
19 under the control of an airport.

20 (20) Any building, real property, or parking area
21 under the control of an amusement park.

22 (21) Any building, real property, or parking area
23 under the control of a zoo or museum.

24 (22) Any street, driveway, parking area, property,
25 building, or facility, owned, leased, controlled, or used
26 by a nuclear energy, storage, weapons, or development site

1 or facility regulated by the federal Nuclear Regulatory
2 Commission. The licensee shall not under any circumstance
3 store a firearm or ammunition in his or her vehicle or in a
4 compartment or container within a vehicle located anywhere
5 in or on the street, driveway, parking area, property,
6 building, or facility described in this paragraph.

7 (23) Any area where firearms are prohibited under
8 federal law.

9 (a-5) Nothing in this Act shall prohibit a public or
10 private community college, college, or university from:

11 (1) prohibiting persons from carrying a firearm within
12 a vehicle owned, leased, or controlled by the college or
13 university;

14 (2) developing resolutions, regulations, or policies
15 regarding student, employee, or visitor misconduct and
16 discipline, including suspension and expulsion;

17 (3) developing resolutions, regulations, or policies
18 regarding the storage or maintenance of firearms, which
19 must include designated areas where persons can park
20 vehicles that carry firearms; and

21 (4) permitting the carrying or use of firearms for the
22 purpose of instruction and curriculum of officially
23 recognized programs, including but not limited to military
24 science and law enforcement training programs, or in any
25 designated area used for hunting purposes or target
26 shooting.

1 (a-10) The owner of private real property of any type may
2 prohibit the carrying of concealed firearms on the property
3 under his or her control. The owner must post a sign in
4 accordance with subsection (d) of this Section indicating that
5 firearms are prohibited on the property, unless the property
6 is a private residence.

7 (b) Notwithstanding subsections (a), (a-5), and (a-10) of
8 this Section except under paragraph (22) or (23) of subsection
9 (a), any licensee prohibited from carrying a concealed firearm
10 into the parking area of a prohibited location specified in
11 subsection (a), (a-5), or (a-10) of this Section shall be
12 permitted to carry a concealed firearm on or about his or her
13 person within a vehicle into the parking area and may store a
14 firearm or ammunition concealed in a case within a locked
15 vehicle or locked container out of plain view within the
16 vehicle in the parking area. A licensee may carry a concealed
17 firearm in the immediate area surrounding his or her vehicle
18 within a prohibited parking lot area only for the limited
19 purpose of storing or retrieving a firearm within the
20 vehicle's trunk. For purposes of this subsection, "case"
21 includes a glove compartment or console that completely
22 encloses the concealed firearm or ammunition, the trunk of the
23 vehicle, or a firearm carrying box, shipping box, or other
24 container.

25 (c) A licensee shall not be in violation of this Section
26 while he or she is traveling along a public right of way that

1 touches or crosses any of the premises under subsection (a),
2 (a-5), or (a-10) of this Section if the concealed firearm is
3 carried on his or her person in accordance with the provisions
4 of this Act or is being transported in a vehicle by the
5 licensee in accordance with all other applicable provisions of
6 law.

7 (d) Signs stating that the carrying of firearms is
8 prohibited shall be clearly and conspicuously posted at the
9 entrance of a building, premises, or real property specified
10 in this Section as a prohibited area, unless the building or
11 premises is a private residence. Signs shall be of a uniform
12 design as established by the Illinois State Police ~~Department~~
13 and shall be 4 inches by 6 inches in size. The Illinois State
14 Police ~~Department~~ shall adopt rules for standardized signs to
15 be used under this subsection.

16 (Source: P.A. 101-31, eff. 6-28-19.)

17 (430 ILCS 66/70)

18 Sec. 70. Violations.

19 (a) A license issued or renewed under this Act shall be
20 revoked if, at any time, the licensee is found to be ineligible
21 for a license under this Act or the licensee no longer meets
22 the eligibility requirements of the Firearm Owners
23 Identification Card Act.

24 (b) A license shall be suspended if an order of
25 protection, including an emergency order of protection,

1 plenary order of protection, or interim order of protection
2 under Article 112A of the Code of Criminal Procedure of 1963 or
3 under the Illinois Domestic Violence Act of 1986, or if a
4 firearms restraining order, including an emergency firearms
5 restraining order, under the Firearms Restraining Order Act,
6 is issued against a licensee for the duration of the order, or
7 if the Illinois State Police ~~Department~~ is made aware of a
8 similar order issued against the licensee in any other
9 jurisdiction. If an order of protection is issued against a
10 licensee, the licensee shall surrender the license, as
11 applicable, to the court at the time the order is entered or to
12 the law enforcement agency or entity serving process at the
13 time the licensee is served the order. The court, law
14 enforcement agency, or entity responsible for serving the
15 order of protection shall notify the Illinois State Police
16 ~~Department~~ within 7 days and transmit the license to the
17 Illinois State Police ~~Department~~.

18 (c) A license is invalid upon expiration of the license,
19 unless the licensee has submitted an application to renew the
20 license, and the applicant is otherwise eligible to possess a
21 license under this Act.

22 (d) A licensee shall not carry a concealed firearm while
23 under the influence of alcohol, other drug or drugs,
24 intoxicating compound or combination of compounds, or any
25 combination thereof, under the standards set forth in
26 subsection (a) of Section 11-501 of the Illinois Vehicle Code.

1 A licensee in violation of this subsection (d) shall be
2 guilty of a Class A misdemeanor for a first or second violation
3 and a Class 4 felony for a third violation. The Illinois State
4 Police Department may suspend a license for up to 6 months for
5 a second violation and shall permanently revoke a license for
6 a third violation.

7 (e) Except as otherwise provided, a licensee in violation
8 of this Act shall be guilty of a Class B misdemeanor. A second
9 or subsequent violation is a Class A misdemeanor. The Illinois
10 State Police Department may suspend a license for up to 6
11 months for a second violation and shall permanently revoke a
12 license for 3 or more violations of Section 65 of this Act. Any
13 person convicted of a violation under this Section shall pay a
14 \$150 fee to be deposited into the Mental Health Reporting
15 Fund, plus any applicable court costs or fees.

16 (f) A licensee convicted or found guilty of a violation of
17 this Act who has a valid license and is otherwise eligible to
18 carry a concealed firearm shall only be subject to the
19 penalties under this Section and shall not be subject to the
20 penalties under Section 21-6, paragraph (4), (8), or (10) of
21 subsection (a) of Section 24-1, or subparagraph (A-5) or (B-5)
22 of paragraph (3) of subsection (a) of Section 24-1.6 of the
23 Criminal Code of 2012. Except as otherwise provided in this
24 subsection, nothing in this subsection prohibits the licensee
25 from being subjected to penalties for violations other than
26 those specified in this Act.

1 (g) A licensee whose license is revoked, suspended, or
2 denied shall, within 48 hours of receiving notice of the
3 revocation, suspension, or denial, surrender his or her
4 concealed carry license to the local law enforcement agency
5 where the person resides. The local law enforcement agency
6 shall provide the licensee a receipt and transmit the
7 concealed carry license to the Illinois ~~Department of~~ State
8 Police. If the licensee whose concealed carry license has been
9 revoked, suspended, or denied fails to comply with the
10 requirements of this subsection, the law enforcement agency
11 where the person resides may petition the circuit court to
12 issue a warrant to search for and seize the concealed carry
13 license in the possession and under the custody or control of
14 the licensee whose concealed carry license has been revoked,
15 suspended, or denied. The observation of a concealed carry
16 license in the possession of a person whose license has been
17 revoked, suspended, or denied constitutes a sufficient basis
18 for the arrest of that person for violation of this
19 subsection. A violation of this subsection is a Class A
20 misdemeanor.

21 (h) A license issued or renewed under this Act shall be
22 revoked if, at any time, the licensee is found ineligible for a
23 Firearm Owner's Identification Card, or the licensee no longer
24 possesses a valid Firearm Owner's Identification Card. A
25 licensee whose license is revoked under this subsection (h)
26 shall surrender his or her concealed carry license as provided

1 for in subsection (g) of this Section.

2 This subsection shall not apply to a person who has filed
3 an application with the Illinois State Police for renewal of a
4 Firearm Owner's Identification Card and who is not otherwise
5 ineligible to obtain a Firearm Owner's Identification Card.

6 (i) A certified firearms instructor who knowingly provides
7 or offers to provide a false certification that an applicant
8 has completed firearms training as required under this Act is
9 guilty of a Class A misdemeanor. A person guilty of a violation
10 of this subsection (i) is not eligible for court supervision.
11 The Illinois State Police ~~Department~~ shall permanently revoke
12 the firearms instructor certification of a person convicted
13 under this subsection (i).

14 (Source: P.A. 100-607, eff. 1-1-19.)

15 (430 ILCS 66/75)

16 Sec. 75. Applicant firearm training.

17 (a) Within 60 days of the effective date of this Act, the
18 Illinois State Police ~~Department~~ shall begin approval of
19 firearm training courses and shall make a list of approved
20 courses available on the Illinois State Police's ~~Department's~~
21 website.

22 (b) An applicant for a new license shall provide proof of
23 completion of a firearms training course or combination of
24 courses approved by the Illinois State Police ~~Department~~ of at
25 least 16 hours, which includes range qualification time under

1 subsection (c) of this Section, that covers the following:

2 (1) firearm safety;

3 (2) the basic principles of marksmanship;

4 (3) care, cleaning, loading, and unloading of a
5 concealable firearm;

6 (4) all applicable State and federal laws relating to
7 the ownership, storage, carry, and transportation of a
8 firearm; and

9 (5) instruction on the appropriate and lawful
10 interaction with law enforcement while transporting or
11 carrying a concealed firearm.

12 (c) An applicant for a new license shall provide proof of
13 certification by a certified instructor that the applicant
14 passed a live fire exercise with a concealable firearm
15 consisting of:

16 (1) a minimum of 30 rounds; and

17 (2) 10 rounds from a distance of 5 yards; 10 rounds
18 from a distance of 7 yards; and 10 rounds from a distance
19 of 10 yards at a B-27 silhouette target approved by the
20 Illinois State Police ~~Department~~.

21 (d) An applicant for renewal of a license shall provide
22 proof of completion of a firearms training course or
23 combination of courses approved by the Illinois State Police
24 ~~Department~~ of at least 3 hours.

25 (e) A certificate of completion for an applicant's firearm
26 training course shall not be issued to a student who:

1 (1) does not follow the orders of the certified
2 firearms instructor;

3 (2) in the judgment of the certified instructor,
4 handles a firearm in a manner that poses a danger to the
5 student or to others; or

6 (3) during the range firing portion of testing fails
7 to hit the target with 70% of the rounds fired.

8 (f) An instructor shall maintain a record of each
9 student's performance for at least 5 years, and shall make all
10 records available upon demand of authorized personnel of the
11 Illinois State Police ~~Department~~.

12 (g) The Illinois State Police ~~Department~~ and certified
13 firearms instructors shall recognize up to 8 hours of training
14 already completed toward the 16 hour training requirement
15 under this Section if the training course is submitted to and
16 approved by the Illinois State Police ~~Department~~. Any
17 remaining hours that the applicant completes must at least
18 cover the classroom subject matter of paragraph (4) of
19 subsection (b) of this Section, and the range qualification in
20 subsection (c) of this Section.

21 (h) A person who has qualified to carry a firearm as an
22 active law enforcement or corrections officer, who has
23 successfully completed firearms training as required by his or
24 her law enforcement agency and is authorized by his or her
25 agency to carry a firearm; a person currently certified as a
26 firearms instructor by this Act or by the Illinois Law

1 Enforcement Training Standards Board; or a person who has
2 completed the required training and has been issued a firearm
3 control card by the Department of Financial and Professional
4 Regulation shall be exempt from the requirements of this
5 Section.

6 (i) The Illinois State Police ~~Department~~ and certified
7 firearms instructors shall recognize 8 hours of training as
8 completed toward the 16 hour training requirement under this
9 Section, if the applicant is an active, retired, or honorably
10 discharged member of the United States Armed Forces. Any
11 remaining hours that the applicant completes must at least
12 cover the classroom subject matter of paragraph (4) of
13 subsection (b) of this Section, and the range qualification in
14 subsection (c) of this Section.

15 (j) The Illinois State Police ~~Department~~ and certified
16 firearms instructors shall recognize up to 8 hours of training
17 already completed toward the 16 hour training requirement
18 under this Section if the training course is approved by the
19 Illinois State Police ~~Department~~ and was completed in
20 connection with the applicant's previous employment as a law
21 enforcement or corrections officer. Any remaining hours that
22 the applicant completes must at least cover the classroom
23 subject matter of paragraph (4) of subsection (b) of this
24 Section, and the range qualification in subsection (c) of this
25 Section. A former law enforcement or corrections officer
26 seeking credit under this subsection (j) shall provide

1 evidence that he or she separated from employment in good
2 standing from each law enforcement agency where he or she was
3 employed. An applicant who was discharged from a law
4 enforcement agency for misconduct or disciplinary reasons is
5 not eligible for credit under this subsection (j).

6 (Source: P.A. 98-63, eff. 7-9-13; 98-600, eff. 12-6-13.)

7 (430 ILCS 66/80)

8 Sec. 80. Certified firearms instructors.

9 (a) Within 60 days of the effective date of this Act, the
10 Illinois State Police Department shall begin approval of
11 certified firearms instructors and enter certified firearms
12 instructors into an online registry on the Illinois State
13 Police's Department's website.

14 (b) A person who is not a certified firearms instructor
15 shall not teach applicant training courses or advertise or
16 otherwise represent courses they teach as qualifying their
17 students to meet the requirements to receive a license under
18 this Act. Each violation of this subsection is a business
19 offense with a fine of at least \$1,000 per violation.

20 (c) A person seeking to become a certified firearms
21 instructor shall:

22 (1) be at least 21 years of age;

23 (2) be a legal resident of the United States; and

24 (3) meet the requirements of Section 25 of this Act,
25 except for the Illinois residency requirement in item

1 (xiv) of paragraph (2) of subsection (a) of Section 4 of
2 the Firearm Owners Identification Card Act; and any
3 additional uniformly applied requirements established by
4 the Illinois State Police ~~Department~~.

5 (d) A person seeking to become a certified firearms
6 instructor, in addition to the requirements of subsection (c)
7 of this Section, shall:

8 (1) possess a high school diploma or high school
9 equivalency certificate; and

10 (2) have at least one of the following valid firearms
11 instructor certifications:

12 (A) certification from a law enforcement agency;

13 (B) certification from a firearm instructor course
14 offered by a State or federal governmental agency;

15 (C) certification from a firearm instructor
16 qualification course offered by the Illinois Law
17 Enforcement Training Standards Board; or

18 (D) certification from an entity approved by the
19 Illinois State Police ~~Department~~ that offers firearm
20 instructor education and training in the use and
21 safety of firearms.

22 (e) A person may have his or her firearms instructor
23 certification denied or revoked if he or she does not meet the
24 requirements to obtain a license under this Act, provides
25 false or misleading information to the Illinois State Police
26 ~~Department~~, or has had a prior instructor certification

1 revoked or denied by the Illinois State Police ~~Department~~.

2 (Source: P.A. 98-63, eff. 7-9-13; 98-600, eff. 12-6-13;
3 98-718, eff. 1-1-15.)

4 (430 ILCS 66/87)

5 Sec. 87. Administrative and judicial review.

6 (a) Whenever an application for a concealed carry license
7 is denied, whenever the Illinois State Police ~~Department~~ fails
8 to act on an application within 90 days of its receipt, or
9 whenever a license is revoked or suspended as provided in this
10 Act, the aggrieved party may appeal to the Director for a
11 hearing upon the denial, revocation, suspension, or failure to
12 act on the application, unless the denial was made by the
13 Concealed Carry Licensing Review Board, in which case the
14 aggrieved party may petition the circuit court in writing in
15 the county of his or her residence for a hearing upon the
16 denial.

17 (b) All final administrative decisions of the Illinois
18 State Police ~~Department~~ or the Concealed Carry Licensing
19 Review Board under this Act shall be subject to judicial
20 review under the provisions of the Administrative Review Law.
21 The term "administrative decision" is defined as in Section
22 3-101 of the Code of Civil Procedure.

23 (Source: P.A. 98-63, eff. 7-9-13.)

24 (430 ILCS 66/95)

1 Sec. 95. Procurement; rulemaking.

2 (a) The Illinois ~~Department~~ of State Police, in
3 consultation with and subject to the approval of the Chief
4 Procurement Officer, may procure a single contract or multiple
5 contracts to implement the provisions of this Act. A contract
6 or contracts under this paragraph are not subject to the
7 provisions of the Illinois Procurement Code, except for
8 Sections 20-60, 20-65, 20-70, and 20-160 and Article 50 of
9 that Code, provided that the Chief Procurement Officer may, in
10 writing with justification, waive any certification required
11 under Article 50. This exemption shall be repealed one year
12 from the effective date of this Act.

13 (b) The Illinois State Police ~~Department~~ shall adopt rules
14 to implement the provisions of this Act. The Illinois State
15 Police ~~Department~~ may adopt rules necessary to implement the
16 provisions of this Act through the use of emergency rulemaking
17 in accordance with Section 5-45 of the Illinois Administrative
18 Procedure Act for a period not to exceed 180 days after the
19 effective date of this Act.

20 (Source: P.A. 98-63, eff. 7-9-13.)

21 (430 ILCS 66/105)

22 Sec. 105. Duty of school administrator. It is the duty of
23 the principal of a public elementary or secondary school, or
24 his or her designee, and the chief administrative officer of a
25 private elementary or secondary school or a public or private

1 community college, college, or university, or his or her
2 designee, to report to the Illinois ~~Department of~~ State Police
3 when a student is determined to pose a clear and present danger
4 to himself, herself, or to others, within 24 hours of the
5 determination as provided in Section 6-103.3 of the Mental
6 Health and Developmental Disabilities Code. "Clear and present
7 danger" has the meaning as provided in paragraph (2) of the
8 definition of "clear and present danger" in Section 1.1 of the
9 Firearm Owners Identification Card Act.

10 (Source: P.A. 98-63, eff. 7-9-13.)

11 Section 875. The Firearms Restraining Order Act is amended
12 by changing Sections 35, 40, 50, 55, and 60 as follows:

13 (430 ILCS 67/35)

14 Sec. 35. Ex parte orders and emergency hearings.

15 (a) A petitioner may request an emergency firearms
16 restraining order by filing an affidavit or verified pleading
17 alleging that the respondent poses an immediate and present
18 danger of causing personal injury to himself, herself, or
19 another by having in his or her custody or control,
20 purchasing, possessing, or receiving a firearm. The petition
21 shall also describe the type and location of any firearm or
22 firearms presently believed by the petitioner to be possessed
23 or controlled by the respondent.

24 (b) If the respondent is alleged to pose an immediate and

1 present danger of causing personal injury to an intimate
2 partner, or an intimate partner is alleged to have been the
3 target of a threat or act of violence by the respondent, the
4 petitioner shall make a good faith effort to provide notice to
5 any and all intimate partners of the respondent. The notice
6 must include that the petitioner intends to petition the court
7 for an emergency firearms restraining order, and, if the
8 petitioner is a law enforcement officer, referral to relevant
9 domestic violence or stalking advocacy or counseling
10 resources, if appropriate. The petitioner shall attest to
11 having provided the notice in the filed affidavit or verified
12 pleading. If, after making a good faith effort, the petitioner
13 is unable to provide notice to any or all intimate partners,
14 the affidavit or verified pleading should describe what
15 efforts were made.

16 (c) Every person who files a petition for an emergency
17 firearms restraining order, knowing the information provided
18 to the court at any hearing or in the affidavit or verified
19 pleading to be false, is guilty of perjury under Section 32-2
20 of the Criminal Code of 2012.

21 (d) An emergency firearms restraining order shall be
22 issued on an ex parte basis, that is, without notice to the
23 respondent.

24 (e) An emergency hearing held on an ex parte basis shall be
25 held the same day that the petition is filed or the next day
26 that the court is in session.

1 (f) If a circuit or associate judge finds probable cause
2 to believe that the respondent poses an immediate and present
3 danger of causing personal injury to himself, herself, or
4 another by having in his or her custody or control,
5 purchasing, possessing, or receiving a firearm, the circuit or
6 associate judge shall issue an emergency order.

7 (f-5) If the court issues an emergency firearms
8 restraining order, it shall, upon a finding of probable cause
9 that the respondent possesses firearms, issue a search warrant
10 directing a law enforcement agency to seize the respondent's
11 firearms. The court may, as part of that warrant, direct the
12 law enforcement agency to search the respondent's residence
13 and other places where the court finds there is probable cause
14 to believe he or she is likely to possess the firearms.

15 (g) An emergency firearms restraining order shall require:

16 (1) the respondent to refrain from having in his or
17 her custody or control, purchasing, possessing, or
18 receiving additional firearms for the duration of the
19 order; and

20 (2) the respondent to turn over to the local law
21 enforcement agency any Firearm Owner's Identification Card
22 and concealed carry license in his or her possession. The
23 local law enforcement agency shall immediately mail the
24 card and concealed carry license to the Illinois
25 ~~Department of~~ State Police Firearm Services Bureau for
26 safekeeping. The firearm or firearms and Firearm Owner's

1 Identification Card and concealed carry license, if
2 unexpired, shall be returned to the respondent after the
3 firearms restraining order is terminated or expired.

4 (h) Except as otherwise provided in subsection (h-5) of
5 this Section, upon expiration of the period of safekeeping, if
6 the firearms or Firearm Owner's Identification Card and
7 concealed carry license cannot be returned to the respondent
8 because the respondent cannot be located, fails to respond to
9 requests to retrieve the firearms, or is not lawfully eligible
10 to possess a firearm, upon petition from the local law
11 enforcement agency, the court may order the local law
12 enforcement agency to destroy the firearms, use the firearms
13 for training purposes, or use the firearms for any other
14 application as deemed appropriate by the local law enforcement
15 agency.

16 (h-5) A respondent whose Firearm Owner's Identification
17 Card has been revoked or suspended may petition the court, if
18 the petitioner is present in court or has notice of the
19 respondent's petition, to transfer the respondent's firearm to
20 a person who is lawfully able to possess the firearm if the
21 person does not reside at the same address as the respondent.
22 Notice of the petition shall be served upon the person
23 protected by the emergency firearms restraining order. While
24 the order is in effect, the transferee who receives the
25 respondent's firearms must swear or affirm by affidavit that
26 he or she shall not transfer the firearm to the respondent or

1 to anyone residing in the same residence as the respondent.

2 (h-6) If a person other than the respondent claims title
3 to any firearms surrendered under this Section, he or she may
4 petition the court, if the petitioner is present in court or
5 has notice of the petition, to have the firearm returned to him
6 or her. If the court determines that person to be the lawful
7 owner of the firearm, the firearm shall be returned to him or
8 her, provided that:

9 (1) the firearm is removed from the respondent's
10 custody, control, or possession and the lawful owner
11 agrees to store the firearm in a manner such that the
12 respondent does not have access to or control of the
13 firearm; and

14 (2) the firearm is not otherwise unlawfully possessed
15 by the owner.

16 The person petitioning for the return of his or her
17 firearm must swear or affirm by affidavit that he or she: (i)
18 is the lawful owner of the firearm; (ii) shall not transfer the
19 firearm to the respondent; and (iii) will store the firearm in
20 a manner that the respondent does not have access to or control
21 of the firearm.

22 (i) In accordance with subsection (e) of this Section, the
23 court shall schedule a full hearing as soon as possible, but no
24 longer than 14 days from the issuance of an ex parte firearms
25 restraining order, to determine if a 6-month firearms
26 restraining order shall be issued. The court may extend an ex

1 parte order as needed, but not to exceed 14 days, to effectuate
2 service of the order or if necessary to continue protection.
3 The court may extend the order for a greater length of time by
4 mutual agreement of the parties.

5 (Source: P.A. 100-607, eff. 1-1-19; 101-81, eff. 7-12-19.)

6 (430 ILCS 67/40)

7 Sec. 40. Six-month orders.

8 (a) A petitioner may request a 6-month firearms
9 restraining order by filing an affidavit or verified pleading
10 alleging that the respondent poses a significant danger of
11 causing personal injury to himself, herself, or another in the
12 near future by having in his or her custody or control,
13 purchasing, possessing, or receiving a firearm. The petition
14 shall also describe the number, types, and locations of any
15 firearms presently believed by the petitioner to be possessed
16 or controlled by the respondent.

17 (b) If the respondent is alleged to pose a significant
18 danger of causing personal injury to an intimate partner, or
19 an intimate partner is alleged to have been the target of a
20 threat or act of violence by the respondent, the petitioner
21 shall make a good faith effort to provide notice to any and all
22 intimate partners of the respondent. The notice must include
23 that the petitioner intends to petition the court for a
24 6-month firearms restraining order, and, if the petitioner is
25 a law enforcement officer, referral to relevant domestic

1 violence or stalking advocacy or counseling resources, if
2 appropriate. The petitioner shall attest to having provided
3 the notice in the filed affidavit or verified pleading. If,
4 after making a good faith effort, the petitioner is unable to
5 provide notice to any or all intimate partners, the affidavit
6 or verified pleading should describe what efforts were made.

7 (c) Every person who files a petition for a 6-month
8 firearms restraining order, knowing the information provided
9 to the court at any hearing or in the affidavit or verified
10 pleading to be false, is guilty of perjury under Section 32-2
11 of the Criminal Code of 2012.

12 (d) Upon receipt of a petition for a 6-month firearms
13 restraining order, the court shall order a hearing within 30
14 days.

15 (e) In determining whether to issue a firearms restraining
16 order under this Section, the court shall consider evidence
17 including, but not limited to, the following:

18 (1) The unlawful and reckless use, display, or
19 brandishing of a firearm by the respondent.

20 (2) The history of use, attempted use, or threatened
21 use of physical force by the respondent against another
22 person.

23 (3) Any prior arrest of the respondent for a felony
24 offense.

25 (4) Evidence of the abuse of controlled substances or
26 alcohol by the respondent.

1 (5) A recent threat of violence or act of violence by
2 the respondent directed toward himself, herself, or
3 another.

4 (6) A violation of an emergency order of protection
5 issued under Section 217 of the Illinois Domestic Violence
6 Act of 1986 or Section 112A-17 of the Code of Criminal
7 Procedure of 1963 or of an order of protection issued
8 under Section 214 of the Illinois Domestic Violence Act of
9 1986 or Section 112A-14 of the Code of Criminal Procedure
10 of 1963.

11 (7) A pattern of violent acts or violent threats,
12 including, but not limited to, threats of violence or acts
13 of violence by the respondent directed toward himself,
14 herself, or another.

15 (f) At the hearing, the petitioner shall have the burden
16 of proving, by clear and convincing evidence, that the
17 respondent poses a significant danger of personal injury to
18 himself, herself, or another by having in his or her custody or
19 control, purchasing, possessing, or receiving a firearm.

20 (g) If the court finds that there is clear and convincing
21 evidence to issue a firearms restraining order, the court
22 shall issue a firearms restraining order that shall be in
23 effect for 6 months subject to renewal under Section 45 of this
24 Act or termination under that Section.

25 (g-5) If the court issues a 6-month firearms restraining
26 order, it shall, upon a finding of probable cause that the

1 respondent possesses firearms, issue a search warrant
2 directing a law enforcement agency to seize the respondent's
3 firearms. The court may, as part of that warrant, direct the
4 law enforcement agency to search the respondent's residence
5 and other places where the court finds there is probable cause
6 to believe he or she is likely to possess the firearms.

7 (h) A 6-month firearms restraining order shall require:

8 (1) the respondent to refrain from having in his or
9 her custody or control, purchasing, possessing, or
10 receiving additional firearms for the duration of the
11 order; and

12 (2) the respondent to turn over to the local law
13 enforcement agency any firearm or Firearm Owner's
14 Identification Card and concealed carry license in his or
15 her possession. The local law enforcement agency shall
16 immediately mail the card and concealed carry license to
17 the Illinois ~~Department of~~ State Police Firearm Services
18 Bureau for safekeeping. The firearm or firearms and
19 Firearm Owner's Identification Card and concealed carry
20 license, if unexpired, shall be returned to the respondent
21 after the firearms restraining order is terminated or
22 expired.

23 (i) Except as otherwise provided in subsection (i-5) of
24 this Section, upon expiration of the period of safekeeping, if
25 the firearms or Firearm Owner's Identification Card cannot be
26 returned to the respondent because the respondent cannot be

1 located, fails to respond to requests to retrieve the
2 firearms, or is not lawfully eligible to possess a firearm,
3 upon petition from the local law enforcement agency, the court
4 may order the local law enforcement agency to destroy the
5 firearms, use the firearms for training purposes, or use the
6 firearms for any other application as deemed appropriate by
7 the local law enforcement agency.

8 (i-5) A respondent whose Firearm Owner's Identification
9 Card has been revoked or suspended may petition the court, if
10 the petitioner is present in court or has notice of the
11 respondent's petition, to transfer the respondent's firearm to
12 a person who is lawfully able to possess the firearm if the
13 person does not reside at the same address as the respondent.
14 Notice of the petition shall be served upon the person
15 protected by the emergency firearms restraining order. While
16 the order is in effect, the transferee who receives the
17 respondent's firearms must swear or affirm by affidavit that
18 he or she shall not transfer the firearm to the respondent or
19 to anyone residing in the same residence as the respondent.

20 (i-6) If a person other than the respondent claims title
21 to any firearms surrendered under this Section, he or she may
22 petition the court, if the petitioner is present in court or
23 has notice of the petition, to have the firearm returned to him
24 or her. If the court determines that person to be the lawful
25 owner of the firearm, the firearm shall be returned to him or
26 her, provided that:

1 (1) the firearm is removed from the respondent's
2 custody, control, or possession and the lawful owner
3 agrees to store the firearm in a manner such that the
4 respondent does not have access to or control of the
5 firearm; and

6 (2) the firearm is not otherwise unlawfully possessed
7 by the owner.

8 The person petitioning for the return of his or her
9 firearm must swear or affirm by affidavit that he or she: (i)
10 is the lawful owner of the firearm; (ii) shall not transfer the
11 firearm to the respondent; and (iii) will store the firearm in
12 a manner that the respondent does not have access to or control
13 of the firearm.

14 (j) If the court does not issue a firearms restraining
15 order at the hearing, the court shall dissolve any emergency
16 firearms restraining order then in effect.

17 (k) When the court issues a firearms restraining order
18 under this Section, the court shall inform the respondent that
19 he or she is entitled to one hearing during the period of the
20 order to request a termination of the order, under Section 45
21 of this Act, and shall provide the respondent with a form to
22 request a hearing.

23 (Source: P.A. 100-607, eff. 1-1-19; 101-81, eff. 7-12-19.)

24 (430 ILCS 67/50)

25 Sec. 50. Notice of orders.

1 (a) Entry and issuance. Upon issuance of any firearms
2 restraining order, the clerk shall immediately, or on the next
3 court day if an emergency firearms restraining order is issued
4 in accordance with Section 35 of this Act (emergency firearms
5 restraining order): (i) enter the order on the record and file
6 it in accordance with the circuit court procedures and (ii)
7 provide a file stamped copy of the order to the respondent, if
8 present, and to the petitioner.

9 (b) Filing with sheriff. The clerk of the issuing judge
10 shall, or the petitioner may, on the same day that a firearms
11 restraining order is issued, file a certified copy of that
12 order with the sheriff or other law enforcement officials
13 charged with maintaining Illinois ~~Department of~~ State Police
14 records or charged with serving the order upon the respondent.
15 If the order was issued in accordance with Section 35 of this
16 Act (emergency firearms restraining order), the clerk shall,
17 on the next court day, file a certified copy of the order with
18 the sheriff or other law enforcement officials charged with
19 maintaining Illinois ~~Department of~~ State Police records.

20 (c) Service by sheriff. Unless the respondent was present
21 in court when the order was issued, the sheriff or other law
22 enforcement official shall promptly serve that order upon the
23 respondent and file proof of the service, in the manner
24 provided for service of process in civil proceedings. Instead
25 of serving the order upon the respondent, however, the
26 sheriff, other law enforcement official, or other persons

1 defined in Section 112A-22.10 of the Code of Criminal
2 Procedure of 1963 may serve the respondent with a short form
3 notification as provided in that Section. If process has not
4 yet been served upon the respondent, it shall be served with
5 the order or short form notification if the service is made by
6 the sheriff, or other law enforcement official.

7 (d) Any order renewing or terminating any firearms
8 restraining order shall be promptly recorded, issued, and
9 served as provided in this Section.

10 (Source: P.A. 100-607, eff. 1-1-19; 101-81, eff. 7-12-19.)

11 (430 ILCS 67/55)

12 Sec. 55. Data maintenance by law enforcement agencies.

13 (a) All sheriffs shall furnish to the Illinois Department
14 ~~of~~ State Police, daily, in the form and detail the Department
15 requires, copies of any recorded firearms restraining orders
16 issued by the court, and any foreign orders of protection
17 filed by the clerk of the court, and transmitted to the sheriff
18 by the clerk of the court under Section 50. Each firearms
19 restraining order shall be entered in the Law Enforcement
20 Agencies Data System (LEADS) on the same day it is issued by
21 the court. If an emergency firearms restraining order was
22 issued in accordance with Section 35 of this Act, the order
23 shall be entered in the Law Enforcement Agencies Data System
24 (LEADS) as soon as possible after receipt from the clerk.

25 (b) The Illinois Department ~~of~~ State Police shall maintain

1 a complete and systematic record and index of all valid and
2 recorded firearms restraining orders issued or filed under
3 this Act. The data shall be used to inform all dispatchers and
4 law enforcement officers at the scene of a violation of a
5 firearms restraining order of the effective dates and terms of
6 any recorded order of protection.

7 (c) The data, records, and transmittals required under
8 this Section shall pertain to any valid emergency or 6-month
9 firearms restraining order, whether issued in a civil or
10 criminal proceeding or authorized under the laws of another
11 state, tribe, or United States territory.

12 (Source: P.A. 100-607, eff. 1-1-19; 101-81, eff. 7-12-19.)

13 (430 ILCS 67/60)

14 Sec. 60. Filing of a firearms restraining order issued by
15 another state.

16 (a) A person who has sought a firearms restraining order
17 or similar order issued by the court of another state, tribe,
18 or United States territory may file a certified copy of the
19 firearms restraining order with the clerk of the court in a
20 judicial circuit in which the person believes that enforcement
21 may be necessary.

22 (b) The clerk shall:

23 (1) treat the foreign firearms restraining order in
24 the same manner as a judgment of the circuit court for any
25 county of this State in accordance with the provisions of

1 the Uniform Enforcement of Foreign Judgments Act, except
2 that the clerk shall not mail notice of the filing of the
3 foreign order to the respondent named in the order; and

4 (2) on the same day that a foreign firearms
5 restraining order is filed, file a certified copy of that
6 order with the sheriff or other law enforcement officials
7 charged with maintaining Illinois ~~Department of~~ State
8 Police records as set forth in Section 55 of this Act.

9 (c) Neither residence in this State nor filing of a
10 foreign firearms restraining order shall be required for
11 enforcement of the order by this State. Failure to file the
12 foreign order shall not be an impediment to its treatment in
13 all respects as an Illinois firearms restraining order.

14 (d) The clerk shall not charge a fee to file a foreign
15 order of protection under this Section.

16 (Source: P.A. 100-607, eff. 1-1-19.)

17 Section 880. The Firearm Dealer License Certification Act
18 is amended by changing Sections 5-5, 5-10, 5-15, 5-20, 5-30,
19 5-35, 5-40, 5-45, 5-50, 5-55, 5-60, 5-70, 5-75, 5-85, 5-95,
20 5-100, 5-105, 5-110, 5-115, and 5-120 as follows:

21 (430 ILCS 68/5-5)

22 Sec. 5-5. Definitions. In this Act:

23 "Certified licensee" means a licensee that has previously
24 certified its license with the Illinois State Police

1 ~~Department~~ under this Act.

2 ~~"Department" means the Department of State Police.~~

3 "Director" means the Director of the Illinois State
4 Police.

5 "Entity" means any person, firm, corporation, group of
6 individuals, or other legal entity.

7 "Inventory" means firearms in the possession of an
8 individual or entity for the purpose of sale or transfer.

9 "License" means a Federal Firearms License authorizing a
10 person or entity to engage in the business of dealing
11 firearms.

12 "Licensee" means a person, firm, corporation, or other
13 entity who has been given, and is currently in possession of, a
14 valid Federal Firearms License.

15 "Retail location" means a store open to the public from
16 which a certified licensee engages in the business of selling,
17 transferring, or facilitating a sale or transfer of a firearm.
18 For purposes of this Act, the World Shooting and Recreational
19 Complex, a gun show, or a similar event at which a certified
20 licensee engages in business from time to time is not a retail
21 location.

22 (Source: P.A. 100-1178, eff. 1-18-19; 101-80, eff. 7-12-19;
23 revised 9-12-19.)

24 (430 ILCS 68/5-10)

25 Sec. 5-10. Copy of Federal Firearms License filed with the

1 Illinois State Police Department. Each licensee shall file
2 with the Illinois State Police Department a copy of its
3 license, together with a sworn affidavit indicating that the
4 license presented is in fact its license and that the license
5 is valid. The Illinois State Police Department may by rule
6 create a process for checking the validity of the license, in
7 lieu of requiring an affidavit. Upon receipt and review by the
8 Illinois State Police Department, the Illinois State Police
9 ~~Department~~ shall issue a certificate of license to the
10 licensee, allowing the licensee to conduct business within
11 this State. The Illinois State Police Department shall issue
12 an initial certificate of license within 30 days of receipt of
13 the copy of license and sworn affidavit. If the Illinois State
14 Police Department does not issue the certificate within 30
15 days, the licensee shall operate as if a certificate has been
16 granted unless and until a denial is issued by the Illinois
17 State Police Department.

18 (Source: P.A. 100-1178, eff. 1-18-19.)

19 (430 ILCS 68/5-15)

20 Sec. 5-15. Certification requirement.

21 (a) Beginning 180 days after the effective date of this
22 Act, it is unlawful for a person or entity to engage in the
23 business of selling, leasing, or otherwise transferring
24 firearms without a valid certificate of license issued under
25 this Act. In the event that a person or entity maintains

1 multiple licenses to engage in different lines of business
2 requiring different licenses at one location, then the
3 licenses shall be deemed one license for purposes of
4 certification. In the event that a person or entity maintains
5 multiple licenses to engage in business at multiple locations,
6 under the same business name on the license or a different
7 business name on the license, then each license and location
8 must receive its own certification.

9 (b) It is unlawful for a person or entity without first
10 being a certified licensee under this Act to act as if he or
11 she is certified under this Act, to advertise, to assume to act
12 as a certified licensee or to use a title implying that the
13 person or entity is engaged in business as a certified
14 licensee without a license certified under this Act.

15 (c) It is unlawful to obtain or attempt to obtain any
16 certificate of license under this Act by material misstatement
17 or fraudulent misrepresentation. Notwithstanding the
18 provisions of Section 5-85, in addition to any penalty imposed
19 under this Section, any certificate of license obtained under
20 this Act due to material misstatement or fraudulent
21 misrepresentation shall automatically be revoked.

22 (d) A person who violates any provision of this Section is
23 guilty of a Class A misdemeanor for a first violation, and a
24 Class 4 felony for a second or subsequent violation.

25 (e) In addition to any other penalty provided by law, any
26 person or entity who violates any provision of this Section

1 shall pay a civil penalty to the Illinois State Police
2 ~~Department~~ in an amount not to exceed \$10,000 for each
3 offense, as determined by the Illinois State Police
4 ~~Department~~. The civil penalty shall be assessed by the
5 Illinois State Police Department after a hearing is held in
6 accordance with Sections 5-95 and 5-100.

7 (f) The Illinois State Police Department has the authority
8 and power to investigate any and all unlicensed activity
9 requiring a license certified under this Act.

10 (g) The civil penalty shall be paid within 90 days after
11 the effective date of the order imposing the civil penalty.
12 The order shall constitute a judgment and may be filed and
13 execution had thereon in the same manner as any judgment from
14 any court of record.

15 (h) In the event the certification of a certified licensee
16 is revoked, it shall be a violation of this Act for the revoked
17 licensee to seek certification of a license held under a
18 different business name, or to re-open as a certified licensee
19 under another business name using the same license or as the
20 same person or entity doing business under a different
21 business name.

22 (i) The Illinois State Police Department shall require all
23 of the following information from each applicant for
24 certification under this Act:

25 (1) The name, full business address, and telephone
26 number of the entity. The business address for the entity

1 shall be the complete street address where firearms in the
2 inventory of the entity are regularly stored, shall be
3 located within the State, and may not be a Post Office Box.

4 (2) All trade, business, or assumed names used by the
5 certified licensee by and under which the certified
6 licensee sells, transfers, or facilitates transfers of
7 firearms.

8 (3) The type of ownership or operation, such as a
9 partnership, corporation, or sole proprietorship.

10 (4) The name of the owner or operator of the
11 dealership, including:

12 (A) if a person, then the name and address of
13 record of the person;

14 (B) if a partnership, then the name and address of
15 record of each partner and the name of the
16 partnership;

17 (C) if a corporation, then the name, address of
18 record, and title of each corporate officer and each
19 owner of more than 5% of the corporation, the
20 corporate names by and which the certified licensee
21 sells, transfers, or facilitates transfers of
22 firearms, and the name of the state of incorporation;
23 and

24 (D) if a sole proprietorship, then the full name
25 and address of record of the sole proprietor and the
26 name of the business entity.

1 (Source: P.A. 100-1178, eff. 1-18-19.)

2 (430 ILCS 68/5-20)

3 Sec. 5-20. Additional licensee requirements.

4 (a) A certified licensee shall make a photo copy of a
5 buyer's or transferee's valid photo identification card
6 whenever a firearm sale transaction takes place. The photo
7 copy shall be attached to the documentation detailing the
8 record of sale.

9 (b) A certified licensee shall post in a conspicuous
10 position on the premises where the licensee conducts business
11 a sign that contains the following warning in block letters
12 not less than one inch in height:

13 "With few exceptions enumerated in the Firearm Owners
14 Identification Card Act, it is unlawful for you to:

15 (A) store or leave an unsecured firearm in a place
16 where a child can obtain access to it;

17 (B) sell or transfer your firearm to someone else
18 without receiving approval for the transfer from the
19 Illinois Department of State Police, or

20 (C) fail to report the loss or theft of your
21 firearm to local law enforcement within 72 hours."

22 This sign shall be created by the Illinois State Police
23 ~~Department~~ and made available for printing or downloading from
24 the Illinois State Police's Department's website.

25 (c) No retail location established after the effective

1 date of this Act shall be located within 500 feet of any
2 school, pre-school, or day care facility in existence at its
3 location before the retail location is established as measured
4 from the nearest corner of the building holding the retail
5 location to the corner of the school, pre-school, or day care
6 facility building nearest the retail location at the time the
7 retail location seeks licensure.

8 (Source: P.A. 100-1178, eff. 1-18-19.)

9 (430 ILCS 68/5-30)

10 Sec. 5-30. Training of certified licensees. Any certified
11 licensee and any employee of a certified licensee who sells or
12 transfers firearms shall receive at least 2 hours of training
13 annually regarding legal requirements and responsible business
14 practices as applicable to the sale or transfer of firearms.
15 The Illinois State Police ~~Department~~ may adopt rules regarding
16 continuing education for certified licensees related to legal
17 requirements and responsible business practices regarding the
18 sale or transfer of firearms.

19 (Source: P.A. 100-1178, eff. 1-18-19.)

20 (430 ILCS 68/5-35)

21 Sec. 5-35. Inspection of licensees' places of business.
22 Licensees shall have their places of business open for
23 inspection by the Illinois State Police ~~Department~~ and law
24 enforcement during all hours of operation involving the

1 selling, leasing, or otherwise transferring of firearms,
2 provided that the Illinois State Police ~~Department~~ or law
3 enforcement may conduct no more than one unannounced
4 inspection per business per year without good cause. During an
5 inspection, licensees shall make all records, documents, and
6 firearms accessible for inspection upon the request of the
7 Illinois State Police ~~Department~~ or law enforcement agency.
8 (Source: P.A. 100-1178, eff. 1-18-19.)

9 (430 ILCS 68/5-40)

10 Sec. 5-40. Qualifications for operation.

11 (a) Each certified licensee shall submit with each
12 application for certification or renewal an affidavit to the
13 Illinois State Police ~~Department~~ stating that each owner,
14 employee, or other agent of the certified licensee who sells
15 or conducts transfers of firearms for the certified licensee
16 is at least 21 years of age, has a currently valid Firearm
17 Owner's Identification Card and, for a renewal, has completed
18 the training required under Section 5-30. The affidavit must
19 also contain the name and Firearm Owner's Identification Card
20 number of each owner, employee, or other agent who sells or
21 conducts transfers of firearms for the certified licensee. If
22 an owner, employee, or other agent of the certified licensee
23 is not otherwise a resident of this State, the certified
24 licensee shall submit an affidavit stating that the owner,
25 employee, or other agent has undergone a background check and

1 is not prohibited from owning or possessing firearms.

2 (b) In addition to the affidavit required under subsection
3 (a), within 30 days of a new owner, employee, or other agent
4 beginning selling or conducting transfers of firearms for the
5 certified licensee, the certified licensee shall submit an
6 affidavit to the Illinois State Police ~~Department~~ stating the
7 date that the new owner, employee, or other agent began
8 selling or conducting transfers of firearms for the certified
9 licensee, and providing the information required in subsection
10 (a) for that new owner, employee, or other agent.

11 (c) If a certified licensee has a license, certificate, or
12 permit to sell, lease, transfer, purchase, or possess firearms
13 issued by the federal government or the government of any
14 state revoked or suspended for good cause within the preceding
15 4 years, the Illinois State Police ~~Department~~ may consider
16 revoking or suspending the certified licenses in this State.
17 In making a determination of whether or not to revoke or
18 suspend a certified license in this State, the Illinois State
19 Police ~~Department~~ shall consider the number of retail
20 locations the certified licensee or any related person or
21 entity operates in this State or in other states under the same
22 or different business names, and the severity of the
23 infraction in the state in which a license was revoked or
24 suspended.

25 (d) Applications and affidavits required under this
26 Section are not subject to disclosure by the Illinois State

1 Police Department under the Freedom of Information Act.

2 (Source: P.A. 100-1178, eff. 1-18-19.)

3 (430 ILCS 68/5-45)

4 Sec. 5-45. Issuance of subpoenas. The Illinois State
5 Police Department may subpoena and bring before it any person
6 or entity to take oral or written testimony or may compel the
7 production of any books, papers, records, or any other
8 documents that the Illinois State Police Department deems
9 directly relevant or material to an investigation or hearing
10 conducted by the Illinois State Police Department in the
11 enforcement of this Act, with the same fees and in the same
12 manner prescribed in civil cases in the courts of this State.
13 The licensee may file an emergency motion with the Director or
14 a hearing officer authorized by the Illinois State Police
15 Department to quash a subpoena issued by the Illinois State
16 Police Department. If the Director or hearing officer
17 determines that the subpoena was issued without good cause,
18 the Director or hearing officer may quash the subpoena.

19 (Source: P.A. 100-1178, eff. 1-18-19.)

20 (430 ILCS 68/5-50)

21 Sec. 5-50. Security system.

22 (a) On or before January 2, 2021, each certified licensee
23 operating a retail location in this State must maintain a
24 video security system and shall maintain video surveillance of

1 critical areas of the business premises, including, but not
2 limited to, all places where firearms in inventory are stored,
3 handled, sold, or transferred, and each entrance and exit. A
4 video surveillance system of the certified licensee's retail
5 location may not be installed in a bathroom and may not monitor
6 inside the bathrooms located in the retail location. If a
7 video security system is deemed inadequate by the Illinois
8 State Police Department, the licensee shall have 30 days to
9 correct the inadequacy. The Illinois State Police Department
10 shall submit to the licensee a written statement describing
11 the specific inadequacies.

12 (b) Each certified licensee operating a retail
13 establishment in this State must post a sign in a conspicuous
14 place at each entrance to the retail location that states in
15 block letters not less than one inch in height: "THESE
16 PREMISES ARE UNDER VIDEO SURVEILLANCE. YOUR IMAGE MAY BE
17 RECORDED.". This sign shall be created by the Illinois State
18 Police Department and available for printing or downloading
19 from the Illinois State Police's Department's website.

20 (c) On or before January 2, 2020, each certified licensee
21 maintaining an inventory of firearms for sale or transfer must
22 be connected to an alarm monitoring system or service that
23 will notify its local law enforcement agency of an
24 unauthorized intrusion into the premises of the licensee where
25 the firearm inventory is maintained.

26 (Source: P.A. 100-1178, eff. 1-18-19.)

1 (430 ILCS 68/5-55)

2 Sec. 5-55. Safe storage by certified licensees. In
3 addition to adequate locks, exterior lighting, surveillance
4 cameras, alarm systems, and other anti-theft measures and
5 practices, a certified licensee maintaining a retail location
6 shall develop a plan that addresses the safe storage of
7 firearms and ammunition during retail hours and after closing.
8 The certified licensee shall submit its safe storage plan to
9 the Illinois State Police Department and the plan shall be
10 deemed approved unless it is rejected by the Illinois State
11 Police Department. The Illinois State Police Department may
12 reject the plan if it is inadequate, along with a written
13 statement describing the specific inadequacies. The certified
14 licensee shall submit a corrected plan to the Illinois State
15 Police Department within 60 days of notice of an inadequate
16 plan. In the event there are still problems with the corrected
17 plan, the Illinois State Police Department shall note the
18 specific inadequacies in writing and the certified licensee
19 shall have 60 days from each notice of an inadequate plan to
20 submit a corrected plan. The Illinois State Police Department
21 may reject the corrected plan if it is inadequate. A certified
22 licensee may operate at all times that a plan is on file with
23 the Illinois State Police Department, and during times
24 permitted by this Section to prepare and submit corrected
25 plans. That any certified licensee has operated without an

1 approved safe storage plan for more than 60 days shall be
2 grounds for revocation of a certificate of license. The
3 Illinois State Police ~~Department~~ shall adopt rules regarding
4 the adequacy of a safe storage plan. The rules shall take into
5 account the various types and sizes of the entities involved,
6 and shall comply with all relevant State and federal laws.
7 Safe storage plans required under this Section are not subject
8 to disclosure by the Illinois State Police ~~Department~~ under
9 the Freedom of Information Act.

10 (Source: P.A. 100-1178, eff. 1-18-19.)

11 (430 ILCS 68/5-60)

12 Sec. 5-60. Statewide compliance standards. The Illinois
13 State Police ~~Department~~ shall develop and implement by rule
14 statewide training standards for assisting certified licensees
15 in recognizing indicators that would lead a reasonable dealer
16 to refuse sale of a firearm, including, but not limited to,
17 indicators of a straw purchase.

18 (Source: P.A. 100-1178, eff. 1-18-19.)

19 (430 ILCS 68/5-70)

20 Sec. 5-70. Fees and fines deposited in the Firearm Dealer
21 License Certification Fund. The Illinois State Police
22 ~~Department~~ shall set and collect a fee for each licensee
23 certifying under this Act. The fee may not exceed \$300 for a
24 certified licensee operating without a retail location. The

1 fee may not exceed \$1,500 for any certified licensee operating
2 with a retail location. The Illinois State Police ~~Department~~
3 may not charge a certified licensee in this State, operating
4 under the same or different business name, fees exceeding
5 \$40,000 for the certification of multiple licenses. All fees
6 and fines collected under this Act shall be deposited in the
7 Firearm Dealer License Certification Fund which is created in
8 the State treasury. Moneys in the Fund shall be used for
9 implementation and administration of this Act.

10 (Source: P.A. 100-1178, eff. 1-18-19.)

11 (430 ILCS 68/5-75)

12 Sec. 5-75. Term of license. Each certification shall be
13 valid for the term of the license being certified. A licensee
14 shall certify each new or renewed license. However, the
15 Illinois State Police ~~Department~~ is not required to renew a
16 certification if a prior certification has been revoked or
17 suspended.

18 (Source: P.A. 100-1178, eff. 1-18-19.)

19 (430 ILCS 68/5-85)

20 Sec. 5-85. Disciplinary sanctions.

21 (a) For violations of this Act not penalized under Section
22 5-15, the Illinois State Police ~~Department~~ may refuse to renew
23 or restore, or may reprimand, place on probation, suspend,
24 revoke, or take other disciplinary or non-disciplinary action

1 against any licensee, and may impose a fine commensurate with
2 the severity of the violation not to exceed \$10,000 for each
3 violation for any of the following, consistent with the
4 Protection of Lawful Commerce in Arms Act, 15 U.S.C. 7901
5 through 7903:

6 (1) Violations of this Act, or any law applicable to
7 the sale or transfer of firearms.

8 (2) A pattern of practice or other behavior which
9 demonstrates incapacity or incompetency to practice under
10 this Act.

11 (3) Aiding or assisting another person in violating
12 any provision of this Act or rules adopted under this Act.

13 (4) Failing, within 60 days, to provide information in
14 response to a written request made by the Illinois State
15 Police Department.

16 (5) Conviction of, plea of guilty to, or plea of nolo
17 contendere to any crime that disqualifies the person from
18 obtaining a valid Firearm Owner's Identification Card.

19 (6) Continued practice, although the person has become
20 unfit to practice due to any of the following:

21 (A) Any circumstance that disqualifies the person
22 from obtaining a valid Firearm Owner's Identification
23 Card or concealed carry license.

24 (B) Habitual or excessive use or abuse of drugs
25 defined in law as controlled substances, alcohol, or
26 any other substance that results in the inability to

1 practice with reasonable judgment, skill, or safety.

2 (7) Receiving, directly or indirectly, compensation
3 for any firearms sold or transferred illegally.

4 (8) Discipline by another United States jurisdiction,
5 foreign nation, or governmental agency, if at least one of
6 the grounds for the discipline is the same or
7 substantially equivalent to those set forth in this Act.

8 (9) Violation of any disciplinary order imposed on a
9 licensee by the Illinois State Police ~~Department~~.

10 (10) A finding by the Illinois State Police ~~Department~~
11 that the licensee, after having his or her certified
12 license placed on probationary status, has violated the
13 terms of probation.

14 (11) A fraudulent or material misstatement in the
15 completion of an affirmative obligation or inquiry by law
16 enforcement.

17 (b) All fines imposed under this Section shall be paid
18 within 90 days after the effective date of the final order
19 imposing the fine.

20 (Source: P.A. 100-1178, eff. 1-18-19.)

21 (430 ILCS 68/5-95)

22 Sec. 5-95. Complaints; investigations; hearings.

23 (a) The Illinois State Police ~~Department~~ may investigate
24 the actions of any applicant or of any person or persons
25 holding or claiming to hold a license or registration under

1 this Act.

2 (b) The Illinois State Police ~~Department~~ shall, before
3 disciplining a licensee under Section 5-85 or refusing to
4 issue a certificate of license, at least 30 days before the
5 date set for the hearing, (i) notify the accused in writing of
6 the charges made and the time and place for the hearing on the
7 charges, (ii) direct him or her to file a written answer to the
8 charges under oath within 20 days after service, and (iii)
9 inform the licensee that failure to answer will result in a
10 default being entered against the licensee.

11 (c) At the time and place fixed in the notice, the Director
12 or the hearing officer appointed by the Director shall proceed
13 to hear the charges, and the parties or their counsel shall be
14 accorded ample opportunity to present any pertinent
15 statements, testimony, evidence, and arguments. The Director
16 or hearing officer may continue the hearing from time to time.
17 In case the person, after receiving the notice, fails to file
18 an answer, his, her, or its license may, in the discretion of
19 the Director, having first received the recommendation of the
20 Director, be suspended, revoked, or placed on probationary
21 status, or be subject to whatever disciplinary action the
22 Director considers proper, including limiting the scope,
23 nature, or extent of the person's business, or the imposition
24 of a fine, without hearing, if the act or acts charged
25 constitute sufficient grounds for that action under this Act.

26 (d) The written notice and any notice in the subsequent

1 proceeding may be served by certified mail to the licensee's
2 address of record.

3 (e) The Director has the authority to appoint any attorney
4 licensed to practice law in this State to serve as the hearing
5 officer in any action for refusal to issue, restore, or renew a
6 license, or to discipline a licensee. The hearing officer has
7 full authority to conduct the hearing.

8 (Source: P.A. 100-1178, eff. 1-18-19.)

9 (430 ILCS 68/5-100)

10 Sec. 5-100. Hearing; rehearing.

11 (a) The Director or the hearing officer authorized by the
12 Illinois State Police Department shall hear evidence in
13 support of the formal charges and evidence produced by the
14 licensee. At the conclusion of the hearing, the Director shall
15 prepare a written report of his or her findings of fact,
16 conclusions of law, and recommendations. The report shall
17 contain a finding of whether the accused person violated this
18 Act or failed to comply with the conditions required in this
19 Act.

20 (b) At the conclusion of the hearing, a copy of the
21 Director's or hearing officer's report shall be served upon
22 the licensee by the Illinois State Police Department, either
23 personally or as provided in this Act, for the service of a
24 notice of hearing. Within 20 calendar days after service, the
25 licensee may present to the Illinois State Police Department a

1 motion in writing for a rehearing, which shall specify the
2 particular grounds for rehearing. The Illinois State Police
3 ~~Department~~ may respond to the motion for rehearing within 20
4 calendar days after its service on the Illinois State Police
5 ~~Department~~. If no motion for rehearing is filed, then upon the
6 expiration of the time specified for filing such a motion, or
7 upon denial of a motion for rehearing, the Director may enter
8 an order in accordance with his or her recommendations or the
9 recommendations of the hearing officer. If the licensee orders
10 from the reporting service and pays for a transcript of the
11 record within the time for filing a motion for rehearing, the
12 20-day period within which a motion may be filed shall
13 commence upon the delivery of the transcript to the licensee.

14 (c) All proceedings under this Section are matters of
15 public record and shall be preserved.

16 (d) The licensee may continue to operate during the course
17 of an investigation or hearing, unless the Director finds that
18 the public interest, safety, or welfare requires an emergency
19 action.

20 (e) Upon the suspension or revocation of a certificate of
21 license, the licensee shall surrender the certificate to the
22 Illinois State Police ~~Department~~ and, upon failure to do so,
23 the Illinois State Police ~~Department~~ shall seize the same.
24 However, when the certification of a certified licensee is
25 suspended, the certified licensee shall not operate as a
26 certified licensee during the period in which the certificate

1 is suspended and, if operating during that period, shall be
2 operating in violation of subsection (a) of Section 5-15 of
3 this Act. A person who violates this Section is guilty of a
4 Class A misdemeanor for a first violation, and a Class 4 felony
5 for a second or subsequent violation. In addition to any other
6 penalty provided by law, any person or entity who violates
7 this Section shall pay a civil penalty to the Illinois State
8 Police Department in an amount not to exceed \$2,500 for the
9 first violation, and a fine not to exceed \$5,000 for a second
10 or subsequent violation.

11 (Source: P.A. 100-1178, eff. 1-18-19.)

12 (430 ILCS 68/5-105)

13 Sec. 5-105. Restoration of certificate of license after
14 disciplinary proceedings. At any time after the successful
15 completion of a term of probation, suspension, or revocation
16 of a certificate of license, the Illinois State Police
17 ~~Department~~ may restore it to the licensee, unless, after an
18 investigation and a hearing, the Director determines that
19 restoration is not in the public interest. No person or entity
20 whose certificate of license, card, or authority has been
21 revoked as authorized in this Act may apply for restoration of
22 that certificate of license, card, or authority until such
23 time as provided for in the Civil Administrative Code of
24 Illinois.

25 (Source: P.A. 100-1178, eff. 1-18-19.)

1 (430 ILCS 68/5-110)

2 Sec. 5-110. Administrative review. All final
3 administrative decisions of the Illinois State Police
4 ~~Department~~ are subject to judicial review under Article III of
5 the Code of Civil Procedure. The term "administrative
6 decision" is defined as in Section 3-101 of the Code of Civil
7 Procedure. The proceedings for judicial review shall be
8 commenced in the circuit court of the county in which the party
9 applying for review resides, but if the party is not a resident
10 of this State, the venue shall be in Sangamon County. The
11 Illinois State Police ~~Department~~ shall not be required to
12 certify any record to the court, or file any answer in court,
13 or otherwise appear in any court in a judicial review
14 proceeding, unless, and until, the Illinois State Police
15 ~~Department~~ has received from the plaintiff payment of the
16 costs of furnishing and certifying the record, which costs
17 shall be determined by the Illinois State Police ~~Department~~.
18 Exhibits shall be certified without cost. Failure on the part
19 of the applicant or licensee to file a receipt in court is
20 grounds for dismissal of the action.

21 (Source: P.A. 100-1178, eff. 1-18-19.)

22 (430 ILCS 68/5-115)

23 Sec. 5-115. Prima facie proof.

24 (a) An order or a certified copy thereof, over the seal of

1 the Illinois State Police ~~Department~~ and purporting to be
2 signed by the Director, is prima facie proof that the
3 signature is that of the Director, and the Director is
4 qualified to act.

5 (b) A certified copy of a record of the Illinois State
6 Police ~~Department~~ shall, without further proof, be admitted
7 into evidence in any legal proceeding, and shall be prima
8 facie correct and prima facie evidence of the information
9 contained therein.

10 (Source: P.A. 100-1178, eff. 1-18-19.)

11 (430 ILCS 68/5-120)

12 Sec. 5-120. Federal agencies and investigations. Nothing
13 in this Act shall be construed to interfere with any federal
14 agency or any federal agency investigation. All Illinois State
15 Police ~~Department~~ rules adopted under this Act shall comply
16 with federal law. The Illinois State Police ~~Department~~ may as
17 necessary coordinate efforts with relevant State and federal
18 law enforcement agencies to enforce this Act.

19 (Source: P.A. 100-1178, eff. 1-18-19.)

20 Section 895. The Humane Euthanasia in Animal Shelters Act
21 is amended by changing Sections 35 and 55 as follows:

22 (510 ILCS 72/35)

23 Sec. 35. Technician certification; duties.

1 (a) An applicant for certification as a euthanasia
2 technician shall file an application with the Department and
3 shall:

4 (1) Be 18 years of age.

5 (2) Be of good moral character. In determining moral
6 character under this Section, the Department may take into
7 consideration whether the applicant has engaged in conduct
8 or activities that would constitute grounds for discipline
9 under this Act.

10 (3) Each applicant for certification as a euthanasia
11 technician shall have his or her fingerprints submitted to
12 the Illinois ~~Department of~~ State Police in an electronic
13 format that complies with the form and manner for
14 requesting and furnishing criminal history record
15 information as prescribed by the Illinois ~~Department of~~
16 State Police. These fingerprints shall be checked against
17 the Illinois ~~Department of~~ State Police and Federal Bureau
18 of Investigation criminal history record databases now and
19 hereafter filed. The Illinois ~~Department of~~ State Police
20 shall charge applicants a fee for conducting the criminal
21 history records check, which shall be deposited in the
22 State Police Services Fund and shall not exceed the actual
23 cost of the records check. The Illinois ~~Department of~~
24 State Police shall furnish, pursuant to positive
25 identification, records of Illinois convictions to the
26 Department.

1 (4) Hold a license or certification from the American
2 Humane Association, the National Animal Control
3 Association, the Illinois Federation of Humane Societies,
4 or the Humane Society of the United States issued within 3
5 years preceding the date of application. Every 5 years a
6 certified euthanasia technician must renew his or her
7 certification with the Department. At the time of renewal,
8 the technician must present proof that he or she attended
9 a class or seminar, administered by the American Humane
10 Association, the National Animal Control Association, the
11 Illinois Federation of Humane Societies, or the Humane
12 Society of the United States, that teaches techniques or
13 guidelines, or both, for humane animal euthanasia.

14 (5) Pay the required fee.

15 (b) The duties of a euthanasia technician shall include
16 but are not limited to:

17 (1) preparing animals for euthanasia and scanning each
18 animal, prior to euthanasia, for microchips;

19 (2) accurately recording the dosages administered and
20 the amount of drugs wasted;

21 (3) ordering supplies;

22 (4) maintaining the security of all controlled
23 substances and drugs;

24 (5) humanely euthanizing animals via intravenous
25 injection by hypodermic needle, intraperitoneal injection
26 by hypodermic needle, or intracardiac injection only on

1 comatose animals by hypodermic needle; and

2 (6) properly disposing of euthanized animals after
3 verification of death.

4 (c) A euthanasia technician employed by a euthanasia
5 agency may perform euthanasia by the administration of a
6 Schedule II or Schedule III nonnarcotic controlled substance.
7 A euthanasia technician may not personally possess, order, or
8 administer a controlled substance except as an agent of the
9 euthanasia agency.

10 (d) Upon termination from a euthanasia agency, a
11 euthanasia technician shall not perform animal euthanasia
12 until he or she is employed by another certified euthanasia
13 agency.

14 (e) A certified euthanasia technician or an instructor in
15 an approved course does not engage in the practice of
16 veterinary medicine when performing duties set forth in this
17 Act.

18 (Source: P.A. 96-780, eff. 8-28-09.)

19 (510 ILCS 72/55)

20 Sec. 55. Endorsement. An applicant, who is a euthanasia
21 technician registered or licensed under the laws of another
22 state or territory of the United States that has requirements
23 that are substantially similar to the requirements of this
24 Act, may be granted certification as a euthanasia technician
25 in this State without examination, upon presenting

1 satisfactory proof to the Department that the applicant has
2 been engaged in the practice of euthanasia for a period of not
3 less than one year and upon payment of the required fee. In
4 addition, an applicant shall have his or her fingerprints
5 submitted to the Illinois ~~Department of~~ State Police for
6 purposes of a criminal history records check pursuant to
7 clause (a) (3) of Section 35.

8 (Source: P.A. 92-449, eff. 1-1-02; 93-626, eff. 12-23-03.)

9 Section 900. The Wildlife Code is amended by changing
10 Section 3.5 as follows:

11 (520 ILCS 5/3.5) (from Ch. 61, par. 3.5)

12 Sec. 3.5. Penalties; probation.

13 (a) Any person who violates any of the provisions of
14 Section 2.36a, including administrative rules, shall be guilty
15 of a Class 3 felony, except as otherwise provided in
16 subsection (b) of this Section and subsection (a) of Section
17 2.36a.

18 (b) Whenever any person who has not previously been
19 convicted of, or placed on probation or court supervision for,
20 any offense under Section 1.22, 2.36, or 2.36a or subsection
21 (i) or (cc) of Section 2.33, the court may, without entering a
22 judgment and with the person's consent, sentence the person to
23 probation for a violation of Section 2.36a.

24 (1) When a person is placed on probation, the court

1 shall enter an order specifying a period of probation of
2 24 months and shall defer further proceedings in the case
3 until the conclusion of the period or until the filing of a
4 petition alleging violation of a term or condition of
5 probation.

6 (2) The conditions of probation shall be that the
7 person:

8 (A) Not violate any criminal statute of any
9 jurisdiction.

10 (B) Perform no less than 30 hours of community
11 service, provided community service is available in
12 the jurisdiction and is funded and approved by the
13 county board.

14 (3) The court may, in addition to other conditions:

15 (A) Require that the person make a report to and
16 appear in person before or participate with the court
17 or courts, person, or social service agency as
18 directed by the court in the order of probation.

19 (B) Require that the person pay a fine and costs.

20 (C) Require that the person refrain from
21 possessing a firearm or other dangerous weapon.

22 (D) Prohibit the person from associating with any
23 person who is actively engaged in any of the
24 activities regulated by the permits issued or
25 privileges granted by the Department of Natural
26 Resources.

1 (4) Upon violation of a term or condition of
2 probation, the court may enter a judgment on its original
3 finding of guilt and proceed as otherwise provided.

4 (5) Upon fulfillment of the terms and conditions of
5 probation, the court shall discharge the person and
6 dismiss the proceedings against the person.

7 (6) A disposition of probation is considered to be a
8 conviction for the purposes of imposing the conditions of
9 probation, for appeal, and for administrative revocation
10 and suspension of licenses and privileges; however,
11 discharge and dismissal under this Section is not a
12 conviction for purposes of disqualification or
13 disabilities imposed by law upon conviction of a crime.

14 (7) Discharge and dismissal under this Section may
15 occur only once with respect to any person.

16 (8) If a person is convicted of an offense under this
17 Act within 5 years subsequent to a discharge and dismissal
18 under this Section, the discharge and dismissal under this
19 Section shall be admissible in the sentencing proceeding
20 for that conviction as a factor in aggravation.

21 (9) The Circuit Clerk shall notify the Illinois
22 ~~Department of State Police~~ of all persons convicted of or
23 placed under probation for violations of Section 2.36a.

24 (c) Any person who violates any of the provisions of
25 Sections 2.9, 2.11, 2.16, 2.18, 2.24, 2.25, 2.26, 2.29, 2.30,
26 2.31, 2.32, 2.33 (except subsections (g), (i), (o), (p), (y),

1 and (cc)), 2.33-1, 2.33a, 3.3, 3.4, 3.11 through 3.16, 3.19,
2 3.20, 3.21 (except subsections (b), (c), (d), (e), (f), (f.5),
3 (g), (h), and (i)), 3.24, 3.25, and 3.26 (except subsection
4 (f)), including administrative rules, shall be guilty of a
5 Class B misdemeanor.

6 A person who violates Section 2.33b by using any computer
7 software or service to remotely control a weapon that takes
8 wildlife by remote operation is guilty of a Class B
9 misdemeanor. A person who violates Section 2.33b by
10 facilitating a violation of Section 2.33b, including an owner
11 of land in which remote control hunting occurs, a computer
12 programmer who designs a program or software to facilitate
13 remote control hunting, or a person who provides weapons or
14 equipment to facilitate remote control hunting, is guilty of a
15 Class A misdemeanor.

16 Any person who violates any of the provisions of Sections
17 1.22, 2.2a, 2.3, 2.4, 2.36 and 2.38, including administrative
18 rules, shall be guilty of a Class A misdemeanor. Any second or
19 subsequent violations of Sections 2.4 and 2.36 shall be a
20 Class 4 felony.

21 Any person who violates any of the provisions of this Act,
22 including administrative rules, during such period when his
23 license, privileges, or permit is revoked or denied by virtue
24 of Section 3.36, shall be guilty of a Class A misdemeanor.

25 Any person who violates subsection (g), (i), (o), (p),
26 (y), or (cc) of Section 2.33 shall be guilty of a Class A

1 misdemeanor and subject to a fine of no less than \$500 and no
2 more than \$5,000 in addition to other statutory penalties. In
3 addition, the Department shall suspend the privileges, under
4 this Act, of any person found guilty of violating Section
5 2.33(cc) for a period of not less than one year.

6 Any person who violates any other of the provisions of
7 this Act including administrative rules, unless otherwise
8 stated, shall be guilty of a petty offense. Offenses committed
9 by minors under the direct control or with the consent of a
10 parent or guardian may subject the parent or guardian to the
11 penalties prescribed in this Section.

12 In addition to any fines imposed pursuant to the
13 provisions of this Section or as otherwise provided in this
14 Act, any person found guilty of unlawfully taking or
15 possessing any species protected by this Act, shall be
16 assessed a civil penalty for such species in accordance with
17 the values prescribed in Section 2.36a of this Act. This civil
18 penalty shall be imposed by the Circuit Court for the county
19 within which the offense was committed at the time of the
20 conviction. All penalties provided for in this Section shall
21 be remitted to the Department in accordance with the same
22 provisions provided for in Section 1.18 of this Act.

23 (Source: P.A. 97-431, eff. 8-16-11.)

24 Section 910. The Public Private Agreements for the Illiana
25 Expressway Act is amended by changing Section 115 as follows:

1 (605 ILCS 130/115)

2 Sec. 115. Additional powers of the Department with respect
3 to the Illiana Expressway.

4 (a) The Department may exercise any powers provided under
5 this Act in participation or cooperation with any governmental
6 entity and enter into any contracts to facilitate that
7 participation or cooperation. The Department shall cooperate
8 with other governmental entities under this Act.

9 (b) The Department may make and enter into all contracts
10 and agreements necessary or incidental to the performance of
11 the Department's duties and the execution of the Department's
12 powers under this Act. Except as otherwise required by law,
13 these contracts or agreements are not subject to any approvals
14 other than the approval of the Department, Governor, or
15 federal agencies.

16 (c) The Department may pay the costs incurred under the
17 public private agreement entered into under this Act from any
18 funds available to the Department for the purpose of the
19 Illiana Expressway under this Act or any other statute.

20 (d) The Department or other State agency may not take any
21 action that would impair the public private agreement entered
22 into under this Act, except as provided by law.

23 (e) The Department may enter into an agreement between and
24 among the contractor, the Department, and the Illinois
25 ~~Department of~~ State Police concerning the provision of law

1 enforcement assistance with respect to the Illiana Expressway
2 under this Act.

3 (f) The Department is authorized to enter into
4 arrangements with the Illinois State Police related to costs
5 incurred in providing law enforcement assistance under this
6 Act.

7 (Source: P.A. 96-913, eff. 6-9-10.)

8 Section 915. The Railroad Police Act is amended by
9 changing Section 2 as follows:

10 (610 ILCS 80/2) (from Ch. 114, par. 98)

11 Sec. 2. Conductors of all railroad trains, and the captain
12 or master of any boat carrying passengers within the
13 jurisdiction of this State, are vested with police powers
14 while on duty on their respective trains and boats, and may
15 wear an appropriate badge indicative of this authority.

16 In the policing of its properties any registered rail
17 carrier, as defined in Section 18c-7201 of the Illinois
18 Vehicle Code, may provide for the appointment and maintenance
19 of a police force to aid and supplement the police forces of
20 any municipality in the protection of its property and the
21 protection of the persons and property of its passengers and
22 employees, or in furtherance of the purposes for which the
23 railroad was organized. While engaged in the conduct of their
24 employment, the members of the railroad police force have and

1 may exercise the same police powers conferred upon any peace
2 officer employed by a law enforcement agency of this State,
3 including the authority to issue administrative citations in
4 accordance with the provisions of county or municipal
5 ordinances.

6 Any registered rail carrier that appoints and maintains a
7 police force shall comply with the following requirements:

8 (1) Establish an internal policy that includes
9 procedures to ensure objective oversight in addressing
10 allegations of abuse of authority or other misconduct on
11 the part of its police officers.

12 (2) Adopt appropriate policies and guidelines for
13 employee investigations by police officers. These policies
14 and guidelines shall provide for initiating employee
15 investigations only under the following conditions:

16 (A) There is reason to believe criminal misconduct
17 has occurred.

18 (B) In response to an employee accident.

19 (C) There is reason to believe that the interview
20 of an employee could result in workplace violence.

21 (D) There is a legitimate concern for the personal
22 safety of one or more employees.

23 These policies and guidelines shall provide for the
24 right of an employee to request a representative to be
25 present during any interview concerning a non-criminal
26 matter.

1 (3) File copies of the policies and guidelines adopted
2 under paragraphs (1) and (2) with the Illinois Law
3 Enforcement Training Standards Board, which shall make
4 them available for public inspection. The Board shall
5 review the policies and guidelines, and approve them if
6 they comply with the Act.

7 (4) Appeal of a rail carrier's decision. A person
8 adversely affected or aggrieved by a decision of a rail
9 carrier's internal investigation under this Act may appeal
10 the decision to the Illinois State Police. The appeal
11 shall be filed no later than 90 days after the issuance of
12 the decision. The Illinois State Police shall review the
13 depth, completeness, and objectivity of the rail carrier's
14 investigation, and may conduct its own investigation of
15 the complaint. The Illinois State Police may uphold,
16 overturn, or modify the rail carrier's decision by filing
17 a report of its findings and recommendations with the
18 Illinois Commerce Commission. Consistent with authority
19 under Chapter 18C of the Illinois Vehicle Code and the
20 Commission rules of practice, the Commission shall have
21 the power to conduct evidentiary hearings, make findings,
22 and issue and enforce orders, including sanctions under
23 Section 18c-1704 of the Illinois Vehicle Code.

24 Rulemaking authority to implement this amendatory Act of
25 the 95th General Assembly, if any, is conditioned on the rules
26 being adopted in accordance with all provisions of the

1 Illinois Administrative Procedure Act and all rules and
2 procedures of the Joint Committee on Administrative Rules; any
3 purported rule not so adopted, for whatever reason, is
4 unauthorized.

5 (Source: P.A. 98-791, eff. 7-25-14; 99-78, eff. 7-20-15.)

6 Section 920. The Military Emergency Aircraft Restriction
7 Act is amended by changing Section 5 as follows:

8 (620 ILCS 10/5) (from Ch. 15 1/2, par. 183)

9 Sec. 5. Notice of the existence of a state of military
10 emergency and of currently prevailing air traffic control
11 requirements issued to the Department and to civil and
12 military aviation facilities of this State over the Federal
13 Interstate Airways Communications System and the State
14 emergency fan-out system components of the Civil Air Defense
15 Warning Net is sufficient to authorize the Department to
16 control non-scheduled civil aircraft movement as provided in
17 this Act.

18 The Department may utilize, to the extent of capacity, the
19 radio network system of the Illinois State Police, county
20 sheriffs' offices and municipal police departments in order to
21 assure a reliable and adequate State fan-out communications
22 system required for rapid dissemination of notices to airmen
23 and civil aviation authorities respecting such aircraft
24 movement control as may be required on the part of the

1 Department and airport operators and managers during the
2 existence of a state of military emergency.

3 (Source: P.A. 91-357, eff. 7-29-99.)

4 Section 930. The Public-Private Agreements for the South
5 Suburban Airport Act is amended by changing Section 2-135 as
6 follows:

7 (620 ILCS 75/2-135)

8 Sec. 2-135. Additional powers of the Department with
9 respect to the South Suburban Airport.

10 (a) The Department may exercise any powers provided under
11 this Act in participation or cooperation with any governmental
12 entity and enter into any contracts to facilitate that
13 participation or cooperation. The Department shall cooperate
14 with other governmental entities under this Act.

15 (b) The Department may make and enter into all contracts
16 and agreements necessary or incidental to the performance of
17 the Department's duties and the execution of the Department's
18 powers under this Act. Except as otherwise required by law,
19 these contracts or agreements are not subject to any approvals
20 other than the approval of the Department, Governor, or
21 federal agencies and may contain any terms that are considered
22 reasonable by the Department and not in conflict with any
23 provisions of this Act or other statutes, rules, or laws.

24 (c) The Department may pay the costs incurred under the

1 public-private agreement entered into under this Act from any
2 funds available to the Department for the purpose of the South
3 Suburban Airport under this Act or any other statute.

4 (d) The Department and other State agencies shall not take
5 any action that would impair the public-private agreement
6 entered into under this Act, except as provided by law.

7 (e) The Department may enter into an agreement between and
8 among the contractor, the Department, and the Illinois
9 ~~Department of~~ State Police concerning the provision of law
10 enforcement assistance with respect to the South Suburban
11 Airport under this Act.

12 (f) The Department is authorized to enter into
13 arrangements with the Illinois State Police related to costs
14 incurred in providing law enforcement assistance under this
15 Act.

16 (Source: P.A. 98-109, eff. 7-25-13.)

17 Section 935. The Illinois Vehicle Code is amended by
18 changing Sections 1-129, 2-116, 2-119, 3-117.1, 3-405, 3-416,
19 4-107, 4-109, 4-202, 4-203.5, 4-205, 4-206, 4-209, 4-302,
20 5-102, 5-105, 5-401.2, 5-402.1, 6-106.1, 6-106.1a, 6-107.5,
21 6-112, 6-402, 6-411, 6-508, 8-115, 11-212, 11-416, 11-501.01,
22 11-501.2, 11-501.4-1, 11-501.5, 11-501.6, 11-501.8, 11-501.10,
23 11-605.1, 11-907.1, 12-612, 13-109.1, 15-102, 15-112, 15-201,
24 15-202, 15-203, 15-305, 16-102, 16-105, 18a-200, 18b-112,
25 18c-1702, and 18c-4601 as follows:

1 (625 ILCS 5/1-129) (from Ch. 95 1/2, par. 1-129)
2 Sec. 1-129. Identification Number. The numbers and
3 letters, if any, on a vehicle or essential part, affixed by its
4 manufacturer, the Illinois Secretary of State or the Illinois
5 ~~Department of~~ State Police for the purpose of identifying the
6 vehicle or essential part, or which is required to be affixed
7 to the vehicle or part by federal or state law.
8 (Source: P.A. 84-1302; 84-1304.)

9 (625 ILCS 5/2-116) (from Ch. 95 1/2, par. 2-116)
10 Sec. 2-116. Secretary of State Department of Police.
11 (a) The Secretary of State and the officers, inspectors,
12 and investigators appointed by him shall cooperate with the
13 Illinois State Police and the sheriffs and police in enforcing
14 the laws regulating the operation of vehicles and the use of
15 the highways.
16 (b) The Secretary of State may provide training and
17 education for members of his office in traffic regulation, the
18 promotion of traffic safety and the enforcement of laws vested
19 in the Secretary of State for administration and enforcement
20 regulating the operation of vehicles and the use of the
21 highways.
22 (c) The Secretary of State may provide distinctive
23 uniforms and badges for officers, inspectors and investigators
24 employed in the administration of laws relating to the

1 operation of vehicles and the use of the highways and vesting
2 the administration and enforcement of such laws in the
3 Secretary of State.

4 (c-5) The Director of the Secretary of State Department of
5 Police shall establish a program to allow a Secretary of State
6 Police officer, inspector, or investigator who is honorably
7 retiring in good standing to purchase either one or both of the
8 following: (1) any Secretary of State Department of Police
9 badge previously issued to that officer, inspector, or
10 investigator; or (2) if the officer, inspector, or
11 investigator has a currently valid Firearm Owner's
12 Identification Card, the service firearm issued or previously
13 issued to the officer, inspector, or investigator by the
14 Secretary of State Department of Police. The cost of the
15 firearm shall be the replacement value of the firearm and not
16 the firearm's fair market value.

17 (d) The Secretary of State Department of Police is
18 authorized to:

19 (1) investigate the origins, activities, persons, and
20 incidents of crime and the ways and means, if any, to
21 redress the victims of crimes, and study the impact, if
22 any, of legislation relative to the criminal laws of this
23 State related thereto and conduct any other investigations
24 as may be provided by law;

25 (2) employ skilled experts, technicians,
26 investigators, special agents, or otherwise specially

1 qualified persons to aid in preventing or detecting crime,
2 apprehending criminals, or preparing and presenting
3 evidence of violations of the criminal laws of the State;

4 (3) cooperate with the police of cities, villages, and
5 incorporated towns, and with the police officers of any
6 county, in enforcing the laws of the State and in making
7 arrests;

8 (4) provide, as may be required by law, assistance to
9 local law enforcement agencies through training,
10 management, and consultant services for local law
11 enforcement agencies, pertaining to law enforcement
12 activities;

13 (5) exercise the rights, powers, and duties which have
14 been vested in it by the Secretary of State Act and this
15 Code; and

16 (6) enforce and administer any other laws in relation
17 to law enforcement as may be vested in the Secretary of
18 State Department of Police.

19 Persons within the Secretary of State Department of Police
20 who exercise these powers are conservators of the peace and
21 have all the powers possessed by policemen in municipalities
22 and sheriffs, and may exercise these powers anywhere in the
23 State in cooperation with local law enforcement officials.
24 These persons may use false or fictitious names in the
25 performance of their duties under this Section, upon approval
26 of the Director of Police-Secretary of State, and shall not be

1 subject to prosecution under the criminal laws for that use.

2 (e) The Secretary of State Department of Police may
3 charge, collect, and receive fees or moneys equivalent to the
4 cost of providing its personnel, equipment, and services to
5 governmental agencies when explicitly requested by a
6 governmental agency and according to an intergovernmental
7 agreement or memorandums of understanding as provided by this
8 Section, including but not limited to fees or moneys
9 equivalent to the cost of providing training to other
10 governmental agencies on terms and conditions that in the
11 judgment of the Director of Police-Secretary of State are in
12 the best interest of the Secretary of State. All fees received
13 by the Secretary of State Police Department under this Act
14 shall be deposited in a special fund in the State Treasury to
15 be known as the Secretary of State Police Services Fund. The
16 money deposited in the Secretary of State Police Services Fund
17 shall be appropriated to the Secretary of State Department of
18 Police as provided for in subsection (g).

19 (f) The Secretary of State Department of Police may apply
20 for grants or contracts and receive, expend, allocate, or
21 disburse moneys made available by public or private entities,
22 including, but not limited to, contracts, bequests, grants, or
23 receiving equipment from corporations, foundations, or public
24 or private institutions of higher learning.

25 (g) The Secretary of State Police Services Fund is hereby
26 created as a special fund in the State Treasury. All moneys

1 received under this Section by the Secretary of State
2 Department of Police shall be deposited into the Secretary of
3 State Police Services Fund to be appropriated to the Secretary
4 of State Department of Police for purposes as indicated by the
5 grantor or contractor or, in the case of moneys bequeathed or
6 granted for no specific purpose, for any purpose as deemed
7 appropriate by the Director of Police-Secretary of State in
8 administering the responsibilities of the Secretary of State
9 Department of Police.

10 (Source: P.A. 100-931, eff. 8-17-18.)

11 (625 ILCS 5/2-119) (from Ch. 95 1/2, par. 2-119)

12 Sec. 2-119. Disposition of fees and taxes.

13 (a) All moneys received from Salvage Certificates shall be
14 deposited in the Common School Fund in the State Treasury.

15 (b) Of the money collected for each certificate of title,
16 duplicate certificate of title, and corrected certificate of
17 title:

18 (1) \$2.60 shall be deposited in the Park and
19 Conservation Fund;

20 (2) \$0.65 shall be deposited in the Illinois Fisheries
21 Management Fund;

22 (3) \$48 shall be disbursed under subsection (g) of
23 this Section;

24 (4) \$4 shall be deposited into the Motor Vehicle
25 License Plate Fund; and

1 (5) \$30 shall be deposited into the Capital Projects
2 Fund.

3 All remaining moneys collected for certificates of title,
4 and all moneys collected for filing of security interests,
5 shall be deposited in the General Revenue Fund.

6 The \$20 collected for each delinquent vehicle registration
7 renewal fee shall be deposited into the General Revenue Fund.

8 The moneys deposited in the Park and Conservation Fund
9 under this Section shall be used for the acquisition and
10 development of bike paths as provided for in Section 805-420
11 of the Department of Natural Resources (Conservation) Law of
12 the Civil Administrative Code of Illinois. The moneys
13 deposited into the Park and Conservation Fund under this
14 subsection shall not be subject to administrative charges or
15 chargebacks, unless otherwise authorized by this Code.

16 If the balance in the Motor Vehicle License Plate Fund
17 exceeds \$40,000,000 on the last day of a calendar month, then
18 during the next calendar month, the \$4 that otherwise would be
19 deposited in that fund shall instead be deposited into the
20 Road Fund.

21 (c) All moneys collected for that portion of a driver's
22 license fee designated for driver education under Section
23 6-118 shall be placed in the Drivers Education Fund in the
24 State Treasury.

25 (d) Of the moneys collected as a registration fee for each
26 motorcycle, motor driven cycle, and moped, 27% shall be

1 deposited in the Cycle Rider Safety Training Fund.

2 (e) (Blank).

3 (f) Of the total money collected for a commercial
4 learner's permit (CLP) or original or renewal issuance of a
5 commercial driver's license (CDL) pursuant to the Uniform
6 Commercial Driver's License Act (UCDLA): (i) \$6 of the total
7 fee for an original or renewal CDL, and \$6 of the total CLP fee
8 when such permit is issued to any person holding a valid
9 Illinois driver's license, shall be paid into the
10 CDLIS/AAMVAnet/NMVTIS Trust Fund (Commercial Driver's License
11 Information System/American Association of Motor Vehicle
12 Administrators network/National Motor Vehicle Title
13 Information Service Trust Fund) and shall be used for the
14 purposes provided in Section 6z-23 of the State Finance Act
15 and (ii) \$20 of the total fee for an original or renewal CDL or
16 CLP shall be paid into the Motor Carrier Safety Inspection
17 Fund, which is hereby created as a special fund in the State
18 Treasury, to be used by the Illinois ~~Department of~~ State
19 Police, subject to appropriation, to hire additional officers
20 to conduct motor carrier safety inspections pursuant to
21 Chapter 18b of this Code.

22 (g) Of the moneys received by the Secretary of State as
23 registration fees or taxes, certificates of title, duplicate
24 certificates of title, corrected certificates of title, or as
25 payment of any other fee under this Code, when those moneys are
26 not otherwise distributed by this Code, 37% shall be deposited

1 into the State Construction Account Fund, and 63% shall be
2 deposited in the Road Fund. Moneys in the Road Fund shall be
3 used for the purposes provided in Section 8.3 of the State
4 Finance Act.

5 (h) (Blank).

6 (i) (Blank).

7 (j) (Blank).

8 (k) There is created in the State Treasury a special fund
9 to be known as the Secretary of State Special License Plate
10 Fund. Money deposited into the Fund shall, subject to
11 appropriation, be used by the Office of the Secretary of State
12 (i) to help defray plate manufacturing and plate processing
13 costs for the issuance and, when applicable, renewal of any
14 new or existing registration plates authorized under this Code
15 and (ii) for grants made by the Secretary of State to benefit
16 Illinois Veterans Home libraries.

17 (l) The Motor Vehicle Review Board Fund is created as a
18 special fund in the State Treasury. Moneys deposited into the
19 Fund under paragraph (7) of subsection (b) of Section 5-101
20 and Section 5-109 shall, subject to appropriation, be used by
21 the Office of the Secretary of State to administer the Motor
22 Vehicle Review Board, including without limitation payment of
23 compensation and all necessary expenses incurred in
24 administering the Motor Vehicle Review Board under the Motor
25 Vehicle Franchise Act.

26 (m) Effective July 1, 1996, there is created in the State

1 Treasury a special fund to be known as the Family
2 Responsibility Fund. Moneys deposited into the Fund shall,
3 subject to appropriation, be used by the Office of the
4 Secretary of State for the purpose of enforcing the Family
5 Financial Responsibility Law.

6 (n) The Illinois Fire Fighters' Memorial Fund is created
7 as a special fund in the State Treasury. Moneys deposited into
8 the Fund shall, subject to appropriation, be used by the
9 Office of the State Fire Marshal for construction of the
10 Illinois Fire Fighters' Memorial to be located at the State
11 Capitol grounds in Springfield, Illinois. Upon the completion
12 of the Memorial, moneys in the Fund shall be used in accordance
13 with Section 3-634.

14 (o) Of the money collected for each certificate of title
15 for all-terrain vehicles and off-highway motorcycles, \$17
16 shall be deposited into the Off-Highway Vehicle Trails Fund.

17 (p) For audits conducted on or after July 1, 2003 pursuant
18 to Section 2-124(d) of this Code, 50% of the money collected as
19 audit fees shall be deposited into the General Revenue Fund.

20 (Source: P.A. 98-176 (See Section 10 of P.A. 98-722 and
21 Section 10 of P.A. 99-414 for the effective date of changes
22 made by P.A. 98-176); 98-177, eff. 1-1-14; 98-756, eff.
23 7-16-14; 99-127, eff. 1-1-16; 99-933, eff. 1-27-17.)

24 (625 ILCS 5/3-117.1) (from Ch. 95 1/2, par. 3-117.1)

25 Sec. 3-117.1. When junking certificates or salvage

1 certificates must be obtained.

2 (a) Except as provided in Chapter 4 and Section 3-117.3 of
3 this Code, a person who possesses a junk vehicle shall within
4 15 days cause the certificate of title, salvage certificate,
5 certificate of purchase, or a similarly acceptable
6 out-of-state document of ownership to be surrendered to the
7 Secretary of State along with an application for a junking
8 certificate, except as provided in Section 3-117.2, whereupon
9 the Secretary of State shall issue to such a person a junking
10 certificate, which shall authorize the holder thereof to
11 possess, transport, or, by an endorsement, transfer ownership
12 in such junked vehicle, and a certificate of title shall not
13 again be issued for such vehicle. The owner of a junk vehicle
14 is not required to surrender the certificate of title under
15 this subsection if (i) there is no lienholder on the
16 certificate of title or (ii) the owner of the junk vehicle has
17 a valid lien release from the lienholder releasing all
18 interest in the vehicle and the owner applying for the junk
19 certificate matches the current record on the certificate of
20 title file for the vehicle.

21 A licensee who possesses a junk vehicle and a Certificate
22 of Title, Salvage Certificate, Certificate of Purchase, or a
23 similarly acceptable out-of-state document of ownership for
24 such junk vehicle, may transport the junk vehicle to another
25 licensee prior to applying for or obtaining a junking
26 certificate, by executing a uniform invoice. The licensee

1 transferor shall furnish a copy of the uniform invoice to the
2 licensee transferee at the time of transfer. In any case, the
3 licensee transferor shall apply for a junking certificate in
4 conformance with Section 3-117.1 of this Chapter. The
5 following information shall be contained on a uniform invoice:

6 (1) The business name, address and dealer license
7 number of the person disposing of the vehicle, junk
8 vehicle or vehicle cowl;

9 (2) The name and address of the person acquiring the
10 vehicle, junk vehicle or vehicle cowl, and if that person
11 is a dealer, the Illinois or out-of-state dealer license
12 number of that dealer;

13 (3) The date of the disposition of the vehicle, junk
14 vehicle or vehicle cowl;

15 (4) The year, make, model, color and description of
16 each vehicle, junk vehicle or vehicle cowl disposed of by
17 such person;

18 (5) The manufacturer's vehicle identification number,
19 Secretary of State identification number or Illinois
20 ~~Department of State Police~~ number, for each vehicle, junk
21 vehicle or vehicle cowl part disposed of by such person;

22 (6) The printed name and legible signature of the
23 person or agent disposing of the vehicle, junk vehicle or
24 vehicle cowl; and

25 (7) The printed name and legible signature of the
26 person accepting delivery of the vehicle, junk vehicle or

1 vehicle cowl.

2 The Secretary of State may certify a junking manifest in a
3 form prescribed by the Secretary of State that reflects those
4 vehicles for which junking certificates have been applied or
5 issued. A junking manifest may be issued to any person and it
6 shall constitute evidence of ownership for the vehicle listed
7 upon it. A junking manifest may be transferred only to a person
8 licensed under Section 5-301 of this Code as a scrap
9 processor. A junking manifest will allow the transportation of
10 those vehicles to a scrap processor prior to receiving the
11 junk certificate from the Secretary of State.

12 (b) An application for a salvage certificate shall be
13 submitted to the Secretary of State in any of the following
14 situations:

15 (1) When an insurance company makes a payment of
16 damages on a total loss claim for a vehicle, the insurance
17 company shall be deemed to be the owner of such vehicle and
18 the vehicle shall be considered to be salvage except that
19 ownership of (i) a vehicle that has incurred only hail
20 damage that does not affect the operational safety of the
21 vehicle or (ii) any vehicle 9 model years of age or older
22 may, by agreement between the registered owner and the
23 insurance company, be retained by the registered owner of
24 such vehicle. The insurance company shall promptly deliver
25 or mail within 20 days the certificate of title along with
26 proper application and fee to the Secretary of State, and

1 a salvage certificate shall be issued in the name of the
2 insurance company. Notwithstanding the foregoing, an
3 insurer making payment of damages on a total loss claim
4 for the theft of a vehicle shall not be required to apply
5 for a salvage certificate unless the vehicle is recovered
6 and has incurred damage that initially would have caused
7 the vehicle to be declared a total loss by the insurer.

8 (1.1) When a vehicle of a self-insured company is to
9 be sold in the State of Illinois and has sustained damaged
10 by collision, fire, theft, rust corrosion, or other means
11 so that the self-insured company determines the vehicle to
12 be a total loss, or if the cost of repairing the damage,
13 including labor, would be greater than 70% of its fair
14 market value without that damage, the vehicle shall be
15 considered salvage. The self-insured company shall
16 promptly deliver the certificate of title along with
17 proper application and fee to the Secretary of State, and
18 a salvage certificate shall be issued in the name of the
19 self-insured company. A self-insured company making
20 payment of damages on a total loss claim for the theft of a
21 vehicle may exchange the salvage certificate for a
22 certificate of title if the vehicle is recovered without
23 damage. In such a situation, the self-insured shall fill
24 out and sign a form prescribed by the Secretary of State
25 which contains an affirmation under penalty of perjury
26 that the vehicle was recovered without damage and the

1 Secretary of State may, by rule, require photographs to be
2 submitted.

3 (2) When a vehicle the ownership of which has been
4 transferred to any person through a certificate of
5 purchase from acquisition of the vehicle at an auction,
6 other dispositions as set forth in Sections 4-208 and
7 4-209 of this Code, or a lien arising under Section
8 18a-501 of this Code shall be deemed salvage or junk at the
9 option of the purchaser. The person acquiring such vehicle
10 in such manner shall promptly deliver or mail, within 20
11 days after the acquisition of the vehicle, the certificate
12 of purchase, the proper application and fee, and, if the
13 vehicle is an abandoned mobile home under the Abandoned
14 Mobile Home Act, a certification from a local law
15 enforcement agency that the vehicle was purchased or
16 acquired at a public sale under the Abandoned Mobile Home
17 Act to the Secretary of State and a salvage certificate or
18 junking certificate shall be issued in the name of that
19 person. The salvage certificate or junking certificate
20 issued by the Secretary of State under this Section shall
21 be free of any lien that existed against the vehicle prior
22 to the time the vehicle was acquired by the applicant
23 under this Code.

24 (3) A vehicle which has been repossessed by a
25 lienholder shall be considered to be salvage only when the
26 repossessed vehicle, on the date of repossession by the

1 lienholder, has sustained damage by collision, fire,
2 theft, rust corrosion, or other means so that the cost of
3 repairing such damage, including labor, would be greater
4 than 33 1/3% of its fair market value without such damage.
5 If the lienholder determines that such vehicle is damaged
6 in excess of 33 1/3% of such fair market value, the
7 lienholder shall, before sale, transfer or assignment of
8 the vehicle, make application for a salvage certificate,
9 and shall submit with such application the proper fee and
10 evidence of possession. If the facts required to be shown
11 in subsection (f) of Section 3-114 are satisfied, the
12 Secretary of State shall issue a salvage certificate in
13 the name of the lienholder making the application. In any
14 case wherein the vehicle repossessed is not damaged in
15 excess of 33 1/3% of its fair market value, the lienholder
16 shall comply with the requirements of subsections (f),
17 (f-5), and (f-10) of Section 3-114, except that the
18 affidavit of repossession made by or on behalf of the
19 lienholder shall also contain an affirmation under penalty
20 of perjury that the vehicle on the date of sale is not
21 damaged in excess of 33 1/3% of its fair market value. If
22 the facts required to be shown in subsection (f) of
23 Section 3-114 are satisfied, the Secretary of State shall
24 issue a certificate of title as set forth in Section 3-116
25 of this Code. The Secretary of State may by rule or
26 regulation require photographs to be submitted.

1 (4) A vehicle which is a part of a fleet of more than 5
2 commercial vehicles registered in this State or any other
3 state or registered proportionately among several states
4 shall be considered to be salvage when such vehicle has
5 sustained damage by collision, fire, theft, rust,
6 corrosion or similar means so that the cost of repairing
7 such damage, including labor, would be greater than 33
8 1/3% of the fair market value of the vehicle without such
9 damage. If the owner of a fleet vehicle desires to sell,
10 transfer, or assign his interest in such vehicle to a
11 person within this State other than an insurance company
12 licensed to do business within this State, and the owner
13 determines that such vehicle, at the time of the proposed
14 sale, transfer or assignment is damaged in excess of 33
15 1/3% of its fair market value, the owner shall, before
16 such sale, transfer or assignment, make application for a
17 salvage certificate. The application shall contain with it
18 evidence of possession of the vehicle. If the fleet
19 vehicle at the time of its sale, transfer, or assignment
20 is not damaged in excess of 33 1/3% of its fair market
21 value, the owner shall so state in a written affirmation
22 on a form prescribed by the Secretary of State by rule or
23 regulation. The Secretary of State may by rule or
24 regulation require photographs to be submitted. Upon sale,
25 transfer or assignment of the fleet vehicle the owner
26 shall mail the affirmation to the Secretary of State.

1 (5) A vehicle that has been submerged in water to the
2 point that rising water has reached over the door sill and
3 has entered the passenger or trunk compartment is a "flood
4 vehicle". A flood vehicle shall be considered to be
5 salvage only if the vehicle has sustained damage so that
6 the cost of repairing the damage, including labor, would
7 be greater than 33 1/3% of the fair market value of the
8 vehicle without that damage. The salvage certificate
9 issued under this Section shall indicate the word "flood",
10 and the word "flood" shall be conspicuously entered on
11 subsequent titles for the vehicle. A person who possesses
12 or acquires a flood vehicle that is not damaged in excess
13 of 33 1/3% of its fair market value shall make application
14 for title in accordance with Section 3-116 of this Code,
15 designating the vehicle as "flood" in a manner prescribed
16 by the Secretary of State. The certificate of title issued
17 shall indicate the word "flood", and the word "flood"
18 shall be conspicuously entered on subsequent titles for
19 the vehicle.

20 (6) When any licensed rebuilder, repairer, new or used
21 vehicle dealer, or remittance agent has submitted an
22 application for title to a vehicle (other than an
23 application for title to a rebuilt vehicle) that he or she
24 knows or reasonably should have known to have sustained
25 damages in excess of 33 1/3% of the vehicle's fair market
26 value without that damage; provided, however, that any

1 application for a salvage certificate for a vehicle
2 recovered from theft and acquired from an insurance
3 company shall be made as required by paragraph (1) of this
4 subsection (b).

5 (c) Any person who without authority acquires, sells,
6 exchanges, gives away, transfers or destroys or offers to
7 acquire, sell, exchange, give away, transfer or destroy the
8 certificate of title to any vehicle which is a junk or salvage
9 vehicle shall be guilty of a Class 3 felony.

10 (d) Except as provided under subsection (a), any person
11 who knowingly fails to surrender to the Secretary of State a
12 certificate of title, salvage certificate, certificate of
13 purchase or a similarly acceptable out-of-state document of
14 ownership as required under the provisions of this Section is
15 guilty of a Class A misdemeanor for a first offense and a Class
16 4 felony for a subsequent offense; except that a person
17 licensed under this Code who violates paragraph (5) of
18 subsection (b) of this Section is guilty of a business offense
19 and shall be fined not less than \$1,000 nor more than \$5,000
20 for a first offense and is guilty of a Class 4 felony for a
21 second or subsequent violation.

22 (e) Any vehicle which is salvage or junk may not be driven
23 or operated on roads and highways within this State. A
24 violation of this subsection is a Class A misdemeanor. A
25 salvage vehicle displaying valid special plates issued under
26 Section 3-601(b) of this Code, which is being driven to or from

1 an inspection conducted under Section 3-308 of this Code, is
2 exempt from the provisions of this subsection. A salvage
3 vehicle for which a short term permit has been issued under
4 Section 3-307 of this Code is exempt from the provisions of
5 this subsection for the duration of the permit.

6 (Source: P.A. 100-104, eff. 11-9-17; 100-956, eff. 1-1-19;
7 100-1083, eff. 1-1-19; 101-81, eff. 7-12-19.)

8 (625 ILCS 5/3-405) (from Ch. 95 1/2, par. 3-405)

9 Sec. 3-405. Application for registration.

10 (a) Every owner of a vehicle subject to registration under
11 this Code shall make application to the Secretary of State for
12 the registration of such vehicle upon the appropriate form or
13 forms furnished by the Secretary. Every such application shall
14 bear the signature of the owner written with pen and ink and
15 contain:

16 1. The name, domicile address, as defined in Section
17 1-115.5 of this Code, (except as otherwise provided in
18 this paragraph 1), mail address of the owner or business
19 address of the owner if a firm, association, or
20 corporation, and, if available, email address of the
21 owner. If the mailing address is a post office box number,
22 the address listed on the driver license record may be
23 used to verify residence. A police officer, a deputy
24 sheriff, an elected sheriff, a law enforcement officer for
25 the Illinois ~~Department~~ of State Police, a fire

1 investigator, a state's attorney, an assistant state's
2 attorney, a state's attorney special investigator, or a
3 judicial officer may elect to furnish the address of the
4 headquarters of the governmental entity, police district,
5 or business address where he or she works instead of his or
6 her domicile address, in which case that address shall be
7 deemed to be his or her domicile address for all purposes
8 under this Chapter 3. The spouse and children of a person
9 who may elect under this paragraph 1 to furnish the
10 address of the headquarters of the government entity,
11 police district, or business address where the person
12 works instead of the person's domicile address may, if
13 they reside with that person, also elect to furnish the
14 address of the headquarters of the government entity,
15 police district, or business address where the person
16 works as their domicile address, in which case that
17 address shall be deemed to be their domicile address for
18 all purposes under this Chapter 3. In this paragraph 1:
19 (A) "police officer" has the meaning ascribed to
20 "policeman" in Section 10-3-1 of the Illinois Municipal
21 Code; (B) "deputy sheriff" means a deputy sheriff
22 appointed under Section 3-6008 of the Counties Code; (C)
23 "elected sheriff" means a sheriff commissioned pursuant to
24 Section 3-6001 of the Counties Code; (D) "fire
25 investigator" means a person classified as a peace officer
26 under the Peace Officer Fire Investigation Act; (E)

1 "state's attorney", "assistant state's attorney", and
2 "state's attorney special investigator" mean a state's
3 attorney, assistant state's attorney, and state's attorney
4 special investigator commissioned or appointed under
5 Division 3-9 of the Counties Code; and (F) "judicial
6 officer" has the meaning ascribed to it in Section 1-10 of
7 the Judicial Privacy Act.

8 2. A description of the vehicle, including such
9 information as is required in an application for a
10 certificate of title, determined under such standard
11 rating as may be prescribed by the Secretary.

12 3. (Blank).

13 4. Such further information as may reasonably be
14 required by the Secretary to enable him to determine
15 whether the vehicle is lawfully entitled to registration
16 and the owner entitled to a certificate of title.

17 5. An affirmation by the applicant that all
18 information set forth is true and correct. If the
19 application is for the registration of a motor vehicle,
20 the applicant also shall affirm that the motor vehicle is
21 insured as required by this Code, that such insurance will
22 be maintained throughout the period for which the motor
23 vehicle shall be registered, and that neither the owner,
24 nor any person operating the motor vehicle with the
25 owner's permission, shall operate the motor vehicle unless
26 the required insurance is in effect. If the person signing

1 the affirmation is not the sole owner of the vehicle, such
2 person shall be deemed to have affirmed on behalf of all
3 the owners of the vehicle. If the person signing the
4 affirmation is not an owner of the vehicle, such person
5 shall be deemed to have affirmed on behalf of the owner or
6 owners of the vehicle. The lack of signature on the
7 application shall not in any manner exempt the owner or
8 owners from any provisions, requirements or penalties of
9 this Code.

10 (b) When such application refers to a new vehicle
11 purchased from a dealer the application shall be accompanied
12 by a Manufacturer's Statement of Origin from the dealer, and a
13 statement showing any lien retained by the dealer.

14 (Source: P.A. 100-145, eff. 1-1-18.)

15 (625 ILCS 5/3-416) (from Ch. 95 1/2, par. 3-416)

16 Sec. 3-416. Notice of change of address or name.

17 (a) Whenever any person after making application for or
18 obtaining the registration of a vehicle shall move from the
19 address named in the application or shown upon a registration
20 card such person shall within 10 days thereafter notify the
21 Secretary of State of his or her old and new address.

22 (a-5) A police officer, a deputy sheriff, an elected
23 sheriff, a law enforcement officer for the Illinois Department
24 ~~of~~ State Police, or a fire investigator who, in accordance
25 with Section 3-405, has furnished the address of the office of

1 the headquarters of the governmental entity or police district
2 where he or she works instead of his or her domicile address
3 shall, within 10 days after he or she is no longer employed by
4 that governmental entity or police district as a police
5 officer, a deputy sheriff, an elected sheriff, a law
6 enforcement officer for the Illinois ~~Department of~~ State
7 Police or a fire investigator, notify the Secretary of State
8 of the old address and his or her new address. If, in
9 accordance with Section 3-405, the spouse and children of a
10 police officer, deputy sheriff, elected sheriff, law
11 enforcement officer for the Illinois ~~Department of~~ State
12 Police, or fire investigator have furnished the address of the
13 office of the headquarters of the governmental entity or
14 police district where the police officer, deputy sheriff,
15 elected sheriff, law enforcement officer for the Illinois
16 ~~Department of~~ State Police, or fire investigator works instead
17 of their domicile address, the spouse and children shall
18 notify the Secretary of State of their old address and new
19 address within 10 days after the police officer, deputy
20 sheriff, elected sheriff, law enforcement officer for the
21 Illinois ~~Department of~~ State Police, or fire investigator is
22 no longer employed by that governmental entity or police
23 district as a police officer, deputy sheriff, elected sheriff,
24 law enforcement officer for the Illinois ~~Department of~~ State
25 Police, or fire investigator.

26 (b) Whenever the name of any person who has made

1 application for or obtained the registration of a vehicle is
2 thereafter changed by marriage or otherwise such person shall
3 within 10 days notify the Secretary of State of such former and
4 new name.

5 (c) In either event, any such person may obtain a
6 corrected registration card or certificate of title upon
7 application and payment of the statutory fee.

8 (Source: P.A. 94-239, eff. 1-1-06; 95-207, eff. 1-1-08.)

9 (625 ILCS 5/4-107) (from Ch. 95 1/2, par. 4-107)

10 Sec. 4-107. Stolen, converted, recovered and unclaimed
11 vehicles.

12 (a) Every Sheriff, Superintendent of police, Chief of
13 police or other police officer in command of any Police
14 department in any City, Village or Town of the State, shall, by
15 the fastest means of communications available to his law
16 enforcement agency, immediately report to the Illinois State
17 Police, in Springfield, Illinois, the theft or recovery of any
18 stolen or converted vehicle within his district or
19 jurisdiction. The report shall give the date of theft,
20 description of the vehicle including color, year of
21 manufacture, manufacturer's trade name, manufacturer's series
22 name, body style, vehicle identification number and license
23 registration number, including the state in which the license
24 was issued and the year of issuance, together with the name,
25 residence address, business address, and telephone number of

1 the owner. The report shall be routed by the originating law
2 enforcement agency through the Illinois State Police District
3 in which such agency is located.

4 (b) A registered owner or a lienholder may report the
5 theft by conversion of a vehicle, to the Illinois State
6 Police, or any other police department or Sheriff's office.
7 Such report will be accepted as a report of theft and processed
8 only if a formal complaint is on file and a warrant issued.

9 (c) An operator of a place of business for garaging,
10 repairing, parking or storing vehicles for the public, in
11 which a vehicle remains unclaimed, after being left for the
12 purpose of garaging, repairing, parking or storage, for a
13 period of 15 days, shall, within 5 days after the expiration of
14 that period, report the vehicle as unclaimed to the municipal
15 police when the vehicle is within the corporate limits of any
16 City, Village or incorporated Town, or the County Sheriff, or
17 State Police when the vehicle is outside the corporate limits
18 of a City, Village or incorporated Town. This Section does not
19 apply to any vehicle:

20 (1) removed to a place of storage by a law enforcement
21 agency having jurisdiction, in accordance with Sections
22 4-201 and 4-203 of this Act; or

23 (2) left under a garaging, repairing, parking, or
24 storage order signed by the owner, lessor, or other
25 legally entitled person.

26 Failure to comply with this Section will result in the

1 forfeiture of storage fees for that vehicle involved.

2 (d) The Illinois State Police shall keep a complete record
3 of all reports filed under this Section of the Act. Upon
4 receipt of such report, a careful search shall be made of the
5 records of the office of the Illinois State Police, and where
6 it is found that a vehicle reported recovered was stolen in a
7 County, City, Village or Town other than the County, City,
8 Village or Town in which it is recovered, the Illinois State
9 Police shall immediately notify the Sheriff, Superintendent of
10 police, Chief of police, or other police officer in command of
11 the Sheriff's office or Police department of the County, City,
12 Village or Town in which the vehicle was originally reported
13 stolen, giving complete data as to the time and place of
14 recovery.

15 (e) Notification of the theft or conversion of a vehicle
16 will be furnished to the Secretary of State by the Illinois
17 State Police. The Secretary of State shall place the proper
18 information in the license registration and title registration
19 files to indicate the theft or conversion of a motor vehicle or
20 other vehicle. Notification of the recovery of a vehicle
21 previously reported as a theft or a conversion will be
22 furnished to the Secretary of State by the Illinois State
23 Police. The Secretary of State shall remove the proper
24 information from the license registration and title
25 registration files that has previously indicated the theft or
26 conversion of a vehicle. The Secretary of State shall suspend

1 the registration of a vehicle upon receipt of a report from the
2 Illinois State Police that such vehicle was stolen or
3 converted.

4 (f) When the Secretary of State receives an application
5 for a certificate of title or an application for registration
6 of a vehicle and it is determined from the records of the
7 office of the Secretary of State that such vehicle has been
8 reported stolen or converted, the Secretary of State shall
9 immediately notify the Illinois State Police or the Secretary
10 of State Department of Police and shall give the Illinois
11 State Police or the Secretary of State Department of Police
12 the name and address of the person or firm titling or
13 registering the vehicle, together with all other information
14 contained in the application submitted by such person or firm.
15 If the Secretary of State Department of Police receives
16 notification under this subsection (f), it shall conduct an
17 investigation concerning the identity of the registered owner
18 of the stolen or converted vehicle.

19 (g) During the usual course of business the manufacturer
20 of any vehicle shall place an original manufacturer's vehicle
21 identification number on all such vehicles manufactured and on
22 any part of such vehicles requiring an identification number.

23 (h) Except provided in subsection (h-1), if a
24 manufacturer's vehicle identification number is missing or has
25 been removed, changed or mutilated on any vehicle, or any part
26 of such vehicle requiring an identification number, the

1 Illinois State Police or the Secretary of State Department of
2 Police shall restore, restamp or reaffix the vehicle
3 identification number plate, or affix a new plate bearing the
4 original manufacturer's vehicle identification number on each
5 such vehicle and on all necessary parts of the vehicles. A
6 vehicle identification number so affixed, restored, restamped,
7 reaffixed or replaced is not falsified, altered or forged
8 within the meaning of this Act.

9 (h-1) A person engaged in the repair or servicing of
10 vehicles may reaffix a manufacturer's identification number
11 plate on the same damaged vehicle from which it was originally
12 removed, if the person reaffixes the original manufacturer's
13 identification number plate in place of the identification
14 number plate affixed on a new dashboard that has been
15 installed in the vehicle. The person must notify the Secretary
16 of State each time the original manufacturer's identification
17 number plate is reaffixed on a vehicle. The person must keep a
18 record indicating that the identification number plate affixed
19 on the new dashboard has been removed and has been replaced by
20 the manufacturer's identification number plate originally
21 affixed on the vehicle. The person also must keep a record
22 regarding the status and location of the identification number
23 plate removed from the replacement dashboard. The Secretary
24 shall adopt rules for implementing this subsection (h-1).

25 (h-2) The owner of a vehicle repaired under subsection
26 (h-1) must, within 90 days of the date of the repairs, contact

1 an officer of the Illinois State Police Vehicle Inspection
2 Bureau and arrange for an inspection of the vehicle, by the
3 officer or the officer's designee, at a mutually agreed upon
4 date and location.

5 (i) If a vehicle or part of any vehicle is found to have
6 the manufacturer's identification number removed, altered,
7 defaced or destroyed, the vehicle or part shall be seized by
8 any law enforcement agency having jurisdiction and held for
9 the purpose of identification. In the event that the
10 manufacturer's identification number of a vehicle or part
11 cannot be identified, the vehicle or part shall be considered
12 contraband, and no right of property shall exist in any person
13 owning, leasing or possessing such property, unless the person
14 owning, leasing or possessing the vehicle or part acquired
15 such without knowledge that the manufacturer's vehicle
16 identification number has been removed, altered, defaced,
17 falsified or destroyed.

18 Either the seizing law enforcement agency or the State's
19 Attorney of the county where the seizure occurred may make an
20 application for an order of forfeiture to the circuit court in
21 the county of seizure. The application for forfeiture shall be
22 independent from any prosecution arising out of the seizure
23 and is not subject to any final determination of such
24 prosecution. The circuit court shall issue an order forfeiting
25 the property to the seizing law enforcement agency if the
26 court finds that the property did not at the time of seizure

1 possess a valid manufacturer's identification number and that
2 the original manufacturer's identification number cannot be
3 ascertained. The seizing law enforcement agency may:

4 (1) retain the forfeited property for official use; or

5 (2) sell the forfeited property and distribute the
6 proceeds in accordance with Section 4-211 of this Code, or
7 dispose of the forfeited property in such manner as the
8 law enforcement agency deems appropriate.

9 (i-1) If a motorcycle is seized under subsection (i), the
10 motorcycle must be returned within 45 days of the date of
11 seizure to the person from whom it was seized, unless (i)
12 criminal charges are pending against that person or (ii) an
13 application for an order of forfeiture has been submitted to
14 the circuit in the county of seizure or (iii) the circuit court
15 in the county of seizure has received from the seizing law
16 enforcement agency and has granted a petition to extend, for a
17 single 30 day period, the 45 days allowed for return of the
18 motorcycle. Except as provided in subsection (i-2), a
19 motorcycle returned to the person from whom it was seized must
20 be returned in essentially the same condition it was in at the
21 time of seizure.

22 (i-2) If any part or parts of a motorcycle seized under
23 subsection (i) are found to be stolen and are removed, the
24 seizing law enforcement agency is not required to replace the
25 part or parts before returning the motorcycle to the person
26 from whom it was seized.

1 (j) The Illinois State Police or the Secretary of State
2 Department of Police shall notify the Secretary of State each
3 time a manufacturer's vehicle identification number is
4 affixed, reaffixed, restored or restamped on any vehicle. The
5 Secretary of State shall make the necessary changes or
6 corrections in his records, after the proper applications and
7 fees have been submitted, if applicable.

8 (k) Any vessel, vehicle or aircraft used with knowledge
9 and consent of the owner in the commission of, or in the
10 attempt to commit as defined in Section 8-4 of the Criminal
11 Code of 2012, an offense prohibited by Section 4-103 of this
12 Chapter, including transporting of a stolen vehicle or stolen
13 vehicle parts, shall be seized by any law enforcement agency.
14 The seizing law enforcement agency may:

15 (1) return the vehicle to its owner if such vehicle is
16 stolen; or

17 (2) confiscate the vehicle and retain it for any
18 purpose which the law enforcement agency deems
19 appropriate; or

20 (3) sell the vehicle at a public sale or dispose of the
21 vehicle in such other manner as the law enforcement agency
22 deems appropriate.

23 If the vehicle is sold at public sale, the proceeds of the
24 sale shall be paid to the law enforcement agency.

25 The law enforcement agency shall not retain, sell or
26 dispose of a vehicle under paragraphs (2) or (3) of this

1 subsection (k) except upon an order of forfeiture issued by
2 the circuit court. The circuit court may issue such order of
3 forfeiture upon application of the law enforcement agency or
4 State's Attorney of the county where the law enforcement
5 agency has jurisdiction, or in the case of the Illinois
6 ~~Department of~~ State Police or the Secretary of State, upon
7 application of the Attorney General.

8 The court shall issue the order if the owner of the vehicle
9 has been convicted of transporting stolen vehicles or stolen
10 vehicle parts and the evidence establishes that the owner's
11 vehicle has been used in the commission of such offense.

12 The provisions of subsection (k) of this Section shall not
13 apply to any vessel, vehicle or aircraft, which has been
14 leased, rented or loaned by its owner, if the owner did not
15 have knowledge of and consent to the use of the vessel, vehicle
16 or aircraft in the commission of, or in an attempt to commit,
17 an offense prohibited by Section 4-103 of this Chapter.

18 (Source: P.A. 100-956, eff. 1-1-19.)

19 (625 ILCS 5/4-109)

20 Sec. 4-109. Motor Vehicle Theft Prevention Program. The
21 Secretary of State, in conjunction with the Motor Vehicle
22 Theft Prevention and Insurance Verification Council, is hereby
23 authorized to establish and operate a Motor Vehicle Theft
24 Prevention Program as follows:

25 (a) Voluntary program participation.

1 (b) The registered owner of a motor vehicle interested in
2 participating in the program shall sign an informed consent
3 agreement designed by the Secretary of State under subsection
4 (e) of this Section indicating that the motor vehicle
5 registered to him is not normally operated between the hours
6 of 1:00 a.m. and 5:00 a.m. The form and fee, if any, shall be
7 submitted to the Secretary of State for processing.

8 (c) Upon processing the form, the Secretary of State shall
9 issue to the registered owner a decal. The registered owner
10 shall affix the decal in a conspicuous place on his motor
11 vehicle as prescribed by the Secretary of State.

12 (d) Whenever any law enforcement officer shall see a motor
13 vehicle displaying a decal issued under the provisions of
14 subsection (c) of this Section being operated upon the public
15 highways of this State between the hours of 1:00 a.m. and 5:00
16 a.m., the officer is authorized to stop that motor vehicle and
17 to request the driver to produce a valid driver's license and
18 motor vehicle registration card if required to be carried in
19 the vehicle. Whenever the operator of a motor vehicle
20 displaying a decal is unable to produce the documentation set
21 forth in this Section, the police officer shall investigate
22 further to determine if the person operating the motor vehicle
23 is the registered owner or has the authorization of the owner
24 to operate the vehicle.

25 (e) The Secretary of State, in consultation with the
26 Director of the Illinois ~~Department of~~ State Police and Motor

1 Vehicle Theft Prevention and Insurance Verification Council,
2 shall design the manner and form of the informed consent
3 agreement required under subsection (b) of this Section and
4 the decal required under subsection (c) of this Section.

5 (f) The Secretary of State shall provide for the recording
6 of registered owners of motor vehicles who participate in the
7 program. The records shall be available to all law enforcement
8 departments, agencies, and forces. The Secretary of State
9 shall cooperate with and assist all law enforcement officers
10 and other agencies in tracing or examining any questionable
11 motor vehicles in order to determine the ownership of the
12 motor vehicles.

13 (g) A fee not to exceed \$10 may be charged for the informed
14 consent form and decal provided under this Section. The fee,
15 if any, shall be set by the Motor Vehicle Theft Prevention and
16 Insurance Verification Council and shall be collected by the
17 Secretary of State and deposited into the Motor Vehicle Theft
18 Prevention and Insurance Verification Trust Fund.

19 (h) The Secretary of State, in consultation with the
20 Director of the Illinois ~~Department of~~ State Police and the
21 Motor Vehicle Theft Prevention and Insurance Verification
22 Council shall promulgate rules and regulations to effectuate
23 the purposes of this Section.

24 (Source: P.A. 100-373, eff. 1-1-18.)

25 (625 ILCS 5/4-202) (from Ch. 95 1/2, par. 4-202)

1 Sec. 4-202. Abandoned, lost, stolen or unclaimed vehicle
2 notification to law enforcement agencies.

3 When an abandoned, lost, stolen or unclaimed vehicle comes
4 into the temporary possession or custody of a person in this
5 State, not the owner of the vehicle, such person shall
6 immediately notify the municipal police when the vehicle is
7 within the corporate limits of any city, village or town
8 having a duly authorized police department, or the State
9 Police or the county sheriff when the vehicle is outside the
10 corporate limits of a city, village or town. Upon receipt of
11 such notification, the municipal police, Illinois State Police
12 or county sheriff will authorize a towing service to remove
13 and take possession of the abandoned, lost, stolen or
14 unclaimed vehicle. The towing service will safely keep the
15 towed vehicle and its contents, maintain a record of the tow as
16 set forth in Section 4-204 for law enforcement agencies, until
17 the vehicle is claimed by the owner or any other person legally
18 entitled to possession thereof or until it is disposed of as
19 provided in this Chapter.

20 (Source: P.A. 78-858.)

21 (625 ILCS 5/4-203.5)

22 Sec. 4-203.5. Tow rotation list.

23 (a) Each law enforcement agency whose duties include the
24 patrol of highways in this State shall maintain a tow rotation
25 list which shall be used by law enforcement officers

1 authorizing the tow of a vehicle within the jurisdiction of
2 the law enforcement agency. To ensure adequate response time,
3 a law enforcement agency may maintain multiple tow rotation
4 lists, with each tow rotation list covering tows authorized in
5 different geographic locations within the jurisdiction of the
6 law enforcement agency. A towing service may be included on
7 more than one tow rotation list.

8 (b) Any towing service operating within the jurisdiction
9 of a law enforcement agency may submit an application in a form
10 and manner prescribed by the law enforcement agency for
11 inclusion on the law enforcement agency's tow rotation list.
12 The towing service does not need to be located within the
13 jurisdiction of the law enforcement agency. To be included on
14 a tow rotation list the towing service must meet the following
15 requirements:

16 (1) possess a license permitting the towing service to
17 operate in every unit of local government in the law
18 enforcement agency's jurisdiction that requires a license
19 for the operation of a towing service;

20 (2) if required by the law enforcement agency for
21 inclusion on that law enforcement agency's tow rotation
22 list, each owner of the towing service and each person
23 operating a vehicle on behalf of the towing service shall
24 submit his or her fingerprints to the Illinois Department
25 ~~of State Police~~ in the form and manner prescribed by the
26 Illinois Department ~~of State Police~~. These fingerprints

1 should be transmitted through a live scan fingerprint
2 vendor licensed by the Department of Financial and
3 Professional Regulation. These fingerprints shall be
4 checked against the fingerprint records now and hereafter
5 filed in the Illinois ~~Department of~~ State Police and
6 Federal Bureau of Investigation criminal history records
7 databases. The Illinois ~~Department of~~ State Police shall
8 charge a fee for conducting the criminal history record
9 check, which shall be deposited in the State Police
10 Services Fund and shall not exceed the actual cost of the
11 State and national criminal history record check. The
12 Illinois ~~Department of~~ State Police shall furnish,
13 pursuant to positive identification, all Illinois
14 conviction information to the law enforcement agency
15 maintaining the tow rotation list and shall forward the
16 national criminal history record information to the law
17 enforcement agency maintaining the tow rotation list. A
18 person may not own a towing service or operate a vehicle on
19 behalf of a towing service included on a tow rotation list
20 if that person has been convicted during the 5 years
21 preceding the application of a criminal offense involving
22 one or more of the following:

23 (A) bodily injury or attempt to inflict bodily
24 injury to another person;

25 (B) theft of property or attempted theft of
26 property; or

1 (C) sexual assault or attempted sexual assault of
2 any kind;

3 (3) each person operating a vehicle on behalf of the
4 towing service must be classified for the type of towing
5 operation he or she shall be performing and the vehicle he
6 or she shall be operating;

7 (4) possess and maintain the following insurance in
8 addition to any other insurance required by law:

9 (A) comprehensive automobile liability insurance
10 with a minimum combined single limit coverage of
11 \$1,000,000;

12 (B) commercial general liability insurance with
13 limits of not less than \$1,000,000 per occurrence,
14 \$100,000 minimum garage keepers legal liability
15 insurance, and \$100,000 minimum on-hook coverage or
16 cargo insurance; and

17 (C) a worker's compensation policy covering every
18 person operating a tow truck on behalf of the towing
19 service, if required under current law;

20 (5) possess a secure parking lot used for short-term
21 vehicle storage after a vehicle is towed that is open
22 during business hours and is equipped with security
23 features as required by the law enforcement agency;

24 (6) utilize only vehicles that possess a valid vehicle
25 registration, display a valid Illinois license plate in
26 accordance with Section 5-202 of this Code, and comply

1 with the weight requirements of this Code;

2 (7) every person operating a towing or recovery
3 vehicle on behalf of the towing service must have
4 completed a Traffic Incident Management Training Program
5 approved by the Department of Transportation;

6 (8) hold a valid authority issued to it by the
7 Illinois Commerce Commission;

8 (9) comply with all other applicable federal, State,
9 and local laws; and

10 (10) comply with any additional requirements the
11 applicable law enforcement agency deems necessary.

12 The law enforcement agency may select which towing
13 services meeting the requirements of this subsection (b) shall
14 be included on a tow rotation list. The law enforcement agency
15 may choose to have only one towing service on its tow rotation
16 list. Complaints regarding the process for inclusion on a tow
17 rotation list or the use of a tow rotation list may be referred
18 in writing to the head of the law enforcement agency
19 administering that tow rotation list. The head of the law
20 enforcement agency shall make the final determination as to
21 which qualified towing services shall be included on a tow
22 rotation list, and shall not be held liable for the exclusion
23 of any towing service from a tow rotation list.

24 (c) Whenever a law enforcement officer initiates a tow of
25 a vehicle, the officer shall contact his or her law
26 enforcement agency and inform the agency that a tow has been

1 authorized. The law enforcement agency shall then select a
2 towing service from the law enforcement agency's tow rotation
3 list corresponding to the geographical area where the tow was
4 authorized, and shall contact that towing service directly by
5 phone, computer, or similar means. Towing services shall be
6 contacted in the order listed on the appropriate tow rotation
7 list, at which point the towing service shall be placed at the
8 end of that tow rotation list. In the event a listed towing
9 service is not available, the next listed towing service on
10 that tow rotation list shall be contacted.

11 (d) A law enforcement agency may deviate from the order
12 listed on a tow rotation list if the towing service next on
13 that tow rotation list is, in the judgment of the authorizing
14 officer or the law enforcement agency making the selection,
15 incapable of or not properly equipped for handling a specific
16 task related to the tow that requires special skills or
17 equipment. A deviation from the order listed on the tow
18 rotation list for this reason shall not cause a loss of
19 rotation turn by the towing service determined to be incapable
20 or not properly equipped for handling the request.

21 (e) In the event of an emergency a law enforcement officer
22 or agency, taking into account the safety and location of the
23 situation, may deviate from the order of the tow rotation list
24 and obtain towing service from any source deemed appropriate.

25 (f) If the owner or operator of a disabled vehicle is
26 present at the scene of the disabled vehicle, is not under

1 arrest, and does not abandon his or her vehicle, and in the law
2 enforcement officer's opinion the disabled vehicle is not
3 impeding or obstructing traffic, illegally parked, or posing a
4 security or safety risk, the law enforcement officer shall
5 allow the owner of the vehicle to specify a towing service to
6 relocate the disabled vehicle. If the owner chooses not to
7 specify a towing service, the law enforcement agency shall
8 select a towing service for the vehicle as provided in
9 subsection (c) of this Section.

10 (g) If a tow operator is present or arrives where a tow is
11 needed and it has not been requested by the law enforcement
12 agency or the owner or operator, the law enforcement officer,
13 unless acting under Section 11-1431 of this Code, shall advise
14 the tow operator to leave the scene.

15 (h) Nothing contained in this Section shall apply to a law
16 enforcement agency having jurisdiction solely over a
17 municipality with a population over 1,000,000.

18 (Source: P.A. 99-438, eff. 1-1-16.)

19 (625 ILCS 5/4-205) (from Ch. 95 1/2, par. 4-205)

20 Sec. 4-205. Record searches.

21 (a) When a law enforcement agency authorizing the
22 impounding of a vehicle does not know the identity of the
23 registered owner, lienholder or other legally entitled person,
24 that law enforcement agency will cause the vehicle
25 registration records of the State of Illinois to be searched

1 by the Secretary of State for the purpose of obtaining the
2 required ownership information.

3 (b) The law enforcement agency authorizing the impounding
4 of a vehicle will cause the stolen motor vehicle files of the
5 Illinois State Police to be searched by a directed
6 communication to the Illinois State Police for stolen or
7 wanted information on the vehicle. When the Illinois State
8 Police files are searched with negative results, the
9 information contained in the National Crime Information Center
10 (NCIC) files will be searched by the Illinois State Police.
11 The information determined from these record searches will be
12 returned to the requesting law enforcement agency for that
13 agency's use in sending a notification by certified mail to
14 the registered owner, lienholder and other legally entitled
15 persons advising where the vehicle is held, requesting a
16 disposition be made and setting forth public sale information.
17 Notification shall be sent no later than 10 business days
18 after the date the law enforcement agency impounds or
19 authorizes the impounding of a vehicle, provided that if the
20 law enforcement agency is unable to determine the identity of
21 the registered owner, lienholder or other person legally
22 entitled to ownership of the impounded vehicle within a 10
23 business day period after impoundment, then notification shall
24 be sent no later than 2 days after the date the identity of the
25 registered owner, lienholder or other person legally entitled
26 to ownership of the impounded vehicle is determined.

1 Exceptions to a notification by certified mail to the
2 registered owner, lienholder and other legally entitled
3 persons are set forth in Section 4-209 of this Code.

4 (c) When ownership information is needed for a towing
5 service to give notification as required under this Code, the
6 towing service may cause the vehicle registration records of
7 the State of Illinois to be searched by the Secretary of State,
8 and in such case, the towing service also shall give notice to
9 all lienholders of record within the time period required for
10 such other notices.

11 The written request of a towing service, in the form and
12 containing the information prescribed by the Secretary of
13 State by rule, may be transmitted to the Secretary of State in
14 person, by U.S. mail or other delivery service, by facsimile
15 transmission, or by other means the Secretary of State deems
16 acceptable.

17 The Secretary of State shall provide the required
18 information, or a statement that the information was not found
19 in the vehicle registration records of the State, by U.S. mail
20 or other delivery service, facsimile transmission, as
21 requested by the towing service, or by other means acceptable
22 to the Secretary of State.

23 (d) The Secretary of State may prescribe standards and
24 procedures for submission of requests for record searches and
25 replies via computer link.

26 (e) Fees for services provided under this Section shall be

1 in amounts prescribed by the Secretary of State under Section
2 3-821.1 of this Code. Payment may be made by the towing service
3 using cash, any commonly accepted credit card, or any other
4 means of payment deemed acceptable by the Secretary of State.
5 (Source: P.A. 95-838, eff. 8-15-08.)

6 (625 ILCS 5/4-206) (from Ch. 95 1/2, par. 4-206)

7 Sec. 4-206. Identifying and tracing of vehicle ownership
8 by Illinois State Police. When the registered owner,
9 lienholder or other person legally entitled to the possession
10 of a vehicle cannot be identified from the registration files
11 of this State or from the registration files of a foreign
12 state, if applicable, the law enforcement agency having
13 custody of the vehicle shall notify the Illinois State Police,
14 for the purpose of identifying the vehicle owner or other
15 person legally entitled to the possession of the vehicle. The
16 information obtained by the Illinois State Police will be
17 immediately forwarded to the law enforcement agency having
18 custody of the vehicle for notification purposes as set forth
19 in Section 4-205 of this Code.

20 (Source: P.A. 82-363.)

21 (625 ILCS 5/4-209) (from Ch. 95 1/2, par. 4-209)

22 Sec. 4-209. Disposal of unclaimed vehicles more than 7
23 years of age; disposal of abandoned or unclaimed vehicles
24 without notice.

1 (a) When the identity of the registered owner, lienholder,
2 or other legally entitled persons of an abandoned, lost, or
3 unclaimed vehicle of 7 years of age or newer cannot be
4 determined by any means provided for in this Chapter, the
5 vehicle may be sold as provided in Section 4-208 without
6 notice to any person whose identity cannot be determined.

7 (b) When an abandoned vehicle of more than 7 years of age
8 is impounded as specified by this Chapter, or when any such
9 vehicle is towed at the request or with the consent of the
10 owner or operator and is subsequently abandoned, it will be
11 kept in custody or storage for a minimum of 10 days for the
12 purpose of determining the identity of the registered owner,
13 lienholder, or other legally entitled persons and contacting
14 the registered owner, lienholder, or other legally entitled
15 persons by the U. S. Mail, public service or in person for a
16 determination of disposition; and, an examination of the
17 Illinois State Police stolen vehicle files for theft and
18 wanted information. At the expiration of the 10 day period,
19 without the benefit of disposition information being received
20 from the registered owner, lienholder, or other legally
21 entitled persons, the vehicle may be disposed of in either of
22 the following ways:

23 (1) The law enforcement agency having jurisdiction
24 will authorize the disposal of the vehicle as junk or
25 salvage.

26 (2) The towing service may sell the vehicle in the

1 manner provided in Section 4-208 of this Code, provided
2 that this paragraph (2) shall not apply to vehicles towed
3 by order or authorization of a law enforcement agency.

4 (c) A vehicle classified as an antique vehicle,
5 expanded-use antique vehicle, custom vehicle, or street rod
6 may however be sold to a person desiring to restore it.

7 (Source: P.A. 97-412, eff. 1-1-12.)

8 (625 ILCS 5/4-302) (from Ch. 95 1/2, par. 4-302)

9 Sec. 4-302. Vehicle Recycling Board. There is hereby
10 created the Vehicle Recycling Board of the State of Illinois
11 composed of the Secretary of Transportation, the Director of
12 the Illinois State Police, the Director of Public Health, the
13 Director of the Environmental Protection Agency, ~~the~~
14 ~~Superintendent of State Troopers~~ or their designated
15 representatives. The Governor shall designate the Chairman and
16 Secretary of the Board.

17 The Board shall appoint an advisory committee, of no less
18 than 10 members, to include an official representative of the
19 Office of the Secretary of State as designated by the
20 Secretary; and other appropriate representatives from such
21 sources as: statewide associations of city, county and
22 township governing bodies; knowledgeable successful leaders
23 from the auto recycling private sector; the State associations
24 of chiefs of police, county sheriffs, police officers; and
25 State agencies having a direct or indirect relationship with

1 vehicle recycling.

2 (Source: P.A. 84-25.)

3 (625 ILCS 5/5-102) (from Ch. 95 1/2, par. 5-102)

4 Sec. 5-102. Used vehicle dealers must be licensed.

5 (a) No person, other than a licensed new vehicle dealer,
6 shall engage in the business of selling or dealing in, on
7 consignment or otherwise, 5 or more used vehicles of any make
8 during the year (except house trailers as authorized by
9 paragraph (j) of this Section and rebuilt salvage vehicles
10 sold by their rebuilders to persons licensed under this
11 Chapter), or act as an intermediary, agent or broker for any
12 licensed dealer or vehicle purchaser (other than as a
13 salesperson) or represent or advertise that he is so engaged
14 or intends to so engage in such business unless licensed to do
15 so by the Secretary of State under the provisions of this
16 Section.

17 (b) An application for a used vehicle dealer's license
18 shall be filed with the Secretary of State, duly verified by
19 oath, in such form as the Secretary of State may by rule or
20 regulation prescribe and shall contain:

21 1. The name and type of business organization
22 established and additional places of business, if any, in
23 this State.

24 2. If the applicant is a corporation, a list of its
25 officers, directors, and shareholders having a ten percent

1 or greater ownership interest in the corporation, setting
2 forth the residence address of each; if the applicant is a
3 sole proprietorship, a partnership, an unincorporated
4 association, a trust, or any similar form of business
5 organization, the names and residence address of the
6 proprietor or of each partner, member, officer, director,
7 trustee or manager.

8 3. A statement that the applicant has been approved
9 for registration under the Retailers' Occupation Tax Act
10 by the Department of Revenue. However, this requirement
11 does not apply to a dealer who is already licensed
12 hereunder with the Secretary of State, and who is merely
13 applying for a renewal of his license. As evidence of this
14 fact, the application shall be accompanied by a
15 certification from the Department of Revenue showing that
16 the Department has approved the applicant for registration
17 under the Retailers' Occupation Tax Act.

18 4. A statement that the applicant has complied with
19 the appropriate liability insurance requirement. A
20 Certificate of Insurance in a solvent company authorized
21 to do business in the State of Illinois shall be included
22 with each application covering each location at which he
23 proposes to act as a used vehicle dealer. The policy must
24 provide liability coverage in the minimum amounts of
25 \$100,000 for bodily injury to, or death of, any person,
26 \$300,000 for bodily injury to, or death of, two or more

1 persons in any one accident, and \$50,000 for damage to
2 property. Such policy shall expire not sooner than
3 December 31 of the year for which the license was issued or
4 renewed. The expiration of the insurance policy shall not
5 terminate the liability under the policy arising during
6 the period for which the policy was filed. Trailer and
7 mobile home dealers are exempt from this requirement.

8 If the permitted user has a liability insurance policy
9 that provides automobile liability insurance coverage of
10 at least \$100,000 for bodily injury to or the death of any
11 person, \$300,000 for bodily injury to or the death of any 2
12 or more persons in any one accident, and \$50,000 for
13 damage to property, then the permitted user's insurer
14 shall be the primary insurer and the dealer's insurer
15 shall be the secondary insurer. If the permitted user does
16 not have a liability insurance policy that provides
17 automobile liability insurance coverage of at least
18 \$100,000 for bodily injury to or the death of any person,
19 \$300,000 for bodily injury to or the death of any 2 or more
20 persons in any one accident, and \$50,000 for damage to
21 property, or does not have any insurance at all, then the
22 dealer's insurer shall be the primary insurer and the
23 permitted user's insurer shall be the secondary insurer.

24 When a permitted user is "test driving" a used vehicle
25 dealer's automobile, the used vehicle dealer's insurance
26 shall be primary and the permitted user's insurance shall

1 be secondary.

2 As used in this paragraph 4, a "permitted user" is a
3 person who, with the permission of the used vehicle dealer
4 or an employee of the used vehicle dealer, drives a
5 vehicle owned and held for sale or lease by the used
6 vehicle dealer which the person is considering to purchase
7 or lease, in order to evaluate the performance,
8 reliability, or condition of the vehicle. The term
9 "permitted user" also includes a person who, with the
10 permission of the used vehicle dealer, drives a vehicle
11 owned or held for sale or lease by the used vehicle dealer
12 for loaner purposes while the user's vehicle is being
13 repaired or evaluated.

14 As used in this paragraph 4, "test driving" occurs
15 when a permitted user who, with the permission of the used
16 vehicle dealer or an employee of the used vehicle dealer,
17 drives a vehicle owned and held for sale or lease by a used
18 vehicle dealer that the person is considering to purchase
19 or lease, in order to evaluate the performance,
20 reliability, or condition of the vehicle.

21 As used in this paragraph 4, "loaner purposes" means
22 when a person who, with the permission of the used vehicle
23 dealer, drives a vehicle owned or held for sale or lease by
24 the used vehicle dealer while the user's vehicle is being
25 repaired or evaluated.

26 5. An application for a used vehicle dealer's license

1 shall be accompanied by the following license fees:

2 (A) \$1,000 for applicant's established place of
3 business, and \$50 for each additional place of
4 business, if any, to which the application pertains;
5 however, if the application is made after June 15 of
6 any year, the license fee shall be \$500 for
7 applicant's established place of business plus \$25 for
8 each additional place of business, if any, to which
9 the application pertains. License fees shall be
10 returnable only in the event that the application is
11 denied by the Secretary of State. Of the money
12 received by the Secretary of State as license fees
13 under this subparagraph (A) for the 2004 licensing
14 year and thereafter, 95% shall be deposited into the
15 General Revenue Fund.

16 (B) Except for dealers selling 25 or fewer
17 automobiles or as provided in subsection (h) of
18 Section 5-102.7 of this Code, an Annual Dealer
19 Recovery Fund Fee in the amount of \$500 for the
20 applicant's established place of business, and \$50 for
21 each additional place of business, if any, to which
22 the application pertains; but if the application is
23 made after June 15 of any year, the fee shall be \$250
24 for the applicant's established place of business plus
25 \$25 for each additional place of business, if any, to
26 which the application pertains. For a license renewal

1 application, the fee shall be based on the amount of
2 automobiles sold in the past year according to the
3 following formula:

4 (1) \$0 for dealers selling 25 or less
5 automobiles;

6 (2) \$150 for dealers selling more than 25 but
7 less than 200 automobiles;

8 (3) \$300 for dealers selling 200 or more
9 automobiles but less than 300 automobiles; and

10 (4) \$500 for dealers selling 300 or more
11 automobiles.

12 License fees shall be returnable only in the event
13 that the application is denied by the Secretary of
14 State. Moneys received under this subparagraph (B)
15 shall be deposited into the Dealer Recovery Trust
16 Fund.

17 6. A statement that the applicant's officers,
18 directors, shareholders having a 10% or greater ownership
19 interest therein, proprietor, partner, member, officer,
20 director, trustee, manager or other principals in the
21 business have not committed in the past 3 years any one
22 violation as determined in any civil, criminal or
23 administrative proceedings of any one of the following
24 Acts:

25 (A) The Anti-Theft Laws of the Illinois Vehicle
26 Code;

1 (B) The Certificate of Title Laws of the Illinois
2 Vehicle Code;

3 (C) The Offenses against Registration and
4 Certificates of Title Laws of the Illinois Vehicle
5 Code;

6 (D) The Dealers, Transporters, Wreckers and
7 Rebuilders Laws of the Illinois Vehicle Code;

8 (E) Section 21-2 of the Illinois Criminal Code of
9 1961 or the Criminal Code of 2012, Criminal Trespass
10 to Vehicles; or

11 (F) The Retailers' Occupation Tax Act.

12 7. A statement that the applicant's officers,
13 directors, shareholders having a 10% or greater ownership
14 interest therein, proprietor, partner, member, officer,
15 director, trustee, manager or other principals in the
16 business have not committed in any calendar year 3 or more
17 violations, as determined in any civil or criminal or
18 administrative proceedings, of any one or more of the
19 following Acts:

20 (A) The Consumer Finance Act;

21 (B) The Consumer Installment Loan Act;

22 (C) The Retail Installment Sales Act;

23 (D) The Motor Vehicle Retail Installment Sales
24 Act;

25 (E) The Interest Act;

26 (F) The Illinois Wage Assignment Act;

1 (G) Part 8 of Article XII of the Code of Civil
2 Procedure; or

3 (H) The Consumer Fraud and Deceptive Business
4 Practices Act.

5 7.5. A statement that, within 10 years of application,
6 each officer, director, shareholder having a 10% or
7 greater ownership interest therein, proprietor, partner,
8 member, officer, director, trustee, manager, or other
9 principal in the business of the applicant has not
10 committed, as determined in any civil, criminal, or
11 administrative proceeding, in any calendar year one or
12 more forcible felonies under the Criminal Code of 1961 or
13 the Criminal Code of 2012, or a violation of either or both
14 Article 16 or 17 of the Criminal Code of 1961 or a
15 violation of either or both Article 16 or 17 of the
16 Criminal Code of 2012, Article 29B of the Criminal Code of
17 1961 or the Criminal Code of 2012, or a similar
18 out-of-state offense. For the purposes of this paragraph,
19 "forcible felony" has the meaning provided in Section 2-8
20 of the Criminal Code of 2012.

21 8. A bond or Certificate of Deposit in the amount of
22 \$50,000 for each location at which the applicant intends
23 to act as a used vehicle dealer. The bond shall be for the
24 term of the license, or its renewal, for which application
25 is made, and shall expire not sooner than December 31 of
26 the year for which the license was issued or renewed. The

1 bond shall run to the People of the State of Illinois, with
2 surety by a bonding or insurance company authorized to do
3 business in this State. It shall be conditioned upon the
4 proper transmittal of all title and registration fees and
5 taxes (excluding taxes under the Retailers' Occupation Tax
6 Act) accepted by the applicant as a used vehicle dealer.

7 9. Such other information concerning the business of
8 the applicant as the Secretary of State may by rule or
9 regulation prescribe.

10 10. A statement that the applicant understands Chapter
11 1 through Chapter 5 of this Code.

12 11. A copy of the certification from the prelicensing
13 education program.

14 (c) Any change which renders no longer accurate any
15 information contained in any application for a used vehicle
16 dealer's license shall be amended within 30 days after the
17 occurrence of each change on such form as the Secretary of
18 State may prescribe by rule or regulation, accompanied by an
19 amendatory fee of \$2.

20 (d) Anything in this Chapter to the contrary
21 notwithstanding, no person shall be licensed as a used vehicle
22 dealer unless such person maintains an established place of
23 business as defined in this Chapter.

24 (e) The Secretary of State shall, within a reasonable time
25 after receipt, examine an application submitted to him under
26 this Section. Unless the Secretary makes a determination that

1 the application submitted to him does not conform to this
2 Section or that grounds exist for a denial of the application
3 under Section 5-501 of this Chapter, he must grant the
4 applicant an original used vehicle dealer's license in writing
5 for his established place of business and a supplemental
6 license in writing for each additional place of business in
7 such form as he may prescribe by rule or regulation which shall
8 include the following:

9 1. The name of the person licensed;

10 2. If a corporation, the name and address of its
11 officers or if a sole proprietorship, a partnership, an
12 unincorporated association or any similar form of business
13 organization, the name and address of the proprietor or of
14 each partner, member, officer, director, trustee or
15 manager;

16 3. In case of an original license, the established
17 place of business of the licensee;

18 4. In the case of a supplemental license, the
19 established place of business of the licensee and the
20 additional place of business to which such supplemental
21 license pertains.

22 (f) The appropriate instrument evidencing the license or a
23 certified copy thereof, provided by the Secretary of State
24 shall be kept posted, conspicuously, in the established place
25 of business of the licensee and in each additional place of
26 business, if any, maintained by such licensee.

1 (g) Except as provided in subsection (h) of this Section,
2 all used vehicle dealer's licenses granted under this Section
3 expire by operation of law on December 31 of the calendar year
4 for which they are granted unless sooner revoked or cancelled
5 under Section 5-501 of this Chapter.

6 (h) A used vehicle dealer's license may be renewed upon
7 application and payment of the fee required herein, and
8 submission of proof of coverage by an approved bond under the
9 "Retailers' Occupation Tax Act" or proof that applicant is not
10 subject to such bonding requirements, as in the case of an
11 original license, but in case an application for the renewal
12 of an effective license is made during the month of December,
13 the effective license shall remain in force until the
14 application for renewal is granted or denied by the Secretary
15 of State.

16 (i) All persons licensed as a used vehicle dealer are
17 required to furnish each purchaser of a motor vehicle:

18 1. A certificate of title properly assigned to the
19 purchaser;

20 2. A statement verified under oath that all
21 identifying numbers on the vehicle agree with those on the
22 certificate of title;

23 3. A bill of sale properly executed on behalf of such
24 person;

25 4. A copy of the Uniform Invoice-transaction reporting
26 return referred to in Section 5-402 of this Chapter;

1 5. In the case of a rebuilt vehicle, a copy of the
2 Disclosure of Rebuilt Vehicle Status; and

3 6. In the case of a vehicle for which the warranty has
4 been reinstated, a copy of the warranty.

5 (j) A real estate broker holding a valid certificate of
6 registration issued pursuant to "The Real Estate Brokers and
7 Salesmen License Act" may engage in the business of selling or
8 dealing in house trailers not his own without being licensed
9 as a used vehicle dealer under this Section; however such
10 broker shall maintain a record of the transaction including
11 the following:

12 (1) the name and address of the buyer and seller,

13 (2) the date of sale,

14 (3) a description of the mobile home, including the
15 vehicle identification number, make, model, and year, and

16 (4) the Illinois certificate of title number.

17 The foregoing records shall be available for inspection by
18 any officer of the Secretary of State's Office at any
19 reasonable hour.

20 (k) Except at the time of sale or repossession of the
21 vehicle, no person licensed as a used vehicle dealer may issue
22 any other person a newly created key to a vehicle unless the
23 used vehicle dealer makes a color photocopy or electronic scan
24 of the driver's license or State identification card of the
25 person requesting or obtaining the newly created key. The used
26 vehicle dealer must retain the photocopy or scan for 30 days.

1 A used vehicle dealer who violates this subsection (k) is
2 guilty of a petty offense. Violation of this subsection (k) is
3 not cause to suspend, revoke, cancel, or deny renewal of the
4 used vehicle dealer's license.

5 (1) Used vehicle dealers licensed under this Section shall
6 provide the Secretary of State a register for the sale at
7 auction of each salvage or junk certificate vehicle. Each
8 register shall include the following information:

9 1. The year, make, model, style and color of the
10 vehicle;

11 2. The vehicle's manufacturer's identification number
12 or, if applicable, the Secretary of State or Illinois
13 ~~Department of State Police~~ identification number;

14 3. The date of acquisition of the vehicle;

15 4. The name and address of the person from whom the
16 vehicle was acquired;

17 5. The name and address of the person to whom any
18 vehicle was disposed, the person's Illinois license number
19 or if the person is an out-of-state salvage vehicle buyer,
20 the license number from the state or jurisdiction where
21 the buyer is licensed; and

22 6. The purchase price of the vehicle.

23 The register shall be submitted to the Secretary of State
24 via written or electronic means within 10 calendar days from
25 the date of the auction.

26 (Source: P.A. 100-450, eff. 1-1-18; 100-956, eff. 1-1-19;

1 101-505, eff. 1-1-20.)

2 (625 ILCS 5/5-105) (from Ch. 95 1/2, par. 5-105)

3 Sec. 5-105. Investigation of licensee required. Every
4 person seeking a license under Chapter 5 of this Act, as part
5 of the application process, authorizes an investigation to
6 determine if the applicant has ever been convicted of a crime
7 and if so, the disposition of those convictions. This
8 authorization shall indicate the scope of the inquiry and the
9 agencies which may be contacted. Upon this authorization the
10 Secretary of State may request and receive information and
11 assistance from any Federal, State or local governmental
12 agency as part of the authorized investigation. The Illinois
13 ~~Department of~~ State Police shall provide information
14 concerning any criminal convictions and their disposition
15 brought against the applicant upon request of the Secretary of
16 State when the request is made in the form and manner required
17 by the Illinois ~~Department of~~ State Police. The information
18 derived from this investigation, including the source of this
19 information, and any conclusions or recommendations derived
20 from this information by the Secretary of State shall be
21 provided to the applicant or his designee. Upon request to the
22 Secretary of State prior to any final action by the Secretary
23 of State on the application, no information obtained from such
24 investigation may be placed in any automated information
25 system. Any criminal convictions and their disposition

1 information obtained by the Secretary of State shall be
2 confidential and may not be transmitted outside the Office of
3 the Secretary of State, except as required herein, and may not
4 be transmitted to anyone within the Office of the Secretary of
5 State except as needed for the purpose of evaluating the
6 application. All criminal convictions and their disposition
7 and information obtained by the Division of Investigation
8 shall be destroyed no later than 60 days after the Division of
9 Investigation has made a final ruling on the application, and
10 all rights of appeal have expired and pending appeals have
11 been completed. The only physical identity materials which the
12 applicant can be required to provide the Secretary of State
13 are photographs or fingerprints. Only information and
14 standards which bear a reasonable and rational relation to the
15 performance of a licensee shall be used by the Secretary of
16 State. The Secretary of State shall adopt rules and
17 regulations for the administration of this Section. Any
18 employee of the Secretary of State who gives or causes to be
19 given away any confidential information concerning any
20 criminal convictions and their disposition of an applicant
21 shall be guilty of a Class A misdemeanor.

22 (Source: P.A. 84-25.)

23 (625 ILCS 5/5-401.2) (from Ch. 95 1/2, par. 5-401.2)

24 Sec. 5-401.2. Licensees required to keep records and make
25 inspections.

1 (a) Every person licensed or required to be licensed under
2 Section 5-101, 5-101.1, 5-101.2, 5-102, 5-102.8, 5-301, or
3 5-302 of this Code, shall, with the exception of scrap
4 processors, maintain for 3 years, in a form as the Secretary of
5 State may by rule or regulation prescribe, at his established
6 place of business, additional place of business, or principal
7 place of business if licensed under Section 5-302, the
8 following records relating to the acquisition or disposition
9 of vehicles and their essential parts possessed in this State,
10 brought into this State from another state, territory or
11 country, or sold or transferred to another person in this
12 State or in another state, territory, or country.

13 (1) The following records pertaining to new or used
14 vehicles shall be kept:

15 (A) the year, make, model, style and color of the
16 vehicle;

17 (B) the vehicle's manufacturer's identification
18 number or, if applicable, the Secretary of State or
19 Illinois ~~Department of~~ State Police identification
20 number;

21 (C) the date of acquisition of the vehicle;

22 (D) the name and address of the person from whom
23 the vehicle was acquired and, if that person is a
24 dealer, the Illinois or out-of-state dealer license
25 number of such person;

26 (E) the signature of the person making the

1 inspection of a used vehicle as required under
2 subsection (d) of this Section, if applicable;

3 (F) the purchase price of the vehicle, if
4 applicable;

5 (G) the date of the disposition of the vehicle;

6 (H) the name and address of the person to whom any
7 vehicle was disposed, and if that person is a dealer,
8 the Illinois or out-of-State dealer's license number
9 of that dealer;

10 (I) the uniform invoice number reflecting the
11 disposition of the vehicle, if applicable; and

12 (J) The sale price of the vehicle, if applicable.

13 (2) (A) The following records pertaining to used
14 essential parts other than quarter panels and
15 transmissions of vehicles of the first division shall be
16 kept:

17 (i) the year, make, model, color and type of such
18 part;

19 (ii) the vehicle's manufacturer's identification
20 number, derivative number, or, if applicable, the
21 Secretary of State or Illinois ~~Department of~~ State
22 Police identification number of such part;

23 (iii) the date of the acquisition of each part;

24 (iv) the name and address of the person from whom
25 the part was acquired and, if that person is a dealer,
26 the Illinois or out-of-state dealer license number of

1 such person; if the essential part being acquired is
2 from a person other than a dealer, the licensee shall
3 verify and record that person's identity by recording
4 the identification numbers from at least two sources
5 of identification, one of which shall be a drivers
6 license or State identification card;

7 (v) the uniform invoice number or out-of-state
8 bill of sale number reflecting the acquisition of such
9 part;

10 (vi) the stock number assigned to the essential
11 part by the licensee, if applicable;

12 (vii) the date of the disposition of such part;

13 (viii) the name and address of the person to whom
14 such part was disposed of and, if that person is a
15 dealer, the Illinois or out-of-state dealer license
16 number of that person;

17 (ix) the uniform invoice number reflecting the
18 disposition of such part.

19 (B) Inspections of all essential parts shall be
20 conducted in accordance with Section 5-402.1.

21 (C) A separate entry containing all of the information
22 required to be recorded in subparagraph (A) of paragraph
23 (2) of subsection (a) of this Section shall be made for
24 each separate essential part. Separate entries shall be
25 made regardless of whether the part was a large purchase
26 acquisition. In addition, a separate entry shall be made

1 for each part acquired for immediate sale or transfer, or
2 for placement into the overall inventory or stock to be
3 disposed of at a later time, or for use on a vehicle to be
4 materially altered by the licensee, or acquired for any
5 other purpose or reason. Failure to make a separate entry
6 for each essential part acquired or disposed of, or a
7 failure to record any of the specific information required
8 to be recorded concerning the acquisition or disposition
9 of each essential part as set forth in subparagraph (A) of
10 paragraph (2) of subsection (a) shall constitute a failure
11 to keep records.

12 (D) The vehicle's manufacturer's identification number
13 or Secretary of State or Illinois ~~Department of~~ State
14 Police identification number for the essential part shall
15 be ascertained and recorded even if such part is acquired
16 from a person or dealer located in a State, territory, or
17 country which does not require that such information be
18 recorded. If the vehicle's manufacturer's identification
19 number or Secretary of State or Illinois ~~Department of~~
20 State Police identification number for an essential part
21 cannot be obtained, that part shall not be acquired by the
22 licensee or any of his agents or employees. If such part or
23 parts were physically acquired by the licensee or any of
24 his agents or employees while the licensee or agent or
25 employee was outside this State, that licensee or agent or
26 employee was outside the State, that licensee, agent or

1 employee shall not bring such essential part into this
2 State or cause it to be brought into this State. The
3 acquisition or disposition of an essential part by a
4 licensee without the recording of the vehicle
5 identification number or Secretary of State identification
6 number for such part or the transportation into the State
7 by the licensee or his agent or employee of such part or
8 parts shall constitute a failure to keep records.

9 (E) The records of essential parts required to be kept
10 by this Section shall apply to all hulks, chassis, frames
11 or cowls, regardless of the age of those essential parts.
12 The records required to be kept by this Section for
13 essential parts other than hulks, chassis, frames or
14 cowls, shall apply only to those essential parts which are
15 6 model years of age or newer. In determining the model
16 year of such an essential part it may be presumed that the
17 identification number of the vehicle from which the
18 essential part came or the identification number affixed
19 to the essential part itself acquired by the licensee
20 denotes the model year of that essential part. This
21 presumption, however, shall not apply if the gross
22 appearance of the essential part does not correspond to
23 the year, make or model of either the identification
24 number of the vehicle from which the essential part is
25 alleged to have come or the identification number which is
26 affixed to the essential part itself. To determine whether

1 an essential part is 6 years of age or newer within this
2 paragraph, the model year of the essential part shall be
3 subtracted from the calendar year in which the essential
4 part is acquired or disposed of by the licensee. If the
5 remainder is 6 or less, the record of the acquisition or
6 disposition of that essential part shall be kept as
7 required by this Section.

8 (F) The requirements of paragraph (2) of subsection
9 (a) of this Section shall not apply to the disposition of
10 an essential part other than a cowl which has been damaged
11 or altered to a state in which it can no longer be returned
12 to a usable condition and which is being sold or
13 transferred to a scrap processor or for delivery to a
14 scrap processor.

15 (3) the following records for vehicles on which junking
16 certificates are obtained shall be kept:

17 (A) the year, make, model, style and color of the
18 vehicle;

19 (B) the vehicle's manufacturer's identification number
20 or, if applicable, the Secretary of State or Illinois
21 ~~Department of State Police~~ identification number;

22 (C) the date the vehicle was acquired;

23 (D) the name and address of the person from whom the
24 vehicle was acquired and, if that person is a dealer, the
25 Illinois or out-of-state dealer license number of that
26 person;

1 (E) the certificate of title number or salvage
2 certificate number for the vehicle, if applicable;

3 (F) the junking certificate number obtained by the
4 licensee; this entry shall be recorded at the close of
5 business of the fifth business day after receiving the
6 junking certificate;

7 (G) the name and address of the person to whom the
8 junking certificate has been assigned, if applicable, and
9 if that person is a dealer, the Illinois or out-of-state
10 dealer license number of that dealer;

11 (H) if the vehicle or any part of the vehicle is
12 dismantled for its parts to be disposed of in any way, or
13 if such parts are to be used by the licensee to materially
14 alter a vehicle, those essential parts shall be recorded
15 and the entries required by paragraph (2) of subsection
16 (a) shall be made.

17 (4) The following records for rebuilt vehicles shall be
18 kept:

19 (A) the year, make, model, style and color of the
20 vehicle;

21 (B) the vehicle's manufacturer's identification number
22 of the vehicle or, if applicable, the Secretary of State
23 or Illinois ~~Department of~~ State Police identification
24 number;

25 (C) the date the vehicle was acquired;

26 (D) the name and address of the person from whom the

1 vehicle was acquired, and if that person is a dealer, the
2 Illinois or out-of-state dealer license number of that
3 person;

4 (E) the salvage certificate number for the vehicle;

5 (F) the newly issued certificate of title number for
6 the vehicle;

7 (G) the date of disposition of the vehicle;

8 (H) the name and address of the person to whom the
9 vehicle was disposed, and if a dealer, the Illinois or
10 out-of-state dealer license number of that dealer;

11 (I) The sale price of the vehicle.

12 (a-1) A person licensed or required to be licensed under
13 Section 5-101 or Section 5-102 of this Code who issues
14 temporary registration permits as permitted by this Code and
15 by rule must electronically file the registration with the
16 Secretary and must maintain records of the registration in the
17 manner prescribed by the Secretary.

18 (b) A failure to make separate entries for each vehicle
19 acquired, disposed of, or assigned, or a failure to record any
20 of the specific information required to be recorded concerning
21 the acquisition or disposition of each vehicle as set forth in
22 paragraphs (1), (3) and (4) of subsection (a) shall constitute
23 a failure to keep records.

24 (c) All entries relating to the acquisition of a vehicle
25 or essential part required by subsection (a) of this Section
26 shall be recorded no later than the close of business on the

1 seventh calendar day following such acquisition. All entries
2 relating to the disposition of a vehicle or an essential part
3 shall be made at the time of such disposition. If the vehicle
4 or essential part was disposed of on the same day as its
5 acquisition or the day thereafter, the entries relating to the
6 acquisition of the vehicle or essential part shall be made at
7 the time of the disposition of the vehicle or essential part.
8 Failure to make the entries required in or at the times
9 prescribed by this subsection following the acquisition or
10 disposition of such vehicle or essential part shall constitute
11 a failure to keep records.

12 (d) Every person licensed or required to be licensed
13 shall, before accepting delivery of a used vehicle, inspect
14 the vehicle to determine whether the manufacturer's public
15 vehicle identification number has been defaced, destroyed,
16 falsified, removed, altered, or tampered with in any way. If
17 the person making the inspection determines that the
18 manufacturer's public vehicle identification number has been
19 altered, removed, defaced, destroyed, falsified or tampered
20 with he shall not acquire that vehicle but instead shall
21 promptly notify law enforcement authorities of his finding.

22 (e) The information required to be kept in subsection (a)
23 of this Section shall be kept in a manner prescribed by rule or
24 regulation of the Secretary of State.

25 (f) Every person licensed or required to be licensed shall
26 have in his possession a separate certificate of title,

1 salvage certificate, junking certificate, certificate of
2 purchase, uniform invoice, out-of-state bill of sale or other
3 acceptable documentary evidence of his right to the possession
4 of every vehicle or essential part.

5 (g) Every person licensed or required to be licensed as a
6 transporter under Section 5-201 shall maintain for 3 years, in
7 such form as the Secretary of State may by rule or regulation
8 prescribe, at his principal place of business a record of
9 every vehicle transported by him, including numbers of or
10 other marks of identification thereof, the names and addresses
11 of persons from whom and to whom the vehicle was delivered and
12 the dates of delivery.

13 (h) No later than 15 days prior to going out of business,
14 selling the business, or transferring the ownership of the
15 business, the licensee shall notify the Secretary of State
16 that he is going out of business or that he is transferring the
17 ownership of the business. Failure to notify under this
18 paragraph shall constitute a failure to keep records.

19 (i) (Blank).

20 (j) A person who knowingly fails to comply with the
21 provisions of this Section or knowingly fails to obey,
22 observe, or comply with any order of the Secretary or any law
23 enforcement agency issued in accordance with this Section is
24 guilty of a Class B misdemeanor for the first violation and a
25 Class A misdemeanor for the second and subsequent violations.
26 Each violation constitutes a separate and distinct offense and

1 a separate count may be brought in the same indictment or
2 information for each vehicle or each essential part of a
3 vehicle for which a record was not kept as required by this
4 Section.

5 (k) Any person convicted of failing to keep the records
6 required by this Section with intent to conceal the identity
7 or origin of a vehicle or its essential parts or with intent to
8 defraud the public in the transfer or sale of vehicles or their
9 essential parts is guilty of a Class 2 felony. Each violation
10 constitutes a separate and distinct offense and a separate
11 count may be brought in the same indictment or information for
12 each vehicle or essential part of a vehicle for which a record
13 was not kept as required by this Section.

14 (l) A person may not be criminally charged with or
15 convicted of both a knowing failure to comply with this
16 Section and a knowing failure to comply with any order, if both
17 offenses involve the same record keeping violation.

18 (m) The Secretary shall adopt rules necessary for
19 implementation of this Section, which may include the
20 imposition of administrative fines.

21 (Source: P.A. 101-505, eff. 1-1-20.)

22 (625 ILCS 5/5-402.1) (from Ch. 95 1/2, par. 5-402.1)

23 Sec. 5-402.1. Use of Secretary of State Uniform Invoice
24 for Essential Parts.

25 (a) Except for scrap processors, every person licensed or

1 required to be licensed under Section 5-101, 5-101.1, 5-102,
2 5-102.8, or 5-301 of this Code shall issue, in a form the
3 Secretary of State may by rule or regulation prescribe, a
4 Uniform Invoice, which may also act as a bill of sale, made out
5 in triplicate with respect to each transaction in which he
6 disposes of an essential part other than quarter panels and
7 transmissions of vehicles of the first division. Such Invoice
8 shall be made out at the time of the disposition of the
9 essential part. If the licensee disposes of several essential
10 parts in the same transaction, the licensee may issue one
11 Uniform Invoice covering all essential parts disposed of in
12 that transaction.

13 (b) The following information shall be contained on the
14 Uniform Invoice:

15 (1) the business name, address and dealer license
16 number of the person disposing of the essential part;

17 (2) the name and address of the person acquiring the
18 essential part, and if that person is a dealer, the
19 Illinois or out-of-state dealer license number of that
20 dealer;

21 (3) the date of the disposition of the essential part;

22 (4) the year, make, model, color and description of
23 each essential part disposed of by the person;

24 (5) the manufacturer's vehicle identification number,
25 Secretary of State identification number or Illinois
26 ~~Department of State Police~~ identification number, for each

1 essential part disposed of by the person;

2 (6) the printed name and legible signature of the
3 person or agent disposing of the essential part; and

4 (7) if the person is a dealer the printed name and
5 legible signature of the dealer or his agent or employee
6 accepting delivery of the essential part.

7 (c) Except for scrap processors, and except as set forth
8 in subsection (d) of this Section, whenever a person licensed
9 or required to be licensed by Section 5-101, 5-101.1, 5-102,
10 or 5-301 accepts delivery of an essential part, other than
11 quarter panels and transmissions of vehicles of the first
12 division, that person shall, at the time of the acceptance or
13 delivery, comply with the following procedures:

14 (1) Before acquiring or accepting delivery of any
15 essential part, the licensee or his authorized agent or
16 employee shall inspect the part to determine whether the
17 vehicle identification number, Secretary of State
18 identification number, Illinois ~~Department of~~ State Police
19 identification number, or identification plate or sticker
20 attached to or stamped on any part being acquired or
21 delivered has been removed, falsified, altered, defaced,
22 destroyed, or tampered with. If the licensee or his agent
23 or employee determines that the vehicle identification
24 number, Secretary of State identification number, Illinois
25 ~~Department of~~ State Police identification number,
26 identification plate or identification sticker containing

1 an identification number, or Federal Certificate label of
2 an essential part has been removed, falsified, altered,
3 defaced, destroyed or tampered with, the licensee or agent
4 shall not accept or receive that part.

5 If that part was physically acquired by or delivered
6 to a licensee or his agent or employee while that
7 licensee, agent or employee was outside this State, that
8 licensee or agent or employee shall not bring that
9 essential part into this State or cause it to be brought
10 into this State.

11 (2) If the person disposing of or delivering the
12 essential part to the licensee is a licensed in-state or
13 out-of-state dealer, the licensee or his agent or
14 employee, after inspecting the essential part as required
15 by paragraph (1) of this subsection (c), shall examine the
16 Uniform Invoice, or bill of sale, as the case may be, to
17 ensure that it contains all the information required to be
18 provided by persons disposing of essential parts as set
19 forth in subsection (b) of this Section. If the Uniform
20 Invoice or bill of sale does not contain all the
21 information required to be listed by subsection (b) of
22 this Section, the dealer disposing of or delivering such
23 part or his agent or employee shall record such additional
24 information or other needed modifications on the Uniform
25 Invoice or bill of sale or, if needed, an attachment
26 thereto. The dealer or his agent or employee delivering

1 the essential part shall initial all additions or
2 modifications to the Uniform Invoice or bill of sale and
3 legibly print his name at the bottom of each document
4 containing his initials. If the transaction involves a
5 bill of sale rather than a Uniform Invoice, the licensee
6 or his agent or employee accepting delivery of or
7 acquiring the essential part shall affix his printed name
8 and legible signature on the space on the bill of sale
9 provided for his signature or, if no space is provided, on
10 the back of the bill of sale. If the dealer or his agent or
11 employee disposing of or delivering the essential part
12 cannot or does not provide all the information required by
13 subsection (b) of this Section, the licensee or his agent
14 or employee shall not accept or receive any essential part
15 for which that required information is not provided. If
16 such essential part for which the information required is
17 not fully provided was physically acquired while the
18 licensee or his agent or employee was outside this State,
19 the licensee or his agent or employee shall not bring that
20 essential part into this State or cause it to be brought
21 into this State.

22 (3) If the person disposing of the essential part is
23 not a licensed dealer, the licensee or his agent or
24 employee shall, after inspecting the essential part as
25 required by paragraph (1) of subsection (c) of this
26 Section verify the identity of the person disposing of the

1 essential part by examining 2 sources of identification,
2 one of which shall be either a driver's license or state
3 identification card. The licensee or his agent or employee
4 shall then prepare a Uniform Invoice listing all the
5 information required to be provided by subsection (b) of
6 this Section. In the space on the Uniform Invoice provided
7 for the dealer license number of the person disposing of
8 the part, the licensee or his agent or employee shall list
9 the numbers taken from the documents of identification
10 provided by the person disposing of the part. The person
11 disposing of the part shall affix his printed name and
12 legible signature on the space on the Uniform Invoice
13 provided for the person disposing of the essential part
14 and the licensee or his agent or employee acquiring the
15 part shall affix his printed name and legible signature on
16 the space provided on the Uniform Invoice for the person
17 acquiring the essential part. If the person disposing of
18 the essential part cannot or does not provide all the
19 information required to be provided by this paragraph, or
20 does not present 2 satisfactory forms of identification,
21 the licensee or his agent or employee shall not acquire
22 that essential part.

23 (d) If an essential part other than quarter panels and
24 transmissions of vehicles of the first division was delivered
25 by a licensed commercial delivery service delivering such part
26 on behalf of a licensed dealer, the person required to comply

1 with subsection (c) of this Section may conduct the inspection
2 of that part required by paragraph (1) of subsection (c) and
3 examination of the Uniform Invoice or bill of sale required by
4 paragraph (2) of subsection (c) of this Section immediately
5 after the acceptance of the part.

6 (1) If the inspection of the essential part pursuant
7 to paragraph (1) of subsection (c) reveals that the
8 vehicle identification number, Secretary of State
9 identification number, Illinois ~~Department of~~ State Police
10 identification number, identification plate or sticker
11 containing an identification number, or Federal
12 Certificate label of an essential part has been removed,
13 falsified, altered, defaced, destroyed or tampered with,
14 the licensee or his agent shall immediately record such
15 fact on the Uniform Invoice or bill of sale, assign the
16 part an inventory or stock number, place such inventory or
17 stock number on both the essential part and the Uniform
18 Invoice or bill of sale, and record the date of the
19 inspection of the part on the Uniform Invoice or bill of
20 sale. The licensee shall, within 7 days of such
21 inspection, return such part to the dealer from whom it
22 was acquired.

23 (2) If the examination of the Uniform Invoice or bill
24 of sale pursuant to paragraph (2) of subsection (c)
25 reveals that any of the information required to be listed
26 by subsection (b) of this Section is missing, the licensee

1 or person required to be licensed shall immediately assign
2 a stock or inventory number to such part, place such stock
3 or inventory number on both the essential part and the
4 Uniform Invoice or bill of sale, and record the date of
5 examination on the Uniform Invoice or bill of sale. The
6 licensee or person required to be licensed shall acquire
7 the information missing from the Uniform Invoice or bill
8 of sale within 7 days of the examination of such Uniform
9 Invoice or bill of sale. Such information may be received
10 by telephone conversation with the dealer from whom the
11 part was acquired. If the dealer provides the missing
12 information the licensee shall record such information on
13 the Uniform Invoice or bill of sale along with the name of
14 the person providing the information. If the dealer does
15 not provide the required information within the
16 aforementioned 7 day period, the licensee shall return the
17 part to that dealer.

18 (e) Except for scrap processors, all persons licensed or
19 required to be licensed who acquire or dispose of essential
20 parts other than quarter panels and transmissions of vehicles
21 of the first division shall retain a copy of the Uniform
22 Invoice required to be made by subsections (a), (b) and (c) of
23 this Section for a period of 3 years.

24 (f) Except for scrap processors, any person licensed or
25 required to be licensed under Sections 5-101, 5-102 or 5-301
26 who knowingly fails to record on a Uniform Invoice any of the

1 information or entries required to be recorded by subsections
2 (a), (b) and (c) of this Section, or who knowingly places false
3 entries or other misleading information on such Uniform
4 Invoice, or who knowingly fails to retain for 3 years a copy of
5 a Uniform Invoice reflecting transactions required to be
6 recorded by subsections (a), (b) and (c) of this Section, or
7 who knowingly acquires or disposes of essential parts without
8 receiving, issuing, or executing a Uniform Invoice reflecting
9 that transaction as required by subsections (a), (b) and (c)
10 of this Section, or who brings or causes to be brought into
11 this State essential parts for which the information required
12 to be recorded on a Uniform Invoice is not recorded as
13 prohibited by subsection (c) of this Section, or who knowingly
14 fails to comply with the provisions of this Section in any
15 other manner shall be guilty of a Class 2 felony. Each
16 violation shall constitute a separate and distinct offense and
17 a separate count may be brought in the same indictment or
18 information for each essential part for which a record was not
19 kept as required by this Section or for which the person failed
20 to comply with other provisions of this Section.

21 (g) The records required to be kept by this Section may be
22 examined by a person or persons making a lawful inspection of
23 the licensee's premises pursuant to Section 5-403.

24 (h) The records required to be kept by this Section shall
25 be retained by the licensee at his principal place of business
26 for a period of 7 years.

1 (i) The requirements of this Section shall not apply to
2 the disposition of an essential part other than a cowl which
3 has been damaged or altered to a state in which it can no
4 longer be returned to a usable condition and which is being
5 sold or transferred to a scrap processor or for delivery to a
6 scrap processor.

7 (Source: P.A. 101-505, eff. 1-1-20.)

8 (625 ILCS 5/6-106.1) (from Ch. 95 1/2, par. 6-106.1)

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

10 (a) The Secretary of State shall issue a school bus driver
11 permit to those applicants who have met all the requirements
12 of the application and screening process under this Section to
13 insure the welfare and safety of children who are transported
14 on school buses throughout the State of Illinois. Applicants
15 shall obtain the proper application required by the Secretary
16 of State from their prospective or current employer and submit
17 the completed application to the prospective or current
18 employer along with the necessary fingerprint submission as
19 required by the Illinois ~~Department of~~ State Police to conduct
20 fingerprint based criminal background checks on current and
21 future information available in the state system and current
22 information available through the Federal Bureau of
23 Investigation's system. Applicants who have completed the
24 fingerprinting requirements shall not be subjected to the
25 fingerprinting process when applying for subsequent permits or

1 submitting proof of successful completion of the annual
2 refresher course. Individuals who on July 1, 1995 (the
3 effective date of Public Act 88-612) possess a valid school
4 bus driver permit that has been previously issued by the
5 appropriate Regional School Superintendent are not subject to
6 the fingerprinting provisions of this Section as long as the
7 permit remains valid and does not lapse. The applicant shall
8 be required to pay all related application and fingerprinting
9 fees as established by rule including, but not limited to, the
10 amounts established by the Illinois ~~Department of~~ State Police
11 and the Federal Bureau of Investigation to process fingerprint
12 based criminal background investigations. All fees paid for
13 fingerprint processing services under this Section shall be
14 deposited into the State Police Services Fund for the cost
15 incurred in processing the fingerprint based criminal
16 background investigations. All other fees paid under this
17 Section shall be deposited into the Road Fund for the purpose
18 of defraying the costs of the Secretary of State in
19 administering this Section. All applicants must:

- 20 1. be 21 years of age or older;
- 21 2. possess a valid and properly classified driver's
22 license issued by the Secretary of State;
- 23 3. possess a valid driver's license, which has not
24 been revoked, suspended, or canceled for 3 years
25 immediately prior to the date of application, or have not
26 had his or her commercial motor vehicle driving privileges

1 disqualified within the 3 years immediately prior to the
2 date of application;

3 4. successfully pass a written test, administered by
4 the Secretary of State, on school bus operation, school
5 bus safety, and special traffic laws relating to school
6 buses and submit to a review of the applicant's driving
7 habits by the Secretary of State at the time the written
8 test is given;

9 5. demonstrate ability to exercise reasonable care in
10 the operation of school buses in accordance with rules
11 promulgated by the Secretary of State;

12 6. demonstrate physical fitness to operate school
13 buses by submitting the results of a medical examination,
14 including tests for drug use for each applicant not
15 subject to such testing pursuant to federal law, conducted
16 by a licensed physician, a licensed advanced practice
17 registered nurse, or a licensed physician assistant within
18 90 days of the date of application according to standards
19 promulgated by the Secretary of State;

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

23 8. have completed an initial classroom course,
24 including first aid procedures, in school bus driver
25 safety as promulgated by the Secretary of State; and after
26 satisfactory completion of said initial course an annual

1 refresher course; such courses and the agency or
2 organization conducting such courses shall be approved by
3 the Secretary of State; failure to complete the annual
4 refresher course, shall result in cancellation of the
5 permit until such course is completed;

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

12 10. not have been under an order of court supervision
13 for or convicted of reckless driving, aggravated reckless
14 driving, driving while under the influence of alcohol,
15 other drug or drugs, intoxicating compound or compounds or
16 any combination thereof, or reckless homicide resulting
17 from the operation of a motor vehicle within 3 years of the
18 date of application;

19 11. not have been convicted of committing or
20 attempting to commit any one or more of the following
21 offenses: (i) those offenses defined in Sections 8-1,
22 8-1.2, 9-1, 9-1.2, 9-2, 9-2.1, 9-3, 9-3.2, 9-3.3, 10-1,
23 10-2, 10-3.1, 10-4, 10-5, 10-5.1, 10-6, 10-7, 10-9,
24 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6, 11-6.5,
25 11-6.6, 11-9, 11-9.1, 11-9.1A, 11-9.3, 11-9.4, 11-9.4-1,
26 11-14, 11-14.1, 11-14.3, 11-14.4, 11-15, 11-15.1, 11-16,

1 11-17, 11-17.1, 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2,
2 11-20, 11-20.1, 11-20.1B, 11-20.3, 11-21, 11-22, 11-23,
3 11-24, 11-25, 11-26, 11-30, 12-2.6, 12-3.05, 12-3.1, 12-4,
4 12-4.1, 12-4.2, 12-4.2-5, 12-4.3, 12-4.4, 12-4.5, 12-4.6,
5 12-4.7, 12-4.9, 12-5.01, 12-5.3, 12-6, 12-6.2, 12-7.1,
6 12-7.3, 12-7.4, 12-7.5, 12-11, 12-13, 12-14, 12-14.1,
7 12-15, 12-16, 12-16.2, 12-21.5, 12-21.6, 12-33, 12C-5,
8 12C-10, 12C-20, 12C-30, 12C-45, 16-16, 16-16.1, 18-1,
9 18-2, 18-3, 18-4, 18-5, 19-6, 20-1, 20-1.1, 20-1.2,
10 20-1.3, 20-2, 24-1, 24-1.1, 24-1.2, 24-1.2-5, 24-1.6,
11 24-1.7, 24-2.1, 24-3.3, 24-3.5, 24-3.8, 24-3.9, 31A-1.1,
12 33A-2, and 33D-1, in subsection (A), clauses (a) and (b),
13 of Section 24-3, and those offenses contained in Article
14 29D of the Criminal Code of 1961 or the Criminal Code of
15 2012; (ii) those offenses defined in the Cannabis Control
16 Act except those offenses defined in subsections (a) and
17 (b) of Section 4, and subsection (a) of Section 5 of the
18 Cannabis Control Act; (iii) those offenses defined in the
19 Illinois Controlled Substances Act; (iv) those offenses
20 defined in the Methamphetamine Control and Community
21 Protection Act; and (v) any offense committed or attempted
22 in any other state or against the laws of the United
23 States, which if committed or attempted in this State
24 would be punishable as one or more of the foregoing
25 offenses; (vi) the offenses defined in Section 4.1 and 5.1
26 of the Wrongs to Children Act or Section 11-9.1A of the

1 Criminal Code of 1961 or the Criminal Code of 2012; (vii)
2 those offenses defined in Section 6-16 of the Liquor
3 Control Act of 1934; and (viii) those offenses defined in
4 the Methamphetamine Precursor Control Act;

5 12. not have been repeatedly involved as a driver in
6 motor vehicle collisions or been repeatedly convicted of
7 offenses against laws and ordinances regulating the
8 movement of traffic, to a degree which indicates lack of
9 ability to exercise ordinary and reasonable care in the
10 safe operation of a motor vehicle or disrespect for the
11 traffic laws and the safety of other persons upon the
12 highway;

13 13. not have, through the unlawful operation of a
14 motor vehicle, caused an accident resulting in the death
15 of any person;

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

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

23 16. not have been convicted of committing or
24 attempting to commit within the last 20 years: (i) an
25 offense defined in subsection (c) of Section 4, subsection
26 (b) of Section 5, and subsection (a) of Section 8 of the

1 Cannabis Control Act; or (ii) any offenses in any other
2 state or against the laws of the United States that, if
3 committed or attempted in this State, would be punishable
4 as one or more of the foregoing offenses.

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

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

14 (d) The employer shall be responsible for conducting a
15 pre-employment interview with prospective school bus driver
16 candidates, distributing school bus driver applications and
17 medical forms to be completed by the applicant, and submitting
18 the applicant's fingerprint cards to the Illinois ~~Department~~
19 ~~of~~ State Police that are required for the criminal background
20 investigations. The employer shall certify in writing to the
21 Secretary of State that all pre-employment conditions have
22 been successfully completed including the successful
23 completion of an Illinois specific criminal background
24 investigation through the Illinois ~~Department of~~ State Police
25 and the submission of necessary fingerprints to the Federal
26 Bureau of Investigation for criminal history information

1 available through the Federal Bureau of Investigation system.
2 The applicant shall present the certification to the Secretary
3 of State at the time of submitting the school bus driver permit
4 application.

5 (e) Permits shall initially be provisional upon receiving
6 certification from the employer that all pre-employment
7 conditions have been successfully completed, and upon
8 successful completion of all training and examination
9 requirements for the classification of the vehicle to be
10 operated, the Secretary of State shall provisionally issue a
11 School Bus Driver Permit. The permit shall remain in a
12 provisional status pending the completion of the Federal
13 Bureau of Investigation's criminal background investigation
14 based upon fingerprinting specimens submitted to the Federal
15 Bureau of Investigation by the Illinois ~~Department of~~ State
16 Police. The Federal Bureau of Investigation shall report the
17 findings directly to the Secretary of State. The Secretary of
18 State shall remove the bus driver permit from provisional
19 status upon the applicant's successful completion of the
20 Federal Bureau of Investigation's criminal background
21 investigation.

22 (f) A school bus driver permit holder shall notify the
23 employer and the Secretary of State if he or she is issued an
24 order of court supervision for or convicted in another state
25 of an offense that would make him or her ineligible for a
26 permit under subsection (a) of this Section. The written

1 notification shall be made within 5 days of the entry of the
2 order of court supervision or conviction. Failure of the
3 permit holder to provide the notification is punishable as a
4 petty offense for a first violation and a Class B misdemeanor
5 for a second or subsequent violation.

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

7 (1) The Secretary of State shall cancel a school bus
8 driver permit of an applicant whose criminal background
9 investigation discloses that he or she is not in
10 compliance with the provisions of subsection (a) of this
11 Section.

12 (2) The Secretary of State shall cancel a school bus
13 driver permit when he or she receives notice that the
14 permit holder fails to comply with any provision of this
15 Section or any rule promulgated for the administration of
16 this Section.

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

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

26 (5) The Secretary of State shall forthwith suspend a

1 school bus driver permit for a period of 3 years upon
2 receiving notice that the holder has failed to obtain a
3 negative result on a drug test as required in item 6 of
4 subsection (a) of this Section or under federal law.

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

10 (7) The Secretary of State shall suspend a school bus
11 driver permit for a period of 3 years upon receiving
12 notice from the employer that the holder refused to submit
13 to an alcohol or drug test as required by Section 6-106.1c
14 or has submitted to a test required by that Section which
15 disclosed an alcohol concentration of more than 0.00 or
16 disclosed a positive result on a National Institute on
17 Drug Abuse five-drug panel, utilizing federal standards
18 set forth in 49 CFR 40.87.

19 The Secretary of State shall notify the State
20 Superintendent of Education and the permit holder's
21 prospective or current employer that the applicant has (1) has
22 failed a criminal background investigation or (2) is no longer
23 eligible for a school bus driver permit; and of the related
24 cancellation of the applicant's provisional school bus driver
25 permit. The cancellation shall remain in effect pending the
26 outcome of a hearing pursuant to Section 2-118 of this Code.

1 The scope of the hearing shall be limited to the issuance
2 criteria contained in subsection (a) of this Section. A
3 petition requesting a hearing shall be submitted to the
4 Secretary of State and shall contain the reason the individual
5 feels he or she is entitled to a school bus driver permit. The
6 permit holder's employer shall notify in writing to the
7 Secretary of State that the employer has certified the removal
8 of the offending school bus driver from service prior to the
9 start of that school bus driver's next workshift. An employing
10 school board that fails to remove the offending school bus
11 driver from service is subject to the penalties defined in
12 Section 3-14.23 of the School Code. A school bus contractor
13 who violates a provision of this Section is subject to the
14 penalties defined in Section 6-106.11.

15 All valid school bus driver permits issued under this
16 Section prior to January 1, 1995, shall remain effective until
17 their expiration date unless otherwise invalidated.

18 (h) When a school bus driver permit holder who is a service
19 member is called to active duty, the employer of the permit
20 holder shall notify the Secretary of State, within 30 days of
21 notification from the permit holder, that the permit holder
22 has been called to active duty. Upon notification pursuant to
23 this subsection, (i) the Secretary of State shall characterize
24 the permit as inactive until a permit holder renews the permit
25 as provided in subsection (i) of this Section, and (ii) if a
26 permit holder fails to comply with the requirements of this

1 Section while called to active duty, the Secretary of State
2 shall not characterize the permit as invalid.

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

8 (j) For purposes of subsections (h) and (i) of this
9 Section:

10 "Active duty" means active duty pursuant to an executive
11 order of the President of the United States, an act of the
12 Congress of the United States, or an order of the Governor.

13 "Service member" means a member of the Armed Services or
14 reserve forces of the United States or a member of the Illinois
15 National Guard.

16 (k) A private carrier employer of a school bus driver
17 permit holder, having satisfied the employer requirements of
18 this Section, shall be held to a standard of ordinary care for
19 intentional acts committed in the course of employment by the
20 bus driver permit holder. This subsection (k) shall in no way
21 limit the liability of the private carrier employer for
22 violation of any provision of this Section or for the
23 negligent hiring or retention of a school bus driver permit
24 holder.

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

1 (625 ILCS 5/6-106.1a)

2 Sec. 6-106.1a. Cancellation of school bus driver permit;
3 trace of alcohol.

4 (a) A person who has been issued a school bus driver permit
5 by the Secretary of State in accordance with Section 6-106.1
6 of this Code and who drives or is in actual physical control of
7 a school bus or any other vehicle owned or operated by or for a
8 public or private school, or a school operated by a religious
9 institution, when the vehicle is being used over a regularly
10 scheduled route for the transportation of persons enrolled as
11 students in grade 12 or below, in connection with any activity
12 of the entities listed, upon the public highways of this State
13 shall be deemed to have given consent to a chemical test or
14 tests of blood, breath, other bodily substance, or urine for
15 the purpose of determining the alcohol content of the person's
16 blood if arrested, as evidenced by the issuance of a Uniform
17 Traffic Ticket for any violation of this Code or a similar
18 provision of a local ordinance, if a police officer has
19 probable cause to believe that the driver has consumed any
20 amount of an alcoholic beverage based upon evidence of the
21 driver's physical condition or other first hand knowledge of
22 the police officer. The test or tests shall be administered at
23 the direction of the arresting officer. The law enforcement
24 agency employing the officer shall designate which of the
25 aforesaid tests shall be administered. A urine or other bodily
26 substance test may be administered even after a blood or

1 breath test or both has been administered.

2 (b) A person who is dead, unconscious, or who is otherwise
3 in a condition rendering that person incapable of refusal,
4 shall be deemed not to have withdrawn the consent provided by
5 paragraph (a) of this Section and the test or tests may be
6 administered subject to the following provisions:

7 (1) Chemical analysis of the person's blood, urine,
8 breath, or other bodily substance, to be considered valid
9 under the provisions of this Section, shall have been
10 performed according to standards promulgated by the
11 Illinois ~~Department of~~ State Police by an individual
12 possessing a valid permit issued by the Illinois
13 ~~Department of~~ State Police for this purpose. The Director
14 of the Illinois State Police is authorized to approve
15 satisfactory techniques or methods, to ascertain the
16 qualifications and competence of individuals to conduct
17 analyses, to issue permits that shall be subject to
18 termination or revocation at the direction of the Illinois
19 ~~Department of~~ State Police, and to certify the accuracy of
20 breath testing equipment. The Illinois ~~Department of~~ State
21 Police shall prescribe rules as necessary.

22 (2) When a person submits to a blood test at the
23 request of a law enforcement officer under the provisions
24 of this Section, only a physician authorized to practice
25 medicine, a licensed physician assistant, a licensed
26 advanced practice registered nurse, a registered nurse, or

1 other qualified person trained in venipuncture and acting
2 under the direction of a licensed physician may withdraw
3 blood for the purpose of determining the alcohol content.
4 This limitation does not apply to the taking of breath,
5 other bodily substance, or urine specimens.

6 (3) The person tested may have a physician, qualified
7 technician, chemist, registered nurse, or other qualified
8 person of his or her own choosing administer a chemical
9 test or tests in addition to any test or tests
10 administered at the direction of a law enforcement
11 officer. The test administered at the request of the
12 person may be admissible into evidence at a hearing
13 conducted in accordance with Section 2-118 of this Code.
14 The failure or inability to obtain an additional test by a
15 person shall not preclude the consideration of the
16 previously performed chemical test.

17 (4) Upon a request of the person who submits to a
18 chemical test or tests at the request of a law enforcement
19 officer, full information concerning the test or tests
20 shall be made available to the person or that person's
21 attorney by the requesting law enforcement agency within
22 72 hours of receipt of the test result.

23 (5) Alcohol concentration means either grams of
24 alcohol per 100 milliliters of blood or grams of alcohol
25 per 210 liters of breath.

26 (6) If a driver is receiving medical treatment as a

1 result of a motor vehicle accident, a physician licensed
2 to practice medicine, licensed physician assistant,
3 licensed advanced practice registered nurse, registered
4 nurse, or other qualified person trained in venipuncture
5 and acting under the direction of a licensed physician
6 shall withdraw blood for testing purposes to ascertain the
7 presence of alcohol upon the specific request of a law
8 enforcement officer. However, that testing shall not be
9 performed until, in the opinion of the medical personnel
10 on scene, the withdrawal can be made without interfering
11 with or endangering the well-being of the patient.

12 (c) A person requested to submit to a test as provided in
13 this Section shall be warned by the law enforcement officer
14 requesting the test that a refusal to submit to the test, or
15 submission to the test resulting in an alcohol concentration
16 of more than 0.00, may result in the loss of that person's
17 privilege to possess a school bus driver permit. The loss of
18 the individual's privilege to possess a school bus driver
19 permit shall be imposed in accordance with Section 6-106.1b of
20 this Code. A person requested to submit to a test under this
21 Section shall also acknowledge, in writing, receipt of the
22 warning required under this subsection (c). If the person
23 refuses to acknowledge receipt of the warning, the law
24 enforcement officer shall make a written notation on the
25 warning that the person refused to sign the warning. A
26 person's refusal to sign the warning shall not be evidence

1 that the person was not read the warning.

2 (d) If the person refuses testing or submits to a test that
3 discloses an alcohol concentration of more than 0.00, the law
4 enforcement officer shall immediately submit a sworn report to
5 the Secretary of State on a form prescribed by the Secretary of
6 State certifying that the test or tests were requested under
7 subsection (a) and the person refused to submit to a test or
8 tests or submitted to testing which disclosed an alcohol
9 concentration of more than 0.00. The law enforcement officer
10 shall submit the same sworn report when a person who has been
11 issued a school bus driver permit and who was operating a
12 school bus or any other vehicle owned or operated by or for a
13 public or private school, or a school operated by a religious
14 institution, when the vehicle is being used over a regularly
15 scheduled route for the transportation of persons enrolled as
16 students in grade 12 or below, in connection with any activity
17 of the entities listed, submits to testing under Section
18 11-501.1 of this Code and the testing discloses an alcohol
19 concentration of more than 0.00 and less than the alcohol
20 concentration at which driving or being in actual physical
21 control of a motor vehicle is prohibited under paragraph (1)
22 of subsection (a) of Section 11-501.

23 Upon receipt of the sworn report of a law enforcement
24 officer, the Secretary of State shall enter the school bus
25 driver permit sanction on the individual's driving record and
26 the sanction shall be effective on the 46th day following the

1 date notice of the sanction was given to the person.

2 The law enforcement officer submitting the sworn report
3 shall serve immediate notice of this school bus driver permit
4 sanction on the person and the sanction shall be effective on
5 the 46th day following the date notice was given.

6 In cases where the blood alcohol concentration of more
7 than 0.00 is established by a subsequent analysis of blood,
8 other bodily substance, or urine, the police officer or
9 arresting agency shall give notice as provided in this Section
10 or by deposit in the United States mail of that notice in an
11 envelope with postage prepaid and addressed to that person at
12 his or her last known address and the loss of the school bus
13 driver permit shall be effective on the 46th day following the
14 date notice was given.

15 Upon receipt of the sworn report of a law enforcement
16 officer, the Secretary of State shall also give notice of the
17 school bus driver permit sanction to the driver and the
18 driver's current employer by mailing a notice of the effective
19 date of the sanction to the individual. However, shall the
20 sworn report be defective by not containing sufficient
21 information or be completed in error, the notice of the school
22 bus driver permit sanction may not be mailed to the person or
23 his current employer or entered to the driving record, but
24 rather the sworn report shall be returned to the issuing law
25 enforcement agency.

26 (e) A driver may contest this school bus driver permit

1 sanction by requesting an administrative hearing with the
2 Secretary of State in accordance with Section 2-118 of this
3 Code. An individual whose blood alcohol concentration is shown
4 to be more than 0.00 is not subject to this Section if he or
5 she consumed alcohol in the performance of a religious service
6 or ceremony. An individual whose blood alcohol concentration
7 is shown to be more than 0.00 shall not be subject to this
8 Section if the individual's blood alcohol concentration
9 resulted only from ingestion of the prescribed or recommended
10 dosage of medicine that contained alcohol. The petition for
11 that hearing shall not stay or delay the effective date of the
12 impending suspension. The scope of this hearing shall be
13 limited to the issues of:

14 (1) whether the police officer had probable cause to
15 believe that the person was driving or in actual physical
16 control of a school bus or any other vehicle owned or
17 operated by or for a public or private school, or a school
18 operated by a religious institution, when the vehicle is
19 being used over a regularly scheduled route for the
20 transportation of persons enrolled as students in grade 12
21 or below, in connection with any activity of the entities
22 listed, upon the public highways of the State and the
23 police officer had reason to believe that the person was
24 in violation of any provision of this Code or a similar
25 provision of a local ordinance; and

26 (2) whether the person was issued a Uniform Traffic

1 Ticket for any violation of this Code or a similar
2 provision of a local ordinance; and

3 (3) whether the police officer had probable cause to
4 believe that the driver had consumed any amount of an
5 alcoholic beverage based upon the driver's physical
6 actions or other first-hand knowledge of the police
7 officer; and

8 (4) whether the person, after being advised by the
9 officer that the privilege to possess a school bus driver
10 permit would be canceled if the person refused to submit
11 to and complete the test or tests, did refuse to submit to
12 or complete the test or tests to determine the person's
13 alcohol concentration; and

14 (5) whether the person, after being advised by the
15 officer that the privileges to possess a school bus driver
16 permit would be canceled if the person submits to a
17 chemical test or tests and the test or tests disclose an
18 alcohol concentration of more than 0.00 and the person did
19 submit to and complete the test or tests that determined
20 an alcohol concentration of more than 0.00; and

21 (6) whether the test result of an alcohol
22 concentration of more than 0.00 was based upon the
23 person's consumption of alcohol in the performance of a
24 religious service or ceremony; and

25 (7) whether the test result of an alcohol
26 concentration of more than 0.00 was based upon the

1 person's consumption of alcohol through ingestion of the
2 prescribed or recommended dosage of medicine.

3 The Secretary of State may adopt administrative rules
4 setting forth circumstances under which the holder of a school
5 bus driver permit is not required to appear in person at the
6 hearing.

7 Provided that the petitioner may subpoena the officer, the
8 hearing may be conducted upon a review of the law enforcement
9 officer's own official reports. Failure of the officer to
10 answer the subpoena shall be grounds for a continuance if, in
11 the hearing officer's discretion, the continuance is
12 appropriate. At the conclusion of the hearing held under
13 Section 2-118 of this Code, the Secretary of State may
14 rescind, continue, or modify the school bus driver permit
15 sanction.

16 (f) The results of any chemical testing performed in
17 accordance with subsection (a) of this Section are not
18 admissible in any civil or criminal proceeding, except that
19 the results of the testing may be considered at a hearing held
20 under Section 2-118 of this Code. However, the results of the
21 testing may not be used to impose driver's license sanctions
22 under Section 11-501.1 of this Code. A law enforcement officer
23 may, however, pursue a statutory summary suspension or
24 revocation of driving privileges under Section 11-501.1 of
25 this Code if other physical evidence or first hand knowledge
26 forms the basis of that suspension or revocation.

1 (g) This Section applies only to drivers who have been
2 issued a school bus driver permit in accordance with Section
3 6-106.1 of this Code at the time of the issuance of the Uniform
4 Traffic Ticket for a violation of this Code or a similar
5 provision of a local ordinance, and a chemical test request is
6 made under this Section.

7 (h) The action of the Secretary of State in suspending,
8 revoking, canceling, or denying any license, permit,
9 registration, or certificate of title shall be subject to
10 judicial review in the Circuit Court of Sangamon County or in
11 the Circuit Court of Cook County, and the provisions of the
12 Administrative Review Law and its rules are hereby adopted and
13 shall apply to and govern every action for the judicial review
14 of final acts or decisions of the Secretary of State under this
15 Section.

16 (Source: P.A. 99-467, eff. 1-1-16; 99-697, eff. 7-29-16;
17 100-513, eff. 1-1-18.)

18 (625 ILCS 5/6-107.5)

19 Sec. 6-107.5. Adult Driver Education Course.

20 (a) The Secretary shall establish by rule the curriculum
21 and designate the materials to be used in an adult driver
22 education course. The course shall be at least 6 hours in
23 length and shall include instruction on traffic laws; highway
24 signs, signals, and markings that regulate, warn, or direct
25 traffic; and issues commonly associated with motor vehicle

1 accidents including poor decision-making, risk taking,
2 impaired driving, distraction, speed, failure to use a safety
3 belt, driving at night, failure to yield the right-of-way,
4 texting while driving, using wireless communication devices,
5 and alcohol and drug awareness. The curriculum shall not
6 require the operation of a motor vehicle.

7 (b) The Secretary shall certify course providers. The
8 requirements to be a certified course provider, the process
9 for applying for certification, and the procedure for
10 decertifying a course provider shall be established by rule.

11 (b-5) In order to qualify for certification as an adult
12 driver education course provider, each applicant must
13 authorize an investigation that includes a fingerprint-based
14 background check to determine if the applicant has ever been
15 convicted of a criminal offense and, if so, the disposition of
16 any conviction. This authorization shall indicate the scope of
17 the inquiry and the agencies that may be contacted. Upon
18 receiving this authorization, the Secretary of State may
19 request and receive information and assistance from any
20 federal, State, or local governmental agency as part of the
21 authorized investigation. Each applicant shall submit his or
22 her fingerprints to the Illinois ~~Department of~~ State Police in
23 the form and manner prescribed by the Illinois ~~Department of~~
24 State Police. These fingerprints shall be checked against
25 fingerprint records now and hereafter filed in the Illinois
26 ~~Department of~~ State Police and Federal Bureau of Investigation

1 criminal history record databases. The Illinois ~~Department of~~
2 State Police shall charge applicants a fee for conducting the
3 criminal history record check, which shall be deposited into
4 the State Police Services Fund and shall not exceed the actual
5 cost of the State and national criminal history record check.
6 The Illinois ~~Department of~~ State Police shall furnish,
7 pursuant to positive identification, records of Illinois
8 criminal convictions to the Secretary and shall forward the
9 national criminal history record information to the Secretary.
10 Applicants shall pay any other fingerprint-related fees.
11 Unless otherwise prohibited by law, the information derived
12 from the investigation, including the source of the
13 information and any conclusions or recommendations derived
14 from the information by the Secretary of State, shall be
15 provided to the applicant upon request to the Secretary of
16 State prior to any final action by the Secretary of State on
17 the application. Any criminal conviction information obtained
18 by the Secretary of State shall be confidential and may not be
19 transmitted outside the Office of the Secretary of State,
20 except as required by this subsection (b-5), and may not be
21 transmitted to anyone within the Office of the Secretary of
22 State except as needed for the purpose of evaluating the
23 applicant. At any administrative hearing held under Section
24 2-118 of this Code relating to the denial, cancellation,
25 suspension, or revocation of certification of an adult driver
26 education course provider, the Secretary of State may utilize

1 at that hearing any criminal history, criminal conviction, and
2 disposition information obtained under this subsection (b-5).
3 The information obtained from the investigation may be
4 maintained by the Secretary of State or any agency to which the
5 information was transmitted. Only information and standards
6 which bear a reasonable and rational relation to the
7 performance of providing adult driver education shall be used
8 by the Secretary of State. Any employee of the Secretary of
9 State who gives or causes to be given away any confidential
10 information concerning any criminal convictions or disposition
11 of criminal convictions of an applicant shall be guilty of a
12 Class A misdemeanor unless release of the information is
13 authorized by this Section.

14 (c) The Secretary may permit a course provider to offer
15 the course online, if the Secretary is satisfied the course
16 provider has established adequate procedures for verifying:

17 (1) the identity of the person taking the course
18 online; and

19 (2) the person completes the entire course.

20 (d) The Secretary shall establish a method of electronic
21 verification of a student's successful completion of the
22 course.

23 (e) The fee charged by the course provider must bear a
24 reasonable relationship to the cost of the course. The
25 Secretary shall post on the Secretary of State's website a
26 list of approved course providers, the fees charged by the

1 providers, and contact information for each provider.

2 (f) In addition to any other fee charged by the course
3 provider, the course provider shall collect a fee of \$5 from
4 each student to offset the costs incurred by the Secretary in
5 administering this program. The \$5 shall be submitted to the
6 Secretary within 14 days of the day on which it was collected.
7 All such fees received by the Secretary shall be deposited in
8 the Secretary of State Driver Services Administration Fund.

9 (Source: P.A. 98-167, eff. 7-1-14; 98-876, eff. 1-1-15.)

10 (625 ILCS 5/6-112) (from Ch. 95 1/2, par. 6-112)

11 Sec. 6-112. License and Permits to be carried and
12 exhibited on demand. Every licensee or permittee shall have
13 his drivers license or permit in his immediate possession at
14 all times when operating a motor vehicle and, for the purpose
15 of indicating compliance with this requirement, shall display
16 such license or permit if it is in his possession upon demand
17 made, when in uniform or displaying a badge or other sign of
18 authority, by a member of the Illinois State Police, a sheriff
19 or other police officer or designated agent of the Secretary
20 of State. However, no person charged with violating this
21 Section shall be convicted if he produces in court
22 satisfactory evidence that a drivers license was theretofore
23 ~~theretofor~~ issued to him and was valid at the time of his
24 arrest.

25 For the purposes of this Section, "display" means the

1 manual surrender of his license certificate into the hands of
2 the demanding officer for his inspection thereof.

3 (Source: P.A. 76-1749.)

4 (625 ILCS 5/6-402) (from Ch. 95 1/2, par. 6-402)

5 Sec. 6-402. Qualifications of driver training schools. In
6 order to qualify for a license to operate a driver training
7 school, each applicant must:

8 (a) be of good moral character;

9 (b) be at least 21 years of age;

10 (c) maintain an established place of business open to
11 the public which meets the requirements of Section 6-403
12 through 6-407;

13 (d) maintain bodily injury and property damage
14 liability insurance on motor vehicles while used in
15 driving instruction, insuring the liability of the driving
16 school, the driving instructors and any person taking
17 instruction in at least the following amounts: \$50,000 for
18 bodily injury to or death of one person in any one accident
19 and, subject to said limit for one person, \$100,000 for
20 bodily injury to or death of 2 or more persons in any one
21 accident and the amount of \$10,000 for damage to property
22 of others in any one accident. Evidence of such insurance
23 coverage in the form of a certificate from the insurance
24 carrier shall be filed with the Secretary of State, and
25 such certificate shall stipulate that the insurance shall

1 not be cancelled except upon 10 days prior written notice
2 to the Secretary of State. The decal showing evidence of
3 insurance shall be affixed to the windshield of the
4 vehicle;

5 (e) provide a continuous surety company bond in the
6 principal sum of \$10,000 for a non-accredited school,
7 \$40,000 for a CDL or teenage accredited school, \$60,000
8 for a CDL accredited and teenage accredited school,
9 \$50,000 for a CDL or teenage accredited school with 3 or
10 more licensed branches, \$70,000 for a CDL accredited and
11 teenage accredited school with 3 or more licensed branches
12 for the protection of the contractual rights of students
13 in such form as will meet with the approval of the
14 Secretary of State and written by a company authorized to
15 do business in this State. However, the aggregate
16 liability of the surety for all breaches of the condition
17 of the bond in no event shall exceed the principal sum of
18 \$10,000 for a non-accredited school, \$40,000 for a CDL or
19 teenage accredited school, \$60,000 for a CDL accredited
20 and teenage accredited school, \$50,000 for a CDL or
21 teenage accredited school with 3 or more licensed
22 branches, \$70,000 for a CDL accredited and teenage
23 accredited school with 3 or more licensed branches. The
24 surety on any such bond may cancel such bond on giving 30
25 days notice thereof in writing to the Secretary of State
26 and shall be relieved of liability for any breach of any

1 conditions of the bond which occurs after the effective
2 date of cancellation;

3 (f) have the equipment necessary to the giving of
4 proper instruction in the operation of motor vehicles;

5 (g) have and use a business telephone listing for all
6 business purposes;

7 (h) pay to the Secretary of State an application fee
8 of \$500 and \$50 for each branch application; and

9 (i) authorize an investigation to include a
10 fingerprint based background check to determine if the
11 applicant has ever been convicted of a crime and if so, the
12 disposition of those convictions. The authorization shall
13 indicate the scope of the inquiry and the agencies that
14 may be contacted. Upon this authorization, the Secretary
15 of State may request and receive information and
16 assistance from any federal, State, or local governmental
17 agency as part of the authorized investigation. Each
18 applicant shall have his or her fingerprints submitted to
19 the Illinois ~~Department of~~ State Police in the form and
20 manner prescribed by the Illinois ~~Department of~~ State
21 Police. The fingerprints shall be checked against the
22 Illinois ~~Department of~~ State Police and Federal Bureau of
23 Investigation criminal history record information
24 databases. The Illinois ~~Department of~~ State Police shall
25 charge a fee for conducting the criminal history records
26 check, which shall be deposited in the State Police

1 Services Fund and shall not exceed the actual cost of the
2 records check. The applicant shall be required to pay all
3 related fingerprint fees including, but not limited to,
4 the amounts established by the Illinois ~~Department of~~
5 State Police and the Federal Bureau of Investigation to
6 process fingerprint based criminal background
7 investigations. The Illinois ~~Department of~~ State Police
8 shall provide information concerning any criminal
9 convictions and disposition of criminal convictions
10 brought against the applicant upon request of the
11 Secretary of State provided that the request is made in
12 the form and manner required by the Illinois ~~Department of~~
13 ~~the~~ State Police. Unless otherwise prohibited by law, the
14 information derived from the investigation including the
15 source of the information and any conclusions or
16 recommendations derived from the information by the
17 Secretary of State shall be provided to the applicant, or
18 his designee, upon request to the Secretary of State,
19 prior to any final action by the Secretary of State on the
20 application. Any criminal convictions and disposition
21 information obtained by the Secretary of State shall be
22 confidential and may not be transmitted outside the Office
23 of the Secretary of State, except as required herein, and
24 may not be transmitted to anyone within the Office of the
25 Secretary of State except as needed for the purpose of
26 evaluating the applicant. At any administrative hearing

1 held under Section 2-118 of this Code relating to the
2 denial, cancellation, suspension, or revocation of a
3 driver training school license, the Secretary of State is
4 authorized to utilize at that hearing any criminal
5 histories, criminal convictions, and disposition
6 information obtained under this Section. The information
7 obtained from the investigation may be maintained by the
8 Secretary of State or any agency to which the information
9 was transmitted. Only information and standards, which
10 bear a reasonable and rational relation to the performance
11 of a driver training school owner, shall be used by the
12 Secretary of State. Any employee of the Secretary of State
13 who gives or causes to be given away any confidential
14 information concerning any criminal charges or disposition
15 of criminal charges of an applicant shall be guilty of a
16 Class A misdemeanor, unless release of the information is
17 authorized by this Section.

18 No license shall be issued under this Section to a person
19 who is a spouse, offspring, sibling, parent, grandparent,
20 grandchild, uncle or aunt, nephew or niece, cousin, or in-law
21 of the person whose license to do business at that location has
22 been revoked or denied or to a person who was an officer or
23 employee of a business firm that has had its license revoked or
24 denied, unless the Secretary of State is satisfied the
25 application was submitted in good faith and not for the
26 purpose or effect of defeating the intent of this Code.

1 (Source: P.A. 96-740, eff. 1-1-10; 96-962, eff. 7-2-10;
2 96-1062, eff. 7-14-10; 97-333, eff. 8-12-11; 97-835, eff.
3 7-20-12.)

4 (625 ILCS 5/6-411) (from Ch. 95 1/2, par. 6-411)

5 Sec. 6-411. Qualifications of Driver Training Instructors.
6 In order to qualify for a license as an instructor for a
7 driving school, an applicant must:

8 (a) Be of good moral character;

9 (b) Authorize an investigation to include a
10 fingerprint based background check to determine if the
11 applicant has ever been convicted of a crime and if so, the
12 disposition of those convictions; this authorization shall
13 indicate the scope of the inquiry and the agencies which
14 may be contacted. Upon this authorization the Secretary of
15 State may request and receive information and assistance
16 from any federal, state or local governmental agency as
17 part of the authorized investigation. Each applicant shall
18 submit his or her fingerprints to the Illinois Department
19 ~~of~~ State Police in the form and manner prescribed by the
20 Illinois Department ~~of~~ State Police. These fingerprints
21 shall be checked against the fingerprint records now and
22 hereafter filed in the Illinois Department ~~of~~ State Police
23 and Federal Bureau of Investigation criminal history
24 records databases. The Illinois Department ~~of~~ State Police
25 shall charge a fee for conducting the criminal history

1 records check, which shall be deposited in the State
2 Police Services Fund and shall not exceed the actual cost
3 of the records check. The applicant shall be required to
4 pay all related fingerprint fees including, but not
5 limited to, the amounts established by the Illinois
6 ~~Department of~~ State Police and the Federal Bureau of
7 Investigation to process fingerprint based criminal
8 background investigations. The Illinois ~~Department of~~
9 State Police shall provide information concerning any
10 criminal convictions, and their disposition, brought
11 against the applicant upon request of the Secretary of
12 State when the request is made in the form and manner
13 required by the Illinois ~~Department of~~ State Police.
14 Unless otherwise prohibited by law, the information
15 derived from this investigation including the source of
16 this information, and any conclusions or recommendations
17 derived from this information by the Secretary of State
18 shall be provided to the applicant, or his designee, upon
19 request to the Secretary of State, prior to any final
20 action by the Secretary of State on the application. At
21 any administrative hearing held under Section 2-118 of
22 this Code relating to the denial, cancellation,
23 suspension, or revocation of a driver training school
24 license, the Secretary of State is authorized to utilize
25 at that hearing any criminal histories, criminal
26 convictions, and disposition information obtained under

1 this Section. Any criminal convictions and their
2 disposition information obtained by the Secretary of State
3 shall be confidential and may not be transmitted outside
4 the Office of the Secretary of State, except as required
5 herein, and may not be transmitted to anyone within the
6 Office of the Secretary of State except as needed for the
7 purpose of evaluating the applicant. The information
8 obtained from this investigation may be maintained by the
9 Secretary of State or any agency to which such information
10 was transmitted. Only information and standards which bear
11 a reasonable and rational relation to the performance of a
12 driver training instructor shall be used by the Secretary
13 of State. Any employee of the Secretary of State who gives
14 or causes to be given away any confidential information
15 concerning any criminal charges and their disposition of
16 an applicant shall be guilty of a Class A misdemeanor
17 unless release of such information is authorized by this
18 Section;

19 (c) Pass such examination as the Secretary of State
20 shall require on (1) traffic laws, (2) safe driving
21 practices, (3) operation of motor vehicles, and (4)
22 qualifications of teacher;

23 (d) Be physically able to operate safely a motor
24 vehicle and to train others in the operation of motor
25 vehicles. An instructors license application must be
26 accompanied by a medical examination report completed by a

1 competent physician licensed to practice in the State of
2 Illinois;

3 (e) Hold a valid Illinois drivers license;

4 (f) Have graduated from an accredited high school
5 after at least 4 years of high school education or the
6 equivalent; and

7 (g) Pay to the Secretary of State an application and
8 license fee of \$70.

9 If a driver training school class room instructor teaches
10 an approved driver education course, as defined in Section
11 1-103 of this Code, to students under 18 years of age, he or
12 she shall furnish to the Secretary of State a certificate
13 issued by the State Board of Education that the said
14 instructor is qualified and meets the minimum educational
15 standards for teaching driver education courses in the local
16 public or parochial school systems, except that no State Board
17 of Education certification shall be required of any instructor
18 who teaches exclusively in a commercial driving school. On and
19 after July 1, 1986, the existing rules and regulations of the
20 State Board of Education concerning commercial driving schools
21 shall continue to remain in effect but shall be administered
22 by the Secretary of State until such time as the Secretary of
23 State shall amend or repeal the rules in accordance with the
24 Illinois Administrative Procedure Act. Upon request, the
25 Secretary of State shall issue a certificate of completion to
26 a student under 18 years of age who has completed an approved

1 driver education course at a commercial driving school.

2 (Source: P.A. 96-740, eff. 1-1-10; 96-962, eff. 7-2-10;
3 97-835, eff. 7-20-12.)

4 (625 ILCS 5/6-508) (from Ch. 95 1/2, par. 6-508)

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

7 (a) Testing.

8 (1) General. No person shall be issued an original or
9 renewal CDL unless that person is domiciled in this State
10 or is applying for a non-domiciled CDL under Sections
11 6-509 and 6-510 of this Code. The Secretary shall cause to
12 be administered such tests as the Secretary deems
13 necessary to meet the requirements of 49 C.F.R. Part 383,
14 subparts F, G, H, and J.

15 (1.5) Effective July 1, 2014, no person shall be
16 issued an original CDL or an upgraded CDL that requires a
17 skills test unless that person has held a CLP, for a
18 minimum of 14 calendar days, for the classification of
19 vehicle and endorsement, if any, for which the person is
20 seeking a CDL.

21 (2) Third party testing. The Secretary of State may
22 authorize a "third party tester", pursuant to 49 C.F.R.
23 383.75 and 49 C.F.R. 384.228 and 384.229, to administer
24 the skills test or tests specified by the Federal Motor
25 Carrier Safety Administration pursuant to the Commercial

1 Motor Vehicle Safety Act of 1986 and any appropriate
2 federal rule.

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

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

13 (iii) Except for persons seeking the H endorsement,
14 persons must complete the theory and behind-the-wheel
15 (range and public road) portions of ELDT within one year
16 of completing the first portion.

17 (iv) The Secretary shall adopt rules to implement this
18 subsection.

19 (b) Waiver of Skills Test. The Secretary of State may
20 waive the skills test specified in this Section for a driver
21 applicant for a commercial driver license who meets the
22 requirements of 49 C.F.R. 383.77. The Secretary of State shall
23 waive the skills tests specified in this Section for a driver
24 applicant who has military commercial motor vehicle
25 experience, subject to the requirements of 49 C.F.R. 383.77.

26 (b-1) No person shall be issued a CDL unless the person

1 certifies to the Secretary one of the following types of
2 driving operations in which he or she will be engaged:

- 3 (1) non-excepted interstate;
- 4 (2) non-excepted intrastate;
- 5 (3) excepted interstate; or
- 6 (4) excepted intrastate.

7 (b-2) (Blank).

8 (c) Limitations on issuance of a CDL. A CDL shall not be
9 issued to a person while the person is subject to a
10 disqualification from driving a commercial motor vehicle, or
11 unless otherwise permitted by this Code, while the person's
12 driver's license is suspended, revoked or cancelled in any
13 state, or any territory or province of Canada; nor may a CLP or
14 CDL be issued to a person who has a CLP or CDL issued by any
15 other state, or foreign jurisdiction, nor may a CDL be issued
16 to a person who has an Illinois CLP unless the person first
17 surrenders all of these licenses or permits. However, a person
18 may hold an Illinois CLP and an Illinois CDL providing the CLP
19 is necessary to train or practice for an endorsement or
20 vehicle classification not present on the current CDL. No CDL
21 shall be issued to or renewed for a person who does not meet
22 the requirement of 49 CFR 391.41(b)(11). The requirement may
23 be met with the aid of a hearing aid.

24 (c-1) The Secretary may issue a CDL with a school bus
25 driver endorsement to allow a person to drive the type of bus
26 described in subsection (d-5) of Section 6-104 of this Code.

1 The CDL with a school bus driver endorsement may be issued only
2 to a person meeting the following requirements:

3 (1) the person has submitted his or her fingerprints
4 to the Illinois ~~Department of~~ State Police in the form and
5 manner prescribed by the Illinois ~~Department of~~ State
6 Police. These fingerprints shall be checked against the
7 fingerprint records now and hereafter filed in the
8 Illinois ~~Department of~~ State Police and Federal Bureau of
9 Investigation criminal history records databases;

10 (2) the person has passed a written test, administered
11 by the Secretary of State, on charter bus operation,
12 charter bus safety, and certain special traffic laws
13 relating to school buses determined by the Secretary of
14 State to be relevant to charter buses, and submitted to a
15 review of the driver applicant's driving habits by the
16 Secretary of State at the time the written test is given;

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

20 (4) the person has not been convicted of committing or
21 attempting to commit any one or more of the following
22 offenses: (i) those offenses defined in Sections 8-1.2,
23 9-1, 9-1.2, 9-2, 9-2.1, 9-3, 9-3.2, 9-3.3, 10-1, 10-2,
24 10-3.1, 10-4, 10-5, 10-5.1, 10-6, 10-7, 10-9, 11-1.20,
25 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6, 11-6.5, 11-6.6,
26 11-9, 11-9.1, 11-9.3, 11-9.4, 11-14, 11-14.1, 11-14.3,

1 11-14.4, 11-15, 11-15.1, 11-16, 11-17, 11-17.1, 11-18,
2 11-18.1, 11-19, 11-19.1, 11-19.2, 11-20, 11-20.1,
3 11-20.1B, 11-20.3, 11-21, 11-22, 11-23, 11-24, 11-25,
4 11-26, 11-30, 12-2.6, 12-3.1, 12-4, 12-4.1, 12-4.2,
5 12-4.2-5, 12-4.3, 12-4.4, 12-4.5, 12-4.6, 12-4.7, 12-4.9,
6 12-5.01, 12-6, 12-6.2, 12-7.1, 12-7.3, 12-7.4, 12-7.5,
7 12-11, 12-13, 12-14, 12-14.1, 12-15, 12-16, 12-16.2,
8 12-21.5, 12-21.6, 12-33, 12C-5, 12C-10, 12C-20, 12C-30,
9 12C-45, 16-16, 16-16.1, 18-1, 18-2, 18-3, 18-4, 18-5,
10 19-6, 20-1, 20-1.1, 20-1.2, 20-1.3, 20-2, 24-1, 24-1.1,
11 24-1.2, 24-1.2-5, 24-1.6, 24-1.7, 24-2.1, 24-3.3, 24-3.5,
12 24-3.8, 24-3.9, 31A-1, 31A-1.1, 33A-2, and 33D-1, and in
13 subsection (b) of Section 8-1, and in subdivisions (a) (1),
14 (a) (2), (b) (1), (e) (1), (e) (2), (e) (3), (e) (4), and (f) (1)
15 of Section 12-3.05, and in subsection (a) and subsection
16 (b), clause (1), of Section 12-4, and in subsection (A),
17 clauses (a) and (b), of Section 24-3, and those offenses
18 contained in Article 29D of the Criminal Code of 1961 or
19 the Criminal Code of 2012; (ii) those offenses defined in
20 the Cannabis Control Act except those offenses defined in
21 subsections (a) and (b) of Section 4, and subsection (a)
22 of Section 5 of the Cannabis Control Act; (iii) those
23 offenses defined in the Illinois Controlled Substances
24 Act; (iv) those offenses defined in the Methamphetamine
25 Control and Community Protection Act; (v) any offense
26 committed or attempted in any other state or against the

1 laws of the United States, which if committed or attempted
2 in this State would be punishable as one or more of the
3 foregoing offenses; (vi) the offenses defined in Sections
4 4.1 and 5.1 of the Wrongs to Children Act or Section
5 11-9.1A of the Criminal Code of 1961 or the Criminal Code
6 of 2012; (vii) those offenses defined in Section 6-16 of
7 the Liquor Control Act of 1934; and (viii) those offenses
8 defined in the Methamphetamine Precursor Control Act.

9 The Illinois ~~Department of~~ State Police shall charge a fee
10 for conducting the criminal history records check, which shall
11 be deposited into the State Police Services Fund and may not
12 exceed the actual cost of the records check.

13 (c-2) The Secretary shall issue a CDL with a school bus
14 endorsement to allow a person to drive a school bus as defined
15 in this Section. The CDL shall be issued according to the
16 requirements outlined in 49 C.F.R. 383. A person may not
17 operate a school bus as defined in this Section without a
18 school bus endorsement. The Secretary of State may adopt rules
19 consistent with Federal guidelines to implement this
20 subsection (c-2).

21 (d) (Blank).

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

23 (625 ILCS 5/8-115) (from Ch. 95 1/2, par. 8-115)

24 Sec. 8-115. Display of certificate-Enforcement. The
25 certificate issued pursuant to Section 8-114 shall be

1 displayed upon a window of the motor vehicle for which it was
2 issued, in such manner as to be visible to the passengers
3 carried therein. This Section and Section 8-114 shall be
4 enforced by the Illinois State Police, the Secretary of State,
5 and other police officers.

6 (Source: P.A. 82-433.)

7 (625 ILCS 5/11-212)

8 Sec. 11-212. Traffic and pedestrian stop statistical
9 study.

10 (a) Whenever a State or local law enforcement officer
11 issues a uniform traffic citation or warning citation for an
12 alleged violation of the Illinois Vehicle Code, he or she
13 shall record at least the following:

14 (1) the name, address, gender, and the officer's
15 subjective determination of the race of the person
16 stopped; the person's race shall be selected from the
17 following list: American Indian or Alaska Native, Asian,
18 Black or African American, Hispanic or Latino, Native
19 Hawaiian or Other Pacific Islander, or White;

20 (2) the alleged traffic violation that led to the stop
21 of the motorist;

22 (3) the make and year of the vehicle stopped;

23 (4) the date and time of the stop, beginning when the
24 vehicle was stopped and ending when the driver is free to
25 leave or taken into physical custody;

1 (5) the location of the traffic stop;

2 (5.5) whether or not a consent search contemporaneous
3 to the stop was requested of the vehicle, driver,
4 passenger, or passengers; and, if so, whether consent was
5 given or denied;

6 (6) whether or not a search contemporaneous to the
7 stop was conducted of the vehicle, driver, passenger, or
8 passengers; and, if so, whether it was with consent or by
9 other means;

10 (6.2) whether or not a police dog performed a sniff of
11 the vehicle; and, if so, whether or not the dog alerted to
12 the presence of contraband; and, if so, whether or not an
13 officer searched the vehicle; and, if so, whether or not
14 contraband was discovered; and, if so, the type and amount
15 of contraband;

16 (6.5) whether or not contraband was found during a
17 search; and, if so, the type and amount of contraband
18 seized; and

19 (7) the name and badge number of the issuing officer.

20 (b) Whenever a State or local law enforcement officer
21 stops a motorist for an alleged violation of the Illinois
22 Vehicle Code and does not issue a uniform traffic citation or
23 warning citation for an alleged violation of the Illinois
24 Vehicle Code, he or she shall complete a uniform stop card,
25 which includes field contact cards, or any other existing form
26 currently used by law enforcement containing information

1 required pursuant to this Act, that records at least the
2 following:

3 (1) the name, address, gender, and the officer's
4 subjective determination of the race of the person
5 stopped; the person's race shall be selected from the
6 following list: American Indian or Alaska Native, Asian,
7 Black or African American, Hispanic or Latino, Native
8 Hawaiian or Other Pacific Islander, or White;

9 (2) the reason that led to the stop of the motorist;

10 (3) the make and year of the vehicle stopped;

11 (4) the date and time of the stop, beginning when the
12 vehicle was stopped and ending when the driver is free to
13 leave or taken into physical custody;

14 (5) the location of the traffic stop;

15 (5.5) whether or not a consent search contemporaneous
16 to the stop was requested of the vehicle, driver,
17 passenger, or passengers; and, if so, whether consent was
18 given or denied;

19 (6) whether or not a search contemporaneous to the
20 stop was conducted of the vehicle, driver, passenger, or
21 passengers; and, if so, whether it was with consent or by
22 other means;

23 (6.2) whether or not a police dog performed a sniff of
24 the vehicle; and, if so, whether or not the dog alerted to
25 the presence of contraband; and, if so, whether or not an
26 officer searched the vehicle; and, if so, whether or not

1 contraband was discovered; and, if so, the type and amount
2 of contraband;

3 (6.5) whether or not contraband was found during a
4 search; and, if so, the type and amount of contraband
5 seized; and

6 (7) the name and badge number of the issuing officer.

7 (b-5) For purposes of this subsection (b-5), "detention"
8 means all frisks, searches, summons, and arrests. Whenever a
9 law enforcement officer subjects a pedestrian to detention in
10 a public place, he or she shall complete a uniform pedestrian
11 stop card, which includes any existing form currently used by
12 law enforcement containing all the information required under
13 this Section, that records at least the following:

14 (1) the gender, and the officer's subjective
15 determination of the race of the person stopped; the
16 person's race shall be selected from the following list:
17 American Indian or Alaska Native, Asian, Black or African
18 American, Hispanic or Latino, Native Hawaiian or Other
19 Pacific Islander, or White;

20 (2) all the alleged reasons that led to the stop of the
21 person;

22 (3) the date and time of the stop;

23 (4) the location of the stop;

24 (5) whether or not a protective pat down or frisk was
25 conducted of the person; and, if so, all the alleged
26 reasons that led to the protective pat down or frisk, and

1 whether it was with consent or by other means;

2 (6) whether or not contraband was found during the
3 protective pat down or frisk; and, if so, the type and
4 amount of contraband seized;

5 (7) whether or not a search beyond a protective pat
6 down or frisk was conducted of the person or his or her
7 effects; and, if so, all the alleged reasons that led to
8 the search, and whether it was with consent or by other
9 means;

10 (8) whether or not contraband was found during the
11 search beyond a protective pat down or frisk; and, if so,
12 the type and amount of contraband seized;

13 (9) the disposition of the stop, such as a warning, a
14 ticket, a summons, or an arrest;

15 (10) if a summons or ticket was issued, or an arrest
16 made, a record of the violations, offenses, or crimes
17 alleged or charged; and

18 (11) the name and badge number of the officer who
19 conducted the detention.

20 This subsection (b-5) does not apply to searches or
21 inspections for compliance authorized under the Fish and
22 Aquatic Life Code, the Wildlife Code, the Herptiles-Herps Act,
23 or searches or inspections during routine security screenings
24 at facilities or events.

25 (c) The Illinois Department of Transportation shall
26 provide a standardized law enforcement data compilation form

1 on its website.

2 (d) Every law enforcement agency shall, by March 1 with
3 regard to data collected during July through December of the
4 previous calendar year and by August 1 with regard to data
5 collected during January through June of the current calendar
6 year, compile the data described in subsections (a), (b), and
7 (b-5) on the standardized law enforcement data compilation
8 form provided by the Illinois Department of Transportation and
9 transmit the data to the Department.

10 (e) The Illinois Department of Transportation shall
11 analyze the data provided by law enforcement agencies required
12 by this Section and submit a report of the previous year's
13 findings to the Governor, the General Assembly, the Racial
14 Profiling Prevention and Data Oversight Board, and each law
15 enforcement agency no later than July 1 of each year. The
16 Illinois Department of Transportation may contract with an
17 outside entity for the analysis of the data provided. In
18 analyzing the data collected under this Section, the analyzing
19 entity shall scrutinize the data for evidence of statistically
20 significant aberrations. The following list, which is
21 illustrative, and not exclusive, contains examples of areas in
22 which statistically significant aberrations may be found:

23 (1) The percentage of minority drivers, passengers, or
24 pedestrians being stopped in a given area is substantially
25 higher than the proportion of the overall population in or
26 traveling through the area that the minority constitutes.

1 (2) A substantial number of false stops including
2 stops not resulting in the issuance of a traffic ticket or
3 the making of an arrest.

4 (3) A disparity between the proportion of citations
5 issued to minorities and proportion of minorities in the
6 population.

7 (4) A disparity among the officers of the same law
8 enforcement agency with regard to the number of minority
9 drivers, passengers, or pedestrians being stopped in a
10 given area.

11 (5) A disparity between the frequency of searches
12 performed on minority drivers or pedestrians and the
13 frequency of searches performed on non-minority drivers or
14 pedestrians.

15 (f) Any law enforcement officer identification information
16 and driver or pedestrian identification information that is
17 compiled by any law enforcement agency or the Illinois
18 Department of Transportation pursuant to this Act for the
19 purposes of fulfilling the requirements of this Section shall
20 be confidential and exempt from public inspection and copying,
21 as provided under Section 7 of the Freedom of Information Act,
22 and the information shall not be transmitted to anyone except
23 as needed to comply with this Section. This Section shall not
24 exempt those materials that, prior to the effective date of
25 this amendatory Act of the 93rd General Assembly, were
26 available under the Freedom of Information Act. This

1 subsection (f) shall not preclude law enforcement agencies
2 from reviewing data to perform internal reviews.

3 (g) Funding to implement this Section shall come from
4 federal highway safety funds available to Illinois, as
5 directed by the Governor.

6 (h) The Illinois Criminal Justice Information Authority,
7 in consultation with law enforcement agencies, officials, and
8 organizations, including Illinois chiefs of police, the
9 Illinois ~~Department of~~ State Police, the Illinois Sheriffs
10 Association, and the Chicago Police Department, and community
11 groups and other experts, shall undertake a study to determine
12 the best use of technology to collect, compile, and analyze
13 the traffic stop statistical study data required by this
14 Section. The Department shall report its findings and
15 recommendations to the Governor and the General Assembly by
16 March 1, 2022.

17 (h-1) The Traffic and Pedestrian Stop Data Use and
18 Collection Task Force is hereby created.

19 (1) The Task Force shall undertake a study to
20 determine the best use of technology to collect, compile,
21 and analyze the traffic stop statistical study data
22 required by this Section.

23 (2) The Task Force shall be an independent Task Force
24 under the Illinois Criminal Justice Information Authority
25 for administrative purposes, and shall consist of the
26 following members:

1 (A) 2 academics or researchers who have studied
2 issues related to traffic or pedestrian stop data
3 collection and have education or expertise in
4 statistics;

5 (B) one professor from an Illinois university who
6 specializes in policing and racial equity;

7 (C) one representative from the Illinois State
8 Police;

9 (D) one representative from the Chicago Police
10 Department;

11 (E) one representative from the Illinois Chiefs of
12 Police;

13 (F) one representative from the Illinois Sheriffs
14 Association;

15 (G) one representative from the Chicago Fraternal
16 Order of Police;

17 (H) one representative from the Illinois Fraternal
18 Order of Police;

19 (I) the Executive Director of the American Civil
20 Liberties Union of Illinois, or his or her designee;
21 and

22 (J) 5 representatives from different community
23 organizations who specialize in civil or human rights,
24 policing, or criminal justice reform work, and that
25 represent a range of minority interests or different
26 parts of the State.

1 (3) The Illinois Criminal Justice Information
2 Authority may consult, contract, work in conjunction with,
3 and obtain any information from any individual, agency,
4 association, or research institution deemed appropriate by
5 the Authority.

6 (4) The Task Force shall report its findings and
7 recommendations to the Governor and the General Assembly
8 by March 1, 2022 and every 3 years after.

9 (h-5) For purposes of this Section:

10 (1) "American Indian or Alaska Native" means a person
11 having origins in any of the original peoples of North and
12 South America, including Central America, and who
13 maintains tribal affiliation or community attachment.

14 (2) "Asian" means a person having origins in any of
15 the original peoples of the Far East, Southeast Asia, or
16 the Indian subcontinent, including, but not limited to,
17 Cambodia, China, India, Japan, Korea, Malaysia, Pakistan,
18 the Philippine Islands, Thailand, and Vietnam.

19 (2.5) "Badge" means an officer's department issued
20 identification number associated with his or her position
21 as a police officer with that department.

22 (3) "Black or African American" means a person having
23 origins in any of the black racial groups of Africa. Terms
24 such as "Haitian" or "Negro" can be used in addition to
25 "Black or African American".

26 (4) "Hispanic or Latino" means a person of Cuban,

1 Mexican, Puerto Rican, South or Central American, or other
2 Spanish culture or origin, regardless of race.

3 (5) "Native Hawaiian or Other Pacific Islander" means
4 a person having origins in any of the original peoples of
5 Hawaii, Guam, Samoa, or other Pacific Islands.

6 (6) "White" means a person having origins in any of
7 the original peoples of Europe, the Middle East, or North
8 Africa.

9 (i) (Blank).

10 (Source: P.A. 101-24, eff. 6-21-19.)

11 (625 ILCS 5/11-416) (from Ch. 95 1/2, par. 11-416)

12 Sec. 11-416. Furnishing copies - Fees. The Illinois
13 ~~Department of~~ State Police may furnish copies of an Illinois
14 State Police Traffic Accident Report that has been
15 investigated by the Illinois State Police and shall be paid a
16 fee of \$5 for each such copy, or in the case of an accident
17 which was investigated by an accident reconstruction officer
18 or accident reconstruction team, a fee of \$20 shall be paid.
19 These fees shall be deposited into the State Police Services
20 Fund.

21 Other State law enforcement agencies or law enforcement
22 agencies of local authorities may furnish copies of traffic
23 accident reports prepared by such agencies and may receive a
24 fee not to exceed \$5 for each copy or in the case of an
25 accident which was investigated by an accident reconstruction

1 officer or accident reconstruction team, the State or local
2 law enforcement agency may receive a fee not to exceed \$20.

3 Any written accident report required or requested to be
4 furnished the Administrator shall be provided without cost or
5 fee charges authorized under this Section or any other
6 provision of law.

7 (Source: P.A. 101-571, eff. 8-23-19.)

8 (625 ILCS 5/11-501.01)

9 Sec. 11-501.01. Additional administrative sanctions.

10 (a) After a finding of guilt and prior to any final
11 sentencing or an order for supervision, for an offense based
12 upon an arrest for a violation of Section 11-501 or a similar
13 provision of a local ordinance, individuals shall be required
14 to undergo a professional evaluation to determine if an
15 alcohol, drug, or intoxicating compound abuse problem exists
16 and the extent of the problem, and undergo the imposition of
17 treatment as appropriate. Programs conducting these
18 evaluations shall be licensed by the Department of Human
19 Services. The cost of any professional evaluation shall be
20 paid for by the individual required to undergo the
21 professional evaluation.

22 (b) Any person who is found guilty of or pleads guilty to
23 violating Section 11-501, including any person receiving a
24 disposition of court supervision for violating that Section,
25 may be required by the Court to attend a victim impact panel

1 offered by, or under contract with, a county State's
2 Attorney's office, a probation and court services department,
3 Mothers Against Drunk Driving, or the Alliance Against
4 Intoxicated Motorists. All costs generated by the victim
5 impact panel shall be paid from fees collected from the
6 offender or as may be determined by the court.

7 (c) (Blank).

8 (d) The Secretary of State shall revoke the driving
9 privileges of any person convicted under Section 11-501 or a
10 similar provision of a local ordinance.

11 (e) The Secretary of State shall require the use of
12 ignition interlock devices for a period not less than 5 years
13 on all vehicles owned by a person who has been convicted of a
14 second or subsequent offense of Section 11-501 or a similar
15 provision of a local ordinance. The person must pay to the
16 Secretary of State DUI Administration Fund an amount not to
17 exceed \$30 for each month that he or she uses the device. The
18 Secretary shall establish by rule and regulation the
19 procedures for certification and use of the interlock system,
20 the amount of the fee, and the procedures, terms, and
21 conditions relating to these fees. During the time period in
22 which a person is required to install an ignition interlock
23 device under this subsection (e), that person shall only
24 operate vehicles in which ignition interlock devices have been
25 installed, except as allowed by subdivision (c)(5) or (d)(5)
26 of Section 6-205 of this Code.

1 (f) (Blank).

2 (g) The Secretary of State Police DUI Fund is created as a
3 special fund in the State treasury and, subject to
4 appropriation, shall be used for enforcement and prevention of
5 driving while under the influence of alcohol, other drug or
6 drugs, intoxicating compound or compounds or any combination
7 thereof, as defined by Section 11-501 of this Code, including,
8 but not limited to, the purchase of law enforcement equipment
9 and commodities to assist in the prevention of alcohol-related
10 criminal violence throughout the State; police officer
11 training and education in areas related to alcohol-related
12 crime, including, but not limited to, DUI training; and police
13 officer salaries, including, but not limited to, salaries for
14 hire back funding for safety checkpoints, saturation patrols,
15 and liquor store sting operations.

16 (h) Whenever an individual is sentenced for an offense
17 based upon an arrest for a violation of Section 11-501 or a
18 similar provision of a local ordinance, and the professional
19 evaluation recommends remedial or rehabilitative treatment or
20 education, neither the treatment nor the education shall be
21 the sole disposition and either or both may be imposed only in
22 conjunction with another disposition. The court shall monitor
23 compliance with any remedial education or treatment
24 recommendations contained in the professional evaluation.
25 Programs conducting alcohol or other drug evaluation or
26 remedial education must be licensed by the Department of Human

1 Services. If the individual is not a resident of Illinois,
2 however, the court may accept an alcohol or other drug
3 evaluation or remedial education program in the individual's
4 state of residence. Programs providing treatment must be
5 licensed under existing applicable alcoholism and drug
6 treatment licensure standards.

7 (i) (Blank).

8 (j) A person that is subject to a chemical test or tests of
9 blood under subsection (a) of Section 11-501.1 or subdivision
10 (c)(2) of Section 11-501.2 of this Code, whether or not that
11 person consents to testing, shall be liable for the expense up
12 to \$500 for blood withdrawal by a physician authorized to
13 practice medicine, a licensed physician assistant, a licensed
14 advanced practice registered nurse, a registered nurse, a
15 trained phlebotomist, a licensed paramedic, or a qualified
16 person other than a police officer approved by the Illinois
17 ~~Department of~~ State Police to withdraw blood, who responds,
18 whether at a law enforcement facility or a health care
19 facility, to a police department request for the drawing of
20 blood based upon refusal of the person to submit to a lawfully
21 requested breath test or probable cause exists to believe the
22 test would disclose the ingestion, consumption, or use of
23 drugs or intoxicating compounds if:

24 (1) the person is found guilty of violating Section
25 11-501 of this Code or a similar provision of a local
26 ordinance; or

1 (2) the person pleads guilty to or stipulates to facts
2 supporting a violation of Section 11-503 of this Code or a
3 similar provision of a local ordinance when the plea or
4 stipulation was the result of a plea agreement in which
5 the person was originally charged with violating Section
6 11-501 of this Code or a similar local ordinance.

7 (Source: P.A. 100-513, eff. 1-1-18; 100-987, eff. 7-1-19;
8 101-81, eff. 7-12-19.)

9 (625 ILCS 5/11-501.2) (from Ch. 95 1/2, par. 11-501.2)

10 Sec. 11-501.2. Chemical and other tests.

11 (a) Upon the trial of any civil or criminal action or
12 proceeding arising out of an arrest for an offense as defined
13 in Section 11-501 or a similar local ordinance or proceedings
14 pursuant to Section 2-118.1, evidence of the concentration of
15 alcohol, other drug or drugs, or intoxicating compound or
16 compounds, or any combination thereof in a person's blood or
17 breath at the time alleged, as determined by analysis of the
18 person's blood, urine, breath, or other bodily substance,
19 shall be admissible. Where such test is made the following
20 provisions shall apply:

21 1. Chemical analyses of the person's blood, urine,
22 breath, or other bodily substance to be considered valid
23 under the provisions of this Section shall have been
24 performed according to standards promulgated by the
25 Illinois ~~Department~~ of State Police by a licensed

1 physician, registered nurse, trained phlebotomist,
2 licensed paramedic, or other individual possessing a valid
3 permit issued by that Department for this purpose. The
4 Director of the Illinois State Police is authorized to
5 approve satisfactory techniques or methods, to ascertain
6 the qualifications and competence of individuals to
7 conduct such analyses, to issue permits which shall be
8 subject to termination or revocation at the discretion of
9 that Department and to certify the accuracy of breath
10 testing equipment. The Illinois ~~Department of~~ State Police
11 shall prescribe regulations as necessary to implement this
12 Section.

13 2. When a person in this State shall submit to a blood
14 test at the request of a law enforcement officer under the
15 provisions of Section 11-501.1, only a physician
16 authorized to practice medicine, a licensed physician
17 assistant, a licensed advanced practice registered nurse,
18 a registered nurse, trained phlebotomist, or licensed
19 paramedic, or other qualified person approved by the
20 Illinois ~~Department of~~ State Police may withdraw blood for
21 the purpose of determining the alcohol, drug, or alcohol
22 and drug content therein. This limitation shall not apply
23 to the taking of breath, other bodily substance, or urine
24 specimens.

25 When a blood test of a person who has been taken to an
26 adjoining state for medical treatment is requested by an

1 Illinois law enforcement officer, the blood may be
2 withdrawn only by a physician authorized to practice
3 medicine in the adjoining state, a licensed physician
4 assistant, a licensed advanced practice registered nurse,
5 a registered nurse, a trained phlebotomist acting under
6 the direction of the physician, or licensed paramedic. The
7 law enforcement officer requesting the test shall take
8 custody of the blood sample, and the blood sample shall be
9 analyzed by a laboratory certified by the Illinois
10 ~~Department of~~ State Police for that purpose.

11 3. The person tested may have a physician, or a
12 qualified technician, chemist, registered nurse, or other
13 qualified person of their own choosing administer a
14 chemical test or tests in addition to any administered at
15 the direction of a law enforcement officer. The failure or
16 inability to obtain an additional test by a person shall
17 not preclude the admission of evidence relating to the
18 test or tests taken at the direction of a law enforcement
19 officer.

20 4. Upon the request of the person who shall submit to a
21 chemical test or tests at the request of a law enforcement
22 officer, full information concerning the test or tests
23 shall be made available to the person or such person's
24 attorney.

25 5. Alcohol concentration shall mean either grams of
26 alcohol per 100 milliliters of blood or grams of alcohol

1 per 210 liters of breath.

2 6. Tetrahydrocannabinol concentration means either 5
3 nanograms or more of delta-9-tetrahydrocannabinol per
4 milliliter of whole blood or 10 nanograms or more of
5 delta-9-tetrahydrocannabinol per milliliter of other
6 bodily substance.

7 (a-5) Law enforcement officials may use validated roadside
8 chemical tests or standardized field sobriety tests approved
9 by the National Highway Traffic Safety Administration when
10 conducting investigations of a violation of Section 11-501 or
11 similar local ordinance by drivers suspected of driving under
12 the influence of cannabis. The General Assembly finds that (i)
13 validated roadside chemical tests are effective means to
14 determine if a person is under the influence of cannabis and
15 (ii) standardized field sobriety tests approved by the
16 National Highway Traffic Safety Administration are divided
17 attention tasks that are intended to determine if a person is
18 under the influence of cannabis. The purpose of these tests is
19 to determine the effect of the use of cannabis on a person's
20 capacity to think and act with ordinary care and therefore
21 operate a motor vehicle safely. Therefore, the results of
22 these validated roadside chemical tests and standardized field
23 sobriety tests, appropriately administered, shall be
24 admissible in the trial of any civil or criminal action or
25 proceeding arising out of an arrest for a cannabis-related
26 offense as defined in Section 11-501 or a similar local

1 ordinance or proceedings under Section 2-118.1 or 2-118.2.

2 Where a test is made the following provisions shall apply:

3 1. The person tested may have a physician, or a
4 qualified technician, chemist, registered nurse, or other
5 qualified person of their own choosing administer a
6 chemical test or tests in addition to the standardized
7 field sobriety test or tests administered at the direction
8 of a law enforcement officer. The failure or inability to
9 obtain an additional test by a person does not preclude
10 the admission of evidence relating to the test or tests
11 taken at the direction of a law enforcement officer.

12 2. Upon the request of the person who shall submit to
13 validated roadside chemical tests or a standardized field
14 sobriety test or tests at the request of a law enforcement
15 officer, full information concerning the test or tests
16 shall be made available to the person or the person's
17 attorney.

18 3. At the trial of any civil or criminal action or
19 proceeding arising out of an arrest for an offense as
20 defined in Section 11-501 or a similar local ordinance or
21 proceedings under Section 2-118.1 or 2-118.2 in which the
22 results of these validated roadside chemical tests or
23 standardized field sobriety tests are admitted, the person
24 may present and the trier of fact may consider evidence
25 that the person lacked the physical capacity to perform
26 the validated roadside chemical tests or standardized

1 field sobriety tests.

2 (b) Upon the trial of any civil or criminal action or
3 proceeding arising out of acts alleged to have been committed
4 by any person while driving or in actual physical control of a
5 vehicle while under the influence of alcohol, the
6 concentration of alcohol in the person's blood or breath at
7 the time alleged as shown by analysis of the person's blood,
8 urine, breath, or other bodily substance shall give rise to
9 the following presumptions:

10 1. If there was at that time an alcohol concentration
11 of 0.05 or less, it shall be presumed that the person was
12 not under the influence of alcohol.

13 2. If there was at that time an alcohol concentration
14 in excess of 0.05 but less than 0.08, such facts shall not
15 give rise to any presumption that the person was or was not
16 under the influence of alcohol, but such fact may be
17 considered with other competent evidence in determining
18 whether the person was under the influence of alcohol.

19 3. If there was at that time an alcohol concentration
20 of 0.08 or more, it shall be presumed that the person was
21 under the influence of alcohol.

22 4. The foregoing provisions of this Section shall not
23 be construed as limiting the introduction of any other
24 relevant evidence bearing upon the question whether the
25 person was under the influence of alcohol.

26 (b-5) Upon the trial of any civil or criminal action or

1 proceeding arising out of acts alleged to have been committed
2 by any person while driving or in actual physical control of a
3 vehicle while under the influence of alcohol, other drug or
4 drugs, intoxicating compound or compounds or any combination
5 thereof, the concentration of cannabis in the person's whole
6 blood or other bodily substance at the time alleged as shown by
7 analysis of the person's blood or other bodily substance shall
8 give rise to the following presumptions:

9 1. If there was a tetrahydrocannabinol concentration
10 of 5 nanograms or more in whole blood or 10 nanograms or
11 more in an other bodily substance as defined in this
12 Section, it shall be presumed that the person was under
13 the influence of cannabis.

14 2. If there was at that time a tetrahydrocannabinol
15 concentration of less than 5 nanograms in whole blood or
16 less than 10 nanograms in an other bodily substance, such
17 facts shall not give rise to any presumption that the
18 person was or was not under the influence of cannabis, but
19 such fact may be considered with other competent evidence
20 in determining whether the person was under the influence
21 of cannabis.

22 (c) 1. If a person under arrest refuses to submit to a
23 chemical test under the provisions of Section 11-501.1,
24 evidence of refusal shall be admissible in any civil or
25 criminal action or proceeding arising out of acts alleged to
26 have been committed while the person under the influence of

1 alcohol, other drug or drugs, or intoxicating compound or
2 compounds, or any combination thereof was driving or in actual
3 physical control of a motor vehicle.

4 2. Notwithstanding any ability to refuse under this Code
5 to submit to these tests or any ability to revoke the implied
6 consent to these tests, if a law enforcement officer has
7 probable cause to believe that a motor vehicle driven by or in
8 actual physical control of a person under the influence of
9 alcohol, other drug or drugs, or intoxicating compound or
10 compounds, or any combination thereof has caused the death or
11 personal injury to another, the law enforcement officer shall
12 request, and that person shall submit, upon the request of a
13 law enforcement officer, to a chemical test or tests of his or
14 her blood, breath, other bodily substance, or urine for the
15 purpose of determining the alcohol content thereof or the
16 presence of any other drug or combination of both.

17 This provision does not affect the applicability of or
18 imposition of driver's license sanctions under Section
19 11-501.1 of this Code.

20 3. For purposes of this Section, a personal injury
21 includes any Type A injury as indicated on the traffic
22 accident report completed by a law enforcement officer that
23 requires immediate professional attention in either a doctor's
24 office or a medical facility. A Type A injury includes severe
25 bleeding wounds, distorted extremities, and injuries that
26 require the injured party to be carried from the scene.

1 (d) If a person refuses validated roadside chemical tests
2 or standardized field sobriety tests under Section 11-501.9 of
3 this Code, evidence of refusal shall be admissible in any
4 civil or criminal action or proceeding arising out of acts
5 committed while the person was driving or in actual physical
6 control of a vehicle and alleged to have been impaired by the
7 use of cannabis.

8 (e) Illinois ~~Department of~~ State Police compliance with
9 the changes in this amendatory Act of the 99th General
10 Assembly concerning testing of other bodily substances and
11 tetrahydrocannabinol concentration by Illinois ~~Department of~~
12 State Police laboratories is subject to appropriation and
13 until the Illinois ~~Department of~~ State Police adopt standards
14 and completion validation. Any laboratories that test for the
15 presence of cannabis or other drugs under this Article, the
16 Snowmobile Registration and Safety Act, or the Boat
17 Registration and Safety Act must comply with ISO/IEC
18 17025:2005.

19 (Source: P.A. 100-513, eff. 1-1-18; 101-27, eff. 6-25-19.)

20 (625 ILCS 5/11-501.4-1)

21 Sec. 11-501.4-1. Reporting of test results of blood, other
22 bodily substance, or urine conducted in the regular course of
23 providing emergency medical treatment.

24 (a) Notwithstanding any other provision of law, the
25 results of blood, other bodily substance, or urine tests

1 performed for the purpose of determining the content of
2 alcohol, other drug or drugs, or intoxicating compound or
3 compounds, or any combination thereof, in an individual's
4 blood, other bodily substance, or urine conducted upon persons
5 receiving medical treatment in a hospital emergency room for
6 injuries resulting from a motor vehicle accident shall be
7 disclosed to the Illinois ~~Department of~~ State Police or local
8 law enforcement agencies of jurisdiction, upon request. Such
9 blood, other bodily substance, or urine tests are admissible
10 in evidence as a business record exception to the hearsay rule
11 only in prosecutions for any violation of Section 11-501 of
12 this Code or a similar provision of a local ordinance, or in
13 prosecutions for reckless homicide brought under the Criminal
14 Code of 1961 or the Criminal Code of 2012.

15 (b) The confidentiality provisions of law pertaining to
16 medical records and medical treatment shall not be applicable
17 with regard to tests performed upon an individual's blood,
18 other bodily substance, or urine under the provisions of
19 subsection (a) of this Section. No person shall be liable for
20 civil damages or professional discipline as a result of the
21 disclosure or reporting of the tests or the evidentiary use of
22 an individual's blood, other bodily substance, or urine test
23 results under this Section or Section 11-501.4 or as a result
24 of that person's testimony made available under this Section
25 or Section 11-501.4, except for willful or wanton misconduct.

26 (Source: P.A. 99-697, eff. 7-29-16.)

1 (625 ILCS 5/11-501.5) (from Ch. 95 1/2, par. 11-501.5)

2 Sec. 11-501.5. Preliminary Breath Screening Test.

3 (a) If a law enforcement officer has reasonable suspicion
4 to believe that a person is violating or has violated Section
5 11-501 or a similar provision of a local ordinance, the
6 officer, prior to an arrest, may request the person to provide
7 a sample of his or her breath for a preliminary breath
8 screening test using a portable device approved by the
9 Illinois ~~Department of~~ State Police. The person may refuse the
10 test. The results of this preliminary breath screening test
11 may be used by the law enforcement officer for the purpose of
12 assisting with the determination of whether to require a
13 chemical test as authorized under Sections 11-501.1 and
14 11-501.2, and the appropriate type of test to request. Any
15 chemical test authorized under Sections 11-501.1 and 11-501.2
16 may be requested by the officer regardless of the result of the
17 preliminary breath screening test, if probable cause for an
18 arrest exists. The result of a preliminary breath screening
19 test may be used by the defendant as evidence in any
20 administrative or court proceeding involving a violation of
21 Section 11-501 or 11-501.1.

22 (b) The Illinois ~~Department of~~ State Police shall create a
23 pilot program to establish the effectiveness of pupillometer
24 technology (the measurement of the pupil's reaction to light)
25 as a noninvasive technique to detect and measure possible

1 impairment of any person who drives or is in actual physical
2 control of a motor vehicle resulting from the suspected usage
3 of alcohol, other drug or drugs, intoxicating compound or
4 compounds or any combination thereof. This technology shall
5 also be used to detect fatigue levels of the operator of a
6 Commercial Motor Vehicle as defined in Section 6-500(6),
7 pursuant to Section 18b-105 (Part 395-Hours of Service of
8 Drivers) of the Illinois Vehicle Code. A State Police officer
9 may request that the operator of a commercial motor vehicle
10 have his or her eyes examined or tested with a pupillometer
11 device. The person may refuse the examination or test. The
12 State Police officer shall have the device readily available
13 to limit undue delays.

14 If a State Police officer has reasonable suspicion to
15 believe that a person is violating or has violated Section
16 11-501, the officer may use the pupillometer technology, when
17 available. The officer, prior to an arrest, may request the
18 person to have his or her eyes examined or tested with a
19 pupillometer device. The person may refuse the examination or
20 test. The results of this examination or test may be used by
21 the officer for the purpose of assisting with the
22 determination of whether to require a chemical test as
23 authorized under Sections 11-501.1 and 11-501.2 and the
24 appropriate type of test to request. Any chemical test
25 authorized under Sections 11-501.1 and 11-501.2 may be
26 requested by the officer regardless of the result of the

1 pupillometer examination or test, if probable cause for an
2 arrest exists. The result of the examination or test may be
3 used by the defendant as evidence in any administrative or
4 court proceeding involving a violation of 11-501 or 11-501.1.

5 The pilot program shall last for a period of 18 months and
6 involve the testing of 15 pupillometer devices. Within 90 days
7 of the completion of the pilot project, the Illinois
8 ~~Department of~~ State Police shall file a report with the
9 President of the Senate and Speaker of the House evaluating
10 the project.

11 (Source: P.A. 91-828, eff. 1-1-01; 91-881, eff. 6-30-00;
12 92-16, eff. 6-28-01.)

13 (625 ILCS 5/11-501.6) (from Ch. 95 1/2, par. 11-501.6)

14 Sec. 11-501.6. Driver involvement in personal injury or
15 fatal motor vehicle accident; chemical test.

16 (a) Any person who drives or is in actual control of a
17 motor vehicle upon the public highways of this State and who
18 has been involved in a personal injury or fatal motor vehicle
19 accident, shall be deemed to have given consent to a breath
20 test using a portable device as approved by the Illinois
21 ~~Department of~~ State Police or to a chemical test or tests of
22 blood, breath, other bodily substance, or urine for the
23 purpose of determining the content of alcohol, other drug or
24 drugs, or intoxicating compound or compounds of such person's
25 blood if arrested as evidenced by the issuance of a Uniform

1 Traffic Ticket for any violation of the Illinois Vehicle Code
2 or a similar provision of a local ordinance, with the
3 exception of equipment violations contained in Chapter 12 of
4 this Code, or similar provisions of local ordinances. The test
5 or tests shall be administered at the direction of the
6 arresting officer. The law enforcement agency employing the
7 officer shall designate which of the aforesaid tests shall be
8 administered. Up to 2 additional tests of urine or other
9 bodily substance may be administered even after a blood or
10 breath test or both has been administered. Compliance with
11 this Section does not relieve such person from the
12 requirements of Section 11-501.1 of this Code.

13 (b) Any person who is dead, unconscious or who is
14 otherwise in a condition rendering such person incapable of
15 refusal shall be deemed not to have withdrawn the consent
16 provided by subsection (a) of this Section. In addition, if a
17 driver of a vehicle is receiving medical treatment as a result
18 of a motor vehicle accident, any physician licensed to
19 practice medicine, licensed physician assistant, licensed
20 advanced practice registered nurse, registered nurse or a
21 phlebotomist acting under the direction of a licensed
22 physician shall withdraw blood for testing purposes to
23 ascertain the presence of alcohol, other drug or drugs, or
24 intoxicating compound or compounds, upon the specific request
25 of a law enforcement officer. However, no such testing shall
26 be performed until, in the opinion of the medical personnel on

1 scene, the withdrawal can be made without interfering with or
2 endangering the well-being of the patient.

3 (c) A person requested to submit to a test as provided
4 above shall be warned by the law enforcement officer
5 requesting the test that a refusal to submit to the test, or
6 submission to the test resulting in an alcohol concentration
7 of 0.08 or more, or testing discloses the presence of cannabis
8 as listed in the Cannabis Control Act with a
9 tetrahydrocannabinol concentration as defined in paragraph 6
10 of subsection (a) of Section 11-501.2 of this Code, or any
11 amount of a drug, substance, or intoxicating compound
12 resulting from the unlawful use or consumption of a controlled
13 substance listed in the Illinois Controlled Substances Act, an
14 intoxicating compound listed in the Use of Intoxicating
15 Compounds Act, or methamphetamine as listed in the
16 Methamphetamine Control and Community Protection Act as
17 detected in such person's blood, other bodily substance, or
18 urine, may result in the suspension of such person's privilege
19 to operate a motor vehicle. If the person is also a CDL holder,
20 he or she shall be warned by the law enforcement officer
21 requesting the test that a refusal to submit to the test, or
22 submission to the test resulting in an alcohol concentration
23 of 0.08 or more, or any amount of a drug, substance, or
24 intoxicating compound resulting from the unlawful use or
25 consumption of cannabis, as covered by the Cannabis Control
26 Act, a controlled substance listed in the Illinois Controlled

1 Substances Act, an intoxicating compound listed in the Use of
2 Intoxicating Compounds Act, or methamphetamine as listed in
3 the Methamphetamine Control and Community Protection Act as
4 detected in the person's blood, other bodily substance, or
5 urine, may result in the disqualification of the person's
6 privilege to operate a commercial motor vehicle, as provided
7 in Section 6-514 of this Code. The length of the suspension
8 shall be the same as outlined in Section 6-208.1 of this Code
9 regarding statutory summary suspensions.

10 A person requested to submit to a test shall also
11 acknowledge, in writing, receipt of the warning required under
12 this Section. If the person refuses to acknowledge receipt of
13 the warning, the law enforcement officer shall make a written
14 notation on the warning that the person refused to sign the
15 warning. A person's refusal to sign the warning shall not be
16 evidence that the person was not read the warning.

17 (d) If the person refuses testing or submits to a test
18 which discloses an alcohol concentration of 0.08 or more, the
19 presence of cannabis as listed in the Cannabis Control Act
20 with a tetrahydrocannabinol concentration as defined in
21 paragraph 6 of subsection (a) of Section 11-501.2 of this
22 Code, or any amount of a drug, substance, or intoxicating
23 compound in such person's blood or urine resulting from the
24 unlawful use or consumption of a controlled substance listed
25 in the Illinois Controlled Substances Act, an intoxicating
26 compound listed in the Use of Intoxicating Compounds Act, or

1 methamphetamine as listed in the Methamphetamine Control and
2 Community Protection Act, the law enforcement officer shall
3 immediately submit a sworn report to the Secretary of State on
4 a form prescribed by the Secretary, certifying that the test
5 or tests were requested under subsection (a) and the person
6 refused to submit to a test or tests or submitted to testing
7 which disclosed an alcohol concentration of 0.08 or more, the
8 presence of cannabis as listed in the Cannabis Control Act
9 with a tetrahydrocannabinol concentration as defined in
10 paragraph 6 of subsection (a) of Section 11-501.2 of this
11 Code, or any amount of a drug, substance, or intoxicating
12 compound in such person's blood, other bodily substance, or
13 urine, resulting from the unlawful use or consumption of a
14 controlled substance listed in the Illinois Controlled
15 Substances Act, an intoxicating compound listed in the Use of
16 Intoxicating Compounds Act, or methamphetamine as listed in
17 the Methamphetamine Control and Community Protection Act. If
18 the person is also a CDL holder and refuses testing or submits
19 to a test which discloses an alcohol concentration of 0.08 or
20 more, or any amount of a drug, substance, or intoxicating
21 compound in the person's blood, other bodily substance, or
22 urine resulting from the unlawful use or consumption of
23 cannabis listed in the Cannabis Control Act, a controlled
24 substance listed in the Illinois Controlled Substances Act, an
25 intoxicating compound listed in the Use of Intoxicating
26 Compounds Act, or methamphetamine as listed in the

1 Methamphetamine Control and Community Protection Act, the law
2 enforcement officer shall immediately submit a sworn report to
3 the Secretary of State on a form prescribed by the Secretary,
4 certifying that the test or tests were requested under
5 subsection (a) and the person refused to submit to a test or
6 tests or submitted to testing which disclosed an alcohol
7 concentration of 0.08 or more, or any amount of a drug,
8 substance, or intoxicating compound in such person's blood,
9 other bodily substance, or urine, resulting from the unlawful
10 use or consumption of cannabis listed in the Cannabis Control
11 Act, a controlled substance listed in the Illinois Controlled
12 Substances Act, an intoxicating compound listed in the Use of
13 Intoxicating Compounds Act, or methamphetamine as listed in
14 the Methamphetamine Control and Community Protection Act.

15 Upon receipt of the sworn report of a law enforcement
16 officer, the Secretary shall enter the suspension and
17 disqualification to the individual's driving record and the
18 suspension and disqualification shall be effective on the 46th
19 day following the date notice of the suspension was given to
20 the person.

21 The law enforcement officer submitting the sworn report
22 shall serve immediate notice of this suspension on the person
23 and such suspension and disqualification shall be effective on
24 the 46th day following the date notice was given.

25 In cases involving a person who is not a CDL holder where
26 the blood alcohol concentration of 0.08 or more, or blood

1 testing discloses the presence of cannabis as listed in the
2 Cannabis Control Act with a tetrahydrocannabinol concentration
3 as defined in paragraph 6 of subsection (a) of Section
4 11-501.2 of this Code, or any amount of a drug, substance, or
5 intoxicating compound resulting from the unlawful use or
6 consumption of a controlled substance listed in the Illinois
7 Controlled Substances Act, an intoxicating compound listed in
8 the Use of Intoxicating Compounds Act, or methamphetamine as
9 listed in the Methamphetamine Control and Community Protection
10 Act, is established by a subsequent analysis of blood, other
11 bodily substance, or urine collected at the time of arrest,
12 the arresting officer shall give notice as provided in this
13 Section or by deposit in the United States mail of such notice
14 in an envelope with postage prepaid and addressed to such
15 person at his or her address as shown on the Uniform Traffic
16 Ticket and the suspension shall be effective on the 46th day
17 following the date notice was given.

18 In cases involving a person who is a CDL holder where the
19 blood alcohol concentration of 0.08 or more, or any amount of a
20 drug, substance, or intoxicating compound resulting from the
21 unlawful use or consumption of cannabis as listed in the
22 Cannabis Control Act, a controlled substance listed in the
23 Illinois Controlled Substances Act, an intoxicating compound
24 listed in the Use of Intoxicating Compounds Act, or
25 methamphetamine as listed in the Methamphetamine Control and
26 Community Protection Act, is established by a subsequent

1 analysis of blood, other bodily substance, or urine collected
2 at the time of arrest, the arresting officer shall give notice
3 as provided in this Section or by deposit in the United States
4 mail of such notice in an envelope with postage prepaid and
5 addressed to the person at his or her address as shown on the
6 Uniform Traffic Ticket and the suspension and disqualification
7 shall be effective on the 46th day following the date notice
8 was given.

9 Upon receipt of the sworn report of a law enforcement
10 officer, the Secretary shall also give notice of the
11 suspension and disqualification to the driver by mailing a
12 notice of the effective date of the suspension and
13 disqualification to the individual. However, should the sworn
14 report be defective by not containing sufficient information
15 or be completed in error, the notice of the suspension and
16 disqualification shall not be mailed to the person or entered
17 to the driving record, but rather the sworn report shall be
18 returned to the issuing law enforcement agency.

19 (e) A driver may contest this suspension of his or her
20 driving privileges and disqualification of his or her CDL
21 privileges by requesting an administrative hearing with the
22 Secretary in accordance with Section 2-118 of this Code. At
23 the conclusion of a hearing held under Section 2-118 of this
24 Code, the Secretary may rescind, continue, or modify the
25 orders of suspension and disqualification. If the Secretary
26 does not rescind the orders of suspension and

1 disqualification, a restricted driving permit may be granted
2 by the Secretary upon application being made and good cause
3 shown. A restricted driving permit may be granted to relieve
4 undue hardship to allow driving for employment, educational,
5 and medical purposes as outlined in Section 6-206 of this
6 Code. The provisions of Section 6-206 of this Code shall
7 apply. In accordance with 49 C.F.R. 384, the Secretary of
8 State may not issue a restricted driving permit for the
9 operation of a commercial motor vehicle to a person holding a
10 CDL whose driving privileges have been suspended, revoked,
11 cancelled, or disqualified.

12 (f) (Blank).

13 (g) For the purposes of this Section, a personal injury
14 shall include any type A injury as indicated on the traffic
15 accident report completed by a law enforcement officer that
16 requires immediate professional attention in either a doctor's
17 office or a medical facility. A type A injury shall include
18 severely bleeding wounds, distorted extremities, and injuries
19 that require the injured party to be carried from the scene.

20 (Source: P.A. 99-467, eff. 1-1-16; 99-697, eff. 7-29-16;
21 100-513, eff. 1-1-18.)

22 (625 ILCS 5/11-501.8)

23 Sec. 11-501.8. Suspension of driver's license; persons
24 under age 21.

25 (a) A person who is less than 21 years of age and who

1 drives or is in actual physical control of a motor vehicle upon
2 the public highways of this State shall be deemed to have given
3 consent to a chemical test or tests of blood, breath, other
4 bodily substance, or urine for the purpose of determining the
5 alcohol content of the person's blood if arrested, as
6 evidenced by the issuance of a Uniform Traffic Ticket for any
7 violation of the Illinois Vehicle Code or a similar provision
8 of a local ordinance, if a police officer has probable cause to
9 believe that the driver has consumed any amount of an
10 alcoholic beverage based upon evidence of the driver's
11 physical condition or other first hand knowledge of the police
12 officer. The test or tests shall be administered at the
13 direction of the arresting officer. The law enforcement agency
14 employing the officer shall designate which of the aforesaid
15 tests shall be administered. Up to 2 additional tests of urine
16 or other bodily substance may be administered even after a
17 blood or breath test or both has been administered.

18 (b) A person who is dead, unconscious, or who is otherwise
19 in a condition rendering that person incapable of refusal,
20 shall be deemed not to have withdrawn the consent provided by
21 paragraph (a) of this Section and the test or tests may be
22 administered subject to the following provisions:

23 (i) Chemical analysis of the person's blood, urine,
24 breath, or other bodily substance, to be considered valid
25 under the provisions of this Section, shall have been
26 performed according to standards promulgated by the

1 Illinois ~~Department of~~ State Police by an individual
2 possessing a valid permit issued by that Department for
3 this purpose. The Director of the Illinois State Police is
4 authorized to approve satisfactory techniques or methods,
5 to ascertain the qualifications and competence of
6 individuals to conduct analyses, to issue permits that
7 shall be subject to termination or revocation at the
8 direction of that Department, and to certify the accuracy
9 of breath testing equipment. The Illinois ~~Department of~~
10 State Police shall prescribe regulations as necessary.

11 (ii) When a person submits to a blood test at the
12 request of a law enforcement officer under the provisions
13 of this Section, only a physician authorized to practice
14 medicine, a licensed physician assistant, a licensed
15 advanced practice registered nurse, a registered nurse, or
16 other qualified person trained in venipuncture and acting
17 under the direction of a licensed physician may withdraw
18 blood for the purpose of determining the alcohol content
19 therein. This limitation does not apply to the taking of
20 breath, other bodily substance, or urine specimens.

21 (iii) The person tested may have a physician,
22 qualified technician, chemist, registered nurse, or other
23 qualified person of his or her own choosing administer a
24 chemical test or tests in addition to any test or tests
25 administered at the direction of a law enforcement
26 officer. The failure or inability to obtain an additional

1 test by a person shall not preclude the consideration of
2 the previously performed chemical test.

3 (iv) Upon a request of the person who submits to a
4 chemical test or tests at the request of a law enforcement
5 officer, full information concerning the test or tests
6 shall be made available to the person or that person's
7 attorney.

8 (v) Alcohol concentration means either grams of
9 alcohol per 100 milliliters of blood or grams of alcohol
10 per 210 liters of breath.

11 (vi) If a driver is receiving medical treatment as a
12 result of a motor vehicle accident, a physician licensed
13 to practice medicine, licensed physician assistant,
14 licensed advanced practice registered nurse, registered
15 nurse, or other qualified person trained in venipuncture
16 and acting under the direction of a licensed physician
17 shall withdraw blood for testing purposes to ascertain the
18 presence of alcohol upon the specific request of a law
19 enforcement officer. However, that testing shall not be
20 performed until, in the opinion of the medical personnel
21 on scene, the withdrawal can be made without interfering
22 with or endangering the well-being of the patient.

23 (c) A person requested to submit to a test as provided
24 above shall be warned by the law enforcement officer
25 requesting the test that a refusal to submit to the test, or
26 submission to the test resulting in an alcohol concentration

1 of more than 0.00, may result in the loss of that person's
2 privilege to operate a motor vehicle and may result in the
3 disqualification of the person's privilege to operate a
4 commercial motor vehicle, as provided in Section 6-514 of this
5 Code, if the person is a CDL holder. The loss of driving
6 privileges shall be imposed in accordance with Section 6-208.2
7 of this Code.

8 A person requested to submit to a test shall also
9 acknowledge, in writing, receipt of the warning required under
10 this Section. If the person refuses to acknowledge receipt of
11 the warning, the law enforcement officer shall make a written
12 notation on the warning that the person refused to sign the
13 warning. A person's refusal to sign the warning shall not be
14 evidence that the person was not read the warning.

15 (d) If the person refuses testing or submits to a test that
16 discloses an alcohol concentration of more than 0.00, the law
17 enforcement officer shall immediately submit a sworn report to
18 the Secretary of State on a form prescribed by the Secretary of
19 State, certifying that the test or tests were requested under
20 subsection (a) and the person refused to submit to a test or
21 tests or submitted to testing which disclosed an alcohol
22 concentration of more than 0.00. The law enforcement officer
23 shall submit the same sworn report when a person under the age
24 of 21 submits to testing under Section 11-501.1 of this Code
25 and the testing discloses an alcohol concentration of more
26 than 0.00 and less than 0.08.

1 Upon receipt of the sworn report of a law enforcement
2 officer, the Secretary of State shall enter the suspension and
3 disqualification on the individual's driving record and the
4 suspension and disqualification shall be effective on the 46th
5 day following the date notice of the suspension was given to
6 the person. If this suspension is the individual's first
7 driver's license suspension under this Section, reports
8 received by the Secretary of State under this Section shall,
9 except during the time the suspension is in effect, be
10 privileged information and for use only by the courts, police
11 officers, prosecuting authorities, the Secretary of State, or
12 the individual personally, unless the person is a CDL holder,
13 is operating a commercial motor vehicle or vehicle required to
14 be placarded for hazardous materials, in which case the
15 suspension shall not be privileged. Reports received by the
16 Secretary of State under this Section shall also be made
17 available to the parent or guardian of a person under the age
18 of 18 years that holds an instruction permit or a graduated
19 driver's license, regardless of whether the suspension is in
20 effect.

21 The law enforcement officer submitting the sworn report
22 shall serve immediate notice of this suspension on the person
23 and the suspension and disqualification shall be effective on
24 the 46th day following the date notice was given.

25 In cases where the blood alcohol concentration of more
26 than 0.00 is established by a subsequent analysis of blood,

1 other bodily substance, or urine, the police officer or
2 arresting agency shall give notice as provided in this Section
3 or by deposit in the United States mail of that notice in an
4 envelope with postage prepaid and addressed to that person at
5 his last known address and the loss of driving privileges
6 shall be effective on the 46th day following the date notice
7 was given.

8 Upon receipt of the sworn report of a law enforcement
9 officer, the Secretary of State shall also give notice of the
10 suspension and disqualification to the driver by mailing a
11 notice of the effective date of the suspension and
12 disqualification to the individual. However, should the sworn
13 report be defective by not containing sufficient information
14 or be completed in error, the notice of the suspension and
15 disqualification shall not be mailed to the person or entered
16 to the driving record, but rather the sworn report shall be
17 returned to the issuing law enforcement agency.

18 (e) A driver may contest this suspension and
19 disqualification by requesting an administrative hearing with
20 the Secretary of State in accordance with Section 2-118 of
21 this Code. An individual whose blood alcohol concentration is
22 shown to be more than 0.00 is not subject to this Section if he
23 or she consumed alcohol in the performance of a religious
24 service or ceremony. An individual whose blood alcohol
25 concentration is shown to be more than 0.00 shall not be
26 subject to this Section if the individual's blood alcohol

1 concentration resulted only from ingestion of the prescribed
2 or recommended dosage of medicine that contained alcohol. The
3 petition for that hearing shall not stay or delay the
4 effective date of the impending suspension. The scope of this
5 hearing shall be limited to the issues of:

6 (1) whether the police officer had probable cause to
7 believe that the person was driving or in actual physical
8 control of a motor vehicle upon the public highways of the
9 State and the police officer had reason to believe that
10 the person was in violation of any provision of the
11 Illinois Vehicle Code or a similar provision of a local
12 ordinance; and

13 (2) whether the person was issued a Uniform Traffic
14 Ticket for any violation of the Illinois Vehicle Code or a
15 similar provision of a local ordinance; and

16 (3) whether the police officer had probable cause to
17 believe that the driver had consumed any amount of an
18 alcoholic beverage based upon the driver's physical
19 actions or other first-hand knowledge of the police
20 officer; and

21 (4) whether the person, after being advised by the
22 officer that the privilege to operate a motor vehicle
23 would be suspended if the person refused to submit to and
24 complete the test or tests, did refuse to submit to or
25 complete the test or tests to determine the person's
26 alcohol concentration; and

1 (5) whether the person, after being advised by the
2 officer that the privileges to operate a motor vehicle
3 would be suspended if the person submits to a chemical
4 test or tests and the test or tests disclose an alcohol
5 concentration of more than 0.00, did submit to and
6 complete the test or tests that determined an alcohol
7 concentration of more than 0.00; and

8 (6) whether the test result of an alcohol
9 concentration of more than 0.00 was based upon the
10 person's consumption of alcohol in the performance of a
11 religious service or ceremony; and

12 (7) whether the test result of an alcohol
13 concentration of more than 0.00 was based upon the
14 person's consumption of alcohol through ingestion of the
15 prescribed or recommended dosage of medicine.

16 At the conclusion of the hearing held under Section 2-118
17 of this Code, the Secretary of State may rescind, continue, or
18 modify the suspension and disqualification. If the Secretary
19 of State does not rescind the suspension and disqualification,
20 a restricted driving permit may be granted by the Secretary of
21 State upon application being made and good cause shown. A
22 restricted driving permit may be granted to relieve undue
23 hardship by allowing driving for employment, educational, and
24 medical purposes as outlined in item (3) of part (c) of Section
25 6-206 of this Code. The provisions of item (3) of part (c) of
26 Section 6-206 of this Code and of subsection (f) of that

1 Section shall apply. The Secretary of State shall promulgate
2 rules providing for participation in an alcohol education and
3 awareness program or activity, a drug education and awareness
4 program or activity, or both as a condition to the issuance of
5 a restricted driving permit for suspensions imposed under this
6 Section.

7 (f) The results of any chemical testing performed in
8 accordance with subsection (a) of this Section are not
9 admissible in any civil or criminal proceeding, except that
10 the results of the testing may be considered at a hearing held
11 under Section 2-118 of this Code. However, the results of the
12 testing may not be used to impose driver's license sanctions
13 under Section 11-501.1 of this Code. A law enforcement officer
14 may, however, pursue a statutory summary suspension or
15 revocation of driving privileges under Section 11-501.1 of
16 this Code if other physical evidence or first hand knowledge
17 forms the basis of that suspension or revocation.

18 (g) This Section applies only to drivers who are under age
19 21 at the time of the issuance of a Uniform Traffic Ticket for
20 a violation of the Illinois Vehicle Code or a similar
21 provision of a local ordinance, and a chemical test request is
22 made under this Section.

23 (h) The action of the Secretary of State in suspending,
24 revoking, cancelling, or disqualifying any license or permit
25 shall be subject to judicial review in the Circuit Court of
26 Sangamon County or in the Circuit Court of Cook County, and the

1 provisions of the Administrative Review Law and its rules are
2 hereby adopted and shall apply to and govern every action for
3 the judicial review of final acts or decisions of the
4 Secretary of State under this Section.

5 (Source: P.A. 99-467, eff. 1-1-16; 99-697, eff. 7-29-16;
6 100-513, eff. 1-1-18.)

7 (625 ILCS 5/11-501.10)

8 (Section scheduled to be repealed on July 1, 2021)

9 Sec. 11-501.10. DUI Cannabis Task Force.

10 (a) The DUI Cannabis Task Force is hereby created to study
11 the issue of driving under the influence of cannabis. The Task
12 Force shall consist of the following members:

13 (1) The Director of the Illinois State Police, or his
14 or her designee, who shall serve as chair;

15 (2) The Secretary of State, or his or her designee;

16 (3) The President of the Illinois State's Attorneys
17 Association, or his or her designee;

18 (4) The President of the Illinois Association of
19 Criminal Defense Lawyers, or his or her designee;

20 (5) One member appointed by the Speaker of the House
21 of Representatives;

22 (6) One member appointed by the Minority Leader of the
23 House of Representatives;

24 (7) One member appointed by the President of the
25 Senate;

1 (8) One member appointed by the Minority Leader of the
2 Senate;

3 (9) One member of an organization dedicated to end
4 drunk driving and drugged driving;

5 (10) The president of a statewide bar association,
6 appointed by the Governor;

7 (11) One member of a statewide organization
8 representing civil and constitutional rights, appointed by
9 the Governor;

10 (12) One member of a statewide association
11 representing chiefs of police, appointed by the Governor;
12 and

13 (13) One member of a statewide association
14 representing sheriffs, appointed by the Governor.

15 (b) The members of the Task Force shall serve without
16 compensation.

17 (c) The Task Force shall examine best practices in the
18 area of driving under the influence of cannabis enforcement,
19 including examining emerging technology in roadside testing.

20 (d) The Task Force shall meet no fewer than 3 times and
21 shall present its report and recommendations on improvements
22 to enforcement of driving under the influence of cannabis, in
23 electronic format, to the Governor and the General Assembly no
24 later than July 1, 2020.

25 (e) The Illinois ~~Department of~~ State Police shall provide
26 administrative support to the Task Force as needed. The

1 Sentencing Policy Advisory Council shall provide data on
2 driving under the influence of cannabis offenses and other
3 data to the Task Force as needed.

4 (f) This Section is repealed on July 1, 2021.

5 (Source: P.A. 101-27, eff. 6-25-19; 101-593, eff. 12-4-19.)

6 (625 ILCS 5/11-605.1)

7 Sec. 11-605.1. Special limit while traveling through a
8 highway construction or maintenance speed zone.

9 (a) A person may not operate a motor vehicle in a
10 construction or maintenance speed zone at a speed in excess of
11 the posted speed limit when workers are present.

12 (a-5) A person may not operate a motor vehicle in a
13 construction or maintenance speed zone at a speed in excess of
14 the posted speed limit when workers are not present.

15 (b) Nothing in this Chapter prohibits the use of
16 electronic speed-detecting devices within 500 feet of signs
17 within a construction or maintenance speed zone indicating the
18 zone, as defined in this Section, nor shall evidence obtained
19 by use of those devices be inadmissible in any prosecution for
20 speeding, provided the use of the device shall apply only to
21 the enforcement of the speed limit in the construction or
22 maintenance speed zone.

23 (c) As used in this Section, a "construction or
24 maintenance speed zone" is an area in which the Department,
25 Toll Highway Authority, or local agency has posted signage

1 advising drivers that a construction or maintenance speed zone
2 is being approached, or in which the Department, Authority, or
3 local agency has posted a lower speed limit with a highway
4 construction or maintenance speed zone special speed limit
5 sign after determining that the preexisting established speed
6 limit through a highway construction or maintenance project is
7 greater than is reasonable or safe with respect to the
8 conditions expected to exist in the construction or
9 maintenance speed zone.

10 If it is determined that the preexisting established speed
11 limit is safe with respect to the conditions expected to exist
12 in the construction or maintenance speed zone, additional
13 speed limit signs which conform to the requirements of this
14 subsection (c) shall be posted.

15 Highway construction or maintenance speed zone special
16 speed limit signs shall be of a design approved by the
17 Department. The signs must give proper due warning that a
18 construction or maintenance speed zone is being approached and
19 must indicate the maximum speed limit in effect. The signs
20 also must state the amount of the minimum fine for a violation.

21 (d) Except as provided under subsection (d-5), a person
22 who violates this Section is guilty of a petty offense.
23 Violations of this Section are punishable with a minimum fine
24 of \$250 for the first violation and a minimum fine of \$750 for
25 the second or subsequent violation.

26 (d-5) A person committing a violation of this Section is

1 guilty of aggravated special speed limit while traveling
2 through a highway construction or maintenance speed zone when
3 he or she drives a motor vehicle at a speed that is:

4 (1) 26 miles per hour or more but less than 35 miles
5 per hour in excess of the applicable special speed limit
6 established under this Section or a similar provision of a
7 local ordinance and is guilty of a Class B misdemeanor; or

8 (2) 35 miles per hour or more in excess of the
9 applicable special speed limit established under this
10 Section or a similar provision of a local ordinance and is
11 guilty of a Class A misdemeanor.

12 (e) (Blank).

13 (e-5) The Illinois ~~Department of~~ State Police and the
14 local county police department have concurrent jurisdiction
15 over any violation of this Section that occurs on an
16 interstate highway.

17 (f) The Transportation Safety Highway Hire-back Fund,
18 which was created by Public Act 92-619, shall continue to be a
19 special fund in the State treasury. Subject to appropriation
20 by the General Assembly and approval by the Secretary, the
21 Secretary of Transportation shall use all moneys in the
22 Transportation Safety Highway Hire-back Fund to hire off-duty
23 Illinois ~~Department of~~ State Police officers to monitor
24 construction or maintenance zones.

25 (f-5) Each county shall create a Transportation Safety
26 Highway Hire-back Fund. The county shall use the moneys in its

1 Transportation Safety Highway Hire-back Fund to hire off-duty
2 county police officers to monitor construction or maintenance
3 zones in that county on highways other than interstate
4 highways. The county, in its discretion, may also use a
5 portion of the moneys in its Transportation Safety Highway
6 Hire-back Fund to purchase equipment for county law
7 enforcement and fund the production of materials to educate
8 drivers on construction zone safe driving habits.

9 (g) For a second or subsequent violation of this Section
10 within 2 years of the date of the previous violation, the
11 Secretary of State shall suspend the driver's license of the
12 violator for a period of 90 days. This suspension shall only be
13 imposed if the current violation of this Section and at least
14 one prior violation of this Section occurred during a period
15 when workers were present in the construction or maintenance
16 zone.

17 (Source: P.A. 99-212, eff. 1-1-16; 99-280, eff. 1-1-16;
18 99-642, eff. 7-28-16; 100-987, eff. 7-1-19.)

19 (625 ILCS 5/11-907.1)

20 (Section scheduled to be repealed on January 1, 2022)

21 Sec. 11-907.1. Move Over Task Force.

22 (a) The Move Over Task Force is created to study the issue
23 of violations of Sections 11-907, 11-907.5, and 11-908 with
24 particular attention to the causes of violations and ways to
25 protect law enforcement and emergency responders.

1 (b) The membership of the Task Force shall consist of the
2 following members:

3 (1) the Director of the Illinois State Police or his
4 or her designee, who shall serve as chair;

5 (2) the Governor or his or her designee;

6 (3) the Secretary of State or his or her designee;

7 (4) the Secretary of Transportation or his or her
8 designee;

9 (5) the Director of the Illinois Toll Highway
10 Authority or his or her designee;

11 (6) the President of the Illinois State's Attorneys
12 Association or his or her designee;

13 (7) the President of the Illinois Association of
14 Chiefs of Police or his or her designee;

15 (8) the President of the Illinois Sheriffs'
16 Association or his or her designee;

17 (9) the President of the Illinois Fraternal Order of
18 Police or his or her designee;

19 (10) the President of the Associated Fire Fighters of
20 Illinois or his or her designee;

21 (11) one member appointed by the Speaker of the House
22 of Representatives;

23 (12) one member appointed by the Minority Leader of
24 the House of Representatives;

25 (13) one member appointed by the President of the
26 Senate;

1 (14) one member appointed by the Minority Leader of
2 the Senate; and

3 (15) the following persons appointed by the Governor:

4 (A) 2 representatives of different statewide
5 trucking associations;

6 (B) one representative of a Chicago area motor
7 club;

8 (C) one representative of a Chicago area transit
9 safety alliance;

10 (D) one representative of a statewide press
11 association;

12 (E) one representative of a statewide broadcast
13 association;

14 (F) one representative of a statewide towing
15 organization;

16 (G) the chief of police of a municipality with a
17 population under 25,000;

18 (H) one representative of a statewide organization
19 representing chiefs of police; and

20 (I) one representative of the solid waste
21 management industry; and

22 (J) one representative from a bona fide labor
23 organization representing certified road flaggers and
24 other road construction workers.

25 (c) The members of the Task Force shall serve without
26 compensation.

1 (d) The Task Force shall meet no fewer than 3 times and
2 shall present its report and recommendations, including
3 legislative recommendations, if any, on how to better enforce
4 Scott's Law and prevent fatalities on Illinois roadways to the
5 General Assembly no later than January 1, 2021.

6 (e) The Illinois ~~Department of~~ State Police shall provide
7 administrative support to the Task Force as needed.

8 (f) This Section is repealed on January 1, 2022.

9 (Source: P.A. 101-174, eff. 1-1-20; 101-606, eff. 12-13-19.)

10 (625 ILCS 5/12-612)

11 Sec. 12-612. False or secret compartment in a vehicle.

12 (a) Offenses. It is unlawful for any person:

13 (1) to own or operate with criminal intent any vehicle
14 he or she knows to contain a false or secret compartment
15 that is used or has been used to conceal a firearm as
16 prohibited by paragraph (a)(4) of Section 24-1 or
17 paragraph (a)(1) of Section 24-1.6 of the Criminal Code of
18 2012, or controlled substance as prohibited by the
19 Illinois Controlled Substances Act or the Methamphetamine
20 Control and Community Protection Act; or

21 (2) to install, create, build, or fabricate in any
22 vehicle a false or secret compartment knowing that another
23 person intends to use the compartment to conceal a firearm
24 as prohibited by paragraph (a)(4) of Section 24-1 of the
25 Criminal Code of 2012, or controlled substance as

1 prohibited by the Illinois Controlled Substances Act or
2 the Methamphetamine Control and Community Protection Act.

3 (b) Definitions. For purposes of this Section:

4 (1) "False or secret compartment" means an enclosure
5 integrated into a vehicle that is a modification of the
6 vehicle as built by the original manufacturer.

7 (2) "Vehicle" means any of the following vehicles
8 without regard to whether the vehicles are private or
9 commercial, including, but not limited to, cars, trucks,
10 buses, aircraft, and watercraft.

11 (c) Forfeiture. Any vehicle containing a false or secret
12 compartment used in violation of this Section, as well as any
13 items within that compartment, shall be subject to seizure by
14 the Illinois Department of State Police or by any municipal or
15 other local law enforcement agency within whose jurisdiction
16 that property is found as provided in Sections 36-1 and 36-2 of
17 the Criminal Code of 2012 (~~720 ILCS 5/36-1 and 5/36-2~~). The
18 removal of the false or secret compartment from the vehicle,
19 or the promise to do so, shall not be the basis for a defense
20 to forfeiture of the motor vehicle under Section 36-2 of the
21 Criminal Code of 2012 and shall not be the basis for the court
22 to release the vehicle to the owner.

23 (d) Sentence. A violation of this Section is a Class 4
24 felony. The sentence imposed for violation of this Section
25 shall be served consecutively to any other sentence imposed in
26 connection with the firearm, controlled substance, or other

1 contraband concealed in the false or secret compartment.

2 (e) For purposes of this Section, a new owner is not
3 responsible for any conduct that occurred or knowledge of
4 conduct that occurred prior to transfer of title.

5 (Source: P.A. 96-202, eff. 1-1-10; 97-1150, eff. 1-25-13.)

6 (625 ILCS 5/13-109.1)

7 Sec. 13-109.1. Annual emission inspection tests;
8 standards; penalties; funds.

9 (a) For each diesel powered vehicle that (i) is registered
10 for a gross weight of more than 16,000 pounds, (ii) is
11 registered within an affected area, and (iii) is a 2 year or
12 older model year, an annual emission inspection test shall be
13 conducted at an official testing station certified by the
14 Illinois Department of Transportation to perform diesel
15 emission inspections pursuant to the standards set forth in
16 subsection (b) of this Section. This annual emission
17 inspection test may be conducted in conjunction with a
18 semi-annual safety test.

19 (a-5) (Blank).

20 (b) Diesel emission inspections conducted under this
21 Chapter 13 shall be conducted in accordance with the Society
22 of Automotive Engineers Recommended Practice J1667
23 "Snap-Acceleration Smoke Test Procedure for Heavy-Duty Diesel
24 Powered Vehicles" and the cutpoint standards set forth in the
25 United States Environmental Protection Agency guidance

1 document "Guidance to States on Smoke Opacity Cutpoints to be
2 used with the SAE J1667 In-Use Smoke Test Procedure". Those
3 procedures and standards, as now in effect, are made a part of
4 this Code, in the same manner as though they were set out in
5 full in this Code.

6 Notwithstanding the above cutpoint standards, for motor
7 vehicles that are model years 1973 and older, until December
8 31, 2002, the level of peak smoke opacity shall not exceed 70
9 percent. Beginning January 1, 2003, for motor vehicles that
10 are model years 1973 and older, the level of peak smoke opacity
11 shall not exceed 55 percent.

12 (c) If the annual emission inspection under subsection (a)
13 reveals that the vehicle is not in compliance with the diesel
14 emission standards set forth in subsection (b) of this
15 Section, the operator of the official testing station shall
16 issue a warning notice requiring correction of the violation.
17 The correction shall be made and the vehicle submitted to an
18 emissions retest at an official testing station certified by
19 the Department to perform diesel emission inspections within
20 30 days from the issuance of the warning notice requiring
21 correction of the violation.

22 If, within 30 days from the issuance of the warning
23 notice, the vehicle is not in compliance with the diesel
24 emission standards set forth in subsection (b) as determined
25 by an emissions retest at an official testing station, the
26 operator of the official testing station or the Department

1 shall place the vehicle out-of-service in accordance with the
2 rules promulgated by the Department. Operating a vehicle that
3 has been placed out-of-service under this subsection (c) is a
4 petty offense punishable by a \$1,000 fine. The vehicle must
5 pass a diesel emission inspection at an official testing
6 station before it is again placed in service. The Secretary of
7 State, Illinois ~~Department~~ of State Police, and other law
8 enforcement officers shall enforce this Section. No emergency
9 vehicle, as defined in Section 1-105, may be placed
10 out-of-service pursuant to this Section.

11 The Department or an official testing station may issue a
12 certificate of waiver subsequent to a reinspection of a
13 vehicle that failed the emissions inspection. Certificate of
14 waiver shall be issued upon determination that documented
15 proof demonstrates that emissions repair costs for the
16 noncompliant vehicle of at least \$3,000 have been spent in an
17 effort to achieve compliance with the emission standards set
18 forth in subsection (b). The Department of Transportation
19 shall adopt rules for the implementation of this subsection
20 including standards of documented proof as well as the
21 criteria by which a waiver shall be granted.

22 (c-5) (Blank).

23 (d) (Blank).

24 (Source: P.A. 100-700, eff. 8-3-18.)

25 (625 ILCS 5/15-102) (from Ch. 95 1/2, par. 15-102)

1 Sec. 15-102. Width of vehicles.

2 (a) On Class III and non-designated State and local
3 highways, the total outside width of any vehicle or load
4 thereon shall not exceed 8 feet 6 inches.

5 (b) Except during those times when, due to insufficient
6 light or unfavorable atmospheric conditions, persons and
7 vehicles on the highway are not clearly discernible at a
8 distance of 1000 feet, the following vehicles may exceed the 8
9 feet 6 inch limitation during the period from a half hour
10 before sunrise to a half hour after sunset:

11 (1) Loads of hay, straw or other similar farm products
12 provided that the load is not more than 12 feet wide.

13 (2) Implements of husbandry being transported on
14 another vehicle and the transporting vehicle while loaded.

15 The following requirements apply to the transportation
16 on another vehicle of an implement of husbandry wider than
17 8 feet 6 inches on the National System of Interstate and
18 Defense Highways or other highways in the system of State
19 highways:

20 (A) The driver of a vehicle transporting an
21 implement of husbandry that exceeds 8 feet 6 inches in
22 width shall obey all traffic laws and shall check the
23 roadways prior to making a movement in order to ensure
24 that adequate clearance is available for the movement.
25 It is prima facie evidence that the driver of a vehicle
26 transporting an implement of husbandry has failed to

1 check the roadway prior to making a movement if the
2 vehicle is involved in a collision with a bridge,
3 overpass, fixed structure, or properly placed traffic
4 control device or if the vehicle blocks traffic due to
5 its inability to proceed because of a bridge,
6 overpass, fixed structure, or properly placed traffic
7 control device.

8 (B) Flags shall be displayed so as to wave freely
9 at the extremities of overwidth objects and at the
10 extreme ends of all protrusions, projections, and
11 overhangs. All flags shall be clean, bright red flags
12 with no advertising, wording, emblem, or insignia
13 inscribed upon them and at least 18 inches square.

14 (C) "OVERSIZE LOAD" signs are mandatory on the
15 front and rear of all vehicles with loads over 10 feet
16 wide. These signs must have 12-inch high black letters
17 with a 2-inch stroke on a yellow sign that is 7 feet
18 wide by 18 inches high.

19 (D) One civilian escort vehicle is required for a
20 load that exceeds 14 feet 6 inches in width and 2
21 civilian escort vehicles are required for a load that
22 exceeds 16 feet in width on the National System of
23 Interstate and Defense Highways or other highways in
24 the system of State highways.

25 (E) The requirements for a civilian escort vehicle
26 and driver are as follows:

1 (1) The civilian escort vehicle shall be a
2 vehicle not exceeding a gross vehicle weight
3 rating of 26,000 pounds that is designed to afford
4 clear and unobstructed vision to both front and
5 rear.

6 (2) The escort vehicle driver must be properly
7 licensed to operate the vehicle.

8 (3) While in use, the escort vehicle must be
9 equipped with illuminated rotating, oscillating,
10 or flashing amber lights or flashing amber strobe
11 lights mounted on top that are of sufficient
12 intensity to be visible at 500 feet in normal
13 sunlight.

14 (4) "OVERSIZE LOAD" signs are mandatory on all
15 escort vehicles. The sign on an escort vehicle
16 shall have 8-inch high black letters on a yellow
17 sign that is 5 feet wide by 12 inches high.

18 (5) When only one escort vehicle is required
19 and it is operating on a two-lane highway, the
20 escort vehicle shall travel approximately 300 feet
21 ahead of the load. The rotating, oscillating, or
22 flashing lights or flashing amber strobe lights
23 and an "OVERSIZE LOAD" sign shall be displayed on
24 the escort vehicle and shall be visible from the
25 front. When only one escort vehicle is required
26 and it is operating on a multilane divided

1 highway, the escort vehicle shall travel
2 approximately 300 feet behind the load and the
3 sign and lights shall be visible from the rear.

4 (6) When 2 escort vehicles are required, one
5 escort shall travel approximately 300 feet ahead
6 of the load and the second escort shall travel
7 approximately 300 feet behind the load. The
8 rotating, oscillating, or flashing lights or
9 flashing amber strobe lights and an "OVERSIZE
10 LOAD" sign shall be displayed on the escort
11 vehicles and shall be visible from the front on
12 the lead escort and from the rear on the trailing
13 escort.

14 (7) When traveling within the corporate limits
15 of a municipality, the escort vehicle shall
16 maintain a reasonable and proper distance from the
17 oversize load, consistent with existing traffic
18 conditions.

19 (8) A separate escort shall be provided for
20 each load hauled.

21 (9) The driver of an escort vehicle shall obey
22 all traffic laws.

23 (10) The escort vehicle must be in safe
24 operational condition.

25 (11) The driver of the escort vehicle must be
26 in radio contact with the driver of the vehicle

1 carrying the oversize load.

2 (F) A transport vehicle while under load of more
3 than 8 feet 6 inches in width must be equipped with an
4 illuminated rotating, oscillating, or flashing amber
5 light or lights or a flashing amber strobe light or
6 lights mounted on the top of the cab that are of
7 sufficient intensity to be visible at 500 feet in
8 normal sunlight. If the load on the transport vehicle
9 blocks the visibility of the amber lighting from the
10 rear of the vehicle, the vehicle must also be equipped
11 with an illuminated rotating, oscillating, or flashing
12 amber light or lights or a flashing amber strobe light
13 or lights mounted on the rear of the load that are of
14 sufficient intensity to be visible at 500 feet in
15 normal sunlight.

16 (G) When a flashing amber light is required on the
17 transport vehicle under load and it is operating on a
18 two-lane highway, the transport vehicle shall display
19 to the rear at least one rotating, oscillating, or
20 flashing light or a flashing amber strobe light and an
21 "OVERSIZE LOAD" sign. When a flashing amber light is
22 required on the transport vehicle under load and it is
23 operating on a multilane divided highway, the sign and
24 light shall be visible from the rear.

25 (H) Maximum speed shall be 45 miles per hour on all
26 such moves or 5 miles per hour above the posted minimum

1 speed limit, whichever is greater, but the vehicle
2 shall not at any time exceed the posted maximum speed
3 limit.

4 (3) Portable buildings designed and used for
5 agricultural and livestock raising operations that are not
6 more than 14 feet wide and with not more than a 1 foot
7 overhang along the left side of the hauling vehicle.
8 However, the buildings shall not be transported more than
9 10 miles and not on any route that is part of the National
10 System of Interstate and Defense Highways.

11 All buildings when being transported shall display at
12 least 2 red cloth flags, not less than 12 inches square,
13 mounted as high as practicable on the left and right side of
14 the building.

15 An Illinois A State Police escort shall be required if it
16 is necessary for this load to use part of the left lane when
17 crossing any 2 laned State highway bridge.

18 (c) Vehicles propelled by electric power obtained from
19 overhead trolley wires operated wholly within the corporate
20 limits of a municipality are also exempt from the width
21 limitation.

22 (d) (Blank).

23 (d-1) A recreational vehicle, as defined in Section 1-169,
24 may exceed 8 feet 6 inches in width if:

25 (1) the excess width is attributable to appurtenances
26 that extend 6 inches or less beyond either side of the body

1 of the vehicle; and

2 (2) the roadway on which the vehicle is traveling has
3 marked lanes for vehicular traffic that are at least 11
4 feet in width.

5 As used in this subsection (d-1) and in subsection (d-2),
6 the term appurtenance includes (i) a retracted awning and its
7 support hardware and (ii) any appendage that is intended to be
8 an integral part of a recreational ~~recreation~~ vehicle.

9 (d-2) A recreational vehicle that exceeds 8 feet 6 inches
10 in width as provided in subsection (d-1) may travel any
11 roadway of the State if the vehicle is being operated between a
12 roadway permitted under subsection (d-1) and:

13 (1) the location where the recreational ~~recreation~~
14 vehicle is garaged;

15 (2) the destination of the recreational ~~recreation~~
16 vehicle; or

17 (3) a facility for food, fuel, repair, services, or
18 rest.

19 (e) A vehicle and load traveling upon the National System
20 of Interstate and Defense Highways or any other highway in the
21 system of State highways that has been designated as a Class I
22 or Class II highway by the Department, or any street or highway
23 designated by local authorities, may have a total outside
24 width of 8 feet 6 inches, provided that certain safety devices
25 that the Department determines as necessary for the safe and
26 efficient operation of motor vehicles shall not be included in

1 the calculation of width.

2 Section 5-35 of the Illinois Administrative Procedure Act
3 relating to procedures for rulemaking shall not apply to the
4 designation of highways under this paragraph (e).

5 (f) Mirrors required by Section 12-502 of this Code and
6 other safety devices identified by the Department may project
7 up to 14 inches beyond each side of a bus and up to 6 inches
8 beyond each side of any other vehicle, and that projection
9 shall not be deemed a violation of the width restrictions of
10 this Section.

11 (g) Any person who is convicted of violating this Section
12 is subject to the penalty as provided in paragraph (b) of
13 Section 15-113.

14 (Source: P.A. 100-830, eff. 1-1-19.)

15 (625 ILCS 5/15-112) (from Ch. 95 1/2, par. 15-112)

16 Sec. 15-112. Officers to weigh vehicles and require
17 removal of excess loads.

18 (a) Any police officer having reason to believe that the
19 weight of a vehicle and load is unlawful shall require the
20 driver to stop and submit to a weighing of the same either by
21 means of a portable or stationary scales that have been tested
22 and approved at a frequency prescribed by the Illinois
23 Department of Agriculture, or for those scales operated by the
24 State, when such tests are requested by the Illinois
25 ~~Department of~~ State Police, whichever is more frequent. If

1 such scales are not available at the place where such vehicle
2 is stopped, the police officer shall require that such vehicle
3 be driven to the nearest available scale that has been tested
4 and approved pursuant to this Section by the Illinois
5 Department of Agriculture. Notwithstanding any provisions of
6 the Weights and Measures Act or the United States Department
7 of Commerce NIST handbook 44, multi or single draft weighing
8 is an acceptable method of weighing by law enforcement for
9 determining a violation of Chapter 3 or 15 of this Code. Law
10 enforcement is exempt from the requirements of commercial
11 weighing established in NIST handbook 44.

12 Within 18 months after the effective date of this
13 amendatory Act of the 91st General Assembly, all municipal and
14 county officers, technicians, and employees who set up and
15 operate portable scales for wheel load or axle load or both and
16 issue citations based on the use of portable scales for wheel
17 load or axle load or both and who have not successfully
18 completed initial classroom and field training regarding the
19 set up and operation of portable scales, shall attend and
20 successfully complete initial classroom and field training
21 administered by the Illinois Law Enforcement Training
22 Standards Board.

23 (b) Whenever an officer, upon weighing a vehicle and the
24 load, determines that the weight is unlawful, such officer
25 shall require the driver to stop the vehicle in a suitable
26 place and remain standing until such portion of the load is

1 removed as may be necessary to reduce the weight of the vehicle
2 to the limit permitted under this Chapter, or to the limit
3 permitted under the terms of a permit issued pursuant to
4 Sections 15-301 through 15-318 and shall forthwith arrest the
5 driver or owner. All material so unloaded shall be cared for by
6 the owner or operator of the vehicle at the risk of such owner
7 or operator; however, whenever a 3 or 4 axle vehicle with a
8 tandem axle dimension greater than 72 inches, but less than 96
9 inches and registered as a Special Hauling Vehicle is
10 transporting asphalt or concrete in the plastic state that
11 exceeds axle weight or gross weight limits by less than 4,000
12 pounds, the owner or operator of the vehicle shall accept the
13 arrest ticket or tickets for the alleged violations under this
14 Section and proceed without shifting or reducing the load
15 being transported or may shift or reduce the load under the
16 provisions of subsection (d) or (e) of this Section, when
17 applicable. Any fine imposed following an overweight violation
18 by a vehicle registered as a Special Hauling Vehicle
19 transporting asphalt or concrete in the plastic state shall be
20 paid as provided in subsection 4 of paragraph (a) of Section
21 16-105 of this Code.

22 (c) The Department of Transportation may, at the request
23 of the Illinois ~~Department of~~ State Police, erect appropriate
24 regulatory signs on any State highway directing second
25 division vehicles to a scale. The Department of Transportation
26 may also, at the direction of any State Police officer, erect

1 portable regulating signs on any highway directing second
2 division vehicles to a portable scale. Every such vehicle,
3 pursuant to such sign, shall stop and be weighed.

4 (d) Whenever any axle load of a vehicle exceeds the axle or
5 tandem axle weight limits permitted by paragraph (a) of
6 Section 15-111 by 2000 pounds or less, the owner or operator of
7 the vehicle must shift or remove the excess so as to comply
8 with paragraph (a) of Section 15-111. No overweight arrest
9 ticket shall be issued to the owner or operator of the vehicle
10 by any officer if the excess weight is shifted or removed as
11 required by this paragraph.

12 (e) Whenever the gross weight of a vehicle with a
13 registered gross weight of 77,000 pounds or less exceeds the
14 weight limits of paragraph (a) of Section 15-111 of this
15 Chapter by 2000 pounds or less, the owner or operator of the
16 vehicle must remove the excess. Whenever the gross weight of a
17 vehicle with a registered gross weight over 77,000 pounds or
18 more exceeds the weight limits of paragraph (a) of Section
19 15-111 by 1,000 pounds or less or 2,000 pounds or less if
20 weighed on wheel load weighers, the owner or operator of the
21 vehicle must remove the excess. In either case no arrest
22 ticket for any overweight violation of this Code shall be
23 issued to the owner or operator of the vehicle by any officer
24 if the excess weight is removed as required by this paragraph.
25 A person who has been granted a special permit under Section
26 15-301 of this Code shall not be granted a tolerance on wheel

1 load weighers.

2 (e-5) Auxiliary power or idle reduction unit (APU) weight.

3 (1) A vehicle with a fully functional APU shall be
4 allowed an additional 550 pounds or the certified unit
5 weight, whichever is less. The additional pounds may be
6 allowed in gross, axles, or bridge formula weight limits
7 above the legal weight limits except when overweight on an
8 axle or axles of the towed unit or units in combination.
9 This tolerance shall be given in addition to the limits in
10 subsection (d) of this Section.

11 (2) An operator of a vehicle equipped with an APU
12 shall carry written certification showing the weight of
13 the APU, which shall be displayed upon the request of any
14 law enforcement officer.

15 (3) The operator may be required to demonstrate or
16 certify that the APU is fully functional at all times.

17 (4) This allowance may not be granted above the weight
18 limits specified on any loads permitted under Section
19 15-301 of this Code.

20 (f) Whenever an axle load of a vehicle exceeds axle weight
21 limits allowed by the provisions of a permit an arrest ticket
22 shall be issued, but the owner or operator of the vehicle may
23 shift the load so as to comply with the provisions of the
24 permit. Where such shifting of a load to comply with the permit
25 is accomplished, the owner or operator of the vehicle may then
26 proceed.

1 (g) Any driver of a vehicle who refuses to stop and submit
2 his vehicle and load to weighing after being directed to do so
3 by an officer or removes or causes the removal of the load or
4 part of it prior to weighing is guilty of a business offense
5 and shall be fined not less than \$500 nor more than \$2,000.

6 (Source: P.A. 99-717, eff. 8-5-16.)

7 (625 ILCS 5/15-201) (from Ch. 95 1/2, par. 15-201)

8 Sec. 15-201. Vehicles exceeding prescribed weight limits -
9 Preventing use of highway by. The Illinois ~~Department of State~~
10 Police is directed to institute and maintain a program
11 designed to prevent the use of public highways by vehicles
12 which exceed the maximum weights allowed by Section 15-111 of
13 this Act or which exceeds the maximum weights allowed as
14 evidenced by the license plates attached to such vehicle and
15 which license is required by this Act.

16 (Source: P.A. 84-25.)

17 (625 ILCS 5/15-202) (from Ch. 95 1/2, par. 15-202)

18 Sec. 15-202. Enforcement.

19 Such program shall make provision for an intensive
20 campaign by the Illinois State Police to apprehend any
21 violators of the acts above mentioned, and at all times to
22 maintain a vigilant watch for possible violators of such acts.

23 (Source: P.A. 77-506.)

(625 ILCS 5/15-203) (from Ch. 95 1/2, par. 15-203)

Sec. 15-203. Records of violations. The Illinois ~~Department of~~ State Police shall maintain records of the number of violators of such acts apprehended and the number of convictions obtained. A resume of such records shall be included in the Department's annual report to the Governor; and the Department shall also present such resume to each regular session of the General Assembly.

The requirement for reporting to the General Assembly shall be satisfied by filing copies of the report as required by Section 3.1 of the General Assembly Organization Act, and filing such additional copies with the State Government Report Distribution Center for the General Assembly as is required under paragraph (t) of Section 7 of the State Library Act.

(Source: P.A. 100-1148, eff. 12-10-18.)

(625 ILCS 5/15-305) (from Ch. 95 1/2, par. 15-305)

Sec. 15-305. Fees for legal weight but overdimension vehicles, combinations, and ;oads, other than house trailer combinations. Fees for special permits to move overdimension vehicles, combinations, and loads, other than house trailer combinations, shall be paid by the applicant to the Department at the following rates:

90 Day Annual

Limited Limited

Single Continuous Continuous

	Trip	Operation	Operation
1			
2			
3			
4			
5			
6			
7			
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10			
11			
12			
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26			

(a) Overall width of 10 feet or less, overall height of 14 feet 6 inches or less, and overall length of 70 feet or less

For the first 90 miles \$12.00
 From 90 miles to 180 miles 15.00
 From 180 miles to 270 miles 18.00
 For more than 270 miles \$21.00

(b) Overall width of 12 feet or less, overall height of 14 feet 6 inches or less, and overall length of 85 feet or less

For the first 90 miles \$15.00
 From 90 miles to 180 miles \$20.00
 From 180 miles to 270 miles \$25.00
 For more than 270 miles \$30.00

(c) Overall width of 14 feet or less, overall height of 15 feet or less, and overall length of 100 feet or less

Single Trip
 Only

1	For the first 90 miles	\$25.00
2	From 90 miles to 180 miles	\$30.00
3	From 180 miles to 270 miles	\$35.00
4	For more than 270 miles	\$40.00

5 (d) Overall width of 18 feet
6 or less (authorized only
7 under special conditions and
8 for limited distances),
9 overall height of 16 feet or
10 less, and overall length of
11 120 feet or less

12
13 Single Trip
14 Only

15	For the first 90 miles	\$30.00
16	From 90 miles to 180 miles	\$40.00
17	From 180 miles to 270 miles	\$50.00
18	For more than 270 miles	\$60.00

19 (e) Overall width of more
20 than 18 feet (authorized only
21 under special conditions and
22 for limited distances),
23 overall height more than 16
24 feet, and overall length more
25 than 120 feet

1

2

Single Trip

3

Only

4

For the first 90 miles \$50.00

5

From 90 miles to 180 miles \$75.00

6

From 180 miles to 270 miles \$100.00

7

For more than 270 miles \$125.00

8

Permits issued under this Section shall be for a vehicle,

9

or vehicle combination and load not exceeding legal weights;

10

and, in the case of the limited continuous operation, shall be

11

for the same vehicle, vehicle combination or like load.

12

Escort requirements shall be as prescribed in the

13

Department's rules and regulations. Fees for the Illinois

14

State Police vehicle escort, when required, shall be in

15

addition to the permit fees.

16

(Source: P.A. 89-219, eff. 1-1-96.)

17

(625 ILCS 5/16-102) (from Ch. 95 1/2, par. 16-102)

18

Sec. 16-102. Arrests - Investigations - Prosecutions.

19

(a) The Illinois State Police shall patrol the public

20

highways and make arrests for violation of the provisions of

21

this Act.

22

(b) The Secretary of State, through the investigators

23

provided for in this Act shall investigate and report

24

violations of the provisions of this Act in relation to the

25

equipment and operation of vehicles as provided for in Section

1 2-115 and for such purposes these investigators have and may
2 exercise throughout the State all of the powers of police
3 officers.

4 (c) The State's Attorney of the county in which the
5 violation occurs shall prosecute all violations except when
6 the violation occurs within the corporate limits of a
7 municipality, the municipal attorney may prosecute if written
8 permission to do so is obtained from the State's Attorney.

9 (d) The State's Attorney of the county in which the
10 violation occurs may not grant to the municipal attorney
11 permission to prosecute if the offense charged is a felony
12 under Section 11-501 of this Code. The municipality may,
13 however, charge an offender with a municipal misdemeanor
14 offense if the State's Attorney rejects or denies felony
15 charges for the conduct that comprises the charge.

16 (Source: P.A. 94-111, eff. 1-1-06; 94-740, eff. 5-8-06.)

17 (625 ILCS 5/16-105) (from Ch. 95 1/2, par. 16-105)

18 Sec. 16-105. Disposition of fines and forfeitures.

19 (a) Except as provided in Section 15-113 of this Act and
20 except those amounts subject to disbursement by the circuit
21 clerk under the Criminal and Traffic Assessment Act, fines and
22 penalties recovered under the provisions of Chapters 3 through
23 17 and 18b inclusive of this Code shall be paid and used as
24 follows:

25 1. For offenses committed upon a highway within the

1 limits of a city, village, or incorporated town or under
2 the jurisdiction of any park district, to the treasurer of
3 the particular city, village, incorporated town or park
4 district, if the violator was arrested by the authorities
5 of the city, village, incorporated town or park district,
6 provided the police officers and officials of cities,
7 villages, incorporated towns and park districts shall
8 seasonably prosecute for all fines and penalties under
9 this Code. If the violation is prosecuted by the
10 authorities of the county, any fines or penalties
11 recovered shall be paid to the county treasurer, except
12 that fines and penalties recovered from violations
13 arrested by the Illinois State Police shall be remitted to
14 the State Police Law Enforcement Administration Fund.
15 Provided further that if the violator was arrested by the
16 Illinois State Police, fines and penalties recovered under
17 the provisions of paragraph (a) of Section 15-113 of this
18 Code or paragraph (e) of Section 15-316 of this Code shall
19 be paid over to the Illinois ~~Department of~~ State Police
20 which shall thereupon remit the amount of the fines and
21 penalties so received to the State Treasurer who shall
22 deposit the amount so remitted in the special fund in the
23 State treasury known as the Road Fund except that if the
24 violation is prosecuted by the State's Attorney, 10% of
25 the fine or penalty recovered shall be paid to the State's
26 Attorney as a fee of his office and the balance shall be

1 paid over to the Illinois ~~Department of~~ State Police for
2 remittance to and deposit by the State Treasurer as
3 hereinabove provided.

4 2. Except as provided in paragraph 4, for offenses
5 committed upon any highway outside the limits of a city,
6 village, incorporated town or park district, to the county
7 treasurer of the county where the offense was committed
8 except if such offense was committed on a highway
9 maintained by or under the supervision of a township,
10 township district, or a road district to the Treasurer
11 thereof for deposit in the road and bridge fund of such
12 township or other district, except that fines and
13 penalties recovered from violations arrested by the
14 Illinois State Police shall be remitted to the State
15 Police Law Enforcement Administration Fund; provided, that
16 fines and penalties recovered under the provisions of
17 paragraph (a) of Section 15-113, paragraph (d) of Section
18 3-401, or paragraph (e) of Section 15-316 of this Code
19 shall be paid over to the Illinois ~~Department of~~ State
20 Police which shall thereupon remit the amount of the fines
21 and penalties so received to the State Treasurer who shall
22 deposit the amount so remitted in the special fund in the
23 State treasury known as the Road Fund except that if the
24 violation is prosecuted by the State's Attorney, 10% of
25 the fine or penalty recovered shall be paid to the State's
26 Attorney as a fee of his office and the balance shall be

1 paid over to the Illinois ~~Department of~~ State Police for
2 remittance to and deposit by the State Treasurer as
3 hereinabove provided.

4 3. Notwithstanding subsections 1 and 2 of this
5 paragraph, for violations of overweight and overload
6 limits found in Sections 15-101 through 15-203 of this
7 Code, which are committed upon the highways belonging to
8 the Illinois State Toll Highway Authority, fines and
9 penalties shall be paid over to the Illinois State Toll
10 Highway Authority for deposit with the State Treasurer
11 into that special fund known as the Illinois State Toll
12 Highway Authority Fund, except that if the violation is
13 prosecuted by the State's Attorney, 10% of the fine or
14 penalty recovered shall be paid to the State's Attorney as
15 a fee of his office and the balance shall be paid over to
16 the Illinois State Toll Highway Authority for remittance
17 to and deposit by the State Treasurer as hereinabove
18 provided.

19 4. With regard to violations of overweight and
20 overload limits found in Sections 15-101 through 15-203 of
21 this Code committed by operators of vehicles registered as
22 Special Hauling Vehicles, for offenses committed upon a
23 highway within the limits of a city, village, or
24 incorporated town or under the jurisdiction of any park
25 district, all fines and penalties shall be paid over or
26 retained as required in paragraph 1. However, with regard

1 to the above offenses committed by operators of vehicles
2 registered as Special Hauling Vehicles upon any highway
3 outside the limits of a city, village, incorporated town
4 or park district, fines and penalties shall be paid over
5 or retained by the entity having jurisdiction over the
6 road or highway upon which the offense occurred, except
7 that if the violation is prosecuted by the State's
8 Attorney, 10% of the fine or penalty recovered shall be
9 paid to the State's Attorney as a fee of his office.

10 (b) Failure, refusal or neglect on the part of any
11 judicial or other officer or employee receiving or having
12 custody of any such fine or forfeiture either before or after a
13 deposit with the proper official as defined in paragraph (a)
14 of this Section, shall constitute misconduct in office and
15 shall be grounds for removal therefrom.

16 (Source: P.A. 100-987, eff. 7-1-19.)

17 (625 ILCS 5/18a-200) (from Ch. 95 1/2, par. 18a-200)

18 Sec. 18a-200. General powers and duties of Commission. The
19 Commission shall:

20 (1) Regulate commercial vehicle relocators and their
21 employees or agents in accordance with this Chapter and to
22 that end may establish reasonable requirements with respect to
23 proper service and practices relating thereto;

24 (2) Require the maintenance of uniform systems of
25 accounts, records and the preservation thereof;

1 (3) Require that all drivers and other personnel used in
2 relocation be employees of a licensed relocator;

3 (4) Regulate equipment leasing to and by relocators;

4 (5) Adopt reasonable and proper rules covering the
5 exercise of powers conferred upon it by this Chapter, and
6 reasonable rules governing investigations, hearings and
7 proceedings under this Chapter;

8 (6) Set reasonable rates for the commercial towing or
9 removal of trespassing vehicles from private property. The
10 rates shall not exceed the mean average of the 5 highest rates
11 for police tows within the territory to which this Chapter
12 applies that are performed under Sections 4-201 and 4-214 of
13 this Code and that are of record at hearing; provided that the
14 Commission shall not re-calculate the maximum specified herein
15 if the order containing the previous calculation was entered
16 within one calendar year of the date on which the new order is
17 entered. Set reasonable rates for the storage, for periods in
18 excess of 24 hours, of the vehicles in connection with the
19 towing or removal; however, no relocater shall impose charges
20 for storage for the first 24 hours after towing or removal. Set
21 reasonable rates for other services provided by relocators,
22 provided that the rates shall not be charged to the owner or
23 operator of a relocated vehicle. Any fee charged by a
24 relocater for the use of a credit card that is used to pay for
25 any service rendered by the relocater shall be included in the
26 total amount that shall not exceed the maximum reasonable rate

1 established by the Commission. The Commission shall require a
2 relocater to refund any amount charged in excess of the
3 reasonable rate established by the Commission, including any
4 fee for the use of a credit card;

5 (7) Investigate and maintain current files of the criminal
6 records, if any, of all relocaters and their employees and of
7 all applicants for relocater's license, operator's licenses
8 and dispatcher's licenses. If the Commission determines that
9 an applicant for a license issued under this Chapter will be
10 subjected to a criminal history records check, the applicant
11 shall submit his or her fingerprints to the Illinois
12 ~~Department of~~ State Police in the form and manner prescribed
13 by the Illinois ~~Department of~~ State Police. These fingerprints
14 shall be checked against the Illinois ~~Department of~~ State
15 Police and Federal Bureau of Investigation criminal history
16 record information databases now and hereafter filed. The
17 Illinois ~~Department of~~ State Police shall charge the applicant
18 a fee for conducting the criminal history records check, which
19 shall be deposited in the State Police Services Fund and shall
20 not exceed the actual cost of the records check. The Illinois
21 ~~Department of~~ State Police shall furnish pursuant to positive
22 identification, records of conviction to the Commission;

23 (8) Issue relocater's licenses, dispatcher's employment
24 permits, and operator's employment permits in accordance with
25 Article IV of this Chapter;

26 (9) Establish fitness standards for applicants seeking

1 relocator licensees and holders of relocator licenses;

2 (10) Upon verified complaint in writing by any person,
3 organization or body politic, or upon its own initiative may,
4 investigate whether any commercial vehicle relocator,
5 operator, dispatcher, or person otherwise required to comply
6 with any provision of this Chapter or any rule promulgated
7 hereunder, has failed to comply with any provision or rule;

8 (11) Whenever the Commission receives notice from the
9 Secretary of State that any domestic or foreign corporation
10 regulated under this Chapter has not paid a franchise tax,
11 license fee or penalty required under the Business Corporation
12 Act of 1983, institute proceedings for the revocation of the
13 license or right to engage in any business required under this
14 Chapter or the suspension thereof until such time as the
15 delinquent franchise tax, license fee or penalty is paid.

16 (Source: P.A. 93-418, eff. 1-1-04.)

17 (625 ILCS 5/18b-112)

18 Sec. 18b-112. Intermodal trailer, chassis, and safety.

19 (a) Definitions. For purposes of this Section:

20 ~~"Department" means the Department of State Police.~~

21 "Equipment interchange agreement" means a written document
22 executed by the intermodal equipment provider and operator at
23 the time the equipment is interchanged by the provider to the
24 operator.

25 "Equipment provider" is the owner of an intermodal

1 trailer, chassis, or container. This includes any forwarding
2 company, water carrier, steamship line, railroad, vehicle
3 equipment leasing company, and their subsidiary or affiliated
4 companies owning the equipment.

5 "Federal motor carrier safety regulations" means
6 regulations promulgated by the United States Department of
7 Transportation governing the condition and maintenance of
8 commercial motor vehicles contained in Title 49 of the United
9 States Code of Federal Regulations on the day of enactment of
10 this Act or as amended or revised by the United States
11 Department of Transportation thereafter.

12 "Interchange" means the act of providing a vehicle to a
13 motor carrier by an equipment provider for the purpose of
14 transporting the vehicle for loading or unloading by another
15 party or the repositioning of the vehicle for the benefit of
16 the equipment provider. "Interchange" does not include the
17 leasing of the vehicle by a motor carrier from an
18 owner-operator pursuant to subpart B of Part 376 of Title 49 of
19 the Code of Federal Regulations or the leasing of a vehicle to
20 a motor carrier for use in the motor carrier's over-the-road
21 freight hauling operations.

22 "Operator" means a motor carrier or driver of a commercial
23 motor vehicle.

24 "Vehicle" means an intermodal trailer, chassis, or
25 container.

26 (b) Responsibility of equipment provider. An equipment

1 provider shall not interchange or offer for interchange a
2 vehicle with an operator for use on a highway which vehicle is
3 in violation of the requirements contained in the federal
4 motor carrier safety regulations. It is the responsibility of
5 the equipment provider to inspect and, if a vehicle at the time
6 of inspection does not comply with all federal motor carrier
7 safety regulation requirements, perform the necessary repairs
8 on, all vehicles prior to interchange or offering for
9 interchange.

10 (c) Duty of inspection by the operator. Before
11 interchanging a vehicle with an operator, an equipment
12 provider must provide the operator the opportunity and
13 facilities to perform a visual inspection of the equipment.
14 The operator must determine if it complies with the provisions
15 of the federal motor carrier safety regulation capable of
16 being determined from an inspection. If the operator
17 determines that the vehicle does not comply with the
18 provisions of the federal motor carrier safety regulations,
19 the equipment provider shall immediately perform the necessary
20 repairs to the vehicle so that it complies with the federal
21 motor carrier safety regulations or shall immediately provide
22 the operator with another vehicle.

23 (d) Presumption of defect prior to interchange.

24 (1) If as a result of a roadside inspection by the
25 Illinois State Police ~~Department~~, any of the defects
26 listed in paragraph (2) are discovered, a rebuttable

1 presumption existed at the time of the interchange. If a
2 summons or complaint is issued to the operator, the
3 operator may seek relief pursuant to paragraph (3).

4 (2) A rebuttable presumption exists that the following
5 defects were present at the time of the interchange:

6 (A) There is a defect with the brake drum when:

7 (I) the drum cracks;

8 (II) the lining is loose or missing; or

9 (III) the lining is saturated with oil.

10 (B) There is a defect of inoperative brakes when:

11 (I) there is no movement of any components;

12 (II) there are missing, broken, or loose
13 components; or

14 (III) there are mismatched components.

15 (C) There is a defect with the air lines and tubing
16 when:

17 (I) there is a bulge and swelling;

18 (II) there is an audible air leak; or

19 (III) there are air lines broken, cracked, or
20 crimped.

21 (D) There is a defect with the reservoir tank when
22 there is any separation of original attachment points.

23 (E) There is a defect with the frames when:

24 (I) there is any cracked, loose, sagging, or
25 broken frame members which measure one and
26 one-half inch in web or one inch or longer in

1 bottom flange or any crack extending from web
2 radius into bottom flange; or

3 (II) there is any condition which causes
4 moving parts to come in contact with the frame.

5 (F) There is an electrical defect when wires are
6 chaffed.

7 (G) There is a defect with the wheel assembly
8 when:

9 (I) there is low or no oil;

10 (II) there is oil leakage on brake components;

11 (III) there are lug nuts that are loose or
12 missing; or

13 (IV) the wheel bearings are not properly
14 maintained.

15 (H) There is a defect with the tires when:

16 (I) there is improper inflation;

17 (II) there is tire separation from the casing;

18 or

19 (III) there are exposed plys or belting
20 material.

21 (I) There is defect with rim cracks when:

22 (I) there is any circumferential crack, except
23 a manufactured crack; or

24 (II) there is a lock or side ring cracked,
25 bent, broken, sprung, improperly seated, or
26 mismatched.

1 (J) There is a defect with the suspension when:

2 (I) there are spring assembly leaves broken,
3 missing, or separated; or

4 (II) there are spring hanger, u-bolts, or axle
5 positioning components cracked, broken loose, or
6 missing.

7 (K) There is a defect with the chassis locking
8 pins when there is any twist lock or fitting for
9 securement that is sprung, broken, or improperly
10 latched.

11 (3) If an operator receives a citation for a violation
12 due to a defect in any equipment specified in subsection
13 (d)(2), the equipment provider shall reimburse the
14 operator for any:

15 (A) fines and costs, including court costs and
16 reasonable attorneys fees, incurred as a result of the
17 citation; and

18 (B) costs incurred by the operator to repair the
19 defects specified in the citation, including any
20 towing costs incurred.

21 The equipment provider shall reimburse the operator
22 within 30 days of the final court action. If the equipment
23 provider fails to reimburse the operator within 30 days,
24 the operator has a civil cause of action against the
25 equipment provider.

26 (e) Fines and penalties. Any person violating the

1 provisions of this Section shall be fined no less than \$50 and
2 no more than \$500 for each violation.

3 (f) Obligation of motor carrier. Nothing in this Section
4 is intended to eliminate the responsibility and obligation of
5 a motor carrier and operator to maintain and operate vehicles
6 in accordance with the federal motor carrier safety
7 regulations and applicable State and local laws and
8 regulations.

9 (g) This Section shall not be applied, construed, or
10 implemented in any manner inconsistent with, or in conflict
11 with, any provision of the federal motor carrier safety
12 regulations.

13 (Source: P.A. 91-662, eff. 7-1-00.)

14 (625 ILCS 5/18c-1702) (from Ch. 95 1/2, par. 18c-1702)

15 Sec. 18c-1702. Responsibility for Enforcement. It shall be
16 the duty of the Commission and of the Illinois State Police and
17 the Secretary of State to conduct investigations, make
18 arrests, and take any other action necessary for the
19 enforcement of this Chapter.

20 (Source: P.A. 84-796.)

21 (625 ILCS 5/18c-4601) (from Ch. 95 1/2, par. 18c-4601)

22 Sec. 18c-4601. Cab Card and Identifier to be Carried and
23 Displayed in Each Vehicle.

24 (1) General Provisions.

1 (a) Carrying Requirement. Each motor vehicle used in
2 for-hire transportation upon the public roads of this State
3 shall carry a current cab card together with an identifier
4 issued by or under authority of the Commission. If the carrier
5 is an intrastate motor carrier of property, the prescribed
6 intrastate cab card and identifier shall be required; if the
7 carrier is an interstate motor carrier of property, the
8 prescribed interstate cab card and identifier shall be
9 required.

10 (b) Execution and Presentation Requirement. Such cab card
11 shall be properly executed by the carrier. The cab card, with
12 an identifier affixed or printed thereon, shall be carried in
13 the vehicle for which it was executed. The cab card and
14 identifier shall be presented upon request to any authorized
15 employee of the Commission or the Illinois State Police or
16 Secretary of State.

17 (c) Deadlines for Execution, Carrying, and Presentation.
18 Cab cards and identifiers shall be executed, carried, and
19 presented no earlier than December 1 of the calendar year
20 preceding the calendar year for which fees are owing, and no
21 later than February 1 of the calendar year for which fees are
22 owing, unless otherwise provided in Commission regulations and
23 orders.

24 (2) Interstate Compensated Intercompany Hauling and
25 Single-Source Leasing. The provisions of subsection (1) of
26 this Section apply to motor vehicles used in interstate

1 compensated intercorporate hauling or which are leased, with
2 drivers, to private carriers for use in interstate commerce,
3 as well as to other motor vehicles used in for-hire
4 transportation upon the public roads of this State. However,
5 the Commission may:

6 (a) Exempt such carriers from the requirements of this
7 Article;

8 (b) Subject any exemption to such reasonable terms and
9 conditions as the Commission deems necessary to effectuate the
10 purposes of this Chapter; and

11 (c) Revoke any exemption granted hereunder if it deems
12 revocation necessary to effectuate the purposes of this
13 Chapter.

14 (Source: P.A. 85-553.)

15 Section 940. The Automated Traffic Control Systems in
16 Highway Construction or Maintenance Zones Act is amended by
17 changing Sections 10 and 25 as follows:

18 (625 ILCS 7/10)

19 Sec. 10. Establishment of automated control systems. The
20 Illinois Department of State Police ~~Department of State Police~~ may establish an automated
21 traffic control system in any construction or maintenance zone
22 established by the Department of Transportation or the
23 Illinois State Toll Highway Authority. An automated traffic
24 control system may operate only during those periods when

1 workers are present in the construction or maintenance zone.
2 In any prosecution based upon evidence obtained through an
3 automated traffic control system established under this Act,
4 the State must prove that one or more workers were present in
5 the construction or maintenance zone when the violation
6 occurred.

7 (Source: P.A. 93-947, eff. 8-19-04; 94-757, eff. 5-12-06;
8 94-814, eff. 1-1-07.)

9 (625 ILCS 7/25)

10 Sec. 25. Limitations on the use of automated traffic
11 enforcement systems.

12 (a) The Illinois ~~Department of~~ State Police must conduct a
13 public information campaign to inform drivers about the use of
14 automated traffic control systems in highway construction or
15 maintenance zones before establishing any of those systems.
16 The Illinois ~~Department of~~ State Police shall adopt rules for
17 implementing this subsection (a).

18 (b) Signs indicating that speeds are enforced by automated
19 traffic control systems must be clearly posted in the areas
20 where the systems are in use.

21 (c) Operation of automated traffic control systems is
22 limited to areas where road construction or maintenance is
23 occurring.

24 (d) Photographs obtained in this manner may only be used
25 as evidence in relation to a violation of Section 11-605.1 of

1 the Illinois Vehicle Code for which the photograph is taken.
2 The photographs are available only to the owner of the
3 vehicle, the offender and the offender's attorney, the
4 judiciary, the local State's Attorney, and law enforcement
5 officials.

6 (e) If the driver of the vehicle cannot be identified
7 through the photograph, the owner is not liable for the fine,
8 and the citation may not be counted against the driving record
9 of the owner. If the driver can be identified, the driver is
10 liable for the fine, and the violation is counted against his
11 or her driving record.

12 (Source: P.A. 93-947, eff. 8-19-04.)

13 Section 945. The Child Passenger Protection Act is amended
14 by changing Section 7 as follows:

15 (625 ILCS 25/7) (from Ch. 95 1/2, par. 1107)

16 Sec. 7. Arrests - Prosecutions. The Illinois State Police
17 shall patrol the public highways and make arrests for a
18 violation of this Act. Police officers shall make arrests for
19 violations of this Act occurring upon the highway within the
20 limits of a county, city, village, or unincorporated town or
21 park district.

22 The State's Attorney of the county in which the violation
23 of this Act occurs shall prosecute all violations except when
24 the violation occurs within the corporate limits of a

1 municipality, the municipal attorney may prosecute if written
2 permission to do so is obtained from the State's Attorney.

3 The provisions of this Act shall not apply to a child
4 passenger with a physical disability of such a nature as to
5 prevent appropriate restraint in a seat, provided that the
6 disability is duly certified by a physician who shall state
7 the nature of the disability, as well as the reason the
8 restraint is inappropriate. No physician shall be liable, and
9 no cause of action may be brought for personal injuries
10 resulting from the exercise of good faith judgment in making
11 certifications under this provision.

12 (Source: P.A. 88-685, eff. 1-24-95.)

13 Section 950. The Boat Registration and Safety Act is
14 amended by changing Sections 3A-6, 3C-2, 3C-5, 3C-9, 5-16b,
15 5-16c, 5-22, and 6-1 as follows:

16 (625 ILCS 45/3A-6) (from Ch. 95 1/2, par. 313A-6)

17 Sec. 3A-6. Stolen and recovered watercraft.

18 (a) Every sheriff, superintendent of police, chief of
19 police or other police officer in command of any police
20 department in any city, village or town of the State shall, by
21 the fastest means of communications available to his or her
22 law enforcement agency, immediately report to the Illinois
23 ~~Department of~~ State Police the theft or recovery of any stolen
24 or converted watercraft within his or her district or

1 jurisdiction. The report shall give the date of theft,
2 description of the watercraft including color, manufacturer's
3 trade name, manufacturer's series name, identification number
4 and registration number, including the state in which the
5 registration number was issued, together with the name,
6 residence address, business address, and telephone number of
7 the owner. The report shall be routed by the originating law
8 enforcement agency through the Illinois State Police in a form
9 and manner prescribed by the Illinois ~~Department of~~ State
10 Police.

11 (b) A registered owner or a lienholder may report the
12 theft by conversion of a watercraft to the Illinois ~~Department~~
13 ~~of~~ State Police or any other police department or sheriff's
14 office. The report will be accepted as a report of theft and
15 processed only if a formal complaint is on file and a warrant
16 issued.

17 (c) The Illinois ~~Department of~~ State Police shall keep a
18 complete record of all reports filed under this Section. Upon
19 receipt of the report, a careful search shall be made of the
20 records of the Illinois ~~Department of~~ State Police, and where
21 it is found that a watercraft reported recovered was stolen in
22 a county, city, village or town other than the county, city,
23 village or town in which it is recovered, the recovering
24 agency shall notify the reporting agency of the recovery in a
25 form and manner prescribed by the Illinois ~~Department of~~ State
26 Police.

1 (d) Notification of the theft of a watercraft will be
2 furnished to the Department of Natural Resources by the
3 Illinois ~~Department of~~ State Police. The Department of Natural
4 Resources shall place the proper information in the title
5 registration files and in the certificate of number files to
6 indicate the theft of a watercraft. Notification of the
7 recovery of a watercraft previously reported as a theft or a
8 conversion will be furnished to the Department of Natural
9 Resources by the Illinois ~~Department of~~ State Police. The
10 Department of Natural Resources shall remove the proper
11 information from the certificate of number and title
12 registration files that has previously indicated the theft of
13 a watercraft. The Department of Natural Resources shall
14 suspend the certificate of number of a watercraft upon receipt
15 of a report that the watercraft was stolen.

16 (e) When the Department of Natural Resources receives an
17 application for a certificate of title or an application for a
18 certificate of number of a watercraft and it is determined
19 from the records that the watercraft has been reported stolen,
20 the Department of Natural Resources, Division of Law
21 Enforcement, shall immediately notify the Illinois State
22 Police and shall give the Illinois State Police the name and
23 address of the person or firm titling or registering the
24 watercraft, together with all other information contained in
25 the application submitted by the person or firm.

26 (Source: P.A. 89-445, eff. 2-7-96.)

1 (625 ILCS 45/3C-2) (from Ch. 95 1/2, par. 313C-2)

2 Sec. 3C-2. Notification to law enforcement agencies. When
3 an abandoned, lost, stolen or unclaimed watercraft comes into
4 the temporary possession or custody of a person in this State,
5 not the owner of the watercraft, such person shall immediately
6 notify the municipal police when the watercraft is within the
7 corporate limits of any city, village or town having a duly
8 authorized police department, or the Illinois State Police,
9 Conservation Police or the county sheriff when the watercraft
10 is outside the corporate limits of a city, village or town.
11 Upon receipt of such notification, the municipal police, State
12 Police, Conservation Police, or county sheriff will authorize
13 a towing service to remove and take possession of the
14 abandoned, lost, stolen or unclaimed watercraft. The towing
15 service will safely keep the towed watercraft and its
16 contents, and maintain a record of the tow as set forth in
17 Section 3C-4 for law enforcement agencies, until the
18 watercraft is claimed by the owner or any other person legally
19 entitled to possession thereof or until it is disposed of as
20 provided in this Article.

21 (Source: P.A. 84-646.)

22 (625 ILCS 45/3C-5) (from Ch. 95 1/2, par. 313C-5)

23 Sec. 3C-5. Record searches. When a law enforcement agency
24 authorizing the impounding of a watercraft does not know the

1 identity of the registered owner, lienholder or other legally
2 entitled person, that law enforcement agency will cause the
3 watercraft registration records of the State of Illinois to be
4 searched by the Department of Natural Resources for the
5 purpose of obtaining the required ownership information. The
6 law enforcement agency authorizing the impounding of a
7 watercraft will cause the stolen watercraft files of the
8 Illinois State Police to be searched by a directed
9 communication to the Illinois State Police for stolen or
10 wanted information on the watercraft. When the Illinois State
11 Police files are searched with negative results, the
12 information contained in the National Crime Information Center
13 (NCIC) files will be searched by the Illinois State Police.
14 The information determined from these record searches will be
15 returned to the requesting law enforcement agency for that
16 agency's use in sending a notification by certified mail to
17 the registered owner, lienholder and other legally entitled
18 persons advising where the watercraft is held, requesting that
19 a disposition be made and setting forth public sale
20 information. Notification shall be sent no later than 10 days
21 after the date the law enforcement agency impounds or
22 authorizes the impounding of a watercraft, provided that if
23 the law enforcement agency is unable to determine the identity
24 of the registered owner, lienholder or other person legally
25 entitled to ownership of the impounded watercraft within a 10
26 day period after impoundment, then notification shall be sent

1 no later than 2 days after the date the identity of the
2 registered owner, lienholder or other person legally entitled
3 to ownership of the impounded watercraft is determined.
4 Exceptions to a notification by certified mail to the
5 registered owner, lienholder and other legally entitled
6 persons are set forth in Section 3C-9.

7 (Source: P.A. 89-445, eff. 2-7-96.)

8 (625 ILCS 45/3C-9) (from Ch. 95 1/2, par. 313C-9)

9 Sec. 3C-9. Disposal of unclaimed watercraft without
10 notice.

11 (a) When the identity of the registered owner, lienholder
12 and other person legally entitled to the possession of an
13 abandoned, lost or unclaimed watercraft of 7 years of age or
14 newer cannot be determined by any means provided for in this
15 Article, the watercraft may be sold as provided in Section
16 3C-8 without notice to any person whose identity cannot be
17 determined.

18 (b) When an abandoned watercraft of more than 7 years of
19 age is impounded as specified by this Article, it will be kept
20 in custody for a minimum of 10 days for the purpose of
21 determining the identity of the registered owner and
22 lienholder, contacting the registered owner and lienholder for
23 a determination of disposition, and an examination of the
24 Illinois State Police stolen watercraft files for the theft
25 and wanted information. At the expiration of the 10 day

1 period, if disposition information has not been received from
2 the registered owner or the lienholder, the law enforcement
3 agency having jurisdiction will authorize the disposal of the
4 watercraft as junk.

5 However, if, in the opinion of the police officer
6 processing the watercraft, it has a value of \$200 or more and
7 can be restored to safe operating condition, the law
8 enforcement agency may authorize its purchase for salvage and
9 the Department of Natural Resources may issue a certificate of
10 title. A watercraft classified as a historical watercraft may
11 be sold to a person desiring to restore it.

12 (Source: P.A. 89-445, eff. 2-7-96.)

13 (625 ILCS 45/5-16b) (from Ch. 95 1/2, par. 315-11b)

14 Sec. 5-16b. Preliminary breath screening test. If a law
15 enforcement officer has reasonable suspicion to believe that a
16 person is violating or has violated Section 5-16 or a similar
17 provision of a local ordinance, the officer, prior to an
18 arrest, may request the person to provide a sample of his or
19 her breath for a preliminary breath screening test using a
20 portable device approved by the Illinois Department of State
21 Police. The results of this preliminary breath screening test
22 may be used by the law enforcement officer for the purpose of
23 assisting with the determination of whether to require a
24 chemical test as authorized under Section 5-16 and the
25 appropriate type of test to request. Any chemical test

1 authorized under Section 5-16 may be requested by the officer
2 regardless of the result of the preliminary breath screening
3 test if probable cause for an arrest exists. The result of a
4 preliminary breath screening test may be used by the defendant
5 as evidence in any administrative or court proceeding
6 involving a violation of Section 5-16.

7 (Source: P.A. 90-215, eff. 1-1-98; 91-828, eff. 1-1-01.)

8 (625 ILCS 45/5-16c)

9 Sec. 5-16c. Operator involvement in personal injury or
10 fatal boating accident; chemical tests.

11 (a) Any person who operates or is in actual physical
12 control of a motorboat within this State and who has been
13 involved in a personal injury or fatal boating accident shall
14 be deemed to have given consent to a breath test using a
15 portable device as approved by the Illinois ~~Department of~~
16 State Police or to a chemical test or tests of blood, breath,
17 other bodily substance, or urine for the purpose of
18 determining the content of alcohol, other drug or drugs, or
19 intoxicating compound or compounds of the person's blood if
20 arrested as evidenced by the issuance of a uniform citation
21 for a violation of the Boat Registration and Safety Act or a
22 similar provision of a local ordinance, with the exception of
23 equipment violations contained in Article IV of this Act or
24 similar provisions of local ordinances. The test or tests
25 shall be administered at the direction of the arresting

1 officer. The law enforcement agency employing the officer
2 shall designate which of the aforesaid tests shall be
3 administered. Up to 2 additional tests of urine or other
4 bodily substance may be administered even after a blood or
5 breath test or both has been administered. Compliance with
6 this Section does not relieve the person from the requirements
7 of any other Section of this Act.

8 (b) Any person who is dead, unconscious, or who is
9 otherwise in a condition rendering that person incapable of
10 refusal shall be deemed not to have withdrawn the consent
11 provided by subsection (a) of this Section. In addition, if an
12 operator of a motorboat is receiving medical treatment as a
13 result of a boating accident, any physician licensed to
14 practice medicine, licensed physician assistant, licensed
15 advanced practice registered nurse, registered nurse, or a
16 phlebotomist acting under the direction of a licensed
17 physician shall withdraw blood for testing purposes to
18 ascertain the presence of alcohol, other drug or drugs, or
19 intoxicating compound or compounds, upon the specific request
20 of a law enforcement officer. However, this testing shall not
21 be performed until, in the opinion of the medical personnel on
22 scene, the withdrawal can be made without interfering with or
23 endangering the well-being of the patient.

24 (c) A person who is a CDL holder requested to submit to a
25 test under subsection (a) of this Section shall be warned by
26 the law enforcement officer requesting the test that a refusal

1 to submit to the test, or submission to the test resulting in
2 an alcohol concentration of 0.08 or more, or any amount of a
3 drug, substance, or intoxicating compound resulting from the
4 unlawful use or consumption of cannabis listed in the Cannabis
5 Control Act, a controlled substance listed in the Illinois
6 Controlled Substances Act, an intoxicating compound listed in
7 the Use of Intoxicating Compounds Act, or methamphetamine as
8 listed in the Methamphetamine Control and Community Protection
9 Act as detected in the person's blood, other bodily substance,
10 or urine, may result in the suspension of the person's
11 privilege to operate a motor vehicle and may result in the
12 disqualification of the person's privilege to operate a
13 commercial motor vehicle, as provided in Section 6-514 of the
14 Illinois Vehicle Code. A person who is not a CDL holder
15 requested to submit to a test under subsection (a) of this
16 Section shall be warned by the law enforcement officer
17 requesting the test that a refusal to submit to the test, or
18 submission to the test resulting in an alcohol concentration
19 of 0.08 or more, a tetrahydrocannabinol concentration in the
20 person's whole blood or other bodily substance as defined in
21 paragraph 6 of subsection (a) of Section 11-501.2 of the
22 Illinois Vehicle Code, or any amount of a drug, substance, or
23 intoxicating compound resulting from the unlawful use or
24 consumption of a controlled substance listed in the Illinois
25 Controlled Substances Act, an intoxicating compound listed in
26 the Use of Intoxicating Compounds Act, or methamphetamine as

1 listed in the Methamphetamine Control and Community Protection
2 Act as detected in the person's blood, other bodily substance,
3 or urine, may result in the suspension of the person's
4 privilege to operate a motor vehicle. The length of the
5 suspension shall be the same as outlined in Section 6-208.1 of
6 the Illinois Vehicle Code regarding statutory summary
7 suspensions.

8 (d) If the person is a CDL holder and refuses testing or
9 submits to a test which discloses an alcohol concentration of
10 0.08 or more, or any amount of a drug, substance, or
11 intoxicating compound in the person's blood, other bodily
12 substance, or urine resulting from the unlawful use or
13 consumption of cannabis listed in the Cannabis Control Act, a
14 controlled substance listed in the Illinois Controlled
15 Substances Act, an intoxicating compound listed in the Use of
16 Intoxicating Compounds Act, or methamphetamine as listed in
17 the Methamphetamine Control and Community Protection Act, the
18 law enforcement officer shall immediately submit a sworn
19 report to the Secretary of State on a form prescribed by the
20 Secretary of State, certifying that the test or tests were
21 requested under subsection (a) of this Section and the person
22 refused to submit to a test or tests or submitted to testing
23 which disclosed an alcohol concentration of 0.08 or more, or
24 any amount of a drug, substance, or intoxicating compound in
25 the person's blood, other bodily substance, or urine,
26 resulting from the unlawful use or consumption of cannabis

1 listed in the Cannabis Control Act, a controlled substance
2 listed in the Illinois Controlled Substances Act, an
3 intoxicating compound listed in the Use of Intoxicating
4 Compounds Act, or methamphetamine as listed in the
5 Methamphetamine Control and Community Protection Act. If the
6 person is not a CDL holder and refuses testing or submits to a
7 test which discloses an alcohol concentration of 0.08 or more,
8 a tetrahydrocannabinol concentration in the person's whole
9 blood or other bodily substance as defined in paragraph 6 of
10 subsection (a) of Section 11-501.2 of the Illinois Vehicle
11 Code, or any amount of a drug, substance, or intoxicating
12 compound in the person's blood, other bodily substance, or
13 urine resulting from the unlawful use or consumption of a
14 controlled substance listed in the Illinois Controlled
15 Substances Act, an intoxicating compound listed in the Use of
16 Intoxicating Compounds Act, or methamphetamine as listed in
17 the Methamphetamine Control and Community Protection Act, the
18 law enforcement officer shall immediately submit a sworn
19 report to the Secretary of State on a form prescribed by the
20 Secretary of State, certifying that the test or tests were
21 requested under subsection (a) of this Section and the person
22 refused to submit to a test or tests or submitted to testing
23 which disclosed an alcohol concentration of 0.08 or more, a
24 tetrahydrocannabinol concentration in the person's whole blood
25 or other bodily substance as defined in paragraph 6 of
26 subsection (a) of Section 11-501.2 of the Illinois Vehicle

1 Code, or any amount of a drug, substance, or intoxicating
2 compound in the person's blood or urine, resulting from the
3 unlawful use or consumption of a controlled substance listed
4 in the Illinois Controlled Substances Act, an intoxicating
5 compound listed in the Use of Intoxicating Compounds Act, or
6 methamphetamine as listed in the Methamphetamine Control and
7 Community Protection Act.

8 Upon receipt of the sworn report of a law enforcement
9 officer, the Secretary of State shall enter the suspension and
10 disqualification to the person's driving record and the
11 suspension and disqualification shall be effective on the 46th
12 day following the date notice of the suspension was given to
13 the person.

14 The law enforcement officer submitting the sworn report
15 shall serve immediate notice of this suspension on the person
16 and this suspension and disqualification shall be effective on
17 the 46th day following the date notice was given.

18 In cases involving a person who is a CDL holder where the
19 blood alcohol concentration of 0.08 or more, or any amount of a
20 drug, substance, or intoxicating compound resulting from the
21 unlawful use or consumption of cannabis listed in the Cannabis
22 Control Act, a controlled substance listed in the Illinois
23 Controlled Substances Act, an intoxicating compound listed in
24 the Use of Intoxicating Compounds Act, or methamphetamine as
25 listed in the Methamphetamine Control and Community Protection
26 Act, is established by a subsequent analysis of blood, other

1 bodily substance, or urine collected at the time of arrest,
2 the arresting officer shall give notice as provided in this
3 Section or by deposit in the United States mail of this notice
4 in an envelope with postage prepaid and addressed to the
5 person at his or her address as shown on the uniform citation
6 and the suspension and disqualification shall be effective on
7 the 46th day following the date notice was given. In cases
8 involving a person who is not a CDL holder where the blood
9 alcohol concentration of 0.08 or more, a tetrahydrocannabinol
10 concentration in the person's whole blood or other bodily
11 substance as defined in paragraph 6 of subsection (a) of
12 Section 11-501.2 of the Illinois Vehicle Code, or any amount
13 of a drug, substance, or intoxicating compound resulting from
14 the unlawful use or consumption of a controlled substance
15 listed in the Illinois Controlled Substances Act, an
16 intoxicating compound listed in the Use of Intoxicating
17 Compounds Act, or methamphetamine as listed in the
18 Methamphetamine Control and Community Protection Act, is
19 established by a subsequent analysis of blood, other bodily
20 substance, or urine collected at the time of arrest, the
21 arresting officer shall give notice as provided in this
22 Section or by deposit in the United States mail of this notice
23 in an envelope with postage prepaid and addressed to the
24 person at his or her address as shown on the uniform citation
25 and the suspension shall be effective on the 46th day
26 following the date notice was given.

1 Upon receipt of the sworn report of a law enforcement
2 officer, the Secretary of State shall also give notice of the
3 suspension and disqualification to the person by mailing a
4 notice of the effective date of the suspension and
5 disqualification to the person. However, should the sworn
6 report be defective by not containing sufficient information
7 or be completed in error, the notice of the suspension and
8 disqualification shall not be mailed to the person or entered
9 to the driving record, but rather the sworn report shall be
10 returned to the issuing law enforcement agency.

11 (e) A person may contest this suspension of his or her
12 driving privileges and disqualification of his or her CDL
13 privileges by requesting an administrative hearing with the
14 Secretary of State in accordance with Section 2-118 of the
15 Illinois Vehicle Code. At the conclusion of a hearing held
16 under Section 2-118 of the Illinois Vehicle Code, the
17 Secretary of State may rescind, continue, or modify the orders
18 of suspension and disqualification. If the Secretary of State
19 does not rescind the orders of suspension and
20 disqualification, a restricted driving permit may be granted
21 by the Secretary of State upon application being made and good
22 cause shown. A restricted driving permit may be granted to
23 relieve undue hardship to allow driving for employment,
24 educational, and medical purposes as outlined in Section 6-206
25 of the Illinois Vehicle Code. The provisions of Section 6-206
26 of the Illinois Vehicle Code shall apply. In accordance with

1 49 C.F.R. 384, the Secretary of State may not issue a
2 restricted driving permit for the operation of a commercial
3 motor vehicle to a person holding a CDL whose driving
4 privileges have been suspended, revoked, cancelled, or
5 disqualified.

6 (f) For the purposes of this Section, a personal injury
7 shall include any type A injury as indicated on the accident
8 report completed by a law enforcement officer that requires
9 immediate professional attention in a doctor's office or a
10 medical facility. A type A injury shall include severely
11 bleeding wounds, distorted extremities, and injuries that
12 require the injured party to be carried from the scene.

13 (Source: P.A. 99-697, eff. 7-29-16; 100-513, eff. 1-1-18.)

14 (625 ILCS 45/5-22)

15 Sec. 5-22. Operation of watercraft upon the approach of an
16 authorized emergency watercraft.

17 (a) As used in this Section, "authorized emergency
18 watercraft" includes any watercraft operated by the Illinois
19 Department of Natural Resources Police, the Illinois
20 ~~Department of~~ State Police, a county sheriff, a local law
21 enforcement agency, a fire department, a provider of emergency
22 medical services, or the United States Coast Guard, equipped
23 with alternately flashing red, blue, red and white, red and
24 blue, or red in combination with white or blue lights, while
25 engaged in official duties. Any authorized emergency

1 watercraft must be clearly emblazoned with markings
2 identifying it as a watercraft operated by the qualifying
3 agency.

4 (b) Upon the immediate approach of an authorized emergency
5 watercraft making use of rotating or flashing visual signals
6 and lawfully making use of a visual signal, the operator of
7 every other watercraft shall yield the right-of-way and shall
8 immediately reduce the speed of the watercraft, so as not to
9 create a wake, and shall yield way to the emergency
10 watercraft, moving to the right to permit the safe passage of
11 the emergency watercraft, and shall stop and remain in that
12 position until the authorized emergency watercraft has passed,
13 unless otherwise directed by a police officer.

14 (c) Upon approaching a stationary authorized emergency
15 watercraft, when the authorized emergency watercraft is giving
16 a signal by displaying rotating or alternately flashing red,
17 blue, red and white, red and blue, or red in combination with
18 white or blue lights, a person operating an approaching
19 watercraft shall proceed with due caution at no-wake speed and
20 yield the right-of-way by moving safely away from that
21 authorized emergency watercraft, proceeding with due caution
22 at a no-wake speed with due regard to safety and water
23 conditions, maintaining no-wake speed until sufficiently away
24 from the emergency watercraft so as not to create a wake that
25 would otherwise rock or otherwise disturb the authorized
26 emergency watercraft.

1 (d) This Section shall not operate to relieve the operator
2 of an authorized emergency watercraft from the duty to operate
3 that watercraft with due regard for the safety of all persons
4 using the waterway.

5 (e) A person who violates this Section commits a business
6 offense punishable by a fine of not less than \$100 or more than
7 \$10,000. It is a factor in aggravation if the person committed
8 the offense while in violation of Section 5-16 of this Act.

9 (f) If a violation of this Section results in damage to the
10 property of another person, in addition to any other penalty
11 imposed, the person's watercraft operating privileges shall be
12 suspended for a fixed period of not less than 90 days and not
13 more than one year.

14 (g) If a violation of this Section results in injury to
15 another person, in addition to any other penalty imposed, the
16 person's watercraft operating privileges shall be suspended
17 for a fixed period of not less than 180 days and not more than
18 2 years.

19 (h) If a violation of subsection (c) of this Section
20 results in great bodily harm or permanent disability or
21 disfigurement to, or the death of, another person, in addition
22 to any other penalty imposed, the person's watercraft
23 operating privileges shall be suspended for 2 years.

24 (i) The Department of Natural Resources shall, upon
25 receiving a record of a judgment entered against a person
26 under this Section:

1 (1) suspend the person's watercraft operating
2 privileges for the mandatory period; or

3 (2) extend the period of an existing suspension by the
4 appropriate mandatory period.

5 (Source: P.A. 98-102, eff. 7-22-13.)

6 (625 ILCS 45/6-1) (from Ch. 95 1/2, par. 316-1)

7 Sec. 6-1. Collisions, accidents, and casualties; reports.

8 A. The operator of a vessel involved in a collision,
9 accident, or other casualty, so far as he can without serious
10 danger to his own vessel, crew, passengers and guests, if any,
11 shall render to other persons affected by the collision,
12 accident, or other casualty assistance as may be practicable
13 and as may be necessary in order to save them from or minimize
14 any danger caused by the collision, accident, or other
15 casualty, and also shall give his name, address, and
16 identification of his vessel to any person injured and to the
17 owner of any property damaged in the collision, accident, or
18 other casualty.

19 If the collision, accident, or other casualty has resulted
20 in the death of or personal injury to any person, failure to
21 comply with this subsection A is a Class A misdemeanor.

22 A-1. Any person who has failed to stop or to comply with
23 the requirements of subsection A must, as soon as possible but
24 in no case later than one hour after the collision, accident,
25 or other casualty, or, if hospitalized and incapacitated from

1 reporting at any time during that period, as soon as possible
2 but in no case later than one hour after being discharged from
3 the hospital, report the date, place, and approximate time of
4 the collision, accident, or other casualty, the watercraft
5 operator's name and address, the identification number of the
6 watercraft, if any, and the names of all other occupants of the
7 watercraft, at a police station or sheriff's office near the
8 location where the collision, accident, or other casualty
9 occurred. A report made as required under this subsection A-1
10 may not be used, directly or indirectly, as a basis for the
11 prosecution of any violation of subsection A.

12 As used in this Section, personal injury means any injury
13 requiring treatment beyond first aid.

14 Any person failing to comply with this subsection A-1 is
15 guilty of a Class 4 felony if the collision, accident, or other
16 casualty does not result in the death of any person. Any person
17 failing to comply with this subsection A-1 when the collision,
18 accident, or other casualty results in the death of any person
19 is guilty of a Class 2 felony, for which the person, if
20 sentenced to a term of imprisonment, shall be sentenced to a
21 term of not less than 3 years and not more than 14 years.

22 B. In the case of collision, accident, or other casualty
23 involving a vessel, the operator, if the collision, accident,
24 or other casualty results in death or injury to a person or
25 damage to property in excess of \$2000, or there is a complete
26 loss of the vessel, shall file with the Department a full

1 description of the collision, accident, or other casualty,
2 including information as the Department may by regulation
3 require. Reports of the accidents must be filed with the
4 Department on a Department Accident Report form within 5 days.

5 C. Reports of accidents resulting in personal injury,
6 where a person sustains an injury requiring medical attention
7 beyond first aid, must be filed with the Department on a
8 Department Accident Report form within 5 days. Accidents that
9 result in loss of life shall be reported to the Department on a
10 Department form within 48 hours.

11 D. All required accident reports and supplemental reports
12 are without prejudice to the individual reporting, and are for
13 the confidential use of the Department, except that the
14 Department may disclose the identity of a person involved in
15 an accident when the identity is not otherwise known or when
16 the person denies his presence at the accident. No report to
17 the Department may be used as evidence in any trial, civil or
18 criminal, arising out of an accident, except that the
19 Department must furnish upon demand of any person who has or
20 claims to have made a report or upon demand of any court a
21 certificate showing that a specified accident report has or
22 has not been made to the Department solely to prove a
23 compliance or a failure to comply with the requirements that a
24 report be made to the Department.

25 E. (1) Every coroner or medical examiner shall on or
26 before the 10th day of each month report in writing to the

1 Department the circumstances surrounding the death of any
2 person that has occurred as the result of a boating
3 accident within the examiner's jurisdiction during the
4 preceding calendar month.

5 (2) Within 6 hours after a death resulting from a
6 boating accident, but in any case not more than 12 hours
7 after the occurrence of the boating accident, a blood
8 specimen of at least 10 cc shall be withdrawn from the body
9 of the decedent by the coroner or medical examiner or by a
10 qualified person at the direction of the physician. All
11 morticians shall obtain a release from the coroner or
12 medical examiner prior to proceeding with embalming any
13 body coming under the scope of this Section. The blood so
14 drawn shall be forwarded to a laboratory approved by the
15 Illinois Department of State Police for analysis of the
16 alcoholic content of the blood specimen. The coroner or
17 medical examiner causing the blood to be withdrawn shall
18 be notified of the results of each analysis made and shall
19 forward the results of each analysis to the Department.
20 The Department shall keep a record of all examinations to
21 be used for statistical purposes only. The cumulative
22 results of the examinations, without identifying the
23 individuals involved, shall be disseminated and made
24 public by the Department.

25 (Source: P.A. 93-782, eff. 1-1-05; 94-214, eff. 1-1-06.)

1 Section 955. The Public-Private Partnerships for
2 Transportation Act is amended by changing Section 70 as
3 follows:

4 (630 ILCS 5/70)

5 Sec. 70. Additional powers of transportation agencies with
6 respect to transportation projects.

7 (a) Each transportation agency may exercise any powers
8 provided under this Act in participation or cooperation with
9 any governmental entity and enter into any contracts to
10 facilitate that participation or cooperation without
11 compliance with any other statute. Each transportation agency
12 shall cooperate with each other and with other governmental
13 entities in carrying out transportation projects under this
14 Act.

15 (b) Each transportation agency may make and enter into all
16 contracts and agreements necessary or incidental to the
17 performance of the transportation agency's duties and the
18 execution of the transportation agency's powers under this
19 Act. Except as otherwise required by law, these contracts or
20 agreements are not subject to any approvals other than the
21 approval of the transportation agency and may be for any term
22 of years and contain any terms that are considered reasonable
23 by the transportation agency.

24 (c) Each transportation agency may pay the costs incurred
25 under a public-private agreement entered into under this Act

1 from any funds available to the transportation agency under
2 this Act or any other statute.

3 (d) A transportation agency or other State agency may not
4 take any action that would impair a public-private agreement
5 entered into under this Act.

6 (e) Each transportation agency may enter into an agreement
7 between and among the contractor, the transportation agency,
8 and the Illinois ~~Department of~~ State Police concerning the
9 provision of law enforcement assistance with respect to a
10 transportation project that is the subject of a public-private
11 agreement under this Act.

12 (f) Each transportation agency is authorized to enter into
13 arrangements with the Illinois ~~Department of~~ State Police
14 related to costs incurred in providing law enforcement
15 assistance under this Act.

16 (Source: P.A. 97-502, eff. 8-23-11.)

17 Section 965. The Clerks of Courts Act is amended by
18 changing Section 27.3b-1 as follows:

19 (705 ILCS 105/27.3b-1)

20 Sec. 27.3b-1. Minimum fines; disbursement of fines.

21 (a) Unless otherwise specified by law, the minimum fine
22 for a conviction or supervision disposition on a minor traffic
23 offense is \$25 and the minimum fine for a conviction,
24 supervision disposition, or violation based upon a plea of

1 guilty or finding of guilt for any other offense is \$75. If the
2 court finds that the fine would impose an undue burden on the
3 victim, the court may reduce or waive the fine. In this
4 subsection (a), "victim" shall not be construed to include the
5 defendant.

6 (b) Unless otherwise specified by law, all fines imposed
7 on a misdemeanor offense, other than a traffic, conservation,
8 or driving under the influence offense, or on a felony offense
9 shall be disbursed within 60 days after receipt by the circuit
10 clerk to the county treasurer for deposit into the county's
11 General Fund. Unless otherwise specified by law, all fines
12 imposed on an ordinance offense or a misdemeanor traffic,
13 misdemeanor conservation, or misdemeanor driving under the
14 influence offense shall be disbursed within 60 days after
15 receipt by the circuit clerk to the treasurer of the unit of
16 government of the arresting agency. If the arresting agency is
17 the office of the sheriff, the county treasurer shall deposit
18 the portion into a fund to support the law enforcement
19 operations of the office of the sheriff. If the arresting
20 agency is a State agency, the State Treasurer shall deposit
21 the portion as follows:

22 (1) if the arresting agency is the Illinois Department
23 ~~of~~ State Police, into the State Police Law Enforcement
24 Administration Fund;

25 (2) if the arresting agency is the Department of
26 Natural Resources, into the Conservation Police Operations

1 Assistance Fund;

2 (3) if the arresting agency is the Secretary of State,
3 into the Secretary of State Police Services Fund; and

4 (4) if the arresting agency is the Illinois Commerce
5 Commission, into the Transportation Regulatory Fund.

6 (Source: P.A. 100-987, eff. 7-1-19; 101-636, eff. 6-10-20.)

7 Section 970. The Criminal and Traffic Assessment Act is
8 amended by changing Sections 10-5 and 15-70 as follows:

9 (705 ILCS 135/10-5)

10 (Section scheduled to be repealed on January 1, 2022)

11 Sec. 10-5. Funds.

12 (a) All money collected by the Clerk of the Circuit Court
13 under Article 15 of this Act shall be remitted as directed in
14 Article 15 of this Act to the county treasurer, to the State
15 Treasurer, and to the treasurers of the units of local
16 government. If an amount payable to any of the treasurers is
17 less than \$10, the clerk may postpone remitting the money
18 until \$10 has accrued or by the end of fiscal year. The
19 treasurers shall deposit the money as indicated in the
20 schedules, except, in a county with a population of over
21 3,000,000, money remitted to the county treasurer shall be
22 subject to appropriation by the county board. Any amount
23 retained by the Clerk of the Circuit Court in a county with a
24 population of over 3,000,000 shall be subject to appropriation

1 by the county board.

2 (b) The county treasurer or the treasurer of the unit of
3 local government may create the funds indicated in paragraphs
4 (1) through (5), (9), and (16) of subsection (d) of this
5 Section, if not already in existence. If a county or unit of
6 local government has not instituted, and does not plan to
7 institute a program that uses a particular fund, the treasurer
8 need not create the fund and may instead deposit the money
9 intended for the fund into the general fund of the county or
10 unit of local government for use in financing the court
11 system.

12 (c) If the arresting agency is a State agency, the
13 arresting agency portion shall be remitted by the clerk of
14 court to the State Treasurer who shall deposit the portion as
15 follows:

16 (1) if the arresting agency is the Illinois Department
17 ~~of~~ State Police, into the State Police Law Enforcement
18 Administration Fund;

19 (2) if the arresting agency is the Department of
20 Natural Resources, into the Conservation Police Operations
21 Assistance Fund;

22 (3) if the arresting agency is the Secretary of State,
23 into the Secretary of State Police Services Fund; and

24 (4) if the arresting agency is the Illinois Commerce
25 Commission, into the Transportation Regulatory Fund.

26 (d) Fund descriptions and provisions:

1 (1) The Court Automation Fund is to defray the
2 expense, borne by the county, of establishing and
3 maintaining automated record keeping systems in the Office
4 of the Clerk of the Circuit Court. The money shall be
5 remitted monthly by the clerk to the county treasurer and
6 identified as funds for the Circuit Court Clerk. The fund
7 shall be audited by the county auditor, and the board
8 shall make expenditures from the fund in payment of any
9 costs related to the automation of court records including
10 hardware, software, research and development costs, and
11 personnel costs related to the foregoing, provided that
12 the expenditure is approved by the clerk of the court and
13 by the chief judge of the circuit court or his or her
14 designee.

15 (2) The Document Storage Fund is to defray the
16 expense, borne by the county, of establishing and
17 maintaining a document storage system and converting the
18 records of the circuit court clerk to electronic or
19 micrographic storage. The money shall be remitted monthly
20 by the clerk to the county treasurer and identified as
21 funds for the circuit court clerk. The fund shall be
22 audited by the county auditor, and the board shall make
23 expenditure from the fund in payment of any cost related
24 to the storage of court records, including hardware,
25 software, research and development costs, and personnel
26 costs related to the foregoing, provided that the

1 expenditure is approved by the clerk of the court.

2 (3) The Circuit Clerk Operations and Administration
3 Fund may be used to defray the expenses incurred for
4 collection and disbursement of the various assessment
5 schedules. The money shall be remitted monthly by the
6 clerk to the county treasurer and identified as funds for
7 the circuit court clerk.

8 (4) The State's Attorney Records Automation Fund is to
9 defray the expense of establishing and maintaining
10 automated record keeping systems in the offices of the
11 State's Attorney. The money shall be remitted monthly by
12 the clerk to the county treasurer for deposit into the
13 State's Attorney Records Automation Fund. Expenditures
14 from this fund may be made by the State's Attorney for
15 hardware, software, and research and development related
16 to automated record keeping systems.

17 (5) The Public Defender Records Automation Fund is to
18 defray the expense of establishing and maintaining
19 automated record keeping systems in the offices of the
20 Public Defender. The money shall be remitted monthly by
21 the clerk to the county treasurer for deposit into the
22 Public Defender Records Automation Fund. Expenditures from
23 this fund may be made by the Public Defender for hardware,
24 software, and research and development related to
25 automated record keeping systems.

26 (6) The DUI Fund shall be used for enforcement and

1 prevention of driving while under the influence of
2 alcohol, other drug or drugs, intoxicating compound or
3 compounds or any combination thereof, as defined by
4 Section 11-501 of the Illinois Vehicle Code, including,
5 but not limited to, the purchase of law enforcement
6 equipment and commodities that will assist in the
7 prevention of alcohol-related criminal violence throughout
8 the State; police officer training and education in areas
9 related to alcohol-related crime, including, but not
10 limited to, DUI training; and police officer salaries,
11 including, but not limited to, salaries for hire-back
12 funding for safety checkpoints, saturation patrols, and
13 liquor store sting operations. Any moneys shall be used to
14 purchase law enforcement equipment that will assist in the
15 prevention of alcohol-related criminal violence throughout
16 the State. The money shall be remitted monthly by the
17 clerk to the State or local treasurer for deposit as
18 provided by law.

19 (7) The Trauma Center Fund shall be distributed as
20 provided under Section 3.225 of the Emergency Medical
21 Services (EMS) Systems Act.

22 (8) The Probation and Court Services Fund is to be
23 expended as described in Section 15.1 of the Probation and
24 Probation Officers Act.

25 (9) The Circuit Court Clerk Electronic Citation Fund
26 shall have the Circuit Court Clerk as the custodian, ex

1 officio, of the Fund and shall be used to perform the
2 duties required by the office for establishing and
3 maintaining electronic citations. The Fund shall be
4 audited by the county's auditor.

5 (10) The Drug Treatment Fund is a special fund in the
6 State treasury. Moneys in the Fund shall be expended as
7 provided in Section 411.2 of the Illinois Controlled
8 Substances Act.

9 (11) The Violent Crime Victims Assistance Fund is a
10 special fund in the State treasury to provide moneys for
11 the grants to be awarded under the Violent Crime Victims
12 Assistance Act.

13 (12) The Criminal Justice Information Projects Fund
14 shall be appropriated to and administered by the Illinois
15 Criminal Justice Information Authority for distribution to
16 fund Illinois ~~Department of~~ State Police drug task forces
17 and Metropolitan Enforcement Groups, for the costs
18 associated with making grants from the Prescription Pill
19 and Drug Disposal Fund, for undertaking criminal justice
20 information projects, and for the operating and other
21 expenses of the Authority incidental to those criminal
22 justice information projects. The moneys deposited into
23 the Criminal Justice Information Projects Fund under
24 Sections 15-15 and 15-35 of this Act shall be appropriated
25 to and administered by the Illinois Criminal Justice
26 Information Authority for distribution to fund Illinois

1 ~~Department of~~ State Police drug task forces and
2 Metropolitan Enforcement Groups by dividing the funds
3 equally by the total number of Illinois ~~Department of~~
4 State Police drug task forces and Illinois Metropolitan
5 Enforcement Groups.

6 (13) The Sexual Assault Services Fund shall be
7 appropriated to the Department of Public Health. Upon
8 appropriation of moneys from the Sexual Assault Services
9 Fund, the Department of Public Health shall make grants of
10 these moneys to sexual assault organizations with whom the
11 Department has contracts for the purpose of providing
12 community-based services to victims of sexual assault.
13 Grants are in addition to, and are not substitutes for,
14 other grants authorized and made by the Department.

15 (14) The County Jail Medical Costs Fund is to help
16 defray the costs outlined in Section 17 of the County Jail
17 Act. Moneys in the Fund shall be used solely for
18 reimbursement to the county of costs for medical expenses
19 and administration of the Fund.

20 (15) The Prisoner Review Board Vehicle and Equipment
21 Fund is a special fund in the State treasury. The Prisoner
22 Review Board shall, subject to appropriation by the
23 General Assembly and approval by the Secretary, use all
24 moneys in the Prisoner Review Board Vehicle and Equipment
25 Fund for the purchase and operation of vehicles and
26 equipment.

1 (16) In each county in which a Children's Advocacy
2 Center provides services, a Child Advocacy Center Fund is
3 specifically for the operation and administration of the
4 Children's Advocacy Center, from which the county board
5 shall make grants to support the activities and services
6 of the Children's Advocacy Center within that county.

7 (Source: P.A. 100-987, eff. 7-1-19; 100-1161, eff. 7-1-19;
8 101-636, eff. 6-10-20.)

9 (705 ILCS 135/15-70)

10 (Section scheduled to be repealed on January 1, 2022)

11 Sec. 15-70. Conditional assessments. In addition to
12 payments under one of the Schedule of Assessments 1 through 13
13 of this Act, the court shall also order payment of any of the
14 following conditional assessment amounts for each sentenced
15 violation in the case to which a conditional assessment is
16 applicable, which shall be collected and remitted by the Clerk
17 of the Circuit Court as provided in this Section:

18 (1) arson, residential arson, or aggravated arson,
19 \$500 per conviction to the State Treasurer for deposit
20 into the Fire Prevention Fund;

21 (2) child pornography under Section 11-20.1 of the
22 Criminal Code of 1961 or the Criminal Code of 2012, \$500
23 per conviction, unless more than one agency is responsible
24 for the arrest in which case the amount shall be remitted
25 to each unit of government equally:

1 (A) if the arresting agency is an agency of a unit
2 of local government, \$500 to the treasurer of the unit
3 of local government for deposit into the unit of local
4 government's General Fund, except that if the Illinois
5 ~~Department~~ of State Police provides digital or
6 electronic forensic examination assistance, or both,
7 to the arresting agency then \$100 to the State
8 Treasurer for deposit into the State Crime Laboratory
9 Fund; or

10 (B) if the arresting agency is the Illinois
11 ~~Department~~ of State Police, \$500 to the State
12 Treasurer for deposit into the State Crime Laboratory
13 Fund;

14 (3) crime laboratory drug analysis for a drug-related
15 offense involving possession or delivery of cannabis or
16 possession or delivery of a controlled substance as
17 defined in the Cannabis Control Act, the Illinois
18 Controlled Substances Act, or the Methamphetamine Control
19 and Community Protection Act, \$100 reimbursement for
20 laboratory analysis, as set forth in subsection (f) of
21 Section 5-9-1.4 of the Unified Code of Corrections;

22 (4) DNA analysis, \$250 on each conviction in which it
23 was used to the State Treasurer for deposit into the State
24 Offender DNA Identification System Fund as set forth in
25 Section 5-4-3 of the Unified Code of Corrections;

26 (5) DUI analysis, \$150 on each sentenced violation in

1 which it was used as set forth in subsection (f) of Section
2 5-9-1.9 of the Unified Code of Corrections;

3 (6) drug-related offense involving possession or
4 delivery of cannabis or possession or delivery of a
5 controlled substance, other than methamphetamine, as
6 defined in the Cannabis Control Act or the Illinois
7 Controlled Substances Act, an amount not less than the
8 full street value of the cannabis or controlled substance
9 seized for each conviction to be disbursed as follows:

10 (A) 12.5% of the street value assessment shall be
11 paid into the Youth Drug Abuse Prevention Fund, to be
12 used by the Department of Human Services for the
13 funding of programs and services for drug-abuse
14 treatment, and prevention and education services;

15 (B) 37.5% to the county in which the charge was
16 prosecuted, to be deposited into the county General
17 Fund;

18 (C) 50% to the treasurer of the arresting law
19 enforcement agency of the municipality or county, or
20 to the State Treasurer if the arresting agency was a
21 state agency;

22 (D) if the arrest was made in combination with
23 multiple law enforcement agencies, the clerk shall
24 equitably allocate the portion in subparagraph (C) of
25 this paragraph (6) among the law enforcement agencies
26 involved in the arrest;

1 (6.5) Kane County or Will County, in felony,
2 misdemeanor, local or county ordinance, traffic, or
3 conservation cases, up to \$30 as set by the county board
4 under Section 5-1101.3 of the Counties Code upon the entry
5 of a judgment of conviction, an order of supervision, or a
6 sentence of probation without entry of judgment under
7 Section 10 of the Cannabis Control Act, Section 410 of the
8 Illinois Controlled Substances Act, Section 70 of the
9 Methamphetamine Control and Community Protection Act,
10 Section 12-4.3 or subdivision (b) (1) of Section 12-3.05 of
11 the Criminal Code of 1961 or the Criminal Code of 2012,
12 Section 10-102 of the Illinois Alcoholism and Other Drug
13 Dependency Act, or Section 10 of the Steroid Control Act;
14 except in local or county ordinance, traffic, and
15 conservation cases, if fines are paid in full without a
16 court appearance, then the assessment shall not be imposed
17 or collected. Distribution of assessments collected under
18 this paragraph (6.5) shall be as provided in Section
19 5-1101.3 of the Counties Code;

20 (7) methamphetamine-related offense involving
21 possession or delivery of methamphetamine or any salt of
22 an optical isomer of methamphetamine or possession of a
23 methamphetamine manufacturing material as set forth in
24 Section 10 of the Methamphetamine Control and Community
25 Protection Act with the intent to manufacture a substance
26 containing methamphetamine or salt of an optical isomer of

1 methamphetamine, an amount not less than the full street
2 value of the methamphetamine or salt of an optical isomer
3 of methamphetamine or methamphetamine manufacturing
4 materials seized for each conviction to be disbursed as
5 follows:

6 (A) 12.5% of the street value assessment shall be
7 paid into the Youth Drug Abuse Prevention Fund, to be
8 used by the Department of Human Services for the
9 funding of programs and services for drug-abuse
10 treatment, and prevention and education services;

11 (B) 37.5% to the county in which the charge was
12 prosecuted, to be deposited into the county General
13 Fund;

14 (C) 50% to the treasurer of the arresting law
15 enforcement agency of the municipality or county, or
16 to the State Treasurer if the arresting agency was a
17 state agency;

18 (D) if the arrest was made in combination with
19 multiple law enforcement agencies, the clerk shall
20 equitably allocate the portion in subparagraph (C) of
21 this paragraph (6) among the law enforcement agencies
22 involved in the arrest;

23 (8) order of protection violation under Section 12-3.4
24 of the Criminal Code of 2012, \$200 for each conviction to
25 the county treasurer for deposit into the Probation and
26 Court Services Fund for implementation of a domestic

1 violence surveillance program and any other assessments or
2 fees imposed under Section 5-9-1.16 of the Unified Code of
3 Corrections;

4 (9) order of protection violation, \$25 for each
5 violation to the State Treasurer, for deposit into the
6 Domestic Violence Abuser Services Fund;

7 (10) prosecution by the State's Attorney of a:

8 (A) petty or business offense, \$4 to the county
9 treasurer of which \$2 deposited into the State's
10 Attorney Records Automation Fund and \$2 into the
11 Public Defender Records Automation Fund;

12 (B) conservation or traffic offense, \$2 to the
13 county treasurer for deposit into the State's Attorney
14 Records Automation Fund;

15 (11) speeding in a construction zone violation, \$250
16 to the State Treasurer for deposit into the Transportation
17 Safety Highway Hire-back Fund, unless (i) the violation
18 occurred on a highway other than an interstate highway and
19 (ii) a county police officer wrote the ticket for the
20 violation, in which case to the county treasurer for
21 deposit into that county's Transportation Safety Highway
22 Hire-back Fund;

23 (12) supervision disposition on an offense under the
24 Illinois Vehicle Code or similar provision of a local
25 ordinance, 50 cents, unless waived by the court, into the
26 Prisoner Review Board Vehicle and Equipment Fund;

1 (13) victim and offender are family or household
2 members as defined in Section 103 of the Illinois Domestic
3 Violence Act of 1986 and offender pleads guilty or no
4 contest to or is convicted of murder, voluntary
5 manslaughter, involuntary manslaughter, burglary,
6 residential burglary, criminal trespass to residence,
7 criminal trespass to vehicle, criminal trespass to land,
8 criminal damage to property, telephone harassment,
9 kidnapping, aggravated kidnaping, unlawful restraint,
10 forcible detention, child abduction, indecent solicitation
11 of a child, sexual relations between siblings,
12 exploitation of a child, child pornography, assault,
13 aggravated assault, battery, aggravated battery, heinous
14 battery, aggravated battery of a child, domestic battery,
15 reckless conduct, intimidation, criminal sexual assault,
16 predatory criminal sexual assault of a child, aggravated
17 criminal sexual assault, criminal sexual abuse, aggravated
18 criminal sexual abuse, violation of an order of
19 protection, disorderly conduct, endangering the life or
20 health of a child, child abandonment, contributing to
21 dependency or neglect of child, or cruelty to children and
22 others, \$200 for each sentenced violation to the State
23 Treasurer for deposit as follows: (i) for sexual assault,
24 as defined in Section 5-9-1.7 of the Unified Code of
25 Corrections, when the offender and victim are family
26 members, one-half to the Domestic Violence Shelter and

1 Service Fund, and one-half to the Sexual Assault Services
2 Fund; (ii) for the remaining offenses to the Domestic
3 Violence Shelter and Service Fund;

4 (14) violation of Section 11-501 of the Illinois
5 Vehicle Code, Section 5-7 of the Snowmobile Registration
6 and Safety Act, Section 5-16 of the Boat Registration and
7 Safety Act, or a similar provision, whose operation of a
8 motor vehicle, snowmobile, or watercraft while in
9 violation of Section 11-501, Section 5-7 of the Snowmobile
10 Registration and Safety Act, Section 5-16 of the Boat
11 Registration and Safety Act, or a similar provision
12 proximately caused an incident resulting in an appropriate
13 emergency response, \$1,000 maximum to the public agency
14 that provided an emergency response related to the
15 person's violation, and if more than one agency responded,
16 the amount payable to public agencies shall be shared
17 equally;

18 (15) violation of Section 401, 407, or 407.2 of the
19 Illinois Controlled Substances Act that proximately caused
20 any incident resulting in an appropriate drug-related
21 emergency response, \$1,000 as reimbursement for the
22 emergency response to the law enforcement agency that made
23 the arrest, and if more than one agency is responsible for
24 the arrest, the amount payable to law enforcement agencies
25 shall be shared equally;

26 (16) violation of reckless driving, aggravated

1 reckless driving, or driving 26 miles per hour or more in
2 excess of the speed limit that triggered an emergency
3 response, \$1,000 maximum reimbursement for the emergency
4 response to be distributed in its entirety to a public
5 agency that provided an emergency response related to the
6 person's violation, and if more than one agency responded,
7 the amount payable to public agencies shall be shared
8 equally;

9 (17) violation based upon each plea of guilty,
10 stipulation of facts, or finding of guilt resulting in a
11 judgment of conviction or order of supervision for an
12 offense under Section 10-9, 11-14.1, 11-14.3, or 11-18 of
13 the Criminal Code of 2012 that results in the imposition
14 of a fine, to be distributed as follows:

15 (A) \$50 to the county treasurer for deposit into
16 the Circuit Court Clerk Operation and Administrative
17 Fund to cover the costs in administering this
18 paragraph (17);

19 (B) \$300 to the State Treasurer who shall deposit
20 the portion as follows:

21 (i) if the arresting or investigating agency
22 is the Illinois Department of State Police, into
23 the State Police Law Enforcement Administration
24 Fund;

25 (ii) if the arresting or investigating agency
26 is the Department of Natural Resources, into the

1 Conservation Police Operations Assistance Fund;

2 (iii) if the arresting or investigating agency

3 is the Secretary of State, into the Secretary of

4 State Police Services Fund;

5 (iv) if the arresting or investigating agency

6 is the Illinois Commerce Commission, into the

7 Transportation Regulatory Fund; or

8 (v) if more than one of the State agencies in

9 this subparagraph (B) is the arresting or

10 investigating agency, then equal shares with the

11 shares deposited as provided in the applicable

12 items (i) through (iv) of this subparagraph (B);

13 and

14 (C) the remainder for deposit into the Specialized

15 Services for Survivors of Human Trafficking Fund;

16 (18) weapons violation under Section 24-1.1, 24-1.2,

17 or 24-1.5 of the Criminal Code of 1961 or the Criminal Code

18 of 2012, \$100 for each conviction to the State Treasurer

19 for deposit into the Trauma Center Fund; and

20 (19) violation of subsection (c) of Section 11-907 of

21 the Illinois Vehicle Code, \$250 to the State Treasurer for

22 deposit into the Scott's Law Fund, unless a county or

23 municipal police officer wrote the ticket for the

24 violation, in which case to the county treasurer for

25 deposit into that county's or municipality's

26 Transportation Safety Highway Hire-back Fund to be used as

1 provided in subsection (j) of Section 11-907 of the
2 Illinois Vehicle Code.

3 (Source: P.A. 100-987, eff. 7-1-19; 100-1161, eff. 7-1-19;
4 101-173, eff. 1-1-20; 101-636, eff. 6-10-20.)

5 Section 975. The Juvenile Court Act of 1987 is amended by
6 changing Sections 1-3, 1-7, 1-8, 2-21, 2-25, 3-26, 4-23,
7 5-105, 5-301, 5-305, 5-730, 5-901, and 5-915 as follows:

8 (705 ILCS 405/1-3) (from Ch. 37, par. 801-3)

9 Sec. 1-3. Definitions. Terms used in this Act, unless the
10 context otherwise requires, have the following meanings
11 ascribed to them:

12 (1) "Adjudicatory hearing" means a hearing to determine
13 whether the allegations of a petition under Section 2-13, 3-15
14 or 4-12 that a minor under 18 years of age is abused, neglected
15 or dependent, or requires authoritative intervention, or
16 addicted, respectively, are supported by a preponderance of
17 the evidence or whether the allegations of a petition under
18 Section 5-520 that a minor is delinquent are proved beyond a
19 reasonable doubt.

20 (2) "Adult" means a person 21 years of age or older.

21 (3) "Agency" means a public or private child care facility
22 legally authorized or licensed by this State for placement or
23 institutional care or for both placement and institutional
24 care.

1 (4) "Association" means any organization, public or
2 private, engaged in welfare functions which include services
3 to or on behalf of children but does not include "agency" as
4 herein defined.

5 (4.05) Whenever a "best interest" determination is
6 required, the following factors shall be considered in the
7 context of the child's age and developmental needs:

8 (a) the physical safety and welfare of the child,
9 including food, shelter, health, and clothing;

10 (b) the development of the child's identity;

11 (c) the child's background and ties, including
12 familial, cultural, and religious;

13 (d) the child's sense of attachments, including:

14 (i) where the child actually feels love,
15 attachment, and a sense of being valued (as opposed to
16 where adults believe the child should feel such love,
17 attachment, and a sense of being valued);

18 (ii) the child's sense of security;

19 (iii) the child's sense of familiarity;

20 (iv) continuity of affection for the child;

21 (v) the least disruptive placement alternative for
22 the child;

23 (e) the child's wishes and long-term goals;

24 (f) the child's community ties, including church,
25 school, and friends;

26 (g) the child's need for permanence which includes the

1 child's need for stability and continuity of relationships
2 with parent figures and with siblings and other relatives;

3 (h) the uniqueness of every family and child;

4 (i) the risks attendant to entering and being in
5 substitute care; and

6 (j) the preferences of the persons available to care
7 for the child.

8 (4.1) "Chronic truant" shall have the definition ascribed
9 to it in Section 26-2a of the School Code.

10 (5) "Court" means the circuit court in a session or
11 division assigned to hear proceedings under this Act.

12 (6) "Dispositional hearing" means a hearing to determine
13 whether a minor should be adjudged to be a ward of the court,
14 and to determine what order of disposition should be made in
15 respect to a minor adjudged to be a ward of the court.

16 (6.5) "Dissemination" or "disseminate" means to publish,
17 produce, print, manufacture, distribute, sell, lease, exhibit,
18 broadcast, display, transmit, or otherwise share information
19 in any format so as to make the information accessible to
20 others.

21 (7) "Emancipated minor" means any minor 16 years of age or
22 over who has been completely or partially emancipated under
23 the Emancipation of Minors Act or under this Act.

24 (7.03) "Expunge" means to physically destroy the records
25 and to obliterate the minor's name from any official index,
26 public record, or electronic database.

1 (7.05) "Foster parent" includes a relative caregiver
2 selected by the Department of Children and Family Services to
3 provide care for the minor.

4 (8) "Guardianship of the person" of a minor means the duty
5 and authority to act in the best interests of the minor,
6 subject to residual parental rights and responsibilities, to
7 make important decisions in matters having a permanent effect
8 on the life and development of the minor and to be concerned
9 with his or her general welfare. It includes but is not
10 necessarily limited to:

11 (a) the authority to consent to marriage, to
12 enlistment in the armed forces of the United States, or to
13 a major medical, psychiatric, and surgical treatment; to
14 represent the minor in legal actions; and to make other
15 decisions of substantial legal significance concerning the
16 minor;

17 (b) the authority and duty of reasonable visitation,
18 except to the extent that these have been limited in the
19 best interests of the minor by court order;

20 (c) the rights and responsibilities of legal custody
21 except where legal custody has been vested in another
22 person or agency; and

23 (d) the power to consent to the adoption of the minor,
24 but only if expressly conferred on the guardian in
25 accordance with Section 2-29, 3-30, or 4-27.

26 (8.1) "Juvenile court record" includes, but is not limited

1 to:

2 (a) all documents filed in or maintained by the
3 juvenile court pertaining to a specific incident,
4 proceeding, or individual;

5 (b) all documents relating to a specific incident,
6 proceeding, or individual made available to or maintained
7 by probation officers;

8 (c) all documents, video or audio tapes, photographs,
9 and exhibits admitted into evidence at juvenile court
10 hearings; or

11 (d) all documents, transcripts, records, reports, or
12 other evidence prepared by, maintained by, or released by
13 any municipal, county, or State agency or department, in
14 any format, if indicating involvement with the juvenile
15 court relating to a specific incident, proceeding, or
16 individual.

17 (8.2) "Juvenile law enforcement record" includes records
18 of arrest, station adjustments, fingerprints, probation
19 adjustments, the issuance of a notice to appear, or any other
20 records or documents maintained by any law enforcement agency
21 relating to a minor suspected of committing an offense, and
22 records maintained by a law enforcement agency that identifies
23 a juvenile as a suspect in committing an offense, but does not
24 include records identifying a juvenile as a victim, witness,
25 or missing juvenile and any records created, maintained, or
26 used for purposes of referral to programs relating to

1 diversion as defined in subsection (6) of Section 5-105.

2 (9) "Legal custody" means the relationship created by an
3 order of court in the best interests of the minor which imposes
4 on the custodian the responsibility of physical possession of
5 a minor and the duty to protect, train and discipline him and
6 to provide him with food, shelter, education and ordinary
7 medical care, except as these are limited by residual parental
8 rights and responsibilities and the rights and
9 responsibilities of the guardian of the person, if any.

10 (9.1) "Mentally capable adult relative" means a person 21
11 years of age or older who is not suffering from a mental
12 illness that prevents him or her from providing the care
13 necessary to safeguard the physical safety and welfare of a
14 minor who is left in that person's care by the parent or
15 parents or other person responsible for the minor's welfare.

16 (10) "Minor" means a person under the age of 21 years
17 subject to this Act.

18 (11) "Parent" means a father or mother of a child and
19 includes any adoptive parent. It also includes a person (i)
20 whose parentage is presumed or has been established under the
21 law of this or another jurisdiction or (ii) who has registered
22 with the Putative Father Registry in accordance with Section
23 12.1 of the Adoption Act and whose paternity has not been ruled
24 out under the law of this or another jurisdiction. It does not
25 include a parent whose rights in respect to the minor have been
26 terminated in any manner provided by law. It does not include a

1 person who has been or could be determined to be a parent under
2 the Illinois Parentage Act of 1984 or the Illinois Parentage
3 Act of 2015, or similar parentage law in any other state, if
4 that person has been convicted of or pled nolo contendere to a
5 crime that resulted in the conception of the child under
6 Section 11-1.20, 11-1.30, 11-1.40, 11-11, 12-13, 12-14,
7 12-14.1, subsection (a) or (b) (but not subsection (c)) of
8 Section 11-1.50 or 12-15, or subsection (a), (b), (c), (e), or
9 (f) (but not subsection (d)) of Section 11-1.60 or 12-16 of the
10 Criminal Code of 1961 or the Criminal Code of 2012, or similar
11 statute in another jurisdiction unless upon motion of any
12 party, other than the offender, to the juvenile court
13 proceedings the court finds it is in the child's best interest
14 to deem the offender a parent for purposes of the juvenile
15 court proceedings.

16 (11.1) "Permanency goal" means a goal set by the court as
17 defined in subdivision (2) of Section 2-28.

18 (11.2) "Permanency hearing" means a hearing to set the
19 permanency goal and to review and determine (i) the
20 appropriateness of the services contained in the plan and
21 whether those services have been provided, (ii) whether
22 reasonable efforts have been made by all the parties to the
23 service plan to achieve the goal, and (iii) whether the plan
24 and goal have been achieved.

25 (12) "Petition" means the petition provided for in Section
26 2-13, 3-15, 4-12 or 5-520, including any supplemental

1 petitions thereunder in Section 3-15, 4-12 or 5-520.

2 (12.1) "Physically capable adult relative" means a person
3 21 years of age or older who does not have a severe physical
4 disability or medical condition, or is not suffering from
5 alcoholism or drug addiction, that prevents him or her from
6 providing the care necessary to safeguard the physical safety
7 and welfare of a minor who is left in that person's care by the
8 parent or parents or other person responsible for the minor's
9 welfare.

10 (12.2) "Post Permanency Sibling Contact Agreement" has the
11 meaning ascribed to the term in Section 7.4 of the Children and
12 Family Services Act.

13 (12.3) "Residential treatment center" means a licensed
14 setting that provides 24-hour care to children in a group home
15 or institution, including a facility licensed as a child care
16 institution under Section 2.06 of the Child Care Act of 1969, a
17 licensed group home under Section 2.16 of the Child Care Act of
18 1969, a secure child care facility as defined in paragraph
19 (18) of this Section, or any similar facility in another
20 state. "Residential treatment center" does not include a
21 relative foster home or a licensed foster family home.

22 (13) "Residual parental rights and responsibilities" means
23 those rights and responsibilities remaining with the parent
24 after the transfer of legal custody or guardianship of the
25 person, including, but not necessarily limited to, the right
26 to reasonable visitation (which may be limited by the court in

1 the best interests of the minor as provided in subsection
2 (8)(b) of this Section), the right to consent to adoption, the
3 right to determine the minor's religious affiliation, and the
4 responsibility for his support.

5 (14) "Shelter" means the temporary care of a minor in
6 physically unrestricting facilities pending court disposition
7 or execution of court order for placement.

8 (14.05) "Shelter placement" means a temporary or emergency
9 placement for a minor, including an emergency foster home
10 placement.

11 (14.1) "Sibling Contact Support Plan" has the meaning
12 ascribed to the term in Section 7.4 of the Children and Family
13 Services Act.

14 (14.2) "Significant event report" means a written document
15 describing an occurrence or event beyond the customary
16 operations, routines, or relationships in the Department of
17 Children of Family Services, a child care facility, or other
18 entity that is licensed or regulated by the Department of
19 Children of Family Services or that provides services for the
20 Department of Children of Family Services under a grant,
21 contract, or purchase of service agreement; involving children
22 or youth, employees, foster parents, or relative caregivers;
23 allegations of abuse or neglect or any other incident raising
24 a concern about the well-being of a minor under the
25 jurisdiction of the court under Article II of the Juvenile
26 Court Act; incidents involving damage to property, allegations

1 of criminal activity, misconduct, or other occurrences
2 affecting the operations of the Department of Children of
3 Family Services or a child care facility; any incident that
4 could have media impact; and unusual incidents as defined by
5 Department of Children and Family Services rule.

6 (15) "Station adjustment" means the informal handling of
7 an alleged offender by a juvenile police officer.

8 (16) "Ward of the court" means a minor who is so adjudged
9 under Section 2-22, 3-23, 4-20 or 5-705, after a finding of the
10 requisite jurisdictional facts, and thus is subject to the
11 dispositional powers of the court under this Act.

12 (17) "Juvenile police officer" means a sworn police
13 officer who has completed a Basic Recruit Training Course, has
14 been assigned to the position of juvenile police officer by
15 his or her chief law enforcement officer and has completed the
16 necessary juvenile officers training as prescribed by the
17 Illinois Law Enforcement Training Standards Board, or in the
18 case of a State police officer, juvenile officer training
19 approved by the Director of the Illinois ~~Department of~~ State
20 Police.

21 (18) "Secure child care facility" means any child care
22 facility licensed by the Department of Children and Family
23 Services to provide secure living arrangements for children
24 under 18 years of age who are subject to placement in
25 facilities under the Children and Family Services Act and who
26 are not subject to placement in facilities for whom standards

1 are established by the Department of Corrections under Section
2 3-15-2 of the Unified Code of Corrections. "Secure child care
3 facility" also means a facility that is designed and operated
4 to ensure that all entrances and exits from the facility, a
5 building, or a distinct part of the building are under the
6 exclusive control of the staff of the facility, whether or not
7 the child has the freedom of movement within the perimeter of
8 the facility, building, or distinct part of the building.

9 (Source: P.A. 99-85, eff. 1-1-16; 100-136, eff. 8-8-17;
10 100-229, eff. 1-1-18; 100-689, eff. 1-1-19; 100-863, eff.
11 8-14-18; 100-1162, eff. 12-20-18.)

12 (705 ILCS 405/1-7) (from Ch. 37, par. 801-7)

13 Sec. 1-7. Confidentiality of juvenile law enforcement and
14 municipal ordinance violation records.

15 (A) All juvenile law enforcement records which have not
16 been expunged are confidential and may never be disclosed to
17 the general public or otherwise made widely available.
18 Juvenile law enforcement records may be obtained only under
19 this Section and Section 1-8 and Part 9 of Article V of this
20 Act, when their use is needed for good cause and with an order
21 from the juvenile court, as required by those not authorized
22 to retain them. Inspection, copying, and disclosure of
23 juvenile law enforcement records maintained by law enforcement
24 agencies or records of municipal ordinance violations
25 maintained by any State, local, or municipal agency that

1 relate to a minor who has been investigated, arrested, or
2 taken into custody before his or her 18th birthday shall be
3 restricted to the following:

4 (0.05) The minor who is the subject of the juvenile
5 law enforcement record, his or her parents, guardian, and
6 counsel.

7 (0.10) Judges of the circuit court and members of the
8 staff of the court designated by the judge.

9 (0.15) An administrative adjudication hearing officer
10 or members of the staff designated to assist in the
11 administrative adjudication process.

12 (1) Any local, State, or federal law enforcement
13 officers or designated law enforcement staff of any
14 jurisdiction or agency when necessary for the discharge of
15 their official duties during the investigation or
16 prosecution of a crime or relating to a minor who has been
17 adjudicated delinquent and there has been a previous
18 finding that the act which constitutes the previous
19 offense was committed in furtherance of criminal
20 activities by a criminal street gang, or, when necessary
21 for the discharge of its official duties in connection
22 with a particular investigation of the conduct of a law
23 enforcement officer, an independent agency or its staff
24 created by ordinance and charged by a unit of local
25 government with the duty of investigating the conduct of
26 law enforcement officers. For purposes of this Section,

1 "criminal street gang" has the meaning ascribed to it in
2 Section 10 of the Illinois Streetgang Terrorism Omnibus
3 Prevention Act.

4 (2) Prosecutors, public defenders, probation officers,
5 social workers, or other individuals assigned by the court
6 to conduct a pre-adjudication or pre-disposition
7 investigation, and individuals responsible for supervising
8 or providing temporary or permanent care and custody for
9 minors under the order of the juvenile court, when
10 essential to performing their responsibilities.

11 (3) Federal, State, or local prosecutors, public
12 defenders, probation officers, and designated staff:

13 (a) in the course of a trial when institution of
14 criminal proceedings has been permitted or required
15 under Section 5-805;

16 (b) when institution of criminal proceedings has
17 been permitted or required under Section 5-805 and the
18 minor is the subject of a proceeding to determine the
19 amount of bail;

20 (c) when criminal proceedings have been permitted
21 or required under Section 5-805 and the minor is the
22 subject of a pre-trial investigation, pre-sentence
23 investigation, fitness hearing, or proceedings on an
24 application for probation; or

25 (d) in the course of prosecution or administrative
26 adjudication of a violation of a traffic, boating, or

1 fish and game law, or a county or municipal ordinance.

2 (4) Adult and Juvenile Prisoner Review Board.

3 (5) Authorized military personnel.

4 (5.5) Employees of the federal government authorized
5 by law.

6 (6) Persons engaged in bona fide research, with the
7 permission of the Presiding Judge and the chief executive
8 of the respective law enforcement agency; provided that
9 publication of such research results in no disclosure of a
10 minor's identity and protects the confidentiality of the
11 minor's record.

12 (7) Department of Children and Family Services child
13 protection investigators acting in their official
14 capacity.

15 (8) The appropriate school official only if the agency
16 or officer believes that there is an imminent threat of
17 physical harm to students, school personnel, or others who
18 are present in the school or on school grounds.

19 (A) Inspection and copying shall be limited to
20 juvenile law enforcement records transmitted to the
21 appropriate school official or officials whom the
22 school has determined to have a legitimate educational
23 or safety interest by a local law enforcement agency
24 under a reciprocal reporting system established and
25 maintained between the school district and the local
26 law enforcement agency under Section 10-20.14 of the

1 School Code concerning a minor enrolled in a school
2 within the school district who has been arrested or
3 taken into custody for any of the following offenses:

4 (i) any violation of Article 24 of the
5 Criminal Code of 1961 or the Criminal Code of
6 2012;

7 (ii) a violation of the Illinois Controlled
8 Substances Act;

9 (iii) a violation of the Cannabis Control Act;

10 (iv) a forcible felony as defined in Section
11 2-8 of the Criminal Code of 1961 or the Criminal
12 Code of 2012;

13 (v) a violation of the Methamphetamine Control
14 and Community Protection Act;

15 (vi) a violation of Section 1-2 of the
16 Harassing and Obscene Communications Act;

17 (vii) a violation of the Hazing Act; or

18 (viii) a violation of Section 12-1, 12-2,
19 12-3, 12-3.05, 12-3.1, 12-3.2, 12-3.4, 12-3.5,
20 12-5, 12-7.3, 12-7.4, 12-7.5, 25-1, or 25-5 of the
21 Criminal Code of 1961 or the Criminal Code of
22 2012.

23 The information derived from the juvenile law
24 enforcement records shall be kept separate from and
25 shall not become a part of the official school record
26 of that child and shall not be a public record. The

1 information shall be used solely by the appropriate
2 school official or officials whom the school has
3 determined to have a legitimate educational or safety
4 interest to aid in the proper rehabilitation of the
5 child and to protect the safety of students and
6 employees in the school. If the designated law
7 enforcement and school officials deem it to be in the
8 best interest of the minor, the student may be
9 referred to in-school or community-based social
10 services if those services are available.
11 "Rehabilitation services" may include interventions by
12 school support personnel, evaluation for eligibility
13 for special education, referrals to community-based
14 agencies such as youth services, behavioral healthcare
15 service providers, drug and alcohol prevention or
16 treatment programs, and other interventions as deemed
17 appropriate for the student.

18 (B) Any information provided to appropriate school
19 officials whom the school has determined to have a
20 legitimate educational or safety interest by local law
21 enforcement officials about a minor who is the subject
22 of a current police investigation that is directly
23 related to school safety shall consist of oral
24 information only, and not written juvenile law
25 enforcement records, and shall be used solely by the
26 appropriate school official or officials to protect

1 the safety of students and employees in the school and
2 aid in the proper rehabilitation of the child. The
3 information derived orally from the local law
4 enforcement officials shall be kept separate from and
5 shall not become a part of the official school record
6 of the child and shall not be a public record. This
7 limitation on the use of information about a minor who
8 is the subject of a current police investigation shall
9 in no way limit the use of this information by
10 prosecutors in pursuing criminal charges arising out
11 of the information disclosed during a police
12 investigation of the minor. For purposes of this
13 paragraph, "investigation" means an official
14 systematic inquiry by a law enforcement agency into
15 actual or suspected criminal activity.

16 (9) Mental health professionals on behalf of the
17 Department of Corrections or the Department of Human
18 Services or prosecutors who are evaluating, prosecuting,
19 or investigating a potential or actual petition brought
20 under the Sexually Violent Persons Commitment Act relating
21 to a person who is the subject of juvenile law enforcement
22 records or the respondent to a petition brought under the
23 Sexually Violent Persons Commitment Act who is the subject
24 of the juvenile law enforcement records sought. Any
25 juvenile law enforcement records and any information
26 obtained from those juvenile law enforcement records under

1 this paragraph (9) may be used only in sexually violent
2 persons commitment proceedings.

3 (10) The president of a park district. Inspection and
4 copying shall be limited to juvenile law enforcement
5 records transmitted to the president of the park district
6 by the Illinois ~~Department of~~ State Police under Section
7 8-23 of the Park District Code or Section 16a-5 of the
8 Chicago Park District Act concerning a person who is
9 seeking employment with that park district and who has
10 been adjudicated a juvenile delinquent for any of the
11 offenses listed in subsection (c) of Section 8-23 of the
12 Park District Code or subsection (c) of Section 16a-5 of
13 the Chicago Park District Act.

14 (11) Persons managing and designated to participate in
15 a court diversion program as designated in subsection (6)
16 of Section 5-105.

17 (12) The Public Access Counselor of the Office of the
18 Attorney General, when reviewing juvenile law enforcement
19 records under its powers and duties under the Freedom of
20 Information Act.

21 (13) Collection agencies, contracted or otherwise
22 engaged by a governmental entity, to collect any debts due
23 and owing to the governmental entity.

24 (B)(1) Except as provided in paragraph (2), no law
25 enforcement officer or other person or agency may knowingly
26 transmit to the Department of Corrections, the Illinois

1 ~~Department of~~ State Police, or ~~to~~ the Federal Bureau of
2 Investigation any fingerprint or photograph relating to a
3 minor who has been arrested or taken into custody before his or
4 her 18th birthday, unless the court in proceedings under this
5 Act authorizes the transmission or enters an order under
6 Section 5-805 permitting or requiring the institution of
7 criminal proceedings.

8 (2) Law enforcement officers or other persons or agencies
9 shall transmit to the Illinois ~~Department of~~ State Police
10 copies of fingerprints and descriptions of all minors who have
11 been arrested or taken into custody before their 18th birthday
12 for the offense of unlawful use of weapons under Article 24 of
13 the Criminal Code of 1961 or the Criminal Code of 2012, a Class
14 X or Class 1 felony, a forcible felony as defined in Section
15 2-8 of the Criminal Code of 1961 or the Criminal Code of 2012,
16 or a Class 2 or greater felony under the Cannabis Control Act,
17 the Illinois Controlled Substances Act, the Methamphetamine
18 Control and Community Protection Act, or Chapter 4 of the
19 Illinois Vehicle Code, pursuant to Section 5 of the Criminal
20 Identification Act. Information reported to the Department
21 pursuant to this Section may be maintained with records that
22 the Department files pursuant to Section 2.1 of the Criminal
23 Identification Act. Nothing in this Act prohibits a law
24 enforcement agency from fingerprinting a minor taken into
25 custody or arrested before his or her 18th birthday for an
26 offense other than those listed in this paragraph (2).

1 (C) The records of law enforcement officers, or of an
2 independent agency created by ordinance and charged by a unit
3 of local government with the duty of investigating the conduct
4 of law enforcement officers, concerning all minors under 18
5 years of age must be maintained separate from the records of
6 arrests and may not be open to public inspection or their
7 contents disclosed to the public. For purposes of obtaining
8 documents under this Section, a civil subpoena is not an order
9 of the court.

10 (1) In cases where the law enforcement, or independent
11 agency, records concern a pending juvenile court case, the
12 party seeking to inspect the records shall provide actual
13 notice to the attorney or guardian ad litem of the minor
14 whose records are sought.

15 (2) In cases where the records concern a juvenile
16 court case that is no longer pending, the party seeking to
17 inspect the records shall provide actual notice to the
18 minor or the minor's parent or legal guardian, and the
19 matter shall be referred to the chief judge presiding over
20 matters pursuant to this Act.

21 (3) In determining whether the records should be
22 available for inspection, the court shall consider the
23 minor's interest in confidentiality and rehabilitation
24 over the moving party's interest in obtaining the
25 information. Any records obtained in violation of this
26 subsection (C) shall not be admissible in any criminal or

1 civil proceeding, or operate to disqualify a minor from
2 subsequently holding public office or securing employment,
3 or operate as a forfeiture of any public benefit, right,
4 privilege, or right to receive any license granted by
5 public authority.

6 (D) Nothing contained in subsection (C) of this Section
7 shall prohibit the inspection or disclosure to victims and
8 witnesses of photographs contained in the records of law
9 enforcement agencies when the inspection and disclosure is
10 conducted in the presence of a law enforcement officer for the
11 purpose of the identification or apprehension of any person
12 subject to the provisions of this Act or for the investigation
13 or prosecution of any crime.

14 (E) Law enforcement officers, and personnel of an
15 independent agency created by ordinance and charged by a unit
16 of local government with the duty of investigating the conduct
17 of law enforcement officers, may not disclose the identity of
18 any minor in releasing information to the general public as to
19 the arrest, investigation or disposition of any case involving
20 a minor.

21 (F) Nothing contained in this Section shall prohibit law
22 enforcement agencies from communicating with each other by
23 letter, memorandum, teletype, or intelligence alert bulletin
24 or other means the identity or other relevant information
25 pertaining to a person under 18 years of age if there are
26 reasonable grounds to believe that the person poses a real and

1 present danger to the safety of the public or law enforcement
2 officers. The information provided under this subsection (F)
3 shall remain confidential and shall not be publicly disclosed,
4 except as otherwise allowed by law.

5 (G) Nothing in this Section shall prohibit the right of a
6 Civil Service Commission or appointing authority of any
7 federal government, state, county or municipality examining
8 the character and fitness of an applicant for employment with
9 a law enforcement agency, correctional institution, or fire
10 department from obtaining and examining the records of any law
11 enforcement agency relating to any record of the applicant
12 having been arrested or taken into custody before the
13 applicant's 18th birthday.

14 (G-5) Information identifying victims and alleged victims
15 of sex offenses shall not be disclosed or open to the public
16 under any circumstances. Nothing in this Section shall
17 prohibit the victim or alleged victim of any sex offense from
18 voluntarily disclosing his or her own identity.

19 (H) The changes made to this Section by Public Act 98-61
20 apply to law enforcement records of a minor who has been
21 arrested or taken into custody on or after January 1, 2014 (the
22 effective date of Public Act 98-61).

23 (H-5) Nothing in this Section shall require any court or
24 adjudicative proceeding for traffic, boating, fish and game
25 law, or municipal and county ordinance violations to be closed
26 to the public.

1 (I) Willful violation of this Section is a Class C
2 misdemeanor and each violation is subject to a fine of \$1,000.
3 This subsection (I) shall not apply to the person who is the
4 subject of the record.

5 (J) A person convicted of violating this Section is liable
6 for damages in the amount of \$1,000 or actual damages,
7 whichever is greater.

8 (Source: P.A. 99-298, eff. 8-6-15; 100-285, eff. 1-1-18;
9 100-720, eff. 8-3-18; 100-863, eff. 8-14-18; 100-1162, eff.
10 12-20-18.)

11 (705 ILCS 405/1-8) (from Ch. 37, par. 801-8)

12 Sec. 1-8. Confidentiality and accessibility of juvenile
13 court records.

14 (A) A juvenile adjudication shall never be considered a
15 conviction nor shall an adjudicated individual be considered a
16 criminal. Unless expressly allowed by law, a juvenile
17 adjudication shall not operate to impose upon the individual
18 any of the civil disabilities ordinarily imposed by or
19 resulting from conviction. Unless expressly allowed by law,
20 adjudications shall not prejudice or disqualify the individual
21 in any civil service application or appointment, from holding
22 public office, or from receiving any license granted by public
23 authority. All juvenile court records which have not been
24 expunged are sealed and may never be disclosed to the general
25 public or otherwise made widely available. Sealed juvenile

1 court records may be obtained only under this Section and
2 Section 1-7 and Part 9 of Article V of this Act, when their use
3 is needed for good cause and with an order from the juvenile
4 court. Inspection and copying of juvenile court records
5 relating to a minor who is the subject of a proceeding under
6 this Act shall be restricted to the following:

7 (1) The minor who is the subject of record, his or her
8 parents, guardian, and counsel.

9 (2) Law enforcement officers and law enforcement
10 agencies when such information is essential to executing
11 an arrest or search warrant or other compulsory process,
12 or to conducting an ongoing investigation or relating to a
13 minor who has been adjudicated delinquent and there has
14 been a previous finding that the act which constitutes the
15 previous offense was committed in furtherance of criminal
16 activities by a criminal street gang.

17 Before July 1, 1994, for the purposes of this Section,
18 "criminal street gang" means any ongoing organization,
19 association, or group of 3 or more persons, whether formal
20 or informal, having as one of its primary activities the
21 commission of one or more criminal acts and that has a
22 common name or common identifying sign, symbol or specific
23 color apparel displayed, and whose members individually or
24 collectively engage in or have engaged in a pattern of
25 criminal activity.

26 Beginning July 1, 1994, for purposes of this Section,

1 "criminal street gang" has the meaning ascribed to it in
2 Section 10 of the Illinois Streetgang Terrorism Omnibus
3 Prevention Act.

4 (3) Judges, hearing officers, prosecutors, public
5 defenders, probation officers, social workers, or other
6 individuals assigned by the court to conduct a
7 pre-adjudication or pre-disposition investigation, and
8 individuals responsible for supervising or providing
9 temporary or permanent care and custody for minors under
10 the order of the juvenile court when essential to
11 performing their responsibilities.

12 (4) Judges, federal, State, and local prosecutors,
13 public defenders, probation officers, and designated
14 staff:

15 (a) in the course of a trial when institution of
16 criminal proceedings has been permitted or required
17 under Section 5-805;

18 (b) when criminal proceedings have been permitted
19 or required under Section 5-805 and a minor is the
20 subject of a proceeding to determine the amount of
21 bail;

22 (c) when criminal proceedings have been permitted
23 or required under Section 5-805 and a minor is the
24 subject of a pre-trial investigation, pre-sentence
25 investigation or fitness hearing, or proceedings on an
26 application for probation; or

1 (d) when a minor becomes 18 years of age or older,
2 and is the subject of criminal proceedings, including
3 a hearing to determine the amount of bail, a pre-trial
4 investigation, a pre-sentence investigation, a fitness
5 hearing, or proceedings on an application for
6 probation.

7 (5) Adult and Juvenile Prisoner Review Boards.

8 (6) Authorized military personnel.

9 (6.5) Employees of the federal government authorized
10 by law.

11 (7) Victims, their subrogees and legal
12 representatives; however, such persons shall have access
13 only to the name and address of the minor and information
14 pertaining to the disposition or alternative adjustment
15 plan of the juvenile court.

16 (8) Persons engaged in bona fide research, with the
17 permission of the presiding judge of the juvenile court
18 and the chief executive of the agency that prepared the
19 particular records; provided that publication of such
20 research results in no disclosure of a minor's identity
21 and protects the confidentiality of the record.

22 (9) The Secretary of State to whom the Clerk of the
23 Court shall report the disposition of all cases, as
24 required in Section 6-204 of the Illinois Vehicle Code.
25 However, information reported relative to these offenses
26 shall be privileged and available only to the Secretary of

1 State, courts, and police officers.

2 (10) The administrator of a bonafide substance abuse
3 student assistance program with the permission of the
4 presiding judge of the juvenile court.

5 (11) Mental health professionals on behalf of the
6 Department of Corrections or the Department of Human
7 Services or prosecutors who are evaluating, prosecuting,
8 or investigating a potential or actual petition brought
9 under the Sexually Violent Persons Commitment Act relating
10 to a person who is the subject of juvenile court records or
11 the respondent to a petition brought under the Sexually
12 Violent Persons Commitment Act, who is the subject of
13 juvenile court records sought. Any records and any
14 information obtained from those records under this
15 paragraph (11) may be used only in sexually violent
16 persons commitment proceedings.

17 (12) Collection agencies, contracted or otherwise
18 engaged by a governmental entity, to collect any debts due
19 and owing to the governmental entity.

20 (A-1) Findings and exclusions of paternity entered in
21 proceedings occurring under Article II of this Act shall be
22 disclosed, in a manner and form approved by the Presiding
23 Judge of the Juvenile Court, to the Department of Healthcare
24 and Family Services when necessary to discharge the duties of
25 the Department of Healthcare and Family Services under Article
26 X of the Illinois Public Aid Code.

1 (B) A minor who is the victim in a juvenile proceeding
2 shall be provided the same confidentiality regarding
3 disclosure of identity as the minor who is the subject of
4 record.

5 (C)(0.1) In cases where the records concern a pending
6 juvenile court case, the requesting party seeking to inspect
7 the juvenile court records shall provide actual notice to the
8 attorney or guardian ad litem of the minor whose records are
9 sought.

10 (0.2) In cases where the juvenile court records concern a
11 juvenile court case that is no longer pending, the requesting
12 party seeking to inspect the juvenile court records shall
13 provide actual notice to the minor or the minor's parent or
14 legal guardian, and the matter shall be referred to the chief
15 judge presiding over matters pursuant to this Act.

16 (0.3) In determining whether juvenile court records should
17 be made available for inspection and whether inspection should
18 be limited to certain parts of the file, the court shall
19 consider the minor's interest in confidentiality and
20 rehabilitation over the requesting party's interest in
21 obtaining the information. The State's Attorney, the minor,
22 and the minor's parents, guardian, and counsel shall at all
23 times have the right to examine court files and records.

24 (0.4) Any records obtained in violation of this Section
25 shall not be admissible in any criminal or civil proceeding,
26 or operate to disqualify a minor from subsequently holding

1 public office, or operate as a forfeiture of any public
2 benefit, right, privilege, or right to receive any license
3 granted by public authority.

4 (D) Pending or following any adjudication of delinquency
5 for any offense defined in Sections 11-1.20 through 11-1.60 or
6 12-13 through 12-16 of the Criminal Code of 1961 or the
7 Criminal Code of 2012, the victim of any such offense shall
8 receive the rights set out in Sections 4 and 6 of the Bill of
9 Rights for Victims and Witnesses of Violent Crime Act; and the
10 juvenile who is the subject of the adjudication,
11 notwithstanding any other provision of this Act, shall be
12 treated as an adult for the purpose of affording such rights to
13 the victim.

14 (E) Nothing in this Section shall affect the right of a
15 Civil Service Commission or appointing authority of the
16 federal government, or any state, county, or municipality
17 examining the character and fitness of an applicant for
18 employment with a law enforcement agency, correctional
19 institution, or fire department to ascertain whether that
20 applicant was ever adjudicated to be a delinquent minor and,
21 if so, to examine the records of disposition or evidence which
22 were made in proceedings under this Act.

23 (F) Following any adjudication of delinquency for a crime
24 which would be a felony if committed by an adult, or following
25 any adjudication of delinquency for a violation of Section
26 24-1, 24-3, 24-3.1, or 24-5 of the Criminal Code of 1961 or the

1 Criminal Code of 2012, the State's Attorney shall ascertain
2 whether the minor respondent is enrolled in school and, if so,
3 shall provide a copy of the dispositional order to the
4 principal or chief administrative officer of the school.
5 Access to the dispositional order shall be limited to the
6 principal or chief administrative officer of the school and
7 any guidance counselor designated by him or her.

8 (G) Nothing contained in this Act prevents the sharing or
9 disclosure of information or records relating or pertaining to
10 juveniles subject to the provisions of the Serious Habitual
11 Offender Comprehensive Action Program when that information is
12 used to assist in the early identification and treatment of
13 habitual juvenile offenders.

14 (H) When a court hearing a proceeding under Article II of
15 this Act becomes aware that an earlier proceeding under
16 Article II had been heard in a different county, that court
17 shall request, and the court in which the earlier proceedings
18 were initiated shall transmit, an authenticated copy of the
19 juvenile court record, including all documents, petitions, and
20 orders filed and the minute orders, transcript of proceedings,
21 and docket entries of the court.

22 (I) The Clerk of the Circuit Court shall report to the
23 Illinois Department of State Police, in the form and manner
24 required by the Illinois Department of State Police, the final
25 disposition of each minor who has been arrested or taken into
26 custody before his or her 18th birthday for those offenses

1 required to be reported under Section 5 of the Criminal
2 Identification Act. Information reported to the Department
3 under this Section may be maintained with records that the
4 Department files under Section 2.1 of the Criminal
5 Identification Act.

6 (J) The changes made to this Section by Public Act 98-61
7 apply to juvenile law enforcement records of a minor who has
8 been arrested or taken into custody on or after January 1, 2014
9 (the effective date of Public Act 98-61).

10 (K) Willful violation of this Section is a Class C
11 misdemeanor and each violation is subject to a fine of \$1,000.
12 This subsection (K) shall not apply to the person who is the
13 subject of the record.

14 (L) A person convicted of violating this Section is liable
15 for damages in the amount of \$1,000 or actual damages,
16 whichever is greater.

17 (Source: P.A. 100-285, eff. 1-1-18; 100-720, eff. 8-3-18;
18 100-1162, eff. 12-20-18.)

19 (705 ILCS 405/2-21) (from Ch. 37, par. 802-21)

20 Sec. 2-21. Findings and adjudication.

21 (1) The court shall state for the record the manner in
22 which the parties received service of process and shall note
23 whether the return or returns of service, postal return
24 receipt or receipts for notice by certified mail, or
25 certificate or certificates of publication have been filed in

1 the court record. The court shall enter any appropriate orders
2 of default against any parent who has been properly served in
3 any manner and fails to appear.

4 No further service of process as defined in Sections 2-15
5 and 2-16 is required in any subsequent proceeding for a parent
6 who was properly served in any manner, except as required by
7 Supreme Court Rule 11.

8 The caseworker shall testify about the diligent search
9 conducted for the parent.

10 After hearing the evidence the court shall determine
11 whether or not the minor is abused, neglected, or dependent.
12 If it finds that the minor is not such a person, the court
13 shall order the petition dismissed and the minor discharged.
14 The court's determination of whether the minor is abused,
15 neglected, or dependent shall be stated in writing with the
16 factual basis supporting that determination.

17 If the court finds that the minor is abused, neglected, or
18 dependent, the court shall then determine and put in writing
19 the factual basis supporting that determination, and specify,
20 to the extent possible, the acts or omissions or both of each
21 parent, guardian, or legal custodian that form the basis of
22 the court's findings. That finding shall appear in the order
23 of the court.

24 If the court finds that the child has been abused,
25 neglected or dependent, the court shall admonish the parents
26 that they must cooperate with the Department of Children and

1 Family Services, comply with the terms of the service plan,
2 and correct the conditions that require the child to be in
3 care, or risk termination of parental rights.

4 If the court determines that a person has inflicted
5 physical or sexual abuse upon a minor, the court shall report
6 that determination to the Illinois ~~Department of~~ State Police,
7 which shall include that information in its report to the
8 President of the school board for a school district that
9 requests a criminal history records check of that person, or
10 the regional superintendent of schools who requests a check of
11 that person, as required under Section 10-21.9 or 34-18.5 of
12 the School Code.

13 (2) If, pursuant to subsection (1) of this Section, the
14 court determines and puts in writing the factual basis
15 supporting the determination that the minor is either abused
16 or neglected or dependent, the court shall then set a time not
17 later than 30 days after the entry of the finding for a
18 dispositional hearing (unless an earlier date is required
19 pursuant to Section 2-13.1) to be conducted under Section 2-22
20 at which hearing the court shall determine whether it is
21 consistent with the health, safety and best interests of the
22 minor and the public that he be made a ward of the court. To
23 assist the court in making this and other determinations at
24 the dispositional hearing, the court may order that an
25 investigation be conducted and a dispositional report be
26 prepared concerning the minor's physical and mental history

1 and condition, family situation and background, economic
2 status, education, occupation, history of delinquency or
3 criminality, personal habits, and any other information that
4 may be helpful to the court. The dispositional hearing may be
5 continued once for a period not to exceed 30 days if the court
6 finds that such continuance is necessary to complete the
7 dispositional report.

8 (3) The time limits of this Section may be waived only by
9 consent of all parties and approval by the court, as
10 determined to be consistent with the health, safety and best
11 interests of the minor.

12 (4) For all cases adjudicated prior to July 1, 1991, for
13 which no dispositional hearing has been held prior to that
14 date, a dispositional hearing under Section 2-22 shall be held
15 within 90 days of July 1, 1991.

16 (5) The court may terminate the parental rights of a
17 parent at the initial dispositional hearing if all of the
18 following conditions are met:

19 (i) the original or amended petition contains a
20 request for termination of parental rights and appointment
21 of a guardian with power to consent to adoption; and

22 (ii) the court has found by a preponderance of
23 evidence, introduced or stipulated to at an adjudicatory
24 hearing, that the child comes under the jurisdiction of
25 the court as an abused, neglected, or dependent minor
26 under Section 2-18; and

1 (iii) the court finds, on the basis of clear and
2 convincing evidence admitted at the adjudicatory hearing
3 that the parent is an unfit person under subdivision D of
4 Section 1 of the Adoption Act; and

5 (iv) the court determines in accordance with the rules
6 of evidence for dispositional proceedings, that:

7 (A) it is in the best interest of the minor and
8 public that the child be made a ward of the court;

9 (A-5) reasonable efforts under subsection (1-1) of
10 Section 5 of the Children and Family Services Act are
11 inappropriate or such efforts were made and were
12 unsuccessful; and

13 (B) termination of parental rights and appointment
14 of a guardian with power to consent to adoption is in
15 the best interest of the child pursuant to Section
16 2-29.

17 (Source: P.A. 93-909, eff. 8-12-04.)

18 (705 ILCS 405/2-25) (from Ch. 37, par. 802-25)

19 Sec. 2-25. Order of protection.

20 (1) The court may make an order of protection in
21 assistance of or as a condition of any other order authorized
22 by this Act. The order of protection shall be based on the
23 health, safety and best interests of the minor and may set
24 forth reasonable conditions of behavior to be observed for a
25 specified period. Such an order may require a person:

- 1 (a) to stay away from the home or the minor;
- 2 (b) to permit a parent to visit the minor at stated
3 periods;
- 4 (c) to abstain from offensive conduct against the
5 minor, his parent or any person to whom custody of the
6 minor is awarded;
- 7 (d) to give proper attention to the care of the home;
- 8 (e) to cooperate in good faith with an agency to which
9 custody of a minor is entrusted by the court or with an
10 agency or association to which the minor is referred by
11 the court;
- 12 (f) to prohibit and prevent any contact whatsoever
13 with the respondent minor by a specified individual or
14 individuals who are alleged in either a criminal or
15 juvenile proceeding to have caused injury to a respondent
16 minor or a sibling of a respondent minor;
- 17 (g) to refrain from acts of commission or omission
18 that tend to make the home not a proper place for the
19 minor;
- 20 (h) to refrain from contacting the minor and the
21 foster parents in any manner that is not specified in
22 writing in the case plan.
- 23 (2) The court shall enter an order of protection to
24 prohibit and prevent any contact between a respondent minor or
25 a sibling of a respondent minor and any person named in a
26 petition seeking an order of protection who has been convicted

1 of heinous battery or aggravated battery under subdivision
2 (a)(2) of Section 12-3.05, aggravated battery of a child or
3 aggravated battery under subdivision (b)(1) of Section
4 12-3.05, criminal sexual assault, aggravated criminal sexual
5 assault, predatory criminal sexual assault of a child,
6 criminal sexual abuse, or aggravated criminal sexual abuse as
7 described in the Criminal Code of 1961 or the Criminal Code of
8 2012, or has been convicted of an offense that resulted in the
9 death of a child, or has violated a previous order of
10 protection under this Section.

11 (3) When the court issues an order of protection against
12 any person as provided by this Section, the court shall direct
13 a copy of such order to the Sheriff of that county. The Sheriff
14 shall furnish a copy of the order of protection to the Illinois
15 ~~Department of~~ State Police within 24 hours of receipt, in the
16 form and manner required by the Department. The Illinois
17 ~~Department of~~ State Police shall maintain a complete record
18 and index of such orders of protection and make this data
19 available to all local law enforcement agencies.

20 (4) After notice and opportunity for hearing afforded to a
21 person subject to an order of protection, the order may be
22 modified or extended for a further specified period or both or
23 may be terminated if the court finds that the health, safety,
24 and best interests of the minor and the public will be served
25 thereby.

26 (5) An order of protection may be sought at any time during

1 the course of any proceeding conducted pursuant to this Act if
2 such an order is consistent with the health, safety, and best
3 interests of the minor. Any person against whom an order of
4 protection is sought may retain counsel to represent him at a
5 hearing, and has rights to be present at the hearing, to be
6 informed prior to the hearing in writing of the contents of the
7 petition seeking a protective order and of the date, place and
8 time of such hearing, and to cross examine witnesses called by
9 the petitioner and to present witnesses and argument in
10 opposition to the relief sought in the petition.

11 (6) Diligent efforts shall be made by the petitioner to
12 serve any person or persons against whom any order of
13 protection is sought with written notice of the contents of
14 the petition seeking a protective order and of the date, place
15 and time at which the hearing on the petition is to be held.
16 When a protective order is being sought in conjunction with a
17 temporary custody hearing, if the court finds that the person
18 against whom the protective order is being sought has been
19 notified of the hearing or that diligent efforts have been
20 made to notify such person, the court may conduct a hearing. If
21 a protective order is sought at any time other than in
22 conjunction with a temporary custody hearing, the court may
23 not conduct a hearing on the petition in the absence of the
24 person against whom the order is sought unless the petitioner
25 has notified such person by personal service at least 3 days
26 before the hearing or has sent written notice by first class

1 mail to such person's last known address at least 5 days before
2 the hearing.

3 (7) A person against whom an order of protection is being
4 sought who is neither a parent, guardian, legal custodian or
5 responsible relative as described in Section 1-5 is not a
6 party or respondent as defined in that Section and shall not be
7 entitled to the rights provided therein. Such person does not
8 have a right to appointed counsel or to be present at any
9 hearing other than the hearing in which the order of
10 protection is being sought or a hearing directly pertaining to
11 that order. Unless the court orders otherwise, such person
12 does not have a right to inspect the court file.

13 (8) All protective orders entered under this Section shall
14 be in writing. Unless the person against whom the order was
15 obtained was present in court when the order was issued, the
16 sheriff, other law enforcement official or special process
17 server shall promptly serve that order upon that person and
18 file proof of such service, in the manner provided for service
19 of process in civil proceedings. The person against whom the
20 protective order was obtained may seek a modification of the
21 order by filing a written motion to modify the order within 7
22 days after actual receipt by the person of a copy of the order.
23 Any modification of the order granted by the court must be
24 determined to be consistent with the best interests of the
25 minor.

26 (9) If a petition is filed charging a violation of a

1 condition contained in the protective order and if the court
2 determines that this violation is of a critical service
3 necessary to the safety and welfare of the minor, the court may
4 proceed to findings and an order for temporary custody.

5 (Source: P.A. 96-1551, Article 1, Section 955, eff. 7-1-11;
6 96-1551, Article 2, Section 1030, eff. 7-1-11; 97-1109, eff.
7 1-1-13; 97-1150, eff. 1-25-13.)

8 (705 ILCS 405/3-26) (from Ch. 37, par. 803-26)

9 Sec. 3-26. Order of protection.

10 (1) The court may make an order of protection in
11 assistance of or as a condition of any other order authorized
12 by this Act. The order of protection may set forth reasonable
13 conditions of behavior to be observed for a specified period.
14 Such an order may require a person:

15 (a) To stay away from the home or the minor;

16 (b) To permit a parent to visit the minor at stated
17 periods;

18 (c) To abstain from offensive conduct against the
19 minor, his parent or any person to whom custody of the
20 minor is awarded;

21 (d) To give proper attention to the care of the home;

22 (e) To cooperate in good faith with an agency to which
23 custody of a minor is entrusted by the court or with an
24 agency or association to which the minor is referred by
25 the court;

1 (f) To prohibit and prevent any contact whatsoever
2 with the respondent minor by a specified individual or
3 individuals who are alleged in either a criminal or
4 juvenile proceeding to have caused injury to a respondent
5 minor or a sibling of a respondent minor;

6 (g) To refrain from acts of commission or omission
7 that tend to make the home not a proper place for the
8 minor.

9 (2) The court shall enter an order of protection to
10 prohibit and prevent any contact between a respondent minor or
11 a sibling of a respondent minor and any person named in a
12 petition seeking an order of protection who has been convicted
13 of heinous battery or aggravated battery under subdivision
14 (a) (2) of Section 12-3.05, aggravated battery of a child or
15 aggravated battery under subdivision (b) (1) of Section
16 12-3.05, criminal sexual assault, aggravated criminal sexual
17 assault, predatory criminal sexual assault of a child,
18 criminal sexual abuse, or aggravated criminal sexual abuse as
19 described in the Criminal Code of 1961 or the Criminal Code of
20 2012, or has been convicted of an offense that resulted in the
21 death of a child, or has violated a previous order of
22 protection under this Section.

23 (3) When the court issues an order of protection against
24 any person as provided by this Section, the court shall direct
25 a copy of such order to the Sheriff of that county. The Sheriff
26 shall furnish a copy of the order of protection to the Illinois

1 ~~Department of~~ State Police within 24 hours of receipt, in the
2 form and manner required by the Department. The Illinois
3 ~~Department of~~ State Police shall maintain a complete record
4 and index of such orders of protection and make this data
5 available to all local law enforcement agencies.

6 (4) After notice and opportunity for hearing afforded to a
7 person subject to an order of protection, the order may be
8 modified or extended for a further specified period or both or
9 may be terminated if the court finds that the best interests of
10 the minor and the public will be served thereby.

11 (5) An order of protection may be sought at any time during
12 the course of any proceeding conducted pursuant to this Act.
13 Any person against whom an order of protection is sought may
14 retain counsel to represent him at a hearing, and has rights to
15 be present at the hearing, to be informed prior to the hearing
16 in writing of the contents of the petition seeking a
17 protective order and of the date, place and time of such
18 hearing, and to cross examine witnesses called by the
19 petitioner and to present witnesses and argument in opposition
20 to the relief sought in the petition.

21 (6) Diligent efforts shall be made by the petitioner to
22 serve any person or persons against whom any order of
23 protection is sought with written notice of the contents of
24 the petition seeking a protective order and of the date, place
25 and time at which the hearing on the petition is to be held.
26 When a protective order is being sought in conjunction with a

1 shelter care hearing, if the court finds that the person
2 against whom the protective order is being sought has been
3 notified of the hearing or that diligent efforts have been
4 made to notify such person, the court may conduct a hearing. If
5 a protective order is sought at any time other than in
6 conjunction with a shelter care hearing, the court may not
7 conduct a hearing on the petition in the absence of the person
8 against whom the order is sought unless the petitioner has
9 notified such person by personal service at least 3 days
10 before the hearing or has sent written notice by first class
11 mail to such person's last known address at least 5 days before
12 the hearing.

13 (7) A person against whom an order of protection is being
14 sought who is neither a parent, guardian, legal custodian or
15 responsible relative as described in Section 1-5 is not a
16 party or respondent as defined in that Section and shall not be
17 entitled to the rights provided therein. Such person does not
18 have a right to appointed counsel or to be present at any
19 hearing other than the hearing in which the order of
20 protection is being sought or a hearing directly pertaining to
21 that order. Unless the court orders otherwise, such person
22 does not have a right to inspect the court file.

23 (8) All protective orders entered under this Section shall
24 be in writing. Unless the person against whom the order was
25 obtained was present in court when the order was issued, the
26 sheriff, other law enforcement official or special process

1 server shall promptly serve that order upon that person and
2 file proof of such service, in the manner provided for service
3 of process in civil proceedings. The person against whom the
4 protective order was obtained may seek a modification of the
5 order by filing a written motion to modify the order within 7
6 days after actual receipt by the person of a copy of the order.
7 (Source: P.A. 96-1551, Article 1, Section 995, eff. 7-1-11;
8 96-1551, Article 2, Section 1030, eff. 7-1-11; 97-1109, eff.
9 1-1-13; 97-1150, eff. 1-25-13.)

10 (705 ILCS 405/4-23) (from Ch. 37, par. 804-23)

11 Sec. 4-23. Order of protection.

12 (1) The court may make an order of protection in
13 assistance of or as a condition of any other order authorized
14 by this Act. The order of protection may set forth reasonable
15 conditions of behavior to be observed for a specified period.
16 Such an order may require a person:

17 (a) To stay away from the home or the minor;

18 (b) To permit a parent to visit the minor at stated
19 periods;

20 (c) To abstain from offensive conduct against the
21 minor, his parent or any person to whom custody of the
22 minor is awarded;

23 (d) To give proper attention to the care of the home;

24 (e) To cooperate in good faith with an agency to which
25 custody of a minor is entrusted by the court or with an

1 agency or association to which the minor is referred by
2 the court;

3 (f) To prohibit and prevent any contact whatsoever
4 with the respondent minor by a specified individual or
5 individuals who are alleged in either a criminal or
6 juvenile proceeding to have caused injury to a respondent
7 minor or a sibling of a respondent minor;

8 (g) To refrain from acts of commission or omission
9 that tend to make the home not a proper place for the
10 minor.

11 (2) The court shall enter an order of protection to
12 prohibit and prevent any contact between a respondent minor or
13 a sibling of a respondent minor and any person named in a
14 petition seeking an order of protection who has been convicted
15 of heinous battery or aggravated battery under subdivision
16 (a)(2) of Section 12-3.05, aggravated battery of a child or
17 aggravated battery under subdivision (b)(1) of Section
18 12-3.05, criminal sexual assault, aggravated criminal sexual
19 assault, predatory criminal sexual assault of a child,
20 criminal sexual abuse, or aggravated criminal sexual abuse as
21 described in the Criminal Code of 1961 or the Criminal Code of
22 2012, or has been convicted of an offense that resulted in the
23 death of a child, or has violated a previous order of
24 protection under this Section.

25 (3) When the court issues an order of protection against
26 any person as provided by this Section, the court shall direct

1 a copy of such order to the Sheriff of that county. The Sheriff
2 shall furnish a copy of the order of protection to the Illinois
3 ~~Department of~~ State Police within 24 hours of receipt, in the
4 form and manner required by the Department. The Illinois
5 ~~Department of~~ State Police shall maintain a complete record
6 and index of such orders of protection and make this data
7 available to all local law enforcement agencies.

8 (4) After notice and opportunity for hearing afforded to a
9 person subject to an order of protection, the order may be
10 modified or extended for a further specified period or both or
11 may be terminated if the court finds that the best interests of
12 the minor and the public will be served thereby.

13 (5) An order of protection may be sought at any time during
14 the course of any proceeding conducted pursuant to this Act.
15 Any person against whom an order of protection is sought may
16 retain counsel to represent him at a hearing, and has rights to
17 be present at the hearing, to be informed prior to the hearing
18 in writing of the contents of the petition seeking a
19 protective order and of the date, place and time of such
20 hearing, and to cross examine witnesses called by the
21 petitioner and to present witnesses and argument in opposition
22 to the relief sought in the petition.

23 (6) Diligent efforts shall be made by the petitioner to
24 serve any person or persons against whom any order of
25 protection is sought with written notice of the contents of
26 the petition seeking a protective order and of the date, place

1 and time at which the hearing on the petition is to be held.
2 When a protective order is being sought in conjunction with a
3 shelter care hearing, if the court finds that the person
4 against whom the protective order is being sought has been
5 notified of the hearing or that diligent efforts have been
6 made to notify such person, the court may conduct a hearing. If
7 a protective order is sought at any time other than in
8 conjunction with a shelter care hearing, the court may not
9 conduct a hearing on the petition in the absence of the person
10 against whom the order is sought unless the petitioner has
11 notified such person by personal service at least 3 days
12 before the hearing or has sent written notice by first class
13 mail to such person's last known address at least 5 days before
14 the hearing.

15 (7) A person against whom an order of protection is being
16 sought who is neither a parent, guardian, legal custodian or
17 responsible relative as described in Section 1-5 is not a
18 party or respondent as defined in that Section and shall not be
19 entitled to the rights provided therein. Such person does not
20 have a right to appointed counsel or to be present at any
21 hearing other than the hearing in which the order of
22 protection is being sought or a hearing directly pertaining to
23 that order. Unless the court orders otherwise, such person
24 does not have a right to inspect the court file.

25 (8) All protective orders entered under this Section shall
26 be in writing. Unless the person against whom the order was

1 obtained was present in court when the order was issued, the
2 sheriff, other law enforcement official or special process
3 server shall promptly serve that order upon that person and
4 file proof of such service, in the manner provided for service
5 of process in civil proceedings. The person against whom the
6 protective order was obtained may seek a modification of the
7 order by filing a written motion to modify the order within 7
8 days after actual receipt by the person of a copy of the order.
9 (Source: P.A. 96-1551, Article 1, Section 955, eff. 7-1-11;
10 96-1551, Article 2, Section 1030, eff. 7-1-11; 97-1109, eff.
11 1-1-13; 97-1150, eff. 1-25-13.)

12 (705 ILCS 405/5-105)

13 Sec. 5-105. Definitions. As used in this Article:

14 (1) "Aftercare release" means the conditional and
15 revocable release of an adjudicated delinquent juvenile
16 committed to the Department of Juvenile Justice under the
17 supervision of the Department of Juvenile Justice.

18 (1.5) "Court" means the circuit court in a session or
19 division assigned to hear proceedings under this Act, and
20 includes the term Juvenile Court.

21 (2) "Community service" means uncompensated labor for
22 a community service agency as hereinafter defined.

23 (2.5) "Community service agency" means a
24 not-for-profit organization, community organization,
25 church, charitable organization, individual, public

1 office, or other public body whose purpose is to enhance
2 the physical or mental health of a delinquent minor or to
3 rehabilitate the minor, or to improve the environmental
4 quality or social welfare of the community which agrees to
5 accept community service from juvenile delinquents and to
6 report on the progress of the community service to the
7 State's Attorney pursuant to an agreement or to the court
8 or to any agency designated by the court or to the
9 authorized diversion program that has referred the
10 delinquent minor for community service.

11 (3) "Delinquent minor" means any minor who prior to
12 his or her 18th birthday has violated or attempted to
13 violate, regardless of where the act occurred, any
14 federal, State, county or municipal law or ordinance.

15 (4) "Department" means the Department of Human
16 Services unless specifically referenced as another
17 department.

18 (5) "Detention" means the temporary care of a minor
19 who is alleged to be or has been adjudicated delinquent
20 and who requires secure custody for the minor's own
21 protection or the community's protection in a facility
22 designed to physically restrict the minor's movements,
23 pending disposition by the court or execution of an order
24 of the court for placement or commitment. Design features
25 that physically restrict movement include, but are not
26 limited to, locked rooms and the secure handcuffing of a

1 minor to a rail or other stationary object. In addition,
2 "detention" includes the court ordered care of an alleged
3 or adjudicated delinquent minor who requires secure
4 custody pursuant to Section 5-125 of this Act.

5 (6) "Diversion" means the referral of a juvenile,
6 without court intervention, into a program that provides
7 services designed to educate the juvenile and develop a
8 productive and responsible approach to living in the
9 community.

10 (7) "Juvenile detention home" means a public facility
11 with specially trained staff that conforms to the county
12 juvenile detention standards adopted by the Department of
13 Juvenile Justice.

14 (8) "Juvenile justice continuum" means a set of
15 delinquency prevention programs and services designed for
16 the purpose of preventing or reducing delinquent acts,
17 including criminal activity by youth gangs, as well as
18 intervention, rehabilitation, and prevention services
19 targeted at minors who have committed delinquent acts, and
20 minors who have previously been committed to residential
21 treatment programs for delinquents. The term includes
22 children-in-need-of-services and
23 families-in-need-of-services programs; aftercare and
24 reentry services; substance abuse and mental health
25 programs; community service programs; community service
26 work programs; and alternative-dispute resolution programs

1 serving youth-at-risk of delinquency and their families,
2 whether offered or delivered by State or local
3 governmental entities, public or private for-profit or
4 not-for-profit organizations, or religious or charitable
5 organizations. This term would also encompass any program
6 or service consistent with the purpose of those programs
7 and services enumerated in this subsection.

8 (9) "Juvenile police officer" means a sworn police
9 officer who has completed a Basic Recruit Training Course,
10 has been assigned to the position of juvenile police
11 officer by his or her chief law enforcement officer and
12 has completed the necessary juvenile officers training as
13 prescribed by the Illinois Law Enforcement Training
14 Standards Board, or in the case of a State police officer,
15 juvenile officer training approved by the Director of the
16 Illinois State Police.

17 (10) "Minor" means a person under the age of 21 years
18 subject to this Act.

19 (11) "Non-secure custody" means confinement where the
20 minor is not physically restricted by being placed in a
21 locked cell or room, by being handcuffed to a rail or other
22 stationary object, or by other means. Non-secure custody
23 may include, but is not limited to, electronic monitoring,
24 foster home placement, home confinement, group home
25 placement, or physical restriction of movement or activity
26 solely through facility staff.

1 (12) "Public or community service" means uncompensated
2 labor for a not-for-profit organization or public body
3 whose purpose is to enhance physical or mental stability
4 of the offender, environmental quality or the social
5 welfare and which agrees to accept public or community
6 service from offenders and to report on the progress of
7 the offender and the public or community service to the
8 court or to the authorized diversion program that has
9 referred the offender for public or community service.
10 "Public or community service" does not include blood
11 donation or assignment to labor at a blood bank. For the
12 purposes of this Act, "blood bank" has the meaning
13 ascribed to the term in Section 2-124 of the Illinois
14 Clinical Laboratory and Blood Bank Act.

15 (13) "Sentencing hearing" means a hearing to determine
16 whether a minor should be adjudged a ward of the court, and
17 to determine what sentence should be imposed on the minor.
18 It is the intent of the General Assembly that the term
19 "sentencing hearing" replace the term "dispositional
20 hearing" and be synonymous with that definition as it was
21 used in the Juvenile Court Act of 1987.

22 (14) "Shelter" means the temporary care of a minor in
23 physically unrestricting facilities pending court
24 disposition or execution of court order for placement.

25 (15) "Site" means a not-for-profit organization,
26 public body, church, charitable organization, or

1 individual agreeing to accept community service from
2 offenders and to report on the progress of ordered or
3 required public or community service to the court or to
4 the authorized diversion program that has referred the
5 offender for public or community service.

6 (16) "Station adjustment" means the informal or formal
7 handling of an alleged offender by a juvenile police
8 officer.

9 (17) "Trial" means a hearing to determine whether the
10 allegations of a petition under Section 5-520 that a minor
11 is delinquent are proved beyond a reasonable doubt. It is
12 the intent of the General Assembly that the term "trial"
13 replace the term "adjudicatory hearing" and be synonymous
14 with that definition as it was used in the Juvenile Court
15 Act of 1987.

16 The changes made to this Section by Public Act 98-61 apply
17 to violations or attempted violations committed on or after
18 January 1, 2014 (the effective date of Public Act 98-61).

19 (Source: P.A. 98-61, eff. 1-1-14; 98-558, eff. 1-1-14; 98-685,
20 eff. 1-1-15; 98-756, eff. 7-16-14; 98-824, eff. 1-1-15; 99-78,
21 eff. 7-20-15.)

22 (705 ILCS 405/5-301)

23 Sec. 5-301. Station adjustments. A minor arrested for any
24 offense or a violation of a condition of previous station
25 adjustment may receive a station adjustment for that arrest as

1 provided herein. In deciding whether to impose a station
2 adjustment, either informal or formal, a juvenile police
3 officer shall consider the following factors:

4 (A) The seriousness of the alleged offense.

5 (B) The prior history of delinquency of the minor.

6 (C) The age of the minor.

7 (D) The culpability of the minor in committing the
8 alleged offense.

9 (E) Whether the offense was committed in an aggressive
10 or premeditated manner.

11 (F) Whether the minor used or possessed a deadly
12 weapon when committing the alleged offenses.

13 (1) Informal station adjustment.

14 (a) An informal station adjustment is defined as a
15 procedure when a juvenile police officer determines that
16 there is probable cause to believe that the minor has
17 committed an offense.

18 (b) A minor shall receive no more than 3 informal
19 station adjustments statewide for a misdemeanor offense
20 within 3 years without prior approval from the State's
21 Attorney's Office.

22 (c) A minor shall receive no more than 3 informal
23 station adjustments statewide for a felony offense within
24 3 years without prior approval from the State's Attorney's
25 Office.

26 (d) A minor shall receive a combined total of no more

1 than 5 informal station adjustments statewide during his
2 or her minority.

3 (e) The juvenile police officer may make reasonable
4 conditions of an informal station adjustment which may
5 include but are not limited to:

6 (i) Curfew.

7 (ii) Conditions restricting entry into designated
8 geographical areas.

9 (iii) No contact with specified persons.

10 (iv) School attendance.

11 (v) Performing up to 25 hours of community service
12 work.

13 (vi) Community mediation.

14 (vii) Teen court or a peer court.

15 (viii) Restitution limited to 90 days.

16 (f) If the minor refuses or fails to abide by the
17 conditions of an informal station adjustment, the juvenile
18 police officer may impose a formal station adjustment or
19 refer the matter to the State's Attorney's Office.

20 (g) An informal station adjustment does not constitute
21 an adjudication of delinquency or a criminal conviction.
22 Beginning January 1, 2000, a record shall be maintained
23 with the Illinois ~~Department of~~ State Police for informal
24 station adjustments for offenses that would be a felony if
25 committed by an adult, and may be maintained if the
26 offense would be a misdemeanor.

1 (2) Formal station adjustment.

2 (a) A formal station adjustment is defined as a
3 procedure when a juvenile police officer determines that
4 there is probable cause to believe the minor has committed
5 an offense and an admission by the minor of involvement in
6 the offense.

7 (b) The minor and parent, guardian, or legal custodian
8 must agree in writing to the formal station adjustment and
9 must be advised of the consequences of violation of any
10 term of the agreement.

11 (c) The minor and parent, guardian or legal custodian
12 shall be provided a copy of the signed agreement of the
13 formal station adjustment. The agreement shall include:

14 (i) The offense which formed the basis of the
15 formal station adjustment.

16 (ii) An acknowledgment that the terms of the
17 formal station adjustment and the consequences for
18 violation have been explained.

19 (iii) An acknowledgment that the formal station
20 adjustments record may be expunged under Section 5-915
21 of this Act.

22 (iv) An acknowledgment ~~acknowledgement~~ that the
23 minor understands that his or her admission of
24 involvement in the offense may be admitted into
25 evidence in future court hearings.

26 (v) A statement that all parties understand the

1 terms and conditions of formal station adjustment and
2 agree to the formal station adjustment process.

3 (d) Conditions of the formal station adjustment may
4 include, but are not limited to:

5 (i) The time shall not exceed 120 days.

6 (ii) The minor shall not violate any laws.

7 (iii) The juvenile police officer may require the
8 minor to comply with additional conditions for the
9 formal station adjustment which may include but are
10 not limited to:

11 (a) Attending school.

12 (b) Abiding by a set curfew.

13 (c) Payment of restitution.

14 (d) Refraining from possessing a firearm or
15 other weapon.

16 (e) Reporting to a police officer at
17 designated times and places, including reporting
18 and verification that the minor is at home at
19 designated hours.

20 (f) Performing up to 25 hours of community
21 service work.

22 (g) Refraining from entering designated
23 geographical areas.

24 (h) Participating in community mediation.

25 (i) Participating in teen court or peer court.

26 (j) Refraining from contact with specified

1 persons.

2 (e) A formal station adjustment does not constitute an
3 adjudication of delinquency or a criminal conviction.
4 Beginning January 1, 2000, a record shall be maintained
5 with the Illinois ~~Department of~~ State Police for formal
6 station adjustments.

7 (f) A minor or the minor's parent, guardian, or legal
8 custodian, or both the minor and the minor's parent,
9 guardian, or legal custodian, may refuse a formal station
10 adjustment and have the matter referred for court action
11 or other appropriate action.

12 (g) A minor or the minor's parent, guardian, or legal
13 custodian, or both the minor and the minor's parent,
14 guardian, or legal custodian, may within 30 days of the
15 commencement of the formal station adjustment revoke their
16 consent and have the matter referred for court action or
17 other appropriate action. This revocation must be in
18 writing and personally served upon the police officer or
19 his or her supervisor.

20 (h) The admission of the minor as to involvement in
21 the offense shall be admissible at further court hearings
22 as long as the statement would be admissible under the
23 rules of evidence.

24 (i) If the minor violates any term or condition of the
25 formal station adjustment the juvenile police officer
26 shall provide written notice of violation to the minor and

1 the minor's parent, guardian, or legal custodian. After
2 consultation with the minor and the minor's parent,
3 guardian, or legal custodian, the juvenile police officer
4 may take any of the following steps upon violation:

5 (i) Warn the minor of consequences of continued
6 violations and continue the formal station adjustment.

7 (ii) Extend the period of the formal station
8 adjustment up to a total of 180 days.

9 (iii) Extend the hours of community service work
10 up to a total of 40 hours.

11 (iv) Terminate the formal station adjustment
12 unsatisfactorily and take no other action.

13 (v) Terminate the formal station adjustment
14 unsatisfactorily and refer the matter to the juvenile
15 court.

16 (j) A minor shall receive no more than 2 formal
17 station adjustments statewide for a felony offense without
18 the State's Attorney's approval within a 3 year period.

19 (k) A minor shall receive no more than 3 formal
20 station adjustments statewide for a misdemeanor offense
21 without the State's Attorney's approval within a 3 year
22 period.

23 (l) The total for formal station adjustments statewide
24 within the period of minority may not exceed 4 without the
25 State's Attorney's approval.

26 (m) If the minor is arrested in a jurisdiction where

1 the minor does not reside, the formal station adjustment
2 may be transferred to the jurisdiction where the minor
3 does reside upon written agreement of that jurisdiction to
4 monitor the formal station adjustment.

5 (3) Beginning January 1, 2000, the juvenile police officer
6 making a station adjustment shall assure that information
7 about any offense which would constitute a felony if committed
8 by an adult and may assure that information about a
9 misdemeanor is transmitted to the Illinois ~~Department of State~~
10 Police.

11 (4) The total number of station adjustments, both formal
12 and informal, shall not exceed 9 without the State's
13 Attorney's approval for any minor arrested anywhere in the
14 State.

15 (Source: P.A. 99-78, eff. 7-20-15.)

16 (705 ILCS 405/5-305)

17 Sec. 5-305. Probation adjustment.

18 (1) The court may authorize the probation officer to
19 confer in a preliminary conference with a minor who is alleged
20 to have committed an offense, his or her parent, guardian or
21 legal custodian, the victim, the juvenile police officer, the
22 State's Attorney, and other interested persons concerning the
23 advisability of filing a petition under Section 5-520, with a
24 view to adjusting suitable cases without the filing of a
25 petition as provided for in this Article, the probation

1 officer should schedule a conference promptly except when the
2 State's Attorney insists on court action or when the minor has
3 indicated that he or she will demand a judicial hearing and
4 will not comply with a probation adjustment.

5 (1-b) In any case of a minor who is in custody, the holding
6 of a probation adjustment conference does not operate to
7 prolong temporary custody beyond the period permitted by
8 Section 5-415.

9 (2) This Section does not authorize any probation officer
10 to compel any person to appear at any conference, produce any
11 papers, or visit any place.

12 (3) No statement made during a preliminary conference in
13 regard to the offense that is the subject of the conference may
14 be admitted into evidence at an adjudicatory hearing or at any
15 proceeding against the minor under the criminal laws of this
16 State prior to his or her conviction under those laws.

17 (4) When a probation adjustment is appropriate, the
18 probation officer shall promptly formulate a written,
19 non-judicial adjustment plan following the initial conference.

20 (5) Non-judicial probation adjustment plans include but
21 are not limited to the following:

22 (a) up to 6 months informal supervision within the
23 family;

24 (b) up to 12 months informal supervision with a
25 probation officer involved which may include any
26 conditions of probation provided in Section 5-715;

1 (c) up to 6 months informal supervision with release
2 to a person other than a parent;

3 (d) referral to special educational, counseling, or
4 other rehabilitative social or educational programs;

5 (e) referral to residential treatment programs;

6 (f) participation in a public or community service
7 program or activity; and

8 (g) any other appropriate action with the consent of
9 the minor and a parent.

10 (6) The factors to be considered by the probation officer
11 in formulating a non-judicial probation adjustment plan shall
12 be the same as those limited in subsection (4) of Section
13 5-405.

14 (7) Beginning January 1, 2000, the probation officer who
15 imposes a probation adjustment plan shall assure that
16 information about an offense which would constitute a felony
17 if committed by an adult, and may assure that information
18 about a misdemeanor offense, is transmitted to the Illinois
19 ~~Department of~~ State Police.

20 (8) If the minor fails to comply with any term or condition
21 of the non-judicial probation adjustment, the matter shall be
22 referred to the State's Attorney for determination of whether
23 a petition under this Article shall be filed.

24 (Source: P.A. 98-892, eff. 1-1-15.)

25 (705 ILCS 405/5-730)

1 Sec. 5-730. Order of protection.

2 (1) The court may make an order of protection in
3 assistance of or as a condition of any other order authorized
4 by this Act. The order of protection may set forth reasonable
5 conditions of behavior to be observed for a specified period.
6 The order may require a person:

7 (a) to stay away from the home or the minor;

8 (b) to permit a parent to visit the minor at stated
9 periods;

10 (c) to abstain from offensive conduct against the
11 minor, his or her parent or any person to whom custody of
12 the minor is awarded;

13 (d) to give proper attention to the care of the home;

14 (e) to cooperate in good faith with an agency to which
15 custody of a minor is entrusted by the court or with an
16 agency or association to which the minor is referred by
17 the court;

18 (f) to prohibit and prevent any contact whatsoever
19 with the respondent minor by a specified individual or
20 individuals who are alleged in either a criminal or
21 juvenile proceeding to have caused injury to a respondent
22 minor or a sibling of a respondent minor;

23 (g) to refrain from acts of commission or omission
24 that tend to make the home not a proper place for the
25 minor.

26 (2) The court shall enter an order of protection to

1 prohibit and prevent any contact between a respondent minor or
2 a sibling of a respondent minor and any person named in a
3 petition seeking an order of protection who has been convicted
4 of heinous battery or aggravated battery under subdivision
5 (a)(2) of Section 12-3.05, aggravated battery of a child or
6 aggravated battery under subdivision (b)(1) of Section
7 12-3.05, criminal sexual assault, aggravated criminal sexual
8 assault, predatory criminal sexual assault of a child,
9 criminal sexual abuse, or aggravated criminal sexual abuse as
10 described in the Criminal Code of 1961 or the Criminal Code of
11 2012, or has been convicted of an offense that resulted in the
12 death of a child, or has violated a previous order of
13 protection under this Section.

14 (3) When the court issues an order of protection against
15 any person as provided by this Section, the court shall direct
16 a copy of such order to the sheriff of that county. The sheriff
17 shall furnish a copy of the order of protection to the Illinois
18 ~~Department of~~ State Police within 24 hours of receipt, in the
19 form and manner required by the Department. The Illinois
20 ~~Department of~~ State Police shall maintain a complete record
21 and index of the orders of protection and make this data
22 available to all local law enforcement agencies.

23 (4) After notice and opportunity for hearing afforded to a
24 person subject to an order of protection, the order may be
25 modified or extended for a further specified period or both or
26 may be terminated if the court finds that the best interests of

1 the minor and the public will be served by the modification,
2 extension, or termination.

3 (5) An order of protection may be sought at any time during
4 the course of any proceeding conducted under this Act. Any
5 person against whom an order of protection is sought may
6 retain counsel to represent him or her at a hearing, and has
7 rights to be present at the hearing, to be informed prior to
8 the hearing in writing of the contents of the petition seeking
9 a protective order and of the date, place, and time of the
10 hearing, and to cross-examine witnesses called by the
11 petitioner and to present witnesses and argument in opposition
12 to the relief sought in the petition.

13 (6) Diligent efforts shall be made by the petitioner to
14 serve any person or persons against whom any order of
15 protection is sought with written notice of the contents of
16 the petition seeking a protective order and of the date, place
17 and time at which the hearing on the petition is to be held.
18 When a protective order is being sought in conjunction with a
19 shelter care or detention hearing, if the court finds that the
20 person against whom the protective order is being sought has
21 been notified of the hearing or that diligent efforts have
22 been made to notify the person, the court may conduct a
23 hearing. If a protective order is sought at any time other than
24 in conjunction with a shelter care or detention hearing, the
25 court may not conduct a hearing on the petition in the absence
26 of the person against whom the order is sought unless the

1 petitioner has notified the person by personal service at
2 least 3 days before the hearing or has sent written notice by
3 first class mail to the person's last known address at least 5
4 days before the hearing.

5 (7) A person against whom an order of protection is being
6 sought who is neither a parent, guardian, or legal custodian
7 or responsible relative as described in Section 1-5 of this
8 Act or is not a party or respondent as defined in that Section
9 shall not be entitled to the rights provided in that Section.
10 The person does not have a right to appointed counsel or to be
11 present at any hearing other than the hearing in which the
12 order of protection is being sought or a hearing directly
13 pertaining to that order. Unless the court orders otherwise,
14 the person does not have a right to inspect the court file.

15 (8) All protective orders entered under this Section shall
16 be in writing. Unless the person against whom the order was
17 obtained was present in court when the order was issued, the
18 sheriff, other law enforcement official, or special process
19 server shall promptly serve that order upon that person and
20 file proof of that service, in the manner provided for service
21 of process in civil proceedings. The person against whom the
22 protective order was obtained may seek a modification of the
23 order by filing a written motion to modify the order within 7
24 days after actual receipt by the person of a copy of the order.
25 (Source: P.A. 96-1551, Article 1, Section 955, eff. 7-1-11;
26 96-1551, Article 2, Section 1030, eff. 7-1-11; 97-1109, eff.

1 1-1-13; 97-1150, eff. 1-25-13.)

2 (705 ILCS 405/5-901)

3 Sec. 5-901. Court file.

4 (1) The Court file with respect to proceedings under this
5 Article shall consist of the petitions, pleadings, victim
6 impact statements, process, service of process, orders, writs
7 and docket entries reflecting hearings held and judgments and
8 decrees entered by the court. The court file shall be kept
9 separate from other records of the court.

10 (a) The file, including information identifying the
11 victim or alleged victim of any sex offense, shall be
12 disclosed only to the following parties when necessary for
13 discharge of their official duties:

14 (i) A judge of the circuit court and members of the
15 staff of the court designated by the judge;

16 (ii) Parties to the proceedings and their
17 attorneys;

18 (iii) Victims and their attorneys, except in cases
19 of multiple victims of sex offenses in which case the
20 information identifying the nonrequesting victims
21 shall be redacted;

22 (iv) Probation officers, law enforcement officers
23 or prosecutors or their staff;

24 (v) Adult and juvenile Prisoner Review Boards.

25 (b) The Court file redacted to remove any information

1 identifying the victim or alleged victim of any sex
2 offense shall be disclosed only to the following parties
3 when necessary for discharge of their official duties:

4 (i) Authorized military personnel;

5 (ii) Persons engaged in bona fide research, with
6 the permission of the judge of the juvenile court and
7 the chief executive of the agency that prepared the
8 particular recording: provided that publication of
9 such research results in no disclosure of a minor's
10 identity and protects the confidentiality of the
11 record;

12 (iii) The Secretary of State to whom the Clerk of
13 the Court shall report the disposition of all cases,
14 as required in Section 6-204 or Section 6-205.1 of the
15 Illinois Vehicle Code. However, information reported
16 relative to these offenses shall be privileged and
17 available only to the Secretary of State, courts, and
18 police officers;

19 (iv) The administrator of a bonafide substance
20 abuse student assistance program with the permission
21 of the presiding judge of the juvenile court;

22 (v) Any individual, or any public or private
23 agency or institution, having custody of the juvenile
24 under court order or providing educational, medical or
25 mental health services to the juvenile or a
26 court-approved advocate for the juvenile or any

1 placement provider or potential placement provider as
2 determined by the court.

3 (3) A minor who is the victim or alleged victim in a
4 juvenile proceeding shall be provided the same confidentiality
5 regarding disclosure of identity as the minor who is the
6 subject of record. Information identifying victims and alleged
7 victims of sex offenses, shall not be disclosed or open to
8 public inspection under any circumstances. Nothing in this
9 Section shall prohibit the victim or alleged victim of any sex
10 offense from voluntarily disclosing his or her identity.

11 (4) Relevant information, reports and records shall be
12 made available to the Department of Juvenile Justice when a
13 juvenile offender has been placed in the custody of the
14 Department of Juvenile Justice.

15 (5) Except as otherwise provided in this subsection (5),
16 juvenile court records shall not be made available to the
17 general public but may be inspected by representatives of
18 agencies, associations and news media or other properly
19 interested persons by general or special order of the court.
20 The State's Attorney, the minor, his or her parents, guardian
21 and counsel shall at all times have the right to examine court
22 files and records.

23 (a) The court shall allow the general public to have
24 access to the name, address, and offense of a minor who is
25 adjudicated a delinquent minor under this Act under either
26 of the following circumstances:

1 (i) The adjudication of delinquency was based upon
2 the minor's commission of first degree murder, attempt
3 to commit first degree murder, aggravated criminal
4 sexual assault, or criminal sexual assault; or

5 (ii) The court has made a finding that the minor
6 was at least 13 years of age at the time the act was
7 committed and the adjudication of delinquency was
8 based upon the minor's commission of: (A) an act in
9 furtherance of the commission of a felony as a member
10 of or on behalf of a criminal street gang, (B) an act
11 involving the use of a firearm in the commission of a
12 felony, (C) an act that would be a Class X felony
13 offense under or the minor's second or subsequent
14 Class 2 or greater felony offense under the Cannabis
15 Control Act if committed by an adult, (D) an act that
16 would be a second or subsequent offense under Section
17 402 of the Illinois Controlled Substances Act if
18 committed by an adult, (E) an act that would be an
19 offense under Section 401 of the Illinois Controlled
20 Substances Act if committed by an adult, or (F) an act
21 that would be an offense under the Methamphetamine
22 Control and Community Protection Act if committed by
23 an adult.

24 (b) The court shall allow the general public to have
25 access to the name, address, and offense of a minor who is
26 at least 13 years of age at the time the offense is

1 committed and who is convicted, in criminal proceedings
2 permitted or required under Section 5-805, under either of
3 the following circumstances:

4 (i) The minor has been convicted of first degree
5 murder, attempt to commit first degree murder,
6 aggravated criminal sexual assault, or criminal sexual
7 assault,

8 (ii) The court has made a finding that the minor
9 was at least 13 years of age at the time the offense
10 was committed and the conviction was based upon the
11 minor's commission of: (A) an offense in furtherance
12 of the commission of a felony as a member of or on
13 behalf of a criminal street gang, (B) an offense
14 involving the use of a firearm in the commission of a
15 felony, (C) a Class X felony offense under the
16 Cannabis Control Act or a second or subsequent Class 2
17 or greater felony offense under the Cannabis Control
18 Act, (D) a second or subsequent offense under Section
19 402 of the Illinois Controlled Substances Act, (E) an
20 offense under Section 401 of the Illinois Controlled
21 Substances Act, or (F) an offense under the
22 Methamphetamine Control and Community Protection Act.

23 (6) Nothing in this Section shall be construed to limit
24 the use of an ~~a~~ adjudication of delinquency as evidence in any
25 juvenile or criminal proceeding, where it would otherwise be
26 admissible under the rules of evidence, including but not

1 limited to, use as impeachment evidence against any witness,
2 including the minor if he or she testifies.

3 (7) Nothing in this Section shall affect the right of a
4 Civil Service Commission or appointing authority examining the
5 character and fitness of an applicant for a position as a law
6 enforcement officer to ascertain whether that applicant was
7 ever adjudicated to be a delinquent minor and, if so, to
8 examine the records or evidence which were made in proceedings
9 under this Act.

10 (8) Following any adjudication of delinquency for a crime
11 which would be a felony if committed by an adult, or following
12 any adjudication of delinquency for a violation of Section
13 24-1, 24-3, 24-3.1, or 24-5 of the Criminal Code of 1961 or the
14 Criminal Code of 2012, the State's Attorney shall ascertain
15 whether the minor respondent is enrolled in school and, if so,
16 shall provide a copy of the sentencing order to the principal
17 or chief administrative officer of the school. Access to such
18 juvenile records shall be limited to the principal or chief
19 administrative officer of the school and any guidance
20 counselor designated by him or her.

21 (9) Nothing contained in this Act prevents the sharing or
22 disclosure of information or records relating or pertaining to
23 juveniles subject to the provisions of the Serious Habitual
24 Offender Comprehensive Action Program when that information is
25 used to assist in the early identification and treatment of
26 habitual juvenile offenders.

1 (11) The Clerk of the Circuit Court shall report to the
2 Illinois ~~Department of~~ State Police, in the form and manner
3 required by the Illinois ~~Department of~~ State Police, the final
4 disposition of each minor who has been arrested or taken into
5 custody before his or her 18th birthday for those offenses
6 required to be reported under Section 5 of the Criminal
7 Identification Act. Information reported to the Department
8 under this Section may be maintained with records that the
9 Department files under Section 2.1 of the Criminal
10 Identification Act.

11 (12) Information or records may be disclosed to the
12 general public when the court is conducting hearings under
13 Section 5-805 or 5-810.

14 (13) The changes made to this Section by Public Act 98-61
15 apply to juvenile court records of a minor who has been
16 arrested or taken into custody on or after January 1, 2014 (the
17 effective date of Public Act 98-61).

18 (Source: P.A. 97-1150, eff. 1-25-13; 98-61, eff. 1-1-14;
19 98-756, eff. 7-16-14.)

20 (705 ILCS 405/5-915)

21 Sec. 5-915. Expungement of juvenile law enforcement and
22 juvenile court records.

23 (0.05) (Blank).

24 (0.1) (a) The Illinois ~~Department of~~ State Police and all
25 law enforcement agencies within the State shall automatically

1 expunge, on or before January 1 of each year, all juvenile law
2 enforcement records relating to events occurring before an
3 individual's 18th birthday if:

4 (1) one year or more has elapsed since the date of the
5 arrest or law enforcement interaction documented in the
6 records;

7 (2) no petition for delinquency or criminal charges
8 were filed with the clerk of the circuit court relating to
9 the arrest or law enforcement interaction documented in
10 the records; and

11 (3) 6 months have elapsed since the date of the arrest
12 without an additional subsequent arrest or filing of a
13 petition for delinquency or criminal charges whether
14 related or not to the arrest or law enforcement
15 interaction documented in the records.

16 (b) If the law enforcement agency is unable to verify
17 satisfaction of conditions (2) and (3) of this subsection
18 (0.1), records that satisfy condition (1) of this subsection
19 (0.1) shall be automatically expunged if the records relate to
20 an offense that if committed by an adult would not be an
21 offense classified as a Class 2 felony or higher, an offense
22 under Article 11 of the Criminal Code of 1961 or Criminal Code
23 of 2012, or an offense under Section 12-13, 12-14, 12-14.1,
24 12-15, or 12-16 of the Criminal Code of 1961.

25 (0.15) If a juvenile law enforcement record meets
26 paragraph (a) of subsection (0.1) of this Section, a juvenile

1 law enforcement record created:

2 (1) prior to January 1, 2018, but on or after January
3 1, 2013 shall be automatically expunged prior to January
4 1, 2020;

5 (2) prior to January 1, 2013, but on or after January
6 1, 2000, shall be automatically expunged prior to January
7 1, 2023; and

8 (3) prior to January 1, 2000 shall not be subject to
9 the automatic expungement provisions of this Act.

10 Nothing in this subsection (0.15) shall be construed to
11 restrict or modify an individual's right to have his or her
12 juvenile law enforcement records expunged except as otherwise
13 may be provided in this Act.

14 (0.2) (a) Upon dismissal of a petition alleging
15 delinquency or upon a finding of not delinquent, the
16 successful termination of an order of supervision, or the
17 successful termination of an adjudication for an offense which
18 would be a Class B misdemeanor, Class C misdemeanor, or a petty
19 or business offense if committed by an adult, the court shall
20 automatically order the expungement of the juvenile court
21 records and juvenile law enforcement records. The clerk shall
22 deliver a certified copy of the expungement order to the
23 Illinois Department of State Police and the arresting agency.
24 Upon request, the State's Attorney shall furnish the name of
25 the arresting agency. The expungement shall be completed
26 within 60 business days after the receipt of the expungement

1 order.

2 (b) If the chief law enforcement officer of the agency, or
3 his or her designee, certifies in writing that certain
4 information is needed for a pending investigation involving
5 the commission of a felony, that information, and information
6 identifying the juvenile, may be retained until the statute of
7 limitations for the felony has run. If the chief law
8 enforcement officer of the agency, or his or her designee,
9 certifies in writing that certain information is needed with
10 respect to an internal investigation of any law enforcement
11 office, that information and information identifying the
12 juvenile may be retained within an intelligence file until the
13 investigation is terminated or the disciplinary action,
14 including appeals, has been completed, whichever is later.
15 Retention of a portion of a juvenile's law enforcement record
16 does not disqualify the remainder of his or her record from
17 immediate automatic expungement.

18 (0.3) (a) Upon an adjudication of delinquency based on any
19 offense except a disqualified offense, the juvenile court
20 shall automatically order the expungement of the juvenile
21 court and law enforcement records 2 years after the juvenile's
22 case was closed if no delinquency or criminal proceeding is
23 pending and the person has had no subsequent delinquency
24 adjudication or criminal conviction. The clerk shall deliver a
25 certified copy of the expungement order to the Illinois
26 ~~Department of~~ State Police and the arresting agency. Upon

1 request, the State's Attorney shall furnish the name of the
2 arresting agency. The expungement shall be completed within 60
3 business days after the receipt of the expungement order. In
4 this subsection (0.3), "disqualified offense" means any of the
5 following offenses: Section 8-1.2, 9-1, 9-1.2, 9-2, 9-2.1,
6 9-3, 9-3.2, 10-1, 10-2, 10-3, 10-3.1, 10-4, 10-5, 10-9,
7 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6, 11-6.5,
8 12-2, 12-3.05, 12-3.3, 12-4.4a, 12-5.02, 12-6.2, 12-6.5,
9 12-7.1, 12-7.5, 12-20.5, 12-32, 12-33, 12-34, 12-34.5, 18-1,
10 18-2, 18-3, 18-4, 18-6, 19-3, 19-6, 20-1, 20-1.1, 24-1.2,
11 24-1.2-5, 24-1.5, 24-3A, 24-3B, 24-3.2, 24-3.8, 24-3.9,
12 29D-14.9, 29D-20, 30-1, 31-1a, 32-4a, or 33A-2 of the Criminal
13 Code of 2012, or subsection (b) of Section 8-1, paragraph (4)
14 of subsection (a) of Section 11-14.4, subsection (a-5) of
15 Section 12-3.1, paragraph (1), (2), or (3) of subsection (a)
16 of Section 12-6, subsection (a-3) or (a-5) of Section 12-7.3,
17 paragraph (1) or (2) of subsection (a) of Section 12-7.4,
18 subparagraph (i) of paragraph (1) of subsection (a) of Section
19 12-9, subparagraph (H) of paragraph (3) of subsection (a) of
20 Section 24-1.6, paragraph (1) of subsection (a) of Section
21 25-1, or subsection (a-7) of Section 31-1 of the Criminal Code
22 of 2012.

23 (b) If the chief law enforcement officer of the agency, or
24 his or her designee, certifies in writing that certain
25 information is needed for a pending investigation involving
26 the commission of a felony, that information, and information

1 identifying the juvenile, may be retained in an intelligence
2 file until the investigation is terminated or for one
3 additional year, whichever is sooner. Retention of a portion
4 of a juvenile's juvenile law enforcement record does not
5 disqualify the remainder of his or her record from immediate
6 automatic expungement.

7 (0.4) Automatic expungement for the purposes of this
8 Section shall not require law enforcement agencies to
9 obliterate or otherwise destroy juvenile law enforcement
10 records that would otherwise need to be automatically expunged
11 under this Act, except after 2 years following the subject
12 arrest for purposes of use in civil litigation against a
13 governmental entity or its law enforcement agency or personnel
14 which created, maintained, or used the records. However, these
15 juvenile law enforcement records shall be considered expunged
16 for all other purposes during this period and the offense,
17 which the records or files concern, shall be treated as if it
18 never occurred as required under Section 5-923.

19 (0.5) Subsection (0.1) or (0.2) of this Section does not
20 apply to violations of traffic, boating, fish and game laws,
21 or county or municipal ordinances.

22 (0.6) Juvenile law enforcement records of a plaintiff who
23 has filed civil litigation against the governmental entity or
24 its law enforcement agency or personnel that created,
25 maintained, or used the records, or juvenile law enforcement
26 records that contain information related to the allegations

1 set forth in the civil litigation may not be expunged until
2 after 2 years have elapsed after the conclusion of the
3 lawsuit, including any appeal.

4 (0.7) Officer-worn body camera recordings shall not be
5 automatically expunged except as otherwise authorized by the
6 Law Enforcement Officer-Worn Body Camera Act.

7 (1) Whenever a person has been arrested, charged, or
8 adjudicated delinquent for an incident occurring before his or
9 her 18th birthday that if committed by an adult would be an
10 offense, and that person's juvenile law enforcement and
11 juvenile court records are not eligible for automatic
12 expungement under subsection (0.1), (0.2), or (0.3), the
13 person may petition the court at any time for expungement of
14 juvenile law enforcement records and juvenile court records
15 relating to the incident and, upon termination of all juvenile
16 court proceedings relating to that incident, the court shall
17 order the expungement of all records in the possession of the
18 Illinois ~~Department of~~ State Police, the clerk of the circuit
19 court, and law enforcement agencies relating to the incident,
20 but only in any of the following circumstances:

21 (a) the minor was arrested and no petition for
22 delinquency was filed with the clerk of the circuit court;

23 (a-5) the minor was charged with an offense and the
24 petition or petitions were dismissed without a finding of
25 delinquency;

26 (b) the minor was charged with an offense and was

1 found not delinquent of that offense;

2 (c) the minor was placed under supervision under
3 Section 5-615, and the order of supervision has since been
4 successfully terminated; or

5 (d) the minor was adjudicated for an offense which
6 would be a Class B misdemeanor, Class C misdemeanor, or a
7 petty or business offense if committed by an adult.

8 (1.5) The Illinois ~~Department of~~ State Police shall allow
9 a person to use the Access and Review process, established in
10 the Illinois ~~Department of~~ State Police, for verifying that
11 his or her juvenile law enforcement records relating to
12 incidents occurring before his or her 18th birthday eligible
13 under this Act have been expunged.

14 (1.6) (Blank).

15 (1.7) (Blank).

16 (1.8) (Blank).

17 (2) Any person whose delinquency adjudications are not
18 eligible for automatic expungement under subsection (0.3) of
19 this Section may petition the court to expunge all juvenile
20 law enforcement records relating to any incidents occurring
21 before his or her 18th birthday which did not result in
22 proceedings in criminal court and all juvenile court records
23 with respect to any adjudications except those based upon
24 first degree murder or an offense under Article 11 of the
25 Criminal Code of 2012 if the person is required to register
26 under the Sex Offender Registration Act at the time he or she

1 petitions the court for expungement; provided that: ~~(a)~~
2 ~~(blank); or (b)~~ 2 years have elapsed since all juvenile court
3 proceedings relating to him or her have been terminated and
4 his or her commitment to the Department of Juvenile Justice
5 under this Act has been terminated.

6 (2.5) If a minor is arrested and no petition for
7 delinquency is filed with the clerk of the circuit court at the
8 time the minor is released from custody, the youth officer, if
9 applicable, or other designated person from the arresting
10 agency, shall notify verbally and in writing to the minor or
11 the minor's parents or guardians that the minor shall have an
12 arrest record and shall provide the minor and the minor's
13 parents or guardians with an expungement information packet,
14 information regarding this State's expungement laws including
15 a petition to expunge juvenile law enforcement and juvenile
16 court records obtained from the clerk of the circuit court.

17 (2.6) If a minor is referred to court, then, at the time of
18 sentencing, ~~or~~ dismissal of the case, or successful completion
19 of supervision, the judge shall inform the delinquent minor of
20 his or her rights regarding expungement and the clerk of the
21 circuit court shall provide an expungement information packet
22 to the minor, written in plain language, including information
23 regarding this State's expungement laws and a petition for
24 expungement, a sample of a completed petition, expungement
25 instructions that shall include information informing the
26 minor that (i) once the case is expunged, it shall be treated

1 as if it never occurred, (ii) he or she may apply to have
2 petition fees waived, (iii) once he or she obtains an
3 expungement, he or she may not be required to disclose that he
4 or she had a juvenile law enforcement or juvenile court
5 record, and (iv) if petitioning he or she may file the petition
6 on his or her own or with the assistance of an attorney. The
7 failure of the judge to inform the delinquent minor of his or
8 her right to petition for expungement as provided by law does
9 not create a substantive right, nor is that failure grounds
10 for: (i) a reversal of an adjudication of delinquency;~~17~~ (ii) a
11 new trial; or (iii) an appeal.

12 (2.7) (Blank).

13 (2.8) (Blank).

14 (3) (Blank).

15 (3.1) (Blank).

16 (3.2) (Blank).

17 (3.3) (Blank).

18 (4) (Blank).

19 (5) (Blank).

20 (5.5) Whether or not expunged, records eligible for
21 automatic expungement under subdivision (0.1) (a), (0.2) (a), or
22 (0.3) (a) may be treated as expunged by the individual subject
23 to the records.

24 (6) (Blank).

25 (6.5) The Illinois ~~Department of~~ State Police or any
26 employee of the Illinois State Police ~~Department~~ shall be

1 immune from civil or criminal liability for failure to expunge
2 any records of arrest that are subject to expungement under
3 this Section because of inability to verify a record. Nothing
4 in this Section shall create Illinois ~~Department of~~ State
5 Police liability or responsibility for the expungement of
6 juvenile law enforcement records it does not possess.

7 (7) (Blank).

8 (7.5) (Blank).

9 (8) ~~(a) (Blank). (b) (Blank). (c)~~ The expungement of
10 juvenile law enforcement or juvenile court records under
11 subsection (0.1), (0.2), or (0.3) of this Section shall be
12 funded by appropriation by the General Assembly for that
13 purpose.

14 (9) (Blank).

15 (10) (Blank).

16 (Source: P.A. 99-835, eff. 1-1-17; 99-881, eff. 1-1-17;
17 100-201, eff. 8-18-17; 100-285, eff. 1-1-18; 100-720, eff.
18 8-3-18; 100-863, eff. 8-14-18; 100-987, eff. 7-1-19; 100-1162,
19 eff. 12-20-18; revised 7-16-19.)

20 Section 980. The Criminal Code of 2012 is amended by
21 changing Sections 3-7, 12-38, 12C-15, 14-3, 17-6.3, 24-1,
22 24-1.1, 24-3, 24-3B, 24-6, 24-8, 24.8-5, 28-5, 29B-0.5, 29B-3,
23 29B-4, 29B-12, 29B-20, 29B-25, 29B-26, 32-2, 32-8, 33-2,
24 33-3.1, 33-3.2, 36-1.1, 36-1.3, 36-2.2, and 36-7 as follows:

1 (720 ILCS 5/3-7) (from Ch. 38, par. 3-7)

2 Sec. 3-7. Periods excluded from limitation.

3 (a) The period within which a prosecution must be
4 commenced does not include any period in which:

5 (1) the defendant is not usually and publicly resident
6 within this State; or

7 (2) the defendant is a public officer and the offense
8 charged is theft of public funds while in public office;
9 or

10 (3) a prosecution is pending against the defendant for
11 the same conduct, even if the indictment or information
12 which commences the prosecution is quashed or the
13 proceedings thereon are set aside, or are reversed on
14 appeal; or

15 (4) a proceeding or an appeal from a proceeding
16 relating to the quashing or enforcement of a Grand Jury
17 subpoena issued in connection with an investigation of a
18 violation of a criminal law of this State is pending.
19 However, the period within which a prosecution must be
20 commenced includes any period in which the State brings a
21 proceeding or an appeal from a proceeding specified in
22 this paragraph (4); or

23 (5) a material witness is placed on active military
24 duty or leave. In this paragraph (5), "material witness"
25 includes, but is not limited to, the arresting officer,
26 occurrence witness, or the alleged victim of the offense;

1 or

2 (6) the victim of unlawful force or threat of imminent
3 bodily harm to obtain information or a confession is
4 incarcerated, and the victim's incarceration, in whole or
5 in part, is a consequence of the unlawful force or
6 threats; or

7 (7) the sexual assault evidence is collected and
8 submitted to the Illinois ~~Department of~~ State Police until
9 the completion of the analysis of the submitted evidence.

10 (a-5) The prosecution shall not be required to prove at
11 trial facts establishing periods excluded from the general
12 limitations in Section 3-5 of this Code when the facts
13 supporting periods being excluded from the general limitations
14 are properly pled in the charging document. Any challenge
15 relating to periods of exclusion as defined in this Section
16 shall be exclusively conducted under Section 114-1 of the Code
17 of Criminal Procedure of 1963.

18 (b) For the purposes of this Section:

19 "Completion of the analysis of the submitted evidence"
20 means analysis of the collected evidence and conducting of
21 laboratory tests and the comparison of the collected
22 evidence with the genetic marker grouping analysis
23 information maintained by the Illinois ~~Department of~~ State
24 Police under Section 5-4-3 of the Unified Code of
25 Corrections and with the information contained in the
26 Federal Bureau of Investigation's National DNA database.

1 "Sexual assault" has the meaning ascribed to it in
2 Section 1a of the Sexual Assault Survivors Emergency
3 Treatment Act.

4 "Sexual assault evidence" has the meaning ascribed to
5 it in Section 5 of the Sexual Assault Evidence Submission
6 Act.

7 (Source: P.A. 99-252, eff. 1-1-16; 100-434, eff. 1-1-18.)

8 (720 ILCS 5/12-38)

9 Sec. 12-38. Restrictions on purchase or acquisition of
10 corrosive or caustic acid.

11 (a) A person seeking to purchase a substance which is
12 regulated by Title 16 CFR Section 1500.129 of the Federal
13 Caustic Poison Act and is required to contain the words
14 "causes severe burns" as the affirmative statement of
15 principal hazard on its label, must prior to taking
16 possession:

17 (1) provide a valid driver's license or other
18 government-issued identification showing the person's
19 name, date of birth, and photograph; and

20 (2) sign a log documenting the name and address of the
21 person, date and time of the transaction, and the brand,
22 product name and net weight of the item.

23 (b) Exemption. The requirements of subsection (a) do not
24 apply to batteries or household products. For the purposes of
25 this Section, "household product" means any product which is

1 customarily produced or distributed for sale for consumption
2 or use, or customarily stored, by individuals in or about the
3 household, including, but not limited to, products which are
4 customarily produced and distributed for use in or about a
5 household as a cleaning agent, drain cleaner, pesticide,
6 epoxy, paint, stain, or similar substance.

7 (c) Rules and Regulations. The Illinois ~~Department of~~
8 State Police shall have the authority to promulgate rules for
9 the implementation and enforcement of this Section.

10 (d) Sentence. Any violation of this Section is a business
11 offense for which a fine not exceeding \$150 for the first
12 violation, \$500 for the second violation, or \$1,500 for the
13 third and subsequent violations within a 12-month period shall
14 be imposed.

15 (e) Preemption. The regulation of the purchase or
16 acquisition, or both, of a caustic or corrosive substance and
17 any registry regarding the sale or possession, or both, of a
18 caustic or corrosive substance is an exclusive power and
19 function of the State. A home rule unit may not regulate the
20 purchase or acquisition of caustic or corrosive substances and
21 any ordinance or local law contrary to this Section is
22 declared void. This is a denial and limitation of home rule
23 powers and functions under subsection (h) of Section 6 of
24 Article VII of the Illinois Constitution.

25 (Source: P.A. 97-565, eff. 1-1-12; 97-929, eff. 8-10-12.)

1 (720 ILCS 5/12C-15) (was 720 ILCS 5/12-22)

2 Sec. 12C-15. Child abandonment or endangerment; probation.

3 (a) Whenever a parent of a child as determined by the court
4 on the facts before it, pleads guilty to or is found guilty of,
5 with respect to his or her child, child abandonment under
6 Section 12C-10 of this Article or endangering the life or
7 health of a child under Section 12C-5 of this Article, the
8 court may, without entering a judgment of guilt and with the
9 consent of the person, defer further proceedings and place the
10 person upon probation upon the reasonable terms and conditions
11 as the court may require. At least one term of the probation
12 shall require the person to cooperate with the Department of
13 Children and Family Services at the times and in the programs
14 that the Department of Children and Family Services may
15 require.

16 (b) Upon fulfillment of the terms and conditions imposed
17 under subsection (a), the court shall discharge the person and
18 dismiss the proceedings. Discharge and dismissal under this
19 Section shall be without court adjudication of guilt and shall
20 not be considered a conviction for purposes of
21 disqualification or disabilities imposed by law upon
22 conviction of a crime. However, a record of the disposition
23 shall be reported by the clerk of the circuit court to the
24 Illinois ~~Department of~~ State Police under Section 2.1 of the
25 Criminal Identification Act, and the record shall be
26 maintained and provided to any civil authority in connection

1 with a determination of whether the person is an acceptable
2 candidate for the care, custody and supervision of children.

3 (c) Discharge and dismissal under this Section may occur
4 only once.

5 (d) Probation under this Section may not be for a period of
6 less than 2 years.

7 (e) If the child dies of the injuries alleged, this
8 Section shall be inapplicable.

9 (Source: P.A. 97-1109, eff. 1-1-13.)

10 (720 ILCS 5/14-3)

11 Sec. 14-3. Exemptions. The following activities shall be
12 exempt from the provisions of this Article:

13 (a) Listening to radio, wireless electronic
14 communications, and television communications of any sort
15 where the same are publicly made;

16 (b) Hearing conversation when heard by employees of
17 any common carrier by wire incidental to the normal course
18 of their employment in the operation, maintenance or
19 repair of the equipment of such common carrier by wire so
20 long as no information obtained thereby is used or
21 divulged by the hearer;

22 (c) Any broadcast by radio, television or otherwise
23 whether it be a broadcast or recorded for the purpose of
24 later broadcasts of any function where the public is in
25 attendance and the conversations are overheard incidental

1 to the main purpose for which such broadcasts are then
2 being made;

3 (d) Recording or listening with the aid of any device
4 to any emergency communication made in the normal course
5 of operations by any federal, state or local law
6 enforcement agency or institutions dealing in emergency
7 services, including, but not limited to, hospitals,
8 clinics, ambulance services, fire fighting agencies, any
9 public utility, emergency repair facility, civilian
10 defense establishment or military installation;

11 (e) Recording the proceedings of any meeting required
12 to be open by the Open Meetings Act, as amended;

13 (f) Recording or listening with the aid of any device
14 to incoming telephone calls of phone lines publicly listed
15 or advertised as consumer "hotlines" by manufacturers or
16 retailers of food and drug products. Such recordings must
17 be destroyed, erased or turned over to local law
18 enforcement authorities within 24 hours from the time of
19 such recording and shall not be otherwise disseminated.
20 Failure on the part of the individual or business
21 operating any such recording or listening device to comply
22 with the requirements of this subsection shall eliminate
23 any civil or criminal immunity conferred upon that
24 individual or business by the operation of this Section;

25 (g) With prior notification to the State's Attorney of
26 the county in which it is to occur, recording or listening

1 with the aid of any device to any conversation where a law
2 enforcement officer, or any person acting at the direction
3 of law enforcement, is a party to the conversation and has
4 consented to it being intercepted or recorded under
5 circumstances where the use of the device is necessary for
6 the protection of the law enforcement officer or any
7 person acting at the direction of law enforcement, in the
8 course of an investigation of a forcible felony, a felony
9 offense of involuntary servitude, involuntary sexual
10 servitude of a minor, or trafficking in persons under
11 Section 10-9 of this Code, an offense involving
12 prostitution, solicitation of a sexual act, or pandering,
13 a felony violation of the Illinois Controlled Substances
14 Act, a felony violation of the Cannabis Control Act, a
15 felony violation of the Methamphetamine Control and
16 Community Protection Act, any "streetgang related" or
17 "gang-related" felony as those terms are defined in the
18 Illinois Streetgang Terrorism Omnibus Prevention Act, or
19 any felony offense involving any weapon listed in
20 paragraphs (1) through (11) of subsection (a) of Section
21 24-1 of this Code. Any recording or evidence derived as
22 the result of this exemption shall be inadmissible in any
23 proceeding, criminal, civil or administrative, except (i)
24 where a party to the conversation suffers great bodily
25 injury or is killed during such conversation, or (ii) when
26 used as direct impeachment of a witness concerning matters

1 contained in the interception or recording. The Director
2 of the Illinois ~~Department of~~ State Police shall issue
3 regulations as are necessary concerning the use of
4 devices, retention of tape recordings, and reports
5 regarding their use;

6 (g-5) (Blank);

7 (g-6) With approval of the State's Attorney of the
8 county in which it is to occur, recording or listening
9 with the aid of any device to any conversation where a law
10 enforcement officer, or any person acting at the direction
11 of law enforcement, is a party to the conversation and has
12 consented to it being intercepted or recorded in the
13 course of an investigation of child pornography,
14 aggravated child pornography, indecent solicitation of a
15 child, luring of a minor, sexual exploitation of a child,
16 aggravated criminal sexual abuse in which the victim of
17 the offense was at the time of the commission of the
18 offense under 18 years of age, or criminal sexual abuse by
19 force or threat of force in which the victim of the offense
20 was at the time of the commission of the offense under 18
21 years of age. In all such cases, an application for an
22 order approving the previous or continuing use of an
23 eavesdropping device must be made within 48 hours of the
24 commencement of such use. In the absence of such an order,
25 or upon its denial, any continuing use shall immediately
26 terminate. The Director of the Illinois State Police shall

1 issue rules as are necessary concerning the use of
2 devices, retention of recordings, and reports regarding
3 their use. Any recording or evidence obtained or derived
4 in the course of an investigation of child pornography,
5 aggravated child pornography, indecent solicitation of a
6 child, luring of a minor, sexual exploitation of a child,
7 aggravated criminal sexual abuse in which the victim of
8 the offense was at the time of the commission of the
9 offense under 18 years of age, or criminal sexual abuse by
10 force or threat of force in which the victim of the offense
11 was at the time of the commission of the offense under 18
12 years of age shall, upon motion of the State's Attorney or
13 Attorney General prosecuting any case involving child
14 pornography, aggravated child pornography, indecent
15 solicitation of a child, luring of a minor, sexual
16 exploitation of a child, aggravated criminal sexual abuse
17 in which the victim of the offense was at the time of the
18 commission of the offense under 18 years of age, or
19 criminal sexual abuse by force or threat of force in which
20 the victim of the offense was at the time of the commission
21 of the offense under 18 years of age be reviewed in camera
22 with notice to all parties present by the court presiding
23 over the criminal case, and, if ruled by the court to be
24 relevant and otherwise admissible, it shall be admissible
25 at the trial of the criminal case. Absent such a ruling,
26 any such recording or evidence shall not be admissible at

1 the trial of the criminal case;

2 (h) Recordings made simultaneously with the use of an
3 in-car video camera recording of an oral conversation
4 between a uniformed peace officer, who has identified his
5 or her office, and a person in the presence of the peace
6 officer whenever (i) an officer assigned a patrol vehicle
7 is conducting an enforcement stop; or (ii) patrol vehicle
8 emergency lights are activated or would otherwise be
9 activated if not for the need to conceal the presence of
10 law enforcement.

11 For the purposes of this subsection (h), "enforcement
12 stop" means an action by a law enforcement officer in
13 relation to enforcement and investigation duties,
14 including but not limited to, traffic stops, pedestrian
15 stops, abandoned vehicle contacts, motorist assists,
16 commercial motor vehicle stops, roadside safety checks,
17 requests for identification, or responses to requests for
18 emergency assistance;

19 (h-5) Recordings of utterances made by a person while
20 in the presence of a uniformed peace officer and while an
21 occupant of a police vehicle including, but not limited
22 to, (i) recordings made simultaneously with the use of an
23 in-car video camera and (ii) recordings made in the
24 presence of the peace officer utilizing video or audio
25 systems, or both, authorized by the law enforcement
26 agency;

1 (h-10) Recordings made simultaneously with a video
2 camera recording during the use of a taser or similar
3 weapon or device by a peace officer if the weapon or device
4 is equipped with such camera;

5 (h-15) Recordings made under subsection (h), (h-5), or
6 (h-10) shall be retained by the law enforcement agency
7 that employs the peace officer who made the recordings for
8 a storage period of 90 days, unless the recordings are
9 made as a part of an arrest or the recordings are deemed
10 evidence in any criminal, civil, or administrative
11 proceeding and then the recordings must only be destroyed
12 upon a final disposition and an order from the court.
13 Under no circumstances shall any recording be altered or
14 erased prior to the expiration of the designated storage
15 period. Upon completion of the storage period, the
16 recording medium may be erased and reissued for
17 operational use;

18 (i) Recording of a conversation made by or at the
19 request of a person, not a law enforcement officer or
20 agent of a law enforcement officer, who is a party to the
21 conversation, under reasonable suspicion that another
22 party to the conversation is committing, is about to
23 commit, or has committed a criminal offense against the
24 person or a member of his or her immediate household, and
25 there is reason to believe that evidence of the criminal
26 offense may be obtained by the recording;

1 (j) The use of a telephone monitoring device by either
2 (1) a corporation or other business entity engaged in
3 marketing or opinion research or (2) a corporation or
4 other business entity engaged in telephone solicitation,
5 as defined in this subsection, to record or listen to oral
6 telephone solicitation conversations or marketing or
7 opinion research conversations by an employee of the
8 corporation or other business entity when:

9 (i) the monitoring is used for the purpose of
10 service quality control of marketing or opinion
11 research or telephone solicitation, the education or
12 training of employees or contractors engaged in
13 marketing or opinion research or telephone
14 solicitation, or internal research related to
15 marketing or opinion research or telephone
16 solicitation; and

17 (ii) the monitoring is used with the consent of at
18 least one person who is an active party to the
19 marketing or opinion research conversation or
20 telephone solicitation conversation being monitored.

21 No communication or conversation or any part, portion,
22 or aspect of the communication or conversation made,
23 acquired, or obtained, directly or indirectly, under this
24 exemption (j), may be, directly or indirectly, furnished
25 to any law enforcement officer, agency, or official for
26 any purpose or used in any inquiry or investigation, or

1 used, directly or indirectly, in any administrative,
2 judicial, or other proceeding, or divulged to any third
3 party.

4 When recording or listening authorized by this
5 subsection (j) on telephone lines used for marketing or
6 opinion research or telephone solicitation purposes
7 results in recording or listening to a conversation that
8 does not relate to marketing or opinion research or
9 telephone solicitation; the person recording or listening
10 shall, immediately upon determining that the conversation
11 does not relate to marketing or opinion research or
12 telephone solicitation, terminate the recording or
13 listening and destroy any such recording as soon as is
14 practicable.

15 Business entities that use a telephone monitoring or
16 telephone recording system pursuant to this exemption (j)
17 shall provide current and prospective employees with
18 notice that the monitoring or recordings may occur during
19 the course of their employment. The notice shall include
20 prominent signage notification within the workplace.

21 Business entities that use a telephone monitoring or
22 telephone recording system pursuant to this exemption (j)
23 shall provide their employees or agents with access to
24 personal-only telephone lines which may be pay telephones,
25 that are not subject to telephone monitoring or telephone
26 recording.

1 For the purposes of this subsection (j), "telephone
2 solicitation" means a communication through the use of a
3 telephone by live operators:

4 (i) soliciting the sale of goods or services;

5 (ii) receiving orders for the sale of goods or
6 services;

7 (iii) assisting in the use of goods or services;

8 or

9 (iv) engaging in the solicitation, administration,
10 or collection of bank or retail credit accounts.

11 For the purposes of this subsection (j), "marketing or
12 opinion research" means a marketing or opinion research
13 interview conducted by a live telephone interviewer
14 engaged by a corporation or other business entity whose
15 principal business is the design, conduct, and analysis of
16 polls and surveys measuring the opinions, attitudes, and
17 responses of respondents toward products and services, or
18 social or political issues, or both;

19 (k) Electronic recordings, including but not limited
20 to, a motion picture, videotape, digital, or other visual
21 or audio recording, made of a custodial interrogation of
22 an individual at a police station or other place of
23 detention by a law enforcement officer under Section
24 5-401.5 of the Juvenile Court Act of 1987 or Section
25 103-2.1 of the Code of Criminal Procedure of 1963;

26 (1) Recording the interview or statement of any person

1 when the person knows that the interview is being
2 conducted by a law enforcement officer or prosecutor and
3 the interview takes place at a police station that is
4 currently participating in the Custodial Interview Pilot
5 Program established under the Illinois Criminal Justice
6 Information Act;

7 (m) An electronic recording, including but not limited
8 to, a motion picture, videotape, digital, or other visual
9 or audio recording, made of the interior of a school bus
10 while the school bus is being used in the transportation
11 of students to and from school and school-sponsored
12 activities, when the school board has adopted a policy
13 authorizing such recording, notice of such recording
14 policy is included in student handbooks and other
15 documents including the policies of the school, notice of
16 the policy regarding recording is provided to parents of
17 students, and notice of such recording is clearly posted
18 on the door of and inside the school bus.

19 Recordings made pursuant to this subsection (m) shall
20 be confidential records and may only be used by school
21 officials (or their designees) and law enforcement
22 personnel for investigations, school disciplinary actions
23 and hearings, proceedings under the Juvenile Court Act of
24 1987, and criminal prosecutions, related to incidents
25 occurring in or around the school bus;

26 (n) Recording or listening to an audio transmission

1 from a microphone placed by a person under the authority
2 of a law enforcement agency inside a bait car surveillance
3 vehicle while simultaneously capturing a photographic or
4 video image;

5 (o) The use of an eavesdropping camera or audio device
6 during an ongoing hostage or barricade situation by a law
7 enforcement officer or individual acting on behalf of a
8 law enforcement officer when the use of such device is
9 necessary to protect the safety of the general public,
10 hostages, or law enforcement officers or anyone acting on
11 their behalf;

12 (p) Recording or listening with the aid of any device
13 to incoming telephone calls of phone lines publicly listed
14 or advertised as the "CPS Violence Prevention Hotline",
15 but only where the notice of recording is given at the
16 beginning of each call as required by Section 34-21.8 of
17 the School Code. The recordings may be retained only by
18 the Chicago Police Department or other law enforcement
19 authorities, and shall not be otherwise retained or
20 disseminated;

21 (q) (1) With prior request to and written or verbal
22 approval of the State's Attorney of the county in which
23 the conversation is anticipated to occur, recording or
24 listening with the aid of an eavesdropping device to a
25 conversation in which a law enforcement officer, or any
26 person acting at the direction of a law enforcement

1 officer, is a party to the conversation and has consented
2 to the conversation being intercepted or recorded in the
3 course of an investigation of a qualified offense. The
4 State's Attorney may grant this approval only after
5 determining that reasonable cause exists to believe that
6 inculpatory conversations concerning a qualified offense
7 will occur with a specified individual or individuals
8 within a designated period of time.

9 (2) Request for approval. To invoke the exception
10 contained in this subsection (q), a law enforcement
11 officer shall make a request for approval to the
12 appropriate State's Attorney. The request may be written
13 or verbal; however, a written memorialization of the
14 request must be made by the State's Attorney. This request
15 for approval shall include whatever information is deemed
16 necessary by the State's Attorney but shall include, at a
17 minimum, the following information about each specified
18 individual whom the law enforcement officer believes will
19 commit a qualified offense:

20 (A) his or her full or partial name, nickname or
21 alias;

22 (B) a physical description; or

23 (C) failing either (A) or (B) of this paragraph
24 (2), any other supporting information known to the law
25 enforcement officer at the time of the request that
26 gives rise to reasonable cause to believe that the

1 specified individual will participate in an
2 inculpatory conversation concerning a qualified
3 offense.

4 (3) Limitations on approval. Each written approval by
5 the State's Attorney under this subsection (q) shall be
6 limited to:

7 (A) a recording or interception conducted by a
8 specified law enforcement officer or person acting at
9 the direction of a law enforcement officer;

10 (B) recording or intercepting conversations with
11 the individuals specified in the request for approval,
12 provided that the verbal approval shall be deemed to
13 include the recording or intercepting of conversations
14 with other individuals, unknown to the law enforcement
15 officer at the time of the request for approval, who
16 are acting in conjunction with or as co-conspirators
17 with the individuals specified in the request for
18 approval in the commission of a qualified offense;

19 (C) a reasonable period of time but in no event
20 longer than 24 consecutive hours;

21 (D) the written request for approval, if
22 applicable, or the written memorialization must be
23 filed, along with the written approval, with the
24 circuit clerk of the jurisdiction on the next business
25 day following the expiration of the authorized period
26 of time, and shall be subject to review by the Chief

1 Judge or his or her designee as deemed appropriate by
2 the court.

3 (3.5) The written memorialization of the request for
4 approval and the written approval by the State's Attorney
5 may be in any format, including via facsimile, email, or
6 otherwise, so long as it is capable of being filed with the
7 circuit clerk.

8 (3.10) Beginning March 1, 2015, each State's Attorney
9 shall annually submit a report to the General Assembly
10 disclosing:

11 (A) the number of requests for each qualified
12 offense for approval under this subsection; and

13 (B) the number of approvals for each qualified
14 offense given by the State's Attorney.

15 (4) Admissibility of evidence. No part of the contents
16 of any wire, electronic, or oral communication that has
17 been recorded or intercepted as a result of this exception
18 may be received in evidence in any trial, hearing, or
19 other proceeding in or before any court, grand jury,
20 department, officer, agency, regulatory body, legislative
21 committee, or other authority of this State, or a
22 political subdivision of the State, other than in a
23 prosecution of:

24 (A) the qualified offense for which approval was
25 given to record or intercept a conversation under this
26 subsection (q);

1 (B) a forcible felony committed directly in the
2 course of the investigation of the qualified offense
3 for which approval was given to record or intercept a
4 conversation under this subsection (q); or

5 (C) any other forcible felony committed while the
6 recording or interception was approved in accordance
7 with this subsection (q), but for this specific
8 category of prosecutions, only if the law enforcement
9 officer or person acting at the direction of a law
10 enforcement officer who has consented to the
11 conversation being intercepted or recorded suffers
12 great bodily injury or is killed during the commission
13 of the charged forcible felony.

14 (5) Compliance with the provisions of this subsection
15 is a prerequisite to the admissibility in evidence of any
16 part of the contents of any wire, electronic or oral
17 communication that has been intercepted as a result of
18 this exception, but nothing in this subsection shall be
19 deemed to prevent a court from otherwise excluding the
20 evidence on any other ground recognized by State or
21 federal law, nor shall anything in this subsection be
22 deemed to prevent a court from independently reviewing the
23 admissibility of the evidence for compliance with the
24 Fourth Amendment to the U.S. Constitution or with Article
25 I, Section 6 of the Illinois Constitution.

26 (6) Use of recordings or intercepts unrelated to

1 qualified offenses. Whenever any private conversation or
2 private electronic communication has been recorded or
3 intercepted as a result of this exception that is not
4 related to an offense for which the recording or intercept
5 is admissible under paragraph (4) of this subsection (q),
6 no part of the contents of the communication and evidence
7 derived from the communication may be received in evidence
8 in any trial, hearing, or other proceeding in or before
9 any court, grand jury, department, officer, agency,
10 regulatory body, legislative committee, or other authority
11 of this State, or a political subdivision of the State,
12 nor may it be publicly disclosed in any way.

13 (6.5) The Illinois ~~Department of~~ State Police shall
14 adopt rules as are necessary concerning the use of
15 devices, retention of recordings, and reports regarding
16 their use under this subsection (q).

17 (7) Definitions. For the purposes of this subsection
18 (q) only:

19 "Forcible felony" includes and is limited to those
20 offenses contained in Section 2-8 of the Criminal Code
21 of 1961 as of the effective date of this amendatory Act
22 of the 97th General Assembly, and only as those
23 offenses have been defined by law or judicial
24 interpretation as of that date.

25 "Qualified offense" means and is limited to:

26 (A) a felony violation of the Cannabis Control

1 Act, the Illinois Controlled Substances Act, or
2 the Methamphetamine Control and Community
3 Protection Act, except for violations of:

4 (i) Section 4 of the Cannabis Control Act;

5 (ii) Section 402 of the Illinois
6 Controlled Substances Act; and

7 (iii) Section 60 of the Methamphetamine
8 Control and Community Protection Act; and

9 (B) first degree murder, solicitation of
10 murder for hire, predatory criminal sexual assault
11 of a child, criminal sexual assault, aggravated
12 criminal sexual assault, aggravated arson,
13 kidnapping, aggravated kidnapping, child
14 abduction, trafficking in persons, involuntary
15 servitude, involuntary sexual servitude of a
16 minor, or gunrunning.

17 "State's Attorney" includes and is limited to the
18 State's Attorney or an assistant State's Attorney
19 designated by the State's Attorney to provide verbal
20 approval to record or intercept conversations under
21 this subsection (q).

22 (8) Sunset. This subsection (q) is inoperative on and
23 after January 1, 2023. No conversations intercepted
24 pursuant to this subsection (q), while operative, shall be
25 inadmissible in a court of law by virtue of the
26 inoperability of this subsection (q) on January 1, 2023.

1 (9) Recordings, records, and custody. Any private
2 conversation or private electronic communication
3 intercepted by a law enforcement officer or a person
4 acting at the direction of law enforcement shall, if
5 practicable, be recorded in such a way as will protect the
6 recording from editing or other alteration. Any and all
7 original recordings made under this subsection (q) shall
8 be inventoried without unnecessary delay pursuant to the
9 law enforcement agency's policies for inventorying
10 evidence. The original recordings shall not be destroyed
11 except upon an order of a court of competent jurisdiction;
12 and

13 (r) Electronic recordings, including but not limited
14 to, motion picture, videotape, digital, or other visual or
15 audio recording, made of a lineup under Section 107A-2 of
16 the Code of Criminal Procedure of 1963.

17 (Source: P.A. 100-572, eff. 12-29-17; 101-80, eff. 7-12-19.)

18 (720 ILCS 5/17-6.3)

19 Sec. 17-6.3. WIC fraud.

20 (a) For the purposes of this Section, the Special
21 Supplemental Food Program for Women, Infants and Children
22 administered by the Illinois Department of Public Health or
23 Department of Human Services shall be referred to as "WIC".

24 (b) A person commits WIC fraud if he or she knowingly (i)
25 uses, acquires, possesses, or transfers WIC Food Instruments

1 or authorizations to participate in WIC in any manner not
2 authorized by law or the rules of the Illinois Department of
3 Public Health or Department of Human Services or (ii) uses,
4 acquires, possesses, or transfers altered WIC Food Instruments
5 or authorizations to participate in WIC.

6 (c) Administrative malfeasance.

7 (1) A person commits administrative malfeasance if he
8 or she knowingly or recklessly misappropriates, misuses,
9 or unlawfully withholds or converts to his or her own use
10 or to the use of another any public funds made available
11 for WIC.

12 (2) An official or employee of the State or a unit of
13 local government who knowingly aids, abets, assists, or
14 participates in a known violation of this Section is
15 subject to disciplinary proceedings under the rules of the
16 applicable State agency or unit of local government.

17 (d) Unauthorized possession of identification document. A
18 person commits unauthorized possession of an identification
19 document if he or she knowingly possesses, with intent to
20 commit a misdemeanor or felony, another person's
21 identification document issued by the Illinois Department of
22 Public Health or Department of Human Services. For purposes of
23 this Section, "identification document" includes, but is not
24 limited to, an authorization to participate in WIC or a card or
25 other document that identifies a person as being entitled to
26 WIC benefits.

1 (e) Penalties.

2 (1) If an individual, firm, corporation, association,
3 agency, institution, or other legal entity is found by a
4 court to have engaged in an act, practice, or course of
5 conduct declared unlawful under subsection (a), (b), or
6 (c) of this Section and:

7 (A) the total amount of money involved in the
8 violation, including the monetary value of the WIC
9 Food Instruments and the value of commodities, is less
10 than \$150, the violation is a Class A misdemeanor; a
11 second or subsequent violation is a Class 4 felony;

12 (B) the total amount of money involved in the
13 violation, including the monetary value of the WIC
14 Food Instruments and the value of commodities, is \$150
15 or more but less than \$1,000, the violation is a Class
16 4 felony; a second or subsequent violation is a Class 3
17 felony;

18 (C) the total amount of money involved in the
19 violation, including the monetary value of the WIC
20 Food Instruments and the value of commodities, is
21 \$1,000 or more but less than \$5,000, the violation is a
22 Class 3 felony; a second or subsequent violation is a
23 Class 2 felony;

24 (D) the total amount of money involved in the
25 violation, including the monetary value of the WIC
26 Food Instruments and the value of commodities, is

1 \$5,000 or more but less than \$10,000, the violation is
2 a Class 2 felony; a second or subsequent violation is a
3 Class 1 felony; or

4 (E) the total amount of money involved in the
5 violation, including the monetary value of the WIC
6 Food Instruments and the value of commodities, is
7 \$10,000 or more, the violation is a Class 1 felony and
8 the defendant shall be permanently ineligible to
9 participate in WIC.

10 (2) A violation of subsection (d) is a Class 4 felony.

11 (3) The State's Attorney of the county in which the
12 violation of this Section occurred or the Attorney General
13 shall bring actions arising under this Section in the name
14 of the People of the State of Illinois.

15 (4) For purposes of determining the classification of
16 an offense under this subsection (e), all of the money
17 received as a result of the unlawful act, practice, or
18 course of conduct, including the value of any WIC Food
19 Instruments and the value of commodities, shall be
20 aggregated.

21 (f) Seizure and forfeiture of property.

22 (1) A person who commits a felony violation of this
23 Section is subject to the property forfeiture provisions
24 set forth in Article 124B of the Code of Criminal
25 Procedure of 1963.

26 (2) Property subject to forfeiture under this

1 subsection (f) may be seized by the Director of the
2 Illinois State Police or any local law enforcement agency
3 upon process or seizure warrant issued by any court having
4 jurisdiction over the property. The Director or a local
5 law enforcement agency may seize property under this
6 subsection (f) without process under any of the following
7 circumstances:

8 (A) If the seizure is incident to inspection under
9 an administrative inspection warrant.

10 (B) If the property subject to seizure has been
11 the subject of a prior judgment in favor of the State
12 in a criminal proceeding or in an injunction or
13 forfeiture proceeding under Article 124B of the Code
14 of Criminal Procedure of 1963.

15 (C) If there is probable cause to believe that the
16 property is directly or indirectly dangerous to health
17 or safety.

18 (D) If there is probable cause to believe that the
19 property is subject to forfeiture under this
20 subsection (f) and Article 124B of the Code of
21 Criminal Procedure of 1963 and the property is seized
22 under circumstances in which a warrantless seizure or
23 arrest would be reasonable.

24 (E) In accordance with the Code of Criminal
25 Procedure of 1963.

26 (g) Future participation as WIC vendor. A person who has

1 been convicted of a felony violation of this Section is
2 prohibited from participating as a WIC vendor for a minimum
3 period of 3 years following conviction and until the total
4 amount of money involved in the violation, including the value
5 of WIC Food Instruments and the value of commodities, is
6 repaid to WIC. This prohibition shall extend to any person
7 with management responsibility in a firm, corporation,
8 association, agency, institution, or other legal entity that
9 has been convicted of a violation of this Section and to an
10 officer or person owning, directly or indirectly, 5% or more
11 of the shares of stock or other evidences of ownership in a
12 corporate vendor.

13 (Source: P.A. 96-1551, eff. 7-1-11.)

14 (720 ILCS 5/24-1) (from Ch. 38, par. 24-1)

15 Sec. 24-1. Unlawful use of weapons.

16 (a) A person commits the offense of unlawful use of
17 weapons when he knowingly:

18 (1) Sells, manufactures, purchases, possesses or
19 carries any bludgeon, black-jack, slung-shot, sand-club,
20 sand-bag, metal knuckles or other knuckle weapon
21 regardless of its composition, throwing star, or any
22 knife, commonly referred to as a switchblade knife, which
23 has a blade that opens automatically by hand pressure
24 applied to a button, spring or other device in the handle
25 of the knife, or a ballistic knife, which is a device that

1 propels a knifelike blade as a projectile by means of a
2 coil spring, elastic material or compressed gas; or

3 (2) Carries or possesses with intent to use the same
4 unlawfully against another, a dagger, dirk, billy,
5 dangerous knife, razor, stiletto, broken bottle or other
6 piece of glass, stun gun or taser or any other dangerous or
7 deadly weapon or instrument of like character; or

8 (2.5) Carries or possesses with intent to use the same
9 unlawfully against another, any firearm in a church,
10 synagogue, mosque, or other building, structure, or place
11 used for religious worship; or

12 (3) Carries on or about his person or in any vehicle, a
13 tear gas gun projector or bomb or any object containing
14 noxious liquid gas or substance, other than an object
15 containing a non-lethal noxious liquid gas or substance
16 designed solely for personal defense carried by a person
17 18 years of age or older; or

18 (4) Carries or possesses in any vehicle or concealed
19 on or about his person except when on his land or in his
20 own abode, legal dwelling, or fixed place of business, or
21 on the land or in the legal dwelling of another person as
22 an invitee with that person's permission, any pistol,
23 revolver, stun gun or taser or other firearm, except that
24 this subsection (a) (4) does not apply to or affect
25 transportation of weapons that meet one of the following
26 conditions:

1 (i) are broken down in a non-functioning state; or

2 (ii) are not immediately accessible; or

3 (iii) are unloaded and enclosed in a case, firearm
4 carrying box, shipping box, or other container by a
5 person who has been issued a currently valid Firearm
6 Owner's Identification Card; or

7 (iv) are carried or possessed in accordance with
8 the Firearm Concealed Carry Act by a person who has
9 been issued a currently valid license under the
10 Firearm Concealed Carry Act; or

11 (5) Sets a spring gun; or

12 (6) Possesses any device or attachment of any kind
13 designed, used or intended for use in silencing the report
14 of any firearm; or

15 (7) Sells, manufactures, purchases, possesses or
16 carries:

17 (i) a machine gun, which shall be defined for the
18 purposes of this subsection as any weapon, which
19 shoots, is designed to shoot, or can be readily
20 restored to shoot, automatically more than one shot
21 without manually reloading by a single function of the
22 trigger, including the frame or receiver of any such
23 weapon, or sells, manufactures, purchases, possesses,
24 or carries any combination of parts designed or
25 intended for use in converting any weapon into a
26 machine gun, or any combination or parts from which a

1 machine gun can be assembled if such parts are in the
2 possession or under the control of a person;

3 (ii) any rifle having one or more barrels less
4 than 16 inches in length or a shotgun having one or
5 more barrels less than 18 inches in length or any
6 weapon made from a rifle or shotgun, whether by
7 alteration, modification, or otherwise, if such a
8 weapon as modified has an overall length of less than
9 26 inches; or

10 (iii) any bomb, bomb-shell, grenade, bottle or
11 other container containing an explosive substance of
12 over one-quarter ounce for like purposes, such as, but
13 not limited to, black powder bombs and Molotov
14 cocktails or artillery projectiles; or

15 (8) Carries or possesses any firearm, stun gun or
16 taser or other deadly weapon in any place which is
17 licensed to sell intoxicating beverages, or at any public
18 gathering held pursuant to a license issued by any
19 governmental body or any public gathering at which an
20 admission is charged, excluding a place where a showing,
21 demonstration or lecture involving the exhibition of
22 unloaded firearms is conducted.

23 This subsection (a) (8) does not apply to any auction
24 or raffle of a firearm held pursuant to a license or permit
25 issued by a governmental body, nor does it apply to
26 persons engaged in firearm safety training courses; or

1 (9) Carries or possesses in a vehicle or on or about
2 his or her person any pistol, revolver, stun gun or taser
3 or firearm or ballistic knife, when he or she is hooded,
4 robed or masked in such manner as to conceal his or her
5 identity; or

6 (10) Carries or possesses on or about his or her
7 person, upon any public street, alley, or other public
8 lands within the corporate limits of a city, village, or
9 incorporated town, except when an invitee thereon or
10 therein, for the purpose of the display of such weapon or
11 the lawful commerce in weapons, or except when on his land
12 or in his or her own abode, legal dwelling, or fixed place
13 of business, or on the land or in the legal dwelling of
14 another person as an invitee with that person's
15 permission, any pistol, revolver, stun gun, or taser or
16 other firearm, except that this subsection (a) (10) does
17 not apply to or affect transportation of weapons that meet
18 one of the following conditions:

19 (i) are broken down in a non-functioning state; or

20 (ii) are not immediately accessible; or

21 (iii) are unloaded and enclosed in a case, firearm
22 carrying box, shipping box, or other container by a
23 person who has been issued a currently valid Firearm
24 Owner's Identification Card; or

25 (iv) are carried or possessed in accordance with
26 the Firearm Concealed Carry Act by a person who has

1 been issued a currently valid license under the
2 Firearm Concealed Carry Act.

3 A "stun gun or taser", as used in this paragraph (a)
4 means (i) any device which is powered by electrical
5 charging units, such as, batteries, and which fires one or
6 several barbs attached to a length of wire and which, upon
7 hitting a human, can send out a current capable of
8 disrupting the person's nervous system in such a manner as
9 to render him incapable of normal functioning or (ii) any
10 device which is powered by electrical charging units, such
11 as batteries, and which, upon contact with a human or
12 clothing worn by a human, can send out current capable of
13 disrupting the person's nervous system in such a manner as
14 to render him incapable of normal functioning; or

15 (11) Sells, manufactures, or purchases any explosive
16 bullet. For purposes of this paragraph (a) "explosive
17 bullet" means the projectile portion of an ammunition
18 cartridge which contains or carries an explosive charge
19 which will explode upon contact with the flesh of a human
20 or an animal. "Cartridge" means a tubular metal case
21 having a projectile affixed at the front thereof and a cap
22 or primer at the rear end thereof, with the propellant
23 contained in such tube between the projectile and the cap;
24 or

25 (12) (Blank); or

26 (13) Carries or possesses on or about his or her

1 person while in a building occupied by a unit of
2 government, a billy club, other weapon of like character,
3 or other instrument of like character intended for use as
4 a weapon. For the purposes of this Section, "billy club"
5 means a short stick or club commonly carried by police
6 officers which is either telescopic or constructed of a
7 solid piece of wood or other man-made material.

8 (b) Sentence. A person convicted of a violation of
9 subsection 24-1(a)(1) through (5), subsection 24-1(a)(10),
10 subsection 24-1(a)(11), or subsection 24-1(a)(13) commits a
11 Class A misdemeanor. A person convicted of a violation of
12 subsection 24-1(a)(8) or 24-1(a)(9) commits a Class 4 felony;
13 a person convicted of a violation of subsection 24-1(a)(6) or
14 24-1(a)(7)(ii) or (iii) commits a Class 3 felony. A person
15 convicted of a violation of subsection 24-1(a)(7)(i) commits a
16 Class 2 felony and shall be sentenced to a term of imprisonment
17 of not less than 3 years and not more than 7 years, unless the
18 weapon is possessed in the passenger compartment of a motor
19 vehicle as defined in Section 1-146 of the Illinois Vehicle
20 Code, or on the person, while the weapon is loaded, in which
21 case it shall be a Class X felony. A person convicted of a
22 second or subsequent violation of subsection 24-1(a)(4),
23 24-1(a)(8), 24-1(a)(9), or 24-1(a)(10) commits a Class 3
24 felony. A person convicted of a violation of subsection
25 24-1(a)(2.5) commits a Class 2 felony. The possession of each
26 weapon in violation of this Section constitutes a single and

1 separate violation.

2 (c) Violations in specific places.

3 (1) A person who violates subsection 24-1(a)(6) or
4 24-1(a)(7) in any school, regardless of the time of day or
5 the time of year, in residential property owned, operated
6 or managed by a public housing agency or leased by a public
7 housing agency as part of a scattered site or mixed-income
8 development, in a public park, in a courthouse, on the
9 real property comprising any school, regardless of the
10 time of day or the time of year, on residential property
11 owned, operated or managed by a public housing agency or
12 leased by a public housing agency as part of a scattered
13 site or mixed-income development, on the real property
14 comprising any public park, on the real property
15 comprising any courthouse, in any conveyance owned, leased
16 or contracted by a school to transport students to or from
17 school or a school related activity, in any conveyance
18 owned, leased, or contracted by a public transportation
19 agency, or on any public way within 1,000 feet of the real
20 property comprising any school, public park, courthouse,
21 public transportation facility, or residential property
22 owned, operated, or managed by a public housing agency or
23 leased by a public housing agency as part of a scattered
24 site or mixed-income development commits a Class 2 felony
25 and shall be sentenced to a term of imprisonment of not
26 less than 3 years and not more than 7 years.

1 (1.5) A person who violates subsection 24-1(a)(4),
2 24-1(a)(9), or 24-1(a)(10) in any school, regardless of
3 the time of day or the time of year, in residential
4 property owned, operated, or managed by a public housing
5 agency or leased by a public housing agency as part of a
6 scattered site or mixed-income development, in a public
7 park, in a courthouse, on the real property comprising any
8 school, regardless of the time of day or the time of year,
9 on residential property owned, operated, or managed by a
10 public housing agency or leased by a public housing agency
11 as part of a scattered site or mixed-income development,
12 on the real property comprising any public park, on the
13 real property comprising any courthouse, in any conveyance
14 owned, leased, or contracted by a school to transport
15 students to or from school or a school related activity,
16 in any conveyance owned, leased, or contracted by a public
17 transportation agency, or on any public way within 1,000
18 feet of the real property comprising any school, public
19 park, courthouse, public transportation facility, or
20 residential property owned, operated, or managed by a
21 public housing agency or leased by a public housing agency
22 as part of a scattered site or mixed-income development
23 commits a Class 3 felony.

24 (2) A person who violates subsection 24-1(a)(1),
25 24-1(a)(2), or 24-1(a)(3) in any school, regardless of the
26 time of day or the time of year, in residential property

1 owned, operated or managed by a public housing agency or
2 leased by a public housing agency as part of a scattered
3 site or mixed-income development, in a public park, in a
4 courthouse, on the real property comprising any school,
5 regardless of the time of day or the time of year, on
6 residential property owned, operated or managed by a
7 public housing agency or leased by a public housing agency
8 as part of a scattered site or mixed-income development,
9 on the real property comprising any public park, on the
10 real property comprising any courthouse, in any conveyance
11 owned, leased or contracted by a school to transport
12 students to or from school or a school related activity,
13 in any conveyance owned, leased, or contracted by a public
14 transportation agency, or on any public way within 1,000
15 feet of the real property comprising any school, public
16 park, courthouse, public transportation facility, or
17 residential property owned, operated, or managed by a
18 public housing agency or leased by a public housing agency
19 as part of a scattered site or mixed-income development
20 commits a Class 4 felony. "Courthouse" means any building
21 that is used by the Circuit, Appellate, or Supreme Court
22 of this State for the conduct of official business.

23 (3) Paragraphs (1), (1.5), and (2) of this subsection
24 (c) shall not apply to law enforcement officers or
25 security officers of such school, college, or university
26 or to students carrying or possessing firearms for use in

1 training courses, parades, hunting, target shooting on
2 school ranges, or otherwise with the consent of school
3 authorities and which firearms are transported unloaded
4 enclosed in a suitable case, box, or transportation
5 package.

6 (4) For the purposes of this subsection (c), "school"
7 means any public or private elementary or secondary
8 school, community college, college, or university.

9 (5) For the purposes of this subsection (c), "public
10 transportation agency" means a public or private agency
11 that provides for the transportation or conveyance of
12 persons by means available to the general public, except
13 for transportation by automobiles not used for conveyance
14 of the general public as passengers; and "public
15 transportation facility" means a terminal or other place
16 where one may obtain public transportation.

17 (d) The presence in an automobile other than a public
18 omnibus of any weapon, instrument or substance referred to in
19 subsection (a)(7) is prima facie evidence that it is in the
20 possession of, and is being carried by, all persons occupying
21 such automobile at the time such weapon, instrument or
22 substance is found, except under the following circumstances:
23 (i) if such weapon, instrument or instrumentality is found
24 upon the person of one of the occupants therein; or (ii) if
25 such weapon, instrument or substance is found in an automobile
26 operated for hire by a duly licensed driver in the due, lawful

1 and proper pursuit of his or her trade, then such presumption
2 shall not apply to the driver.

3 (e) Exemptions.

4 (1) Crossbows, Common or Compound bows and Underwater
5 Spearguns are exempted from the definition of ballistic
6 knife as defined in paragraph (1) of subsection (a) of
7 this Section.

8 (2) The provision of paragraph (1) of subsection (a)
9 of this Section prohibiting the sale, manufacture,
10 purchase, possession, or carrying of any knife, commonly
11 referred to as a switchblade knife, which has a blade that
12 opens automatically by hand pressure applied to a button,
13 spring or other device in the handle of the knife, does not
14 apply to a person who possesses a currently valid Firearm
15 Owner's Identification Card previously issued in his or
16 her name by the Illinois ~~Department of~~ State Police or to a
17 person or an entity engaged in the business of selling or
18 manufacturing switchblade knives.

19 (Source: P.A. 100-82, eff. 8-11-17; 101-223, eff. 1-1-20.)

20 (720 ILCS 5/24-1.1) (from Ch. 38, par. 24-1.1)

21 Sec. 24-1.1. Unlawful use or possession of weapons by
22 felons or persons in the custody of the Department of
23 Corrections facilities.

24 (a) It is unlawful for a person to knowingly possess on or
25 about his person or on his land or in his own abode or fixed

1 place of business any weapon prohibited under Section 24-1 of
2 this Act or any firearm or any firearm ammunition if the person
3 has been convicted of a felony under the laws of this State or
4 any other jurisdiction. This Section shall not apply if the
5 person has been granted relief by the Director of the Illinois
6 ~~Department of~~ State Police under Section 10 of the Firearm
7 Owners Identification Card Act.

8 (b) It is unlawful for any person confined in a penal
9 institution, which is a facility of the Illinois Department of
10 Corrections, to possess any weapon prohibited under Section
11 24-1 of this Code or any firearm or firearm ammunition,
12 regardless of the intent with which he possesses it.

13 (c) It shall be an affirmative defense to a violation of
14 subsection (b), that such possession was specifically
15 authorized by rule, regulation, or directive of the Illinois
16 Department of Corrections or order issued pursuant thereto.

17 (d) The defense of necessity is not available to a person
18 who is charged with a violation of subsection (b) of this
19 Section.

20 (e) Sentence. Violation of this Section by a person not
21 confined in a penal institution shall be a Class 3 felony for
22 which the person shall be sentenced to no less than 2 years and
23 no more than 10 years. A second or subsequent violation of this
24 Section shall be a Class 2 felony for which the person shall be
25 sentenced to a term of imprisonment of not less than 3 years
26 and not more than 14 years, except as provided for in Section

1 5-4.5-110 of the Unified Code of Corrections. Violation of
2 this Section by a person not confined in a penal institution
3 who has been convicted of a forcible felony, a felony
4 violation of Article 24 of this Code or of the Firearm Owners
5 Identification Card Act, stalking or aggravated stalking, or a
6 Class 2 or greater felony under the Illinois Controlled
7 Substances Act, the Cannabis Control Act, or the
8 Methamphetamine Control and Community Protection Act is a
9 Class 2 felony for which the person shall be sentenced to not
10 less than 3 years and not more than 14 years, except as
11 provided for in Section 5-4.5-110 of the Unified Code of
12 Corrections. Violation of this Section by a person who is on
13 parole or mandatory supervised release is a Class 2 felony for
14 which the person shall be sentenced to not less than 3 years
15 and not more than 14 years, except as provided for in Section
16 5-4.5-110 of the Unified Code of Corrections. Violation of
17 this Section by a person not confined in a penal institution is
18 a Class X felony when the firearm possessed is a machine gun.
19 Any person who violates this Section while confined in a penal
20 institution, which is a facility of the Illinois Department of
21 Corrections, is guilty of a Class 1 felony, if he possesses any
22 weapon prohibited under Section 24-1 of this Code regardless
23 of the intent with which he possesses it, a Class X felony if
24 he possesses any firearm, firearm ammunition or explosive, and
25 a Class X felony for which the offender shall be sentenced to
26 not less than 12 years and not more than 50 years when the

1 firearm possessed is a machine gun. A violation of this
2 Section while wearing or in possession of body armor as
3 defined in Section 33F-1 is a Class X felony punishable by a
4 term of imprisonment of not less than 10 years and not more
5 than 40 years. The possession of each firearm or firearm
6 ammunition in violation of this Section constitutes a single
7 and separate violation.

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

9 (720 ILCS 5/24-3) (from Ch. 38, par. 24-3)

10 Sec. 24-3. Unlawful sale or delivery of firearms.

11 (A) A person commits the offense of unlawful sale or
12 delivery of firearms when he or she knowingly does any of the
13 following:

14 (a) Sells or gives any firearm of a size which may be
15 concealed upon the person to any person under 18 years of
16 age.

17 (b) Sells or gives any firearm to a person under 21
18 years of age who has been convicted of a misdemeanor other
19 than a traffic offense or adjudged delinquent.

20 (c) Sells or gives any firearm to any narcotic addict.

21 (d) Sells or gives any firearm to any person who has
22 been convicted of a felony under the laws of this or any
23 other jurisdiction.

24 (e) Sells or gives any firearm to any person who has
25 been a patient in a mental institution within the past 5

1 years. In this subsection (e):

2 "Mental institution" means any hospital,
3 institution, clinic, evaluation facility, mental
4 health center, or part thereof, which is used
5 primarily for the care or treatment of persons with
6 mental illness.

7 "Patient in a mental institution" means the person
8 was admitted, either voluntarily or involuntarily, to
9 a mental institution for mental health treatment,
10 unless the treatment was voluntary and solely for an
11 alcohol abuse disorder and no other secondary
12 substance abuse disorder or mental illness.

13 (f) Sells or gives any firearms to any person who is a
14 person with an intellectual disability.

15 (g) Delivers any firearm, incidental to a sale,
16 without withholding delivery of the firearm for at least
17 72 hours after application for its purchase has been made,
18 or delivers a stun gun or taser, incidental to a sale,
19 without withholding delivery of the stun gun or taser for
20 at least 24 hours after application for its purchase has
21 been made. However, this paragraph (g) does not apply to:

22 (1) the sale of a firearm to a law enforcement officer if
23 the seller of the firearm knows that the person to whom he
24 or she is selling the firearm is a law enforcement officer
25 or the sale of a firearm to a person who desires to
26 purchase a firearm for use in promoting the public

1 interest incident to his or her employment as a bank
2 guard, armed truck guard, or other similar employment; (2)
3 a mail order sale of a firearm from a federally licensed
4 firearms dealer to a nonresident of Illinois under which
5 the firearm is mailed to a federally licensed firearms
6 dealer outside the boundaries of Illinois; (3) (blank);
7 (4) the sale of a firearm to a dealer licensed as a federal
8 firearms dealer under Section 923 of the federal Gun
9 Control Act of 1968 (18 U.S.C. 923); or (5) the transfer or
10 sale of any rifle, shotgun, or other long gun to a resident
11 registered competitor or attendee or non-resident
12 registered competitor or attendee by any dealer licensed
13 as a federal firearms dealer under Section 923 of the
14 federal Gun Control Act of 1968 at competitive shooting
15 events held at the World Shooting Complex sanctioned by a
16 national governing body. For purposes of transfers or
17 sales under subparagraph (5) of this paragraph (g), the
18 Department of Natural Resources shall give notice to the
19 Illinois ~~Department of~~ State Police at least 30 calendar
20 days prior to any competitive shooting events at the World
21 Shooting Complex sanctioned by a national governing body.
22 The notification shall be made on a form prescribed by the
23 Illinois ~~Department of~~ State Police. The sanctioning body
24 shall provide a list of all registered competitors and
25 attendees at least 24 hours before the events to the
26 Illinois ~~Department of~~ State Police. Any changes to the

1 list of registered competitors and attendees shall be
2 forwarded to the Illinois ~~Department of~~ State Police as
3 soon as practicable. The Illinois ~~Department of~~ State
4 Police must destroy the list of registered competitors and
5 attendees no later than 30 days after the date of the
6 event. Nothing in this paragraph (g) relieves a federally
7 licensed firearm dealer from the requirements of
8 conducting a NICS background check through the Illinois
9 Point of Contact under 18 U.S.C. 922(t). For purposes of
10 this paragraph (g), "application" means when the buyer and
11 seller reach an agreement to purchase a firearm. For
12 purposes of this paragraph (g), "national governing body"
13 means a group of persons who adopt rules and formulate
14 policy on behalf of a national firearm sporting
15 organization.

16 (h) While holding any license as a dealer, importer,
17 manufacturer or pawnbroker under the federal Gun Control
18 Act of 1968, manufactures, sells or delivers to any
19 unlicensed person a handgun having a barrel, slide, frame
20 or receiver which is a die casting of zinc alloy or any
21 other nonhomogeneous metal which will melt or deform at a
22 temperature of less than 800 degrees Fahrenheit. For
23 purposes of this paragraph, (1) "firearm" is defined as in
24 the Firearm Owners Identification Card Act; and (2)
25 "handgun" is defined as a firearm designed to be held and
26 fired by the use of a single hand, and includes a

1 combination of parts from which such a firearm can be
2 assembled.

3 (i) Sells or gives a firearm of any size to any person
4 under 18 years of age who does not possess a valid Firearm
5 Owner's Identification Card.

6 (j) Sells or gives a firearm while engaged in the
7 business of selling firearms at wholesale or retail
8 without being licensed as a federal firearms dealer under
9 Section 923 of the federal Gun Control Act of 1968 (18
10 U.S.C. 923). In this paragraph (j):

11 A person "engaged in the business" means a person who
12 devotes time, attention, and labor to engaging in the
13 activity as a regular course of trade or business with the
14 principal objective of livelihood and profit, but does not
15 include a person who makes occasional repairs of firearms
16 or who occasionally fits special barrels, stocks, or
17 trigger mechanisms to firearms.

18 "With the principal objective of livelihood and
19 profit" means that the intent underlying the sale or
20 disposition of firearms is predominantly one of obtaining
21 livelihood and pecuniary gain, as opposed to other
22 intents, such as improving or liquidating a personal
23 firearms collection; however, proof of profit shall not be
24 required as to a person who engages in the regular and
25 repetitive purchase and disposition of firearms for
26 criminal purposes or terrorism.

1 (k) Sells or transfers ownership of a firearm to a
2 person who does not display to the seller or transferor of
3 the firearm either: (1) a currently valid Firearm Owner's
4 Identification Card that has previously been issued in the
5 transferee's name by the Illinois ~~Department of~~ State
6 Police under the provisions of the Firearm Owners
7 Identification Card Act; or (2) a currently valid license
8 to carry a concealed firearm that has previously been
9 issued in the transferee's name by the Illinois ~~Department~~
10 ~~of~~ State Police under the Firearm Concealed Carry Act.
11 This paragraph (k) does not apply to the transfer of a
12 firearm to a person who is exempt from the requirement of
13 possessing a Firearm Owner's Identification Card under
14 Section 2 of the Firearm Owners Identification Card Act.
15 For the purposes of this Section, a currently valid
16 Firearm Owner's Identification Card means (i) a Firearm
17 Owner's Identification Card that has not expired or (ii)
18 an approval number issued in accordance with subsection
19 (a-10) of subsection 3 or Section 3.1 of the Firearm
20 Owners Identification Card Act shall be proof that the
21 Firearm Owner's Identification Card was valid.

22 (1) In addition to the other requirements of this
23 paragraph (k), all persons who are not federally
24 licensed firearms dealers must also have complied with
25 subsection (a-10) of Section 3 of the Firearm Owners
26 Identification Card Act by determining the validity of

1 a purchaser's Firearm Owner's Identification Card.

2 (2) All sellers or transferors who have complied
3 with the requirements of subparagraph (1) of this
4 paragraph (k) shall not be liable for damages in any
5 civil action arising from the use or misuse by the
6 transferee of the firearm transferred, except for
7 willful or wanton misconduct on the part of the seller
8 or transferor.

9 (1) Not being entitled to the possession of a firearm,
10 delivers the firearm, knowing it to have been stolen or
11 converted. It may be inferred that a person who possesses
12 a firearm with knowledge that its serial number has been
13 removed or altered has knowledge that the firearm is
14 stolen or converted.

15 (B) Paragraph (h) of subsection (A) does not include
16 firearms sold within 6 months after enactment of Public Act
17 78-355 (approved August 21, 1973, effective October 1, 1973),
18 nor is any firearm legally owned or possessed by any citizen or
19 purchased by any citizen within 6 months after the enactment
20 of Public Act 78-355 subject to confiscation or seizure under
21 the provisions of that Public Act. Nothing in Public Act
22 78-355 shall be construed to prohibit the gift or trade of any
23 firearm if that firearm was legally held or acquired within 6
24 months after the enactment of that Public Act.

25 (C) Sentence.

26 (1) Any person convicted of unlawful sale or delivery

1 of firearms in violation of paragraph (c), (e), (f), (g),
2 or (h) of subsection (A) commits a Class 4 felony.

3 (2) Any person convicted of unlawful sale or delivery
4 of firearms in violation of paragraph (b) or (i) of
5 subsection (A) commits a Class 3 felony.

6 (3) Any person convicted of unlawful sale or delivery
7 of firearms in violation of paragraph (a) of subsection
8 (A) commits a Class 2 felony.

9 (4) Any person convicted of unlawful sale or delivery
10 of firearms in violation of paragraph (a), (b), or (i) of
11 subsection (A) in any school, on the real property
12 comprising a school, within 1,000 feet of the real
13 property comprising a school, at a school related
14 activity, or on or within 1,000 feet of any conveyance
15 owned, leased, or contracted by a school or school
16 district to transport students to or from school or a
17 school related activity, regardless of the time of day or
18 time of year at which the offense was committed, commits a
19 Class 1 felony. Any person convicted of a second or
20 subsequent violation of unlawful sale or delivery of
21 firearms in violation of paragraph (a), (b), or (i) of
22 subsection (A) in any school, on the real property
23 comprising a school, within 1,000 feet of the real
24 property comprising a school, at a school related
25 activity, or on or within 1,000 feet of any conveyance
26 owned, leased, or contracted by a school or school

1 district to transport students to or from school or a
2 school related activity, regardless of the time of day or
3 time of year at which the offense was committed, commits a
4 Class 1 felony for which the sentence shall be a term of
5 imprisonment of no less than 5 years and no more than 15
6 years.

7 (5) Any person convicted of unlawful sale or delivery
8 of firearms in violation of paragraph (a) or (i) of
9 subsection (A) in residential property owned, operated, or
10 managed by a public housing agency or leased by a public
11 housing agency as part of a scattered site or mixed-income
12 development, in a public park, in a courthouse, on
13 residential property owned, operated, or managed by a
14 public housing agency or leased by a public housing agency
15 as part of a scattered site or mixed-income development,
16 on the real property comprising any public park, on the
17 real property comprising any courthouse, or on any public
18 way within 1,000 feet of the real property comprising any
19 public park, courthouse, or residential property owned,
20 operated, or managed by a public housing agency or leased
21 by a public housing agency as part of a scattered site or
22 mixed-income development commits a Class 2 felony.

23 (6) Any person convicted of unlawful sale or delivery
24 of firearms in violation of paragraph (j) of subsection
25 (A) commits a Class A misdemeanor. A second or subsequent
26 violation is a Class 4 felony.

1 (7) Any person convicted of unlawful sale or delivery
2 of firearms in violation of paragraph (k) of subsection
3 (A) commits a Class 4 felony, except that a violation of
4 subparagraph (1) of paragraph (k) of subsection (A) shall
5 not be punishable as a crime or petty offense. A third or
6 subsequent conviction for a violation of paragraph (k) of
7 subsection (A) is a Class 1 felony.

8 (8) A person 18 years of age or older convicted of
9 unlawful sale or delivery of firearms in violation of
10 paragraph (a) or (i) of subsection (A), when the firearm
11 that was sold or given to another person under 18 years of
12 age was used in the commission of or attempt to commit a
13 forcible felony, shall be fined or imprisoned, or both,
14 not to exceed the maximum provided for the most serious
15 forcible felony so committed or attempted by the person
16 under 18 years of age who was sold or given the firearm.

17 (9) Any person convicted of unlawful sale or delivery
18 of firearms in violation of paragraph (d) of subsection
19 (A) commits a Class 3 felony.

20 (10) Any person convicted of unlawful sale or delivery
21 of firearms in violation of paragraph (l) of subsection
22 (A) commits a Class 2 felony if the delivery is of one
23 firearm. Any person convicted of unlawful sale or delivery
24 of firearms in violation of paragraph (l) of subsection
25 (A) commits a Class 1 felony if the delivery is of not less
26 than 2 and not more than 5 firearms at the same time or

1 within a one year period. Any person convicted of unlawful
2 sale or delivery of firearms in violation of paragraph (1)
3 of subsection (A) commits a Class X felony for which he or
4 she shall be sentenced to a term of imprisonment of not
5 less than 6 years and not more than 30 years if the
6 delivery is of not less than 6 and not more than 10
7 firearms at the same time or within a 2 year period. Any
8 person convicted of unlawful sale or delivery of firearms
9 in violation of paragraph (1) of subsection (A) commits a
10 Class X felony for which he or she shall be sentenced to a
11 term of imprisonment of not less than 6 years and not more
12 than 40 years if the delivery is of not less than 11 and
13 not more than 20 firearms at the same time or within a 3
14 year period. Any person convicted of unlawful sale or
15 delivery of firearms in violation of paragraph (1) of
16 subsection (A) commits a Class X felony for which he or she
17 shall be sentenced to a term of imprisonment of not less
18 than 6 years and not more than 50 years if the delivery is
19 of not less than 21 and not more than 30 firearms at the
20 same time or within a 4 year period. Any person convicted
21 of unlawful sale or delivery of firearms in violation of
22 paragraph (1) of subsection (A) commits a Class X felony
23 for which he or she shall be sentenced to a term of
24 imprisonment of not less than 6 years and not more than 60
25 years if the delivery is of 31 or more firearms at the same
26 time or within a 5 year period.

1 (D) For purposes of this Section:

2 "School" means a public or private elementary or secondary
3 school, community college, college, or university.

4 "School related activity" means any sporting, social,
5 academic, or other activity for which students' attendance or
6 participation is sponsored, organized, or funded in whole or
7 in part by a school or school district.

8 (E) A prosecution for a violation of paragraph (k) of
9 subsection (A) of this Section may be commenced within 6 years
10 after the commission of the offense. A prosecution for a
11 violation of this Section other than paragraph (g) of
12 subsection (A) of this Section may be commenced within 5 years
13 after the commission of the offense defined in the particular
14 paragraph.

15 (Source: P.A. 99-29, eff. 7-10-15; 99-143, eff. 7-27-15;
16 99-642, eff. 7-28-16; 100-606, eff. 1-1-19.)

17 (720 ILCS 5/24-3B)

18 Sec. 24-3B. Firearms trafficking.

19 (a) A person commits firearms trafficking when he or she
20 has not been issued a currently valid Firearm Owner's
21 Identification Card and knowingly:

22 (1) brings, or causes to be brought, into this State,
23 a firearm or firearm ammunition for the purpose of sale,
24 delivery, or transfer to any other person or with the
25 intent to sell, deliver, or transfer the firearm or

1 firearm ammunition to any other person; or

2 (2) brings, or causes to be brought, into this State,
3 a firearm and firearm ammunition for the purpose of sale,
4 delivery, or transfer to any other person or with the
5 intent to sell, deliver, or transfer the firearm and
6 firearm ammunition to any other person.

7 (a-5) This Section does not apply to:

8 (1) a person exempt under Section 2 of the Firearm
9 Owners Identification Card Act from the requirement of
10 having possession of a Firearm Owner's Identification Card
11 previously issued in his or her name by the Illinois
12 ~~Department of State Police~~ in order to acquire or possess
13 a firearm or firearm ammunition;

14 (2) a common carrier under subsection (i) of Section
15 24-2 of this Code; or

16 (3) a non-resident who may lawfully possess a firearm
17 in his or her resident state.

18 (b) Sentence.

19 (1) Firearms trafficking is a Class 1 felony for which
20 the person, if sentenced to a term of imprisonment, shall
21 be sentenced to not less than 4 years and not more than 20
22 years.

23 (2) Firearms trafficking by a person who has been
24 previously convicted of firearms trafficking, gunrunning,
25 or a felony offense for the unlawful sale, delivery, or
26 transfer of a firearm or firearm ammunition in this State

1 or another jurisdiction is a Class X felony.

2 (Source: P.A. 99-885, eff. 8-23-16.)

3 (720 ILCS 5/24-6) (from Ch. 38, par. 24-6)

4 Sec. 24-6. Confiscation and disposition of weapons.

5 (a) Upon conviction of an offense in which a weapon was
6 used or possessed by the offender, any weapon seized shall be
7 confiscated by the trial court.

8 (b) Any stolen weapon so confiscated, when no longer
9 needed for evidentiary purposes, shall be returned to the
10 person entitled to possession, if known. After the disposition
11 of a criminal case or in any criminal case where a final
12 judgment in the case was not entered due to the death of the
13 defendant, and when a confiscated weapon is no longer needed
14 for evidentiary purposes, and when in due course no legitimate
15 claim has been made for the weapon, the court may transfer the
16 weapon to the sheriff of the county who may proceed to destroy
17 it, or may in its discretion order the weapon preserved as
18 property of the governmental body whose police agency seized
19 the weapon, or may in its discretion order the weapon to be
20 transferred to the Illinois ~~Department of~~ State Police for use
21 by the crime laboratory system, for training purposes, or for
22 any other application as deemed appropriate by the Department.
23 If, after the disposition of a criminal case, a need still
24 exists for the use of the confiscated weapon for evidentiary
25 purposes, the court may transfer the weapon to the custody of

1 the State Department of Corrections for preservation. The
2 court may not order the transfer of the weapon to any private
3 individual or private organization other than to return a
4 stolen weapon to its rightful owner.

5 The provisions of this Section shall not apply to
6 violations of the Fish and Aquatic Life Code or the Wildlife
7 Code. Confiscation of weapons for Fish and Aquatic Life Code
8 and Wildlife Code violations shall be only as provided in
9 those Codes.

10 (c) Any mental hospital that admits a person as an
11 inpatient pursuant to any of the provisions of the Mental
12 Health and Developmental Disabilities Code shall confiscate
13 any firearms in the possession of that person at the time of
14 admission, or at any time the firearms are discovered in the
15 person's possession during the course of hospitalization. The
16 hospital shall, as soon as possible following confiscation,
17 transfer custody of the firearms to the appropriate law
18 enforcement agency. The hospital shall give written notice to
19 the person from whom the firearm was confiscated of the
20 identity and address of the law enforcement agency to which it
21 has given the firearm.

22 The law enforcement agency shall maintain possession of
23 any firearm it obtains pursuant to this subsection for a
24 minimum of 90 days. Thereafter, the firearm may be disposed of
25 pursuant to the provisions of subsection (b) of this Section.

26 (Source: P.A. 91-696, eff. 4-13-00.)

1 (720 ILCS 5/24-8)

2 Sec. 24-8. Firearm tracing.

3 (a) Upon recovering a firearm from the possession of
4 anyone who is not permitted by federal or State law to possess
5 a firearm, a local law enforcement agency shall use the best
6 available information, including a firearms trace when
7 necessary, to determine how and from whom the person gained
8 possession of the firearm. Upon recovering a firearm that was
9 used in the commission of any offense classified as a felony or
10 upon recovering a firearm that appears to have been lost,
11 mislaid, stolen, or otherwise unclaimed, a local law
12 enforcement agency shall use the best available information,
13 including a firearms trace when necessary, to determine prior
14 ownership of the firearm.

15 (b) Local law enforcement shall, when appropriate, use the
16 National Tracing Center of the Federal Bureau of Alcohol,
17 Tobacco and Firearms in complying with subsection (a) of this
18 Section.

19 (c) Local law enforcement agencies shall use the Illinois
20 ~~Department of~~ State Police Law Enforcement Agencies Data
21 System (LEADS) Gun File to enter all stolen, seized, or
22 recovered firearms as prescribed by LEADS regulations and
23 policies.

24 (Source: P.A. 91-364, eff. 1-1-00; 92-300, eff. 1-1-02.)

1 (720 ILCS 5/24.8-5)

2 Sec. 24.8-5. Sentence. A violation of this Article is a
3 petty offense. The Illinois State Police or any sheriff or
4 police officer shall seize, take, remove or cause to be
5 removed at the expense of the owner, any air rifle sold or used
6 in any manner in violation of this Article.

7 (Source: P.A. 97-1108, eff. 1-1-13.)

8 (720 ILCS 5/28-5) (from Ch. 38, par. 28-5)

9 Sec. 28-5. Seizure of gambling devices and gambling funds.

10 (a) Every device designed for gambling which is incapable
11 of lawful use or every device used unlawfully for gambling
12 shall be considered a "gambling device", and shall be subject
13 to seizure, confiscation and destruction by the Illinois
14 ~~Department of~~ State Police or by any municipal, or other local
15 authority, within whose jurisdiction the same may be found. As
16 used in this Section, a "gambling device" includes any slot
17 machine, and includes any machine or device constructed for
18 the reception of money or other thing of value and so
19 constructed as to return, or to cause someone to return, on
20 chance to the player thereof money, property or a right to
21 receive money or property. With the exception of any device
22 designed for gambling which is incapable of lawful use, no
23 gambling device shall be forfeited or destroyed unless an
24 individual with a property interest in said device knows of
25 the unlawful use of the device.

1 (b) Every gambling device shall be seized and forfeited to
2 the county wherein such seizure occurs. Any money or other
3 thing of value integrally related to acts of gambling shall be
4 seized and forfeited to the county wherein such seizure
5 occurs.

6 (c) If, within 60 days after any seizure pursuant to
7 subparagraph (b) of this Section, a person having any property
8 interest in the seized property is charged with an offense,
9 the court which renders judgment upon such charge shall,
10 within 30 days after such judgment, conduct a forfeiture
11 hearing to determine whether such property was a gambling
12 device at the time of seizure. Such hearing shall be commenced
13 by a written petition by the State, including material
14 allegations of fact, the name and address of every person
15 determined by the State to have any property interest in the
16 seized property, a representation that written notice of the
17 date, time and place of such hearing has been mailed to every
18 such person by certified mail at least 10 days before such
19 date, and a request for forfeiture. Every such person may
20 appear as a party and present evidence at such hearing. The
21 quantum of proof required shall be a preponderance of the
22 evidence, and the burden of proof shall be on the State. If the
23 court determines that the seized property was a gambling
24 device at the time of seizure, an order of forfeiture and
25 disposition of the seized property shall be entered: a
26 gambling device shall be received by the State's Attorney, who

1 shall effect its destruction, except that valuable parts
2 thereof may be liquidated and the resultant money shall be
3 deposited in the general fund of the county wherein such
4 seizure occurred; money and other things of value shall be
5 received by the State's Attorney and, upon liquidation, shall
6 be deposited in the general fund of the county wherein such
7 seizure occurred. However, in the event that a defendant
8 raises the defense that the seized slot machine is an antique
9 slot machine described in subparagraph (b) (7) of Section 28-1
10 of this Code and therefore he is exempt from the charge of a
11 gambling activity participant, the seized antique slot machine
12 shall not be destroyed or otherwise altered until a final
13 determination is made by the Court as to whether it is such an
14 antique slot machine. Upon a final determination by the Court
15 of this question in favor of the defendant, such slot machine
16 shall be immediately returned to the defendant. Such order of
17 forfeiture and disposition shall, for the purposes of appeal,
18 be a final order and judgment in a civil proceeding.

19 (d) If a seizure pursuant to subparagraph (b) of this
20 Section is not followed by a charge pursuant to subparagraph
21 (c) of this Section, or if the prosecution of such charge is
22 permanently terminated or indefinitely discontinued without
23 any judgment of conviction or acquittal (1) the State's
24 Attorney shall commence an in rem proceeding for the
25 forfeiture and destruction of a gambling device, or for the
26 forfeiture and deposit in the general fund of the county of any

1 seized money or other things of value, or both, in the circuit
2 court and (2) any person having any property interest in such
3 seized gambling device, money or other thing of value may
4 commence separate civil proceedings in the manner provided by
5 law.

6 (e) Any gambling device displayed for sale to a riverboat
7 gambling operation, casino gambling operation, or organization
8 gaming facility or used to train occupational licensees of a
9 riverboat gambling operation, casino gambling operation, or
10 organization gaming facility as authorized under the Illinois
11 Gambling Act is exempt from seizure under this Section.

12 (f) Any gambling equipment, devices, and supplies provided
13 by a licensed supplier in accordance with the Illinois
14 Gambling Act which are removed from a riverboat, casino, or
15 organization gaming facility for repair are exempt from
16 seizure under this Section.

17 (g) The following video gaming terminals are exempt from
18 seizure under this Section:

19 (1) Video gaming terminals for sale to a licensed
20 distributor or operator under the Video Gaming Act.

21 (2) Video gaming terminals used to train licensed
22 technicians or licensed terminal handlers.

23 (3) Video gaming terminals that are removed from a
24 licensed establishment, licensed truck stop establishment,
25 licensed large truck stop establishment, licensed
26 fraternal establishment, or licensed veterans

1 establishment for repair.

2 (h) Property seized or forfeited under this Section is
3 subject to reporting under the Seizure and Forfeiture
4 Reporting Act.

5 (i) Any sports lottery terminals provided by a central
6 system provider that are removed from a lottery retailer for
7 repair under the Sports Wagering Act are exempt from seizure
8 under this Section.

9 (Source: P.A. 100-512, eff. 7-1-18; 101-31, Article 25,
10 Section 25-915, eff. 6-28-19; 101-31, Article 35, Section
11 35-80, eff. 6-28-19; revised 7-12-19.)

12 (720 ILCS 5/29B-0.5)

13 Sec. 29B-0.5. Definitions. In this Article:

14 "Conduct" or "conducts" includes, in addition to its
15 ordinary meaning, initiating, concluding, or participating in
16 initiating or concluding a transaction.

17 "Criminally derived property" means: (1) any property,
18 real or personal, constituting or derived from proceeds
19 obtained, directly or indirectly, from activity that
20 constitutes a felony under State, federal, or foreign law; or
21 (2) any property represented to be property constituting or
22 derived from proceeds obtained, directly or indirectly, from
23 activity that constitutes a felony under State, federal, or
24 foreign law.

25 ~~"Department" means the Department of State Police of this~~

1 ~~State or its successor agency.~~

2 "Director" means the Director of the Illinois State Police
3 or his or her designated agents.

4 "Financial institution" means any bank; savings and loan
5 association; trust company; agency or branch of a foreign bank
6 in the United States; currency exchange; credit union;
7 mortgage banking institution; pawnbroker; loan or finance
8 company; operator of a credit card system; issuer, redeemer,
9 or cashier of travelers checks, checks, or money orders;
10 dealer in precious metals, stones, or jewels; broker or dealer
11 in securities or commodities; investment banker; or investment
12 company.

13 "Financial transaction" means a purchase, sale, loan,
14 pledge, gift, transfer, delivery, or other disposition
15 utilizing criminally derived property, and with respect to
16 financial institutions, includes a deposit, withdrawal,
17 transfer between accounts, exchange of currency, loan,
18 extension of credit, purchase or sale of any stock, bond,
19 certificate of deposit or other monetary instrument, use of
20 safe deposit box, or any other payment, transfer or delivery
21 by, through, or to a financial institution. "Financial
22 transaction" also means a transaction which without regard to
23 whether the funds, monetary instruments, or real or personal
24 property involved in the transaction are criminally derived,
25 any transaction which in any way or degree: (1) involves the
26 movement of funds by wire or any other means; (2) involves one

1 or more monetary instruments; or (3) the transfer of title to
2 any real or personal property. The receipt by an attorney of
3 bona fide fees for the purpose of legal representation is not a
4 financial transaction for purposes of this Article.

5 "Form 4-64" means the Illinois State Police
6 Notice/Inventory of Seized Property (Form 4-64).

7 "Knowing that the property involved in a financial
8 transaction represents the proceeds of some form of unlawful
9 activity" means that the person knew the property involved in
10 the transaction represented proceeds from some form, though
11 not necessarily which form, of activity that constitutes a
12 felony under State, federal, or foreign law.

13 "Monetary instrument" means United States coins and
14 currency; coins and currency of a foreign country; travelers
15 checks; personal checks, bank checks, and money orders;
16 investment securities; bearer negotiable instruments; bearer
17 investment securities; or bearer securities and certificates
18 of stock in a form that title passes upon delivery.

19 "Specified criminal activity" means any violation of
20 Section 29D-15.1 and any violation of Article 29D of this
21 Code.

22 "Transaction reporting requirement under State law" means
23 any violation as defined under the Currency Reporting Act.

24 (Source: P.A. 100-699, eff. 8-3-18; 100-1163, eff. 12-20-18.)

1 Sec. 29B-3. Duty to enforce this Article.

2 (a) It is the duty of the Illinois ~~Department of~~ State
3 Police, and its agents, officers, and investigators, to
4 enforce this Article, except those provisions otherwise
5 specifically delegated, and to cooperate with all agencies
6 charged with the enforcement of the laws of the United States,
7 or of any state, relating to money laundering. Only an agent,
8 officer, or investigator designated by the Director may be
9 authorized in accordance with this Section to serve seizure
10 notices, warrants, subpoenas, and summonses under the
11 authority of this State.

12 (b) An agent, officer, investigator, or peace officer
13 designated by the Director may: (1) make seizure of property
14 under this Article; and (2) perform other law enforcement
15 duties as the Director designates. It is the duty of all
16 State's Attorneys to prosecute violations of this Article and
17 institute legal proceedings as authorized under this Article.

18 (Source: P.A. 100-699, eff. 8-3-18.)

19 (720 ILCS 5/29B-4)

20 Sec. 29B-4. Protective orders and warrants for forfeiture
21 purposes.

22 (a) Upon application of the State, the court may enter a
23 restraining order or injunction, require the execution of a
24 satisfactory performance bond, or take any other action to
25 preserve the availability of property described in Section

1 29B-5 of this Article for forfeiture under this Article:

2 (1) upon the filing of an indictment, information, or
3 complaint charging a violation of this Article for which
4 forfeiture may be ordered under this Article and alleging
5 that the property with respect to which the order is
6 sought would be subject to forfeiture under this Article;
7 or

8 (2) prior to the filing of the indictment,
9 information, or complaint, if, after notice to persons
10 appearing to have an interest in the property and
11 opportunity for a hearing, the court determines that:

12 (A) there is probable cause to believe that the
13 State will prevail on the issue of forfeiture and that
14 failure to enter the order will result in the property
15 being destroyed, removed from the jurisdiction of the
16 court, or otherwise made unavailable for forfeiture;
17 and

18 (B) the need to preserve the availability of the
19 property through the entry of the requested order
20 outweighs the hardship on any party against whom the
21 order is to be entered.

22 Provided, however, that an order entered under
23 paragraph (2) of this Section shall be effective for not
24 more than 90 days, unless extended by the court for good
25 cause shown or unless an indictment, information,
26 complaint, or administrative notice has been filed.

1 (b) A temporary restraining order under this subsection
2 (b) may be entered upon application of the State without
3 notice or opportunity for a hearing when an indictment,
4 information, complaint, or administrative notice has not yet
5 been filed with respect to the property, if the State
6 demonstrates that there is probable cause to believe that the
7 property with respect to which the order is sought would be
8 subject to forfeiture under this Article and that provision of
9 notice will jeopardize the availability of the property for
10 forfeiture. The temporary order shall expire not more than 30
11 days after the date on which it is entered, unless extended for
12 good cause shown or unless the party against whom it is entered
13 consents to an extension for a longer period. A hearing
14 requested concerning an order entered under this subsection
15 (b) shall be held at the earliest possible time and prior to
16 the expiration of the temporary order.

17 (c) The court may receive and consider, at a hearing held
18 under this Section, evidence and information that would be
19 inadmissible under the Illinois rules of evidence.

20 (d) Under its authority to enter a pretrial restraining
21 order under this Section, the court may order a defendant to
22 repatriate any property that may be seized and forfeited and
23 to deposit that property pending trial with the Illinois
24 ~~Department of~~ State Police or another law enforcement agency
25 designated by the Illinois ~~Department of~~ State Police. Failure
26 to comply with an order under this Section is punishable as a

1 civil or criminal contempt of court.

2 (e) The State may request the issuance of a warrant
3 authorizing the seizure of property described in Section 29B-5
4 of this Article in the same manner as provided for a search
5 warrant. If the court determines that there is probable cause
6 to believe that the property to be seized would be subject to
7 forfeiture, the court shall issue a warrant authorizing the
8 seizure of that property.

9 (Source: P.A. 100-699, eff. 8-3-18.)

10 (720 ILCS 5/29B-12)

11 Sec. 29B-12. Non-judicial forfeiture. If non-real
12 property that exceeds \$20,000 in value excluding the value of
13 any conveyance, or if real property is seized under the
14 provisions of this Article, the State's Attorney shall
15 institute judicial in rem forfeiture proceedings as described
16 in Section 29B-13 of this Article within 28 days from receipt
17 of notice of seizure from the seizing agency under Section
18 29B-8 of this Article. However, if non-real property that does
19 not exceed \$20,000 in value excluding the value of any
20 conveyance is seized, the following procedure shall be used:

21 (1) If, after review of the facts surrounding the
22 seizure, the State's Attorney is of the opinion that the
23 seized property is subject to forfeiture, then, within 28
24 days after the receipt of notice of seizure from the
25 seizing agency, the State's Attorney shall cause notice of

1 pending forfeiture to be given to the owner of the
2 property and all known interest holders of the property in
3 accordance with Section 29B-10 of this Article.

4 (2) The notice of pending forfeiture shall include a
5 description of the property, the estimated value of the
6 property, the date and place of seizure, the conduct
7 giving rise to forfeiture or the violation of law alleged,
8 and a summary of procedures and procedural rights
9 applicable to the forfeiture action.

10 (3) (A) Any person claiming an interest in property
11 that is the subject of notice under paragraph (1) of this
12 Section, must, in order to preserve any rights or claims
13 to the property, within 45 days after the effective date
14 of notice as described in Section 29B-10 of this Article,
15 file a verified claim with the State's Attorney expressing
16 his or her interest in the property. The claim shall set
17 forth:

18 (i) the caption of the proceedings as set forth on
19 the notice of pending forfeiture and the name of the
20 claimant;

21 (ii) the address at which the claimant will accept
22 mail;

23 (iii) the nature and extent of the claimant's
24 interest in the property;

25 (iv) the date, identity of the transferor, and
26 circumstances of the claimant's acquisition of the

1 interest in the property;

2 (v) the names and addresses of all other persons
3 known to have an interest in the property;

4 (vi) the specific provision of law relied on in
5 asserting the property is not subject to forfeiture;

6 (vii) all essential facts supporting each
7 assertion; and

8 (viii) the relief sought.

9 (B) If a claimant files the claim, then the State's
10 Attorney shall institute judicial in rem forfeiture
11 proceedings with the clerk of the court as described in
12 Section 29B-13 of this Article within 28 days after
13 receipt of the claim.

14 (4) If no claim is filed within the 28-day period as
15 described in paragraph (3) of this Section, the State's
16 Attorney shall declare the property forfeited and shall
17 promptly notify the owner and all known interest holders
18 of the property and the Director of the Illinois State
19 Police of the declaration of forfeiture and the Director
20 shall dispose of the property in accordance with law.

21 (Source: P.A. 100-699, eff. 8-3-18; 100-1163, eff. 12-20-18.)

22 (720 ILCS 5/29B-20)

23 Sec. 29B-20. Settlement of claims. Notwithstanding other
24 provisions of this Article, the State's Attorney and a
25 claimant of seized property may enter into an agreed-upon

1 settlement concerning the seized property in such an amount
2 and upon such terms as are set out in writing in a settlement
3 agreement. All proceeds from a settlement agreement shall be
4 tendered to the Illinois ~~Department of~~ State Police and
5 distributed under Section 29B-26 of this Article.

6 (Source: P.A. 100-699, eff. 8-3-18.)

7 (720 ILCS 5/29B-25)

8 Sec. 29B-25. Return of property, damages, and costs.

9 (a) The law enforcement agency that holds custody of
10 property seized for forfeiture shall deliver property ordered
11 by the court to be returned or conveyed to the claimant within
12 a reasonable time not to exceed 7 days, unless the order is
13 stayed by the trial court or a reviewing court pending an
14 appeal, motion to reconsider, or other reason.

15 (b) The law enforcement agency that holds custody of
16 property is responsible for any damages, storage fees, and
17 related costs applicable to property returned. The claimant
18 shall not be subject to any charges by the State for storage of
19 the property or expenses incurred in the preservation of the
20 property. Charges for the towing of a conveyance shall be
21 borne by the claimant unless the conveyance was towed for the
22 sole reason of seizure for forfeiture. This Section does not
23 prohibit the imposition of any fees or costs by a home rule
24 unit of local government related to the impoundment of a
25 conveyance under an ordinance enacted by the unit of

1 government.

2 (c) A law enforcement agency shall not retain forfeited
3 property for its own use or transfer the property to any person
4 or entity, except as provided under this Section. A law
5 enforcement agency may apply in writing to the Director of the
6 Illinois State Police to request that forfeited property be
7 awarded to the agency for a specifically articulated official
8 law enforcement use in an investigation. The Director shall
9 provide a written justification in each instance detailing the
10 reasons why the forfeited property was placed into official
11 use and the justification shall be retained for a period of not
12 less than 3 years.

13 (d) A claimant or a party interested in personal property
14 contained within a seized conveyance may file a request with
15 the State's Attorney in a non-judicial forfeiture action, or a
16 motion with the court in a judicial forfeiture action for the
17 return of any personal property contained within a conveyance
18 that is seized under this Article. The return of personal
19 property shall not be unreasonably withheld if the personal
20 property is not mechanically or electrically coupled to the
21 conveyance, needed for evidentiary purposes, or otherwise
22 contraband. Any law enforcement agency that returns property
23 under a court order under this Section shall not be liable to
24 any person who claims ownership to the property if it is
25 returned to an improper party.

26 (Source: P.A. 100-699, eff. 8-3-18.)

1 (720 ILCS 5/29B-26)

2 Sec. 29B-26. Distribution of proceeds. All moneys and the
3 sale proceeds of all other property forfeited and seized under
4 this Article shall be distributed as follows:

5 (1) 65% shall be distributed to the metropolitan
6 enforcement group, local, municipal, county, or State law
7 enforcement agency or agencies that conducted or
8 participated in the investigation resulting in the
9 forfeiture. The distribution shall bear a reasonable
10 relationship to the degree of direct participation of the
11 law enforcement agency in the effort resulting in the
12 forfeiture, taking into account the total value of the
13 property forfeited and the total law enforcement effort
14 with respect to the violation of the law upon which the
15 forfeiture is based. Amounts distributed to the agency or
16 agencies shall be used for the enforcement of laws.

17 (2) (i) 12.5% shall be distributed to the Office of the
18 State's Attorney of the county in which the prosecution
19 resulting in the forfeiture was instituted, deposited in a
20 special fund in the county treasury and appropriated to
21 the State's Attorney for use in the enforcement of laws.
22 In counties over 3,000,000 population, 25% shall be
23 distributed to the Office of the State's Attorney for use
24 in the enforcement of laws. If the prosecution is
25 undertaken solely by the Attorney General, the portion

1 provided under this subparagraph (i) shall be distributed
2 to the Attorney General for use in the enforcement of
3 laws.

4 (ii) 12.5% shall be distributed to the Office of the
5 State's Attorneys Appellate Prosecutor and deposited in
6 the Narcotics Profit Forfeiture Fund of that office to be
7 used for additional expenses incurred in the
8 investigation, prosecution, and appeal of cases arising
9 under laws. The Office of the State's Attorneys Appellate
10 Prosecutor shall not receive distribution from cases
11 brought in counties with over 3,000,000 population.

12 (3) 10% shall be retained by the Illinois ~~Department~~
13 ~~of~~ State Police for expenses related to the administration
14 and sale of seized and forfeited property.

15 Moneys and the sale proceeds distributed to the Illinois
16 ~~Department of~~ State Police under this Article shall be
17 deposited in the Money Laundering Asset Recovery Fund created
18 in the State treasury and shall be used by the Illinois
19 ~~Department of~~ State Police for State law enforcement purposes.
20 All moneys and sale proceeds of property forfeited and seized
21 under this Article and distributed according to this Section
22 may also be used to purchase opioid antagonists as defined in
23 Section 5-23 of the Substance Use Disorder Act.

24 (Source: P.A. 100-699, eff. 8-3-18; 100-1163, eff. 12-20-18.)

25 (720 ILCS 5/32-2) (from Ch. 38, par. 32-2)

1 Sec. 32-2. Perjury.

2 (a) A person commits perjury when, under oath or
3 affirmation, in a proceeding or in any other matter where by
4 law the oath or affirmation is required, he or she makes a
5 false statement, material to the issue or point in question,
6 knowing the statement is false.

7 (b) Proof of Falsity.

8 An indictment or information for perjury alleging that the
9 offender, under oath, has knowingly made contradictory
10 statements, material to the issue or point in question, in the
11 same or in different proceedings, where the oath or
12 affirmation is required, need not specify which statement is
13 false. At the trial, the prosecution need not establish which
14 statement is false.

15 (c) Admission of Falsity.

16 Where the contradictory statements are made in the same
17 continuous trial, an admission by the offender in that same
18 continuous trial of the falsity of a contradictory statement
19 shall bar prosecution therefor under any provisions of this
20 Code.

21 (d) A person shall be exempt from prosecution under
22 subsection (a) of this Section if he or she is a peace officer
23 who uses a false or fictitious name in the enforcement of the
24 criminal laws, and this use is approved in writing as provided
25 in Section 10-1 of "The Liquor Control Act of 1934", as
26 amended, Section 5 of "An Act in relation to the use of an

1 assumed name in the conduct or transaction of business in this
2 State", approved July 17, 1941, as amended, or Section
3 2605-200 of the Illinois ~~Department of~~ State Police Law.
4 However, this exemption shall not apply to testimony in
5 judicial proceedings where the identity of the peace officer
6 is material to the issue, and he or she is ordered by the court
7 to disclose his or her identity.

8 (e) Sentence.

9 Perjury is a Class 3 felony.

10 (Source: P.A. 97-1108, eff. 1-1-13.)

11 (720 ILCS 5/32-8) (from Ch. 38, par. 32-8)

12 Sec. 32-8. Tampering with public records.

13 (a) A person commits tampering with public records when he
14 or she knowingly, without lawful authority, and with the
15 intent to defraud any party, public officer or entity, alters,
16 destroys, defaces, removes or conceals any public record.

17 (b) (Blank).

18 (c) A judge, circuit clerk or clerk of court, public
19 official or employee, court reporter, or other person commits
20 tampering with public records when he or she knowingly,
21 without lawful authority, and with the intent to defraud any
22 party, public officer or entity, alters, destroys, defaces,
23 removes, or conceals any public record received or held by any
24 judge or by a clerk of any court.

25 (c-5) "Public record" expressly includes, but is not

1 limited to, court records, or documents, evidence, or exhibits
2 filed with the clerk of the court and which have become a part
3 of the official court record, pertaining to any civil or
4 criminal proceeding in any court.

5 (d) Sentence. A violation of subsection (a) is a Class 4
6 felony. A violation of subsection (c) is a Class 3 felony. Any
7 person convicted under subsection (c) who at the time of the
8 violation was responsible for making, keeping, storing, or
9 reporting the record for which the tampering occurred:

10 (1) shall forfeit his or her public office or public
11 employment, if any, and shall thereafter be ineligible for
12 both State and local public office and public employment
13 in this State for a period of 5 years after completion of
14 any term of probation, conditional discharge, or
15 incarceration in a penitentiary including the period of
16 mandatory supervised release;

17 (2) shall forfeit all retirement, pension, and other
18 benefits arising out of public office or public employment
19 as may be determined by the court in accordance with the
20 applicable provisions of the Illinois Pension Code;

21 (3) shall be subject to termination of any
22 professional licensure or registration in this State as
23 may be determined by the court in accordance with the
24 provisions of the applicable professional licensing or
25 registration laws;

26 (4) may be ordered by the court, after a hearing in

1 accordance with applicable law and in addition to any
2 other penalty or fine imposed by the court, to forfeit to
3 the State an amount equal to any financial gain or the
4 value of any advantage realized by the person as a result
5 of the offense; and

6 (5) may be ordered by the court, after a hearing in
7 accordance with applicable law and in addition to any
8 other penalty or fine imposed by the court, to pay
9 restitution to the victim in an amount equal to any
10 financial loss or the value of any advantage lost by the
11 victim as a result of the offense.

12 For the purposes of this subsection (d), an offense under
13 subsection (c) committed by a person holding public office or
14 public employment shall be rebuttably presumed to relate to or
15 arise out of or in connection with that public office or public
16 employment.

17 (e) Any party litigant who believes a violation of this
18 Section has occurred may seek the restoration of the court
19 record as provided in the Court Records Restoration Act. Any
20 order of the court denying the restoration of the court record
21 may be appealed as any other civil judgment.

22 (f) When the sheriff or local law enforcement agency
23 having jurisdiction declines to investigate, or inadequately
24 investigates, the court or any interested party, shall notify
25 the Illinois State Police of a suspected violation of
26 subsection (a) or (c), who shall have the authority to

1 investigate, and may investigate, the same, without regard to
2 whether the local law enforcement agency has requested the
3 Illinois State Police to do so.

4 (g) If the State's Attorney having jurisdiction declines
5 to prosecute a violation of subsection (a) or (c), the court or
6 interested party shall notify the Attorney General of the
7 refusal. The Attorney General shall, thereafter, have the
8 authority to prosecute, and may prosecute, the violation,
9 without a referral from the State's Attorney.

10 (h) Prosecution of a violation of subsection (c) shall be
11 commenced within 3 years after the act constituting the
12 violation is discovered or reasonably should have been
13 discovered.

14 (Source: P.A. 96-1217, eff. 1-1-11; 96-1508, eff. 6-1-11;
15 97-1108, eff. 1-1-13.)

16 (720 ILCS 5/33-2) (from Ch. 38, par. 33-2)

17 Sec. 33-2. Failure to report a bribe. Any public officer,
18 public employee or juror who fails to report forthwith to the
19 local State's Attorney, or in the case of a State employee to
20 the Illinois ~~Department of~~ State Police, any offer made to him
21 in violation of Section 33-1 commits a Class A misdemeanor.

22 In the case of a State employee, the making of such report
23 to the Illinois ~~Department of~~ State Police shall discharge
24 such employee from any further duty under this Section. Upon
25 receiving any such report, the Illinois ~~Department of~~ State

1 Police shall forthwith transmit a copy thereof to the
2 appropriate State's Attorney.

3 (Source: P.A. 84-25.)

4 (720 ILCS 5/33-3.1)

5 Sec. 33-3.1. Solicitation misconduct (State government).

6 (a) An employee of an executive branch constitutional
7 officer commits solicitation misconduct (State government)
8 when, at any time, he or she knowingly solicits or receives
9 contributions, as that term is defined in Section 9-1.4 of the
10 Election Code, from a person engaged in a business or activity
11 over which the person has regulatory authority.

12 (b) For the purpose of this Section, "employee of an
13 executive branch constitutional officer" means a full-time or
14 part-time salaried employee, full-time or part-time salaried
15 appointee, or any contractual employee of any office, board,
16 commission, agency, department, authority, administrative
17 unit, or corporate outgrowth under the jurisdiction of an
18 executive branch constitutional officer; and "regulatory
19 authority" means having the responsibility to investigate,
20 inspect, license, or enforce regulatory measures necessary to
21 the requirements of any State or federal statute or regulation
22 relating to the business or activity.

23 (c) An employee of an executive branch constitutional
24 officer, including one who does not have regulatory authority,
25 commits a violation of this Section if that employee knowingly

1 acts in concert with an employee of an executive branch
2 constitutional officer who does have regulatory authority to
3 solicit or receive contributions in violation of this Section.

4 (d) Solicitation misconduct (State government) is a Class
5 A misdemeanor. An employee of an executive branch
6 constitutional officer convicted of committing solicitation
7 misconduct (State government) forfeits his or her employment.

8 (e) An employee of an executive branch constitutional
9 officer who is discharged, demoted, suspended, threatened,
10 harassed, or in any other manner discriminated against in the
11 terms and conditions of employment because of lawful acts done
12 by the employee or on behalf of the employee or others in
13 furtherance of the enforcement of this Section shall be
14 entitled to all relief necessary to make the employee whole.

15 (f) Any person who knowingly makes a false report of
16 solicitation misconduct (State government) to the Illinois
17 State Police, the Attorney General, a State's Attorney, or any
18 law enforcement official is guilty of a Class C misdemeanor.

19 (Source: P.A. 92-853, eff. 8-28-02.)

20 (720 ILCS 5/33-3.2)

21 Sec. 33-3.2. Solicitation misconduct (local government).

22 (a) An employee of a chief executive officer of a local
23 government commits solicitation misconduct (local government)
24 when, at any time, he or she knowingly solicits or receives
25 contributions, as that term is defined in Section 9-1.4 of the

1 Election Code, from a person engaged in a business or activity
2 over which the person has regulatory authority.

3 (b) For the purpose of this Section, "chief executive
4 officer of a local government" means an executive officer of a
5 county, township or municipal government or any administrative
6 subdivision under jurisdiction of the county, township, or
7 municipal government including but not limited to: chairman or
8 president of a county board or commission, mayor or village
9 president, township supervisor, county executive, municipal
10 manager, assessor, auditor, clerk, coroner, recorder, sheriff
11 or State's Attorney; "employee of a chief executive officer of
12 a local government" means a full-time or part-time salaried
13 employee, full-time or part-time salaried appointee, or any
14 contractual employee of any office, board, commission, agency,
15 department, authority, administrative unit, or corporate
16 outgrowth under the jurisdiction of a chief executive officer
17 of a local government; and "regulatory authority" means having
18 the responsibility to investigate, inspect, license, or
19 enforce regulatory measures necessary to the requirements of
20 any State, local, or federal statute or regulation relating to
21 the business or activity.

22 (c) An employee of a chief executive officer of a local
23 government, including one who does not have regulatory
24 authority, commits a violation of this Section if that
25 employee knowingly acts in concert with an employee of a chief
26 executive officer of a local government who does have

1 regulatory authority to solicit or receive contributions in
2 violation of this Section.

3 (d) Solicitation misconduct (local government) is a Class
4 A misdemeanor. An employee of a chief executive officer of a
5 local government convicted of committing solicitation
6 misconduct (local government) forfeits his or her employment.

7 (e) An employee of a chief executive officer of a local
8 government who is discharged, demoted, suspended, threatened,
9 harassed, or in any other manner discriminated against in the
10 terms and conditions of employment because of lawful acts done
11 by the employee or on behalf of the employee or others in
12 furtherance of the enforcement of this Section shall be
13 entitled to all relief necessary to make the employee whole.

14 (f) Any person who knowingly makes a false report of
15 solicitation misconduct (local government) to the Illinois
16 State Police, the Attorney General, a State's Attorney, or any
17 law enforcement official is guilty of a Class C misdemeanor.

18 (Source: P.A. 92-853, eff. 8-28-02.)

19 (720 ILCS 5/36-1.1)

20 Sec. 36-1.1. Seizure.

21 (a) Any property subject to forfeiture under this Article
22 may be seized and impounded by the Director of the Illinois
23 State Police or any peace officer upon process or seizure
24 warrant issued by any court having jurisdiction over the
25 property.

1 (b) Any property subject to forfeiture under this Article
2 may be seized and impounded by the Director of the Illinois
3 State Police or any peace officer without process if there is
4 probable cause to believe that the property is subject to
5 forfeiture under Section 36-1 of this Article and the property
6 is seized under circumstances in which a warrantless seizure
7 or arrest would be reasonable.

8 (c) If the seized property is a conveyance, an
9 investigation shall be made by the law enforcement agency as
10 to any person whose right, title, interest, or lien is of
11 record in the office of the agency or official in which title
12 to or interest in the conveyance is required by law to be
13 recorded.

14 (d) After seizure under this Section, notice shall be
15 given to all known interest holders that forfeiture
16 proceedings, including a preliminary review, may be instituted
17 and the proceedings may be instituted under this Article.

18 (Source: P.A. 100-512, eff. 7-1-18; 100-699, eff. 8-3-18.)

19 (720 ILCS 5/36-1.3)

20 Sec. 36-1.3. Safekeeping of seized property pending
21 disposition.

22 (a) Property seized under this Article is deemed to be in
23 the custody of the Director of the Illinois State Police,
24 subject only to the order and judgments of the circuit court
25 having jurisdiction over the forfeiture proceedings and the

1 decisions of the State's Attorney under this Article.

2 (b) If property is seized under this Article, the seizing
3 agency shall promptly conduct an inventory of the seized
4 property and estimate the property's value and shall forward a
5 copy of the inventory of seized property and the estimate of
6 the property's value to the Director of the Illinois State
7 Police. Upon receiving notice of seizure, the Director of the
8 Illinois State Police may:

9 (1) place the property under seal;

10 (2) remove the property to a place designated by the
11 Director of the Illinois State Police;

12 (3) keep the property in the possession of the seizing
13 agency;

14 (4) remove the property to a storage area for
15 safekeeping;

16 (5) place the property under constructive seizure by
17 posting notice of pending forfeiture on it, by giving
18 notice of pending forfeiture to its owners and interest
19 holders, or by filing notice of pending forfeiture in any
20 appropriate public record relating to the property; or

21 (6) provide for another agency or custodian, including
22 an owner, secured party, or lienholder, to take custody of
23 the property upon the terms and conditions set by the
24 seizing agency.

25 (c) The seizing agency shall exercise ordinary care to
26 protect the subject of the forfeiture from negligent loss,

1 damage, or destruction.

2 (d) Property seized or forfeited under this Article is
3 subject to reporting under the Seizure and Forfeiture
4 Reporting Act.

5 (Source: P.A. 100-512, eff. 7-1-18; 100-699, eff. 8-3-18;
6 100-1163, eff. 12-20-18.)

7 (720 ILCS 5/36-2.2)

8 Sec. 36-2.2. Replevin prohibited; return of personal
9 property inside seized conveyance.

10 (a) Property seized under this Article shall not be
11 subject to replevin, but is deemed to be in the custody of the
12 Director of the Illinois State Police, subject only to the
13 order and judgments of the circuit court having jurisdiction
14 over the forfeiture proceedings and the decisions of the
15 State's Attorney.

16 (b) A claimant or a party interested in personal property
17 contained within a seized conveyance may file a motion with
18 the court in a judicial forfeiture action for the return of any
19 personal property contained within a conveyance seized under
20 this Article. The return of personal property shall not be
21 unreasonably withheld if the personal property is not
22 mechanically or electrically coupled to the conveyance, needed
23 for evidentiary purposes, or otherwise contraband. A law
24 enforcement agency that returns property under a court order
25 under this Section shall not be liable to any person who claims

1 ownership to the property if the property is returned to an
2 improper party.

3 (Source: P.A. 100-512, eff. 7-1-18; 100-699, eff. 8-3-18.)

4 (720 ILCS 5/36-7)

5 Sec. 36-7. Distribution of proceeds; selling or retaining
6 seized property prohibited.

7 (a) Except as otherwise provided in this Section, the
8 court shall order that property forfeited under this Article
9 be delivered to the Illinois ~~Department of~~ State Police within
10 60 days.

11 (b) The Illinois ~~Department of~~ State Police or its
12 designee shall dispose of all property at public auction and
13 shall distribute the proceeds of the sale, together with any
14 moneys forfeited or seized, under subsection (c) of this
15 Section.

16 (c) All moneys and the sale proceeds of all other property
17 forfeited and seized under this Act shall be distributed as
18 follows:

19 (1) 65% shall be distributed to the drug task force,
20 metropolitan enforcement group, local, municipal, county,
21 or State law enforcement agency or agencies that conducted
22 or participated in the investigation resulting in the
23 forfeiture. The distribution shall bear a reasonable
24 relationship to the degree of direct participation of the
25 law enforcement agency in the effort resulting in the

1 forfeiture, taking into account the total value of the
2 property forfeited and the total law enforcement effort
3 with respect to the violation of the law upon which the
4 forfeiture is based. Amounts distributed to the agency or
5 agencies shall be used, at the discretion of the agency,
6 for the enforcement of criminal laws; or for public
7 education in the community or schools in the prevention or
8 detection of the abuse of drugs or alcohol; or for
9 security cameras used for the prevention or detection of
10 violence, except that amounts distributed to the Secretary
11 of State shall be deposited into the Secretary of State
12 Evidence Fund to be used as provided in Section 2-115 of
13 the Illinois Vehicle Code.

14 Any local, municipal, or county law enforcement agency
15 entitled to receive a monetary distribution of forfeiture
16 proceeds may share those forfeiture proceeds pursuant to
17 the terms of an intergovernmental agreement with a
18 municipality that has a population in excess of 20,000 if:

19 (A) the receiving agency has entered into an
20 intergovernmental agreement with the municipality to
21 provide police services;

22 (B) the intergovernmental agreement for police
23 services provides for consideration in an amount of
24 not less than \$1,000,000 per year;

25 (C) the seizure took place within the geographical
26 limits of the municipality; and

1 (D) the funds are used only for the enforcement of
2 criminal laws; for public education in the community
3 or schools in the prevention or detection of the abuse
4 of drugs or alcohol; or for security cameras used for
5 the prevention or detection of violence or the
6 establishment of a municipal police force, including
7 the training of officers, construction of a police
8 station, the purchase of law enforcement equipment, or
9 vehicles.

10 (2) 12.5% shall be distributed to the Office of the
11 State's Attorney of the county in which the prosecution
12 resulting in the forfeiture was instituted, deposited in a
13 special fund in the county treasury and appropriated to
14 the State's Attorney for use, at the discretion of the
15 State's Attorney, in the enforcement of criminal laws; or
16 for public education in the community or schools in the
17 prevention or detection of the abuse of drugs or alcohol;
18 or at the discretion of the State's Attorney, in addition
19 to other authorized purposes, to make grants to local
20 substance abuse treatment facilities and half-way houses.
21 In counties over 3,000,000 population, 25% will be
22 distributed to the Office of the State's Attorney for use,
23 at the discretion of the State's Attorney, in the
24 enforcement of criminal laws; or for public education in
25 the community or schools in the prevention or detection of
26 the abuse of drugs or alcohol; or at the discretion of the

1 State's Attorney, in addition to other authorized
2 purposes, to make grants to local substance abuse
3 treatment facilities and half-way houses. If the
4 prosecution is undertaken solely by the Attorney General,
5 the portion provided shall be distributed to the Attorney
6 General for use in the enforcement of criminal laws
7 governing cannabis and controlled substances or for public
8 education in the community or schools in the prevention or
9 detection of the abuse of drugs or alcohol.

10 12.5% shall be distributed to the Office of the
11 State's Attorneys Appellate Prosecutor and shall be used
12 at the discretion of the State's Attorneys Appellate
13 Prosecutor for additional expenses incurred in the
14 investigation, prosecution and appeal of cases arising in
15 the enforcement of criminal laws; or for public education
16 in the community or schools in the prevention or detection
17 of the abuse of drugs or alcohol. The Office of the State's
18 Attorneys Appellate Prosecutor shall not receive
19 distribution from cases brought in counties with over
20 3,000,000 population.

21 (3) 10% shall be retained by the Illinois Department
22 ~~of~~ State Police for expenses related to the administration
23 and sale of seized and forfeited property.

24 (d) A law enforcement agency shall not retain forfeited
25 property for its own use or transfer the property to any person
26 or entity, except as provided under this Section. A law

1 enforcement agency may apply in writing to the Director of the
2 Illinois State Police to request that forfeited property be
3 awarded to the agency for a specifically articulated official
4 law enforcement use in an investigation. The Director of the
5 Illinois State Police shall provide a written justification in
6 each instance detailing the reasons why the forfeited property
7 was placed into official use, and the justification shall be
8 retained for a period of not less than 3 years.

9 (Source: P.A. 100-512, eff. 7-1-18; 100-699, eff. 8-3-18.)

10 Section 985. The Cannabis Control Act is amended by
11 changing Sections 3, 4, 8, 10.2, 11, 15.2, 16.2, and 17 as
12 follows:

13 (720 ILCS 550/3) (from Ch. 56 1/2, par. 703)

14 Sec. 3. As used in this Act, unless the context otherwise
15 requires:

16 (a) "Cannabis" includes marihuana, hashish and other
17 substances which are identified as including any parts of the
18 plant Cannabis Sativa, whether growing or not; the seeds
19 thereof, the resin extracted from any part of such plant; and
20 any compound, manufacture, salt, derivative, mixture, or
21 preparation of such plant, its seeds, or resin, including
22 tetrahydrocannabinol (THC) and all other cannabinol
23 derivatives, including its naturally occurring or
24 synthetically produced ingredients, whether produced directly

1 or indirectly by extraction, or independently by means of
2 chemical synthesis or by a combination of extraction and
3 chemical synthesis; but shall not include the mature stalks of
4 such plant, fiber produced from such stalks, oil or cake made
5 from the seeds of such plant, any other compound, manufacture,
6 salt, derivative, mixture, or preparation of such mature
7 stalks (except the resin extracted therefrom), fiber, oil or
8 cake, or the sterilized seed of such plant which is incapable
9 of germination.

10 (b) "Casual delivery" means the delivery of not more than
11 10 grams of any substance containing cannabis without
12 consideration.

13 (c) "Department" means the Illinois Department of Human
14 Services (as successor to the Department of Alcoholism and
15 Substance Abuse) or its successor agency.

16 (d) "Deliver" or "delivery" means the actual, constructive
17 or attempted transfer of possession of cannabis, with or
18 without consideration, whether or not there is an agency
19 relationship.

20 (e) (Blank). ~~"Department of State Police" means the~~
21 ~~Department of State Police of the State of Illinois or its~~
22 ~~successor agency.~~

23 (f) "Director" means the Director of the Illinois
24 ~~Department of State Police~~ or his designated agent.

25 (g) "Local authorities" means a duly organized State,
26 county, or municipal peace unit or police force.

1 (h) "Manufacture" means the production, preparation,
2 propagation, compounding, conversion or processing of
3 cannabis, either directly or indirectly, by extraction from
4 substances of natural origin, or independently by means of
5 chemical synthesis, or by a combination of extraction and
6 chemical synthesis, and includes any packaging or repackaging
7 of cannabis or labeling of its container, except that this
8 term does not include the preparation, compounding, packaging,
9 or labeling of cannabis as an incident to lawful research,
10 teaching, or chemical analysis and not for sale.

11 (i) "Person" means any individual, corporation, government
12 or governmental subdivision or agency, business trust, estate,
13 trust, partnership or association, or any other entity.

14 (j) "Produce" or "production" means planting, cultivating,
15 tending or harvesting.

16 (k) "State" includes the State of Illinois and any state,
17 district, commonwealth, territory, insular possession thereof,
18 and any area subject to the legal authority of the United
19 States of America.

20 (l) "Subsequent offense" means an offense under this Act,
21 the offender of which, prior to his conviction of the offense,
22 has at any time been convicted under this Act or under any laws
23 of the United States or of any state relating to cannabis, or
24 any controlled substance as defined in the Illinois Controlled
25 Substances Act.

26 (Source: P.A. 100-1091, eff. 8-26-18; 101-593, eff. 12-4-19.)

1 (720 ILCS 550/4) (from Ch. 56 1/2, par. 704)

2 Sec. 4. Except as otherwise provided in the Cannabis
3 Regulation and Tax Act and the Industrial Hemp Act, it is
4 unlawful for any person knowingly to possess cannabis.

5 Any person who violates this Section with respect to:

6 (a) not more than 10 grams of any substance containing
7 cannabis is guilty of a civil law violation punishable by
8 a minimum fine of \$100 and a maximum fine of \$200. The
9 proceeds of the fine shall be payable to the clerk of the
10 circuit court. Within 30 days after the deposit of the
11 fine, the clerk shall distribute the proceeds of the fine
12 as follows:

13 (1) \$10 of the fine to the circuit clerk and \$10 of
14 the fine to the law enforcement agency that issued the
15 citation; the proceeds of each \$10 fine distributed to
16 the circuit clerk and each \$10 fine distributed to the
17 law enforcement agency that issued the citation for
18 the violation shall be used to defer the cost of
19 automatic expungements under paragraph (2.5) of
20 subsection (a) of Section 5.2 of the Criminal
21 Identification Act;

22 (2) \$15 to the county to fund drug addiction
23 services;

24 (3) \$10 to the Office of the State's Attorneys
25 Appellate Prosecutor for use in training programs;

1 (4) \$10 to the State's Attorney; and

2 (5) any remainder of the fine to the law
3 enforcement agency that issued the citation for the
4 violation.

5 With respect to funds designated for the Illinois
6 ~~Department of~~ State Police, the moneys shall be remitted
7 by the circuit court clerk to the Illinois ~~Department of~~
8 State Police within one month after receipt for deposit
9 into the State Police Operations Assistance Fund. With
10 respect to funds designated for the Department of Natural
11 Resources, the Department of Natural Resources shall
12 deposit the moneys into the Conservation Police Operations
13 Assistance Fund;

14 (b) more than 10 grams but not more than 30 grams of
15 any substance containing cannabis is guilty of a Class B
16 misdemeanor;

17 (c) more than 30 grams but not more than 100 grams of
18 any substance containing cannabis is guilty of a Class A
19 misdemeanor; provided, that if any offense under this
20 subsection (c) is a subsequent offense, the offender shall
21 be guilty of a Class 4 felony;

22 (d) more than 100 grams but not more than 500 grams of
23 any substance containing cannabis is guilty of a Class 4
24 felony; provided that if any offense under this subsection
25 (d) is a subsequent offense, the offender shall be guilty
26 of a Class 3 felony;

1 (e) more than 500 grams but not more than 2,000 grams
2 of any substance containing cannabis is guilty of a Class
3 3 felony;

4 (f) more than 2,000 grams but not more than 5,000
5 grams of any substance containing cannabis is guilty of a
6 Class 2 felony;

7 (g) more than 5,000 grams of any substance containing
8 cannabis is guilty of a Class 1 felony.

9 (Source: P.A. 101-27, eff. 6-25-19; 101-593, eff. 12-4-19.)

10 (720 ILCS 550/8) (from Ch. 56 1/2, par. 708)

11 Sec. 8. Except as otherwise provided in the Cannabis
12 Regulation and Tax Act and the Industrial Hemp Act, it is
13 unlawful for any person knowingly to produce the Cannabis
14 sativa plant or to possess such plants unless production or
15 possession has been authorized pursuant to the provisions of
16 Section 11 or 15.2 of the Act. Any person who violates this
17 Section with respect to production or possession of:

18 (a) Not more than 5 plants is guilty of a civil
19 violation punishable by a minimum fine of \$100 and a
20 maximum fine of \$200. The proceeds of the fine are payable
21 to the clerk of the circuit court. Within 30 days after the
22 deposit of the fine, the clerk shall distribute the
23 proceeds of the fine as follows:

24 (1) \$10 of the fine to the circuit clerk and \$10 of
25 the fine to the law enforcement agency that issued the

1 citation; the proceeds of each \$10 fine distributed to
2 the circuit clerk and each \$10 fine distributed to the
3 law enforcement agency that issued the citation for
4 the violation shall be used to defer the cost of
5 automatic expungements under paragraph (2.5) of
6 subsection (a) of Section 5.2 of the Criminal
7 Identification Act;

8 (2) \$15 to the county to fund drug addiction
9 services;

10 (3) \$10 to the Office of the State's Attorneys
11 Appellate Prosecutor for use in training programs;

12 (4) \$10 to the State's Attorney; and

13 (5) any remainder of the fine to the law
14 enforcement agency that issued the citation for the
15 violation.

16 With respect to funds designated for the Illinois
17 ~~Department of~~ State Police, the moneys shall be remitted
18 by the circuit court clerk to the Illinois ~~Department of~~
19 State Police within one month after receipt for deposit
20 into the State Police Operations Assistance Fund. With
21 respect to funds designated for the Department of Natural
22 Resources, the Department of Natural Resources shall
23 deposit the moneys into the Conservation Police Operations
24 Assistance Fund.

25 (b) More than 5, but not more than 20 plants, is guilty
26 of a Class 4 felony.

1 (c) More than 20, but not more than 50 plants, is
2 guilty of a Class 3 felony.

3 (d) More than 50, but not more than 200 plants, is
4 guilty of a Class 2 felony for which a fine not to exceed
5 \$100,000 may be imposed and for which liability for the
6 cost of conducting the investigation and eradicating such
7 plants may be assessed. Compensation for expenses incurred
8 in the enforcement of this provision shall be transmitted
9 to and deposited in the treasurer's office at the level of
10 government represented by the Illinois law enforcement
11 agency whose officers or employees conducted the
12 investigation or caused the arrest or arrests leading to
13 the prosecution, to be subsequently made available to that
14 law enforcement agency as expendable receipts for use in
15 the enforcement of laws regulating controlled substances
16 and cannabis. If such seizure was made by a combination of
17 law enforcement personnel representing different levels of
18 government, the court levying the assessment shall
19 determine the allocation of such assessment. The proceeds
20 of assessment awarded to the State treasury shall be
21 deposited in a special fund known as the Drug Traffic
22 Prevention Fund.

23 (e) More than 200 plants is guilty of a Class 1 felony
24 for which a fine not to exceed \$100,000 may be imposed and
25 for which liability for the cost of conducting the
26 investigation and eradicating such plants may be assessed.

1 Compensation for expenses incurred in the enforcement of
2 this provision shall be transmitted to and deposited in
3 the treasurer's office at the level of government
4 represented by the Illinois law enforcement agency whose
5 officers or employees conducted the investigation or
6 caused the arrest or arrests leading to the prosecution,
7 to be subsequently made available to that law enforcement
8 agency as expendable receipts for use in the enforcement
9 of laws regulating controlled substances and cannabis. If
10 such seizure was made by a combination of law enforcement
11 personnel representing different levels of government, the
12 court levying the assessment shall determine the
13 allocation of such assessment. The proceeds of assessment
14 awarded to the State treasury shall be deposited in a
15 special fund known as the Drug Traffic Prevention Fund.

16 (Source: P.A. 101-27, eff. 6-25-19; 101-593, eff. 12-4-19.)

17 (720 ILCS 550/10.2) (from Ch. 56 1/2, par. 710.2)

18 Sec. 10.2. (a) Twelve and one-half percent of all amounts
19 collected as fines pursuant to the provisions of this Act
20 shall be paid into the Youth Drug Abuse Prevention Fund, which
21 is hereby created in the State treasury, to be used by the
22 Department of Human Services for the funding of programs and
23 services for drug-abuse treatment, and prevention and
24 education services, for juveniles.

25 (b) Eighty-seven and one-half percent of the proceeds of

1 all fines received under the provisions of this Act shall be
2 transmitted to and deposited in the treasurer's office at the
3 level of government as follows:

4 (1) If such seizure was made by a combination of law
5 enforcement personnel representing differing units of
6 local government, the court levying the fine shall
7 equitably allocate 50% of the fine among these units of
8 local government and shall allocate 37 1/2% to the county
9 general corporate fund. In the event that the seizure was
10 made by law enforcement personnel representing a unit of
11 local government from a municipality where the number of
12 inhabitants exceeds 2 million in population, the court
13 levying the fine shall allocate 87 1/2% of the fine to that
14 unit of local government. If the seizure was made by a
15 combination of law enforcement personnel representing
16 differing units of local government, and at least one of
17 those units represents a municipality where the number of
18 inhabitants exceeds 2 million in population, the court
19 shall equitably allocate 87 1/2% of the proceeds of the
20 fines received among the differing units of local
21 government.

22 (2) If such seizure was made by State law enforcement
23 personnel, then the court shall allocate 37 1/2% to the
24 State treasury and 50% to the county general corporate
25 fund.

26 (3) If a State law enforcement agency in combination

1 with a law enforcement agency or agencies of a unit or
2 units of local government conducted the seizure, the court
3 shall equitably allocate 37 1/2% of the fines to or among
4 the law enforcement agency or agencies of the unit or
5 units of local government which conducted the seizure and
6 shall allocate 50% to the county general corporate fund.

7 (c) The proceeds of all fines allocated to the law
8 enforcement agency or agencies of the unit or units of local
9 government pursuant to subsection (b) shall be made available
10 to that law enforcement agency as expendable receipts for use
11 in the enforcement of laws regulating controlled substances
12 and cannabis. The proceeds of fines awarded to the State
13 treasury shall be deposited in a special fund known as the Drug
14 Traffic Prevention Fund, except that amounts distributed to
15 the Secretary of State shall be deposited into the Secretary
16 of State Evidence Fund to be used as provided in Section 2-115
17 of the Illinois Vehicle Code. Monies from this fund may be used
18 by the Illinois ~~Department of~~ State Police for use in the
19 enforcement of laws regulating controlled substances and
20 cannabis; to satisfy funding provisions of the
21 Intergovernmental Drug Laws Enforcement Act; to defray costs
22 and expenses associated with returning violators of this Act,
23 the Illinois Controlled Substances Act, and the
24 Methamphetamine Control and Community Protection Act only, as
25 provided in such Acts, when punishment of the crime shall be
26 confinement of the criminal in the penitentiary; and all other

1 monies shall be paid into the general revenue fund in the State
2 treasury.

3 (Source: P.A. 94-556, eff. 9-11-05.)

4 (720 ILCS 550/11) (from Ch. 56 1/2, par. 711)

5 Sec. 11. (a) The Department, with the written approval of
6 the Illinois ~~Department~~ of State Police, may authorize the
7 possession, production, manufacture and delivery of substances
8 containing cannabis by persons engaged in research and when
9 such authorization is requested by a physician licensed to
10 practice medicine in all its branches, such authorization
11 shall issue without unnecessary delay where the Department
12 finds that such physician licensed to practice medicine in all
13 its branches has certified that such possession, production,
14 manufacture or delivery of such substance is necessary for the
15 treatment of glaucoma, the side effects of chemotherapy or
16 radiation therapy in cancer patients or such other procedure
17 certified to be medically necessary; such authorization shall
18 be, upon such terms and conditions as may be consistent with
19 the public health and safety. To the extent of the applicable
20 authorization, persons are exempt from prosecution in this
21 State for possession, production, manufacture or delivery of
22 cannabis.

23 (b) Persons registered under Federal law to conduct
24 research with cannabis may conduct research with cannabis
25 including, but not limited to treatment by a physician

1 licensed to practice medicine in all its branches for
2 glaucoma, the side effects of chemotherapy or radiation
3 therapy in cancer patients or such other procedure which is
4 medically necessary within this State upon furnishing evidence
5 of that Federal registration and notification of the scope and
6 purpose of such research to the Department and to the Illinois
7 ~~Department of~~ State Police of that Federal registration.

8 (c) Persons authorized to engage in research may be
9 authorized by the Department to protect the privacy of
10 individuals who are the subjects of such research by
11 withholding from all persons not connected with the conduct of
12 the research the names and other identifying characteristics
13 of such individuals. Persons who are given this authorization
14 shall not be compelled in any civil, criminal, administrative,
15 legislative or other proceeding to identify the individuals
16 who are the subjects of research for which the authorization
17 was granted, except to the extent necessary to permit the
18 Department to determine whether the research is being
19 conducted in accordance with the authorization.

20 (Source: P.A. 84-25.)

21 (720 ILCS 550/15.2)

22 Sec. 15.2. Industrial hemp pilot program.

23 (a) Pursuant to Section 7606 of the federal Agricultural
24 Act of 2014, an institution of higher education or the
25 Department of Agriculture may grow or cultivate industrial

1 hemp if:

2 (1) the industrial hemp is grown or cultivated for
3 purposes of research conducted under an agricultural pilot
4 program or other agricultural or academic research;

5 (2) the pilot program studies the growth, cultivation,
6 or marketing of industrial hemp; and

7 (3) any site used for the growing or cultivating of
8 industrial hemp is certified by, and registered with, the
9 Department of Agriculture.

10 (b) Before conducting industrial hemp research, an
11 institution of higher education shall notify the Department of
12 Agriculture and any local law enforcement agency in writing.

13 (c) The institution of higher education shall provide
14 quarterly reports and an annual report to the Department of
15 Agriculture on the research and the research program shall be
16 subject to random inspection by the Department of Agriculture,
17 the Illinois ~~Department of~~ State Police, or local law
18 enforcement agencies. The institution of higher education
19 shall submit the annual report to the Department of
20 Agriculture on or before October 1.

21 (d) The Department of Agriculture may adopt rules to
22 implement this Section. In order to provide for the
23 expeditious and timely implementation of this Section, upon
24 notification by an institution of higher education that the
25 institution wishes to engage in the growth or cultivation of
26 industrial hemp for agricultural research purposes, the

1 Department of Agriculture may adopt emergency rules under
2 Section 5-45 of the Illinois Administrative Procedure Act to
3 implement the provisions of this Section. If changes to the
4 rules are required to comply with federal rules, the
5 Department of Agriculture may adopt peremptory rules as
6 necessary to comply with changes to corresponding federal
7 rules. All other rules that the Department of Agriculture
8 deems necessary to adopt in connection with this Section must
9 proceed through the ordinary rule-making process. The adoption
10 of emergency rules authorized by this Section shall be deemed
11 to be necessary for the public interest, safety, and welfare.

12 The Department of Agriculture may determine, by rule, the
13 duration of an institution of higher education's pilot program
14 or industrial hemp research. If the institution of higher
15 education has not completed its program within the timeframe
16 established by rule, then the Department of Agriculture may
17 grant an extension to the pilot program if unanticipated
18 circumstances arose that impacted the program.

19 (e) As used in this Section:

20 "Industrial hemp" means cannabis sativa L. having no more
21 than 0.3% total THC available, upon heating, or maximum
22 delta-9 tetrahydrocannabinol content possible.

23 "Institution of higher education" means a State
24 institution of higher education that offers a 4-year degree in
25 agricultural science.

26 (Source: P.A. 98-1072, eff. 1-1-15; 99-78, eff. 7-20-15.)

1 (720 ILCS 550/16.2)

2 Sec. 16.2. Preservation of cannabis or cannabis sativa
3 plants for laboratory testing.

4 (a) Before or after the trial in a prosecution for a
5 violation of Section 4, 5, 5.1, 5.2, 8, or 9 of this Act, a law
6 enforcement agency or an agent acting on behalf of the law
7 enforcement agency must preserve, subject to a continuous
8 chain of custody, not less than 6,001 grams of any substance
9 containing cannabis and not less than 51 cannabis sativa
10 plants with respect to the offenses enumerated in this
11 subsection (a) and must maintain sufficient documentation to
12 locate that evidence. Excess quantities with respect to the
13 offenses enumerated in this subsection (a) cannot practicably
14 be retained by a law enforcement agency because of its size,
15 bulk, and physical character.

16 (b) The court may before trial transfer excess quantities
17 of any substance containing cannabis or cannabis sativa plants
18 with respect to a prosecution for any offense enumerated in
19 subsection (a) to the sheriff of the county, or may in its
20 discretion transfer such evidence to the Illinois Department
21 ~~of~~ State Police, for destruction after notice is given to the
22 defendant's attorney of record or to the defendant if the
23 defendant is proceeding pro se.

24 (c) After a judgment of conviction is entered and the
25 charged quantity is no longer needed for evidentiary purposes

1 with respect to a prosecution for any offense enumerated in
2 subsection (a), the court may transfer any substance
3 containing cannabis or cannabis sativa plants to the sheriff
4 of the county, or may in its discretion transfer such evidence
5 to the Illinois ~~Department of~~ State Police, for destruction
6 after notice is given to the defendant's attorney of record or
7 to the defendant if the defendant is proceeding pro se. No
8 evidence shall be disposed of until 30 days after the judgment
9 is entered, and if a notice of appeal is filed, no evidence
10 shall be disposed of until the mandate has been received by the
11 circuit court from the Appellate Court.

12 (Source: P.A. 94-180, eff. 7-12-05.)

13 (720 ILCS 550/17) (from Ch. 56 1/2, par. 717)

14 Sec. 17. It is hereby made the duty of the Illinois
15 ~~Department of~~ State Police, all peace officers within the
16 State and of all State's attorneys, to enforce all provisions
17 of this Act and to cooperate with all agencies charged with the
18 enforcement of the laws of the United States, of this State,
19 and of all other states, relating to cannabis.

20 (Source: P.A. 84-25.)

21 Section 990. The Illinois Controlled Substances Act is
22 amended by changing Section 102 as follows:

23 (720 ILCS 570/102) (from Ch. 56 1/2, par. 1102)

1 Sec. 102. Definitions. As used in this Act, unless the
2 context otherwise requires:

3 (a) "Addict" means any person who habitually uses any
4 drug, chemical, substance or dangerous drug other than alcohol
5 so as to endanger the public morals, health, safety or welfare
6 or who is so far addicted to the use of a dangerous drug or
7 controlled substance other than alcohol as to have lost the
8 power of self control with reference to his or her addiction.

9 (b) "Administer" means the direct application of a
10 controlled substance, whether by injection, inhalation,
11 ingestion, or any other means, to the body of a patient,
12 research subject, or animal (as defined by the Humane
13 Euthanasia in Animal Shelters Act) by:

14 (1) a practitioner (or, in his or her presence, by his
15 or her authorized agent),

16 (2) the patient or research subject pursuant to an
17 order, or

18 (3) a euthanasia technician as defined by the Humane
19 Euthanasia in Animal Shelters Act.

20 (c) "Agent" means an authorized person who acts on behalf
21 of or at the direction of a manufacturer, distributor,
22 dispenser, prescriber, or practitioner. It does not include a
23 common or contract carrier, public warehouseman or employee of
24 the carrier or warehouseman.

25 (c-1) "Anabolic Steroids" means any drug or hormonal
26 substance, chemically and pharmacologically related to

1 testosterone (other than estrogens, progestins,
2 corticosteroids, and dehydroepiandrosterone), and includes:

- 3 (i) 3[beta],17-dihydroxy-5a-androstane,
4 (ii) 3[alpha],17[beta]-dihydroxy-5a-androstane,
5 (iii) 5[alpha]-androstan-3,17-dione,
6 (iv) 1-androstenediol (3[beta],
7 17[beta]-dihydroxy-5[alpha]-androst-1-ene),
8 (v) 1-androstenediol (3[alpha],
9 17[beta]-dihydroxy-5[alpha]-androst-1-ene),
10 (vi) 4-androstenediol
11 (3[beta],17[beta]-dihydroxy-androst-4-ene),
12 (vii) 5-androstenediol
13 (3[beta],17[beta]-dihydroxy-androst-5-ene),
14 (viii) 1-androstenedione
15 ([5alpha]-androst-1-en-3,17-dione),
16 (ix) 4-androstenedione
17 (androst-4-en-3,17-dione),
18 (x) 5-androstenedione
19 (androst-5-en-3,17-dione),
20 (xi) bolasterone (7[alpha],17a-dimethyl-17[beta]-
21 hydroxyandrost-4-en-3-one),
22 (xii) boldenone (17[beta]-hydroxyandrost-
23 1,4,-diene-3-one),
24 (xiii) boldione (androsta-1,4-
25 diene-3,17-dione),
26 (xiv) calusterone (7[beta],17[alpha]-dimethyl-17

1 [beta]-hydroxyandrost-4-en-3-one),
2 (xv) clostebol (4-chloro-17[beta]-
3 hydroxyandrost-4-en-3-one),
4 (xvi) dehydrochloromethyltestosterone (4-chloro-
5 17[beta]-hydroxy-17[alpha]-methyl-
6 androst-1,4-dien-3-one),
7 (xvii) desoxymethyltestosterone
8 (17[alpha]-methyl-5[alpha]
9 -androst-2-en-17[beta]-ol) (a.k.a., madol),
10 (xviii) [delta]1-dihydrotestosterone (a.k.a.
11 '1-testosterone') (17[beta]-hydroxy-
12 5[alpha]-androst-1-en-3-one),
13 (xix) 4-dihydrotestosterone (17[beta]-hydroxy-
14 androstan-3-one),
15 (xx) drostanolone (17[beta]-hydroxy-2[alpha]-methyl-
16 5[alpha]-androstan-3-one),
17 (xxi) ethylestrenol (17[alpha]-ethyl-17[beta]-
18 hydroxyestr-4-ene),
19 (xxii) fluoxymesterone (9-fluoro-17[alpha]-methyl-
20 1[beta],17[beta]-dihydroxyandrost-4-en-3-one),
21 (xxiii) formebolone (2-formyl-17[alpha]-methyl-11[alpha],
22 17[beta]-dihydroxyandrost-1,4-dien-3-one),
23 (xxiv) furazabol (17[alpha]-methyl-17[beta]-
24 hydroxyandrostan[2,3-c]-furan),
25 (xxv) 13[beta]-ethyl-17[beta]-hydroxygon-4-en-3-one,
26 (xxvi) 4-hydroxytestosterone (4,17[beta]-dihydroxy-

1 androst-4-en-3-one),
2 (xxvii) 4-hydroxy-19-nortestosterone (4,17[beta]-
3 dihydroxy-estr-4-en-3-one),
4 (xxviii) mestanolone (17[alpha]-methyl-17[beta]-
5 hydroxy-5-androstan-3-one),
6 (xxix) mesterolone (1-methyl-17[beta]-hydroxy-
7 [5a]-androstan-3-one),
8 (xxx) methandienone (17[alpha]-methyl-17[beta]-
9 hydroxyandrost-1,4-dien-3-one),
10 (xxxi) methandriol (17[alpha]-methyl-3[beta],17[beta]-
11 dihydroxyandrost-5-ene),
12 (xxxii) methenolone (1-methyl-17[beta]-hydroxy-
13 5[alpha]-androst-1-en-3-one),
14 (xxxiii) 17[alpha]-methyl-3[beta], 17[beta]-
15 dihydroxy-5a-androstane,
16 (xxxiv) 17[alpha]-methyl-3[alpha],17[beta]-dihydroxy
17 -5a-androstane,
18 (xxxv) 17[alpha]-methyl-3[beta],17[beta]-
19 dihydroxyandrost-4-ene),
20 (xxxvi) 17[alpha]-methyl-4-hydroxynandrolone (17[alpha]-
21 methyl-4-hydroxy-17[beta]-hydroxyestr-4-en-3-one),
22 (xxxvii) methyldienolone (17[alpha]-methyl-17[beta]-
23 hydroxyestra-4,9(10)-dien-3-one),
24 (xxxviii) methyltrienolone (17[alpha]-methyl-17[beta]-
25 hydroxyestra-4,9-11-trien-3-one),
26 (xxxix) methyltestosterone (17[alpha]-methyl-17[beta]-

1 hydroxyandrost-4-en-3-one),
2 (xl) mibolerone (7[alpha],17a-dimethyl-17[beta]-
3 hydroxyestr-4-en-3-one),
4 (xli) 17[alpha]-methyl-[delta]1-dihydrotestosterone
5 (17b[beta]-hydroxy-17[alpha]-methyl-5[alpha]-
6 androst-1-en-3-one) (a.k.a. '17-[alpha]-methyl-
7 1-testosterone'),
8 (xlii) nandrolone (17[beta]-hydroxyestr-4-en-3-one),
9 (xliii) 19-nor-4-androstenediol (3[beta], 17[beta]-
10 dihydroxyestr-4-ene),
11 (xliv) 19-nor-4-androstenediol (3[alpha], 17[beta]-
12 dihydroxyestr-4-ene),
13 (xlv) 19-nor-5-androstenediol (3[beta], 17[beta]-
14 dihydroxyestr-5-ene),
15 (xlvi) 19-nor-5-androstenediol (3[alpha], 17[beta]-
16 dihydroxyestr-5-ene),
17 (xlvii) 19-nor-4,9(10)-androstadienedione
18 (estra-4,9(10)-diene-3,17-dione),
19 (xlviii) 19-nor-4-androstenedione (estr-4-
20 en-3,17-dione),
21 (xlix) 19-nor-5-androstenedione (estr-5-
22 en-3,17-dione),
23 (l) norbolethone (13[beta], 17a-diethyl-17[beta]-
24 hydroxygon-4-en-3-one),
25 (li) norclostebol (4-chloro-17[beta]-
26 hydroxyestr-4-en-3-one),

- 1 (lii) norethandrolone (17[alpha]-ethyl-17[beta]-
2 hydroxyestr-4-en-3-one),
3 (liii) normethandrolone (17[alpha]-methyl-17[beta]-
4 hydroxyestr-4-en-3-one),
5 (liv) oxandrolone (17[alpha]-methyl-17[beta]-hydroxy-
6 2-oxa-5[alpha]-androstan-3-one),
7 (lv) oxymesterone (17[alpha]-methyl-4,17[beta]-
8 dihydroxyandrost-4-en-3-one),
9 (lvi) oxymetholone (17[alpha]-methyl-2-hydroxymethylene-
10 17[beta]-hydroxy-(5[alpha]-androstan-3-one),
11 (lvii) stanozolol (17[alpha]-methyl-17[beta]-hydroxy-
12 (5[alpha]-androst-2-eno[3,2-c]-pyrazole),
13 (lviii) stenbolone (17[beta]-hydroxy-2-methyl-
14 (5[alpha]-androst-1-en-3-one),
15 (lix) testolactone (13-hydroxy-3-oxo-13,17-
16 secoandrosta-1,4-dien-17-oic
17 acid lactone),
18 (lx) testosterone (17[beta]-hydroxyandrost-
19 4-en-3-one),
20 (lxi) tetrahydrogestrinone (13[beta], 17[alpha]-
21 diethyl-17[beta]-hydroxygon-
22 4,9,11-trien-3-one),
23 (lxii) trenbolone (17[beta]-hydroxyestr-4,9,
24 11-trien-3-one).

25 Any person who is otherwise lawfully in possession of an
26 anabolic steroid, or who otherwise lawfully manufactures,

1 distributes, dispenses, delivers, or possesses with intent to
2 deliver an anabolic steroid, which anabolic steroid is
3 expressly intended for and lawfully allowed to be administered
4 through implants to livestock or other nonhuman species, and
5 which is approved by the Secretary of Health and Human
6 Services for such administration, and which the person intends
7 to administer or have administered through such implants,
8 shall not be considered to be in unauthorized possession or to
9 unlawfully manufacture, distribute, dispense, deliver, or
10 possess with intent to deliver such anabolic steroid for
11 purposes of this Act.

12 (d) "Administration" means the Drug Enforcement
13 Administration, United States Department of Justice, or its
14 successor agency.

15 (d-5) "Clinical Director, Prescription Monitoring Program"
16 means a Department of Human Services administrative employee
17 licensed to either prescribe or dispense controlled substances
18 who shall run the clinical aspects of the Department of Human
19 Services Prescription Monitoring Program and its Prescription
20 Information Library.

21 (d-10) "Compounding" means the preparation and mixing of
22 components, excluding flavorings, (1) as the result of a
23 prescriber's prescription drug order or initiative based on
24 the prescriber-patient-pharmacist relationship in the course
25 of professional practice or (2) for the purpose of, or
26 incident to, research, teaching, or chemical analysis and not

1 for sale or dispensing. "Compounding" includes the preparation
2 of drugs or devices in anticipation of receiving prescription
3 drug orders based on routine, regularly observed dispensing
4 patterns. Commercially available products may be compounded
5 for dispensing to individual patients only if both of the
6 following conditions are met: (i) the commercial product is
7 not reasonably available from normal distribution channels in
8 a timely manner to meet the patient's needs and (ii) the
9 prescribing practitioner has requested that the drug be
10 compounded.

11 (e) "Control" means to add a drug or other substance, or
12 immediate precursor, to a Schedule whether by transfer from
13 another Schedule or otherwise.

14 (f) "Controlled Substance" means (i) a drug, substance,
15 immediate precursor, or synthetic drug in the Schedules of
16 Article II of this Act or (ii) a drug or other substance, or
17 immediate precursor, designated as a controlled substance by
18 the Department through administrative rule. The term does not
19 include distilled spirits, wine, malt beverages, or tobacco,
20 as those terms are defined or used in the Liquor Control Act of
21 1934 and the Tobacco Products Tax Act of 1995.

22 (f-5) "Controlled substance analog" means a substance:

23 (1) the chemical structure of which is substantially
24 similar to the chemical structure of a controlled
25 substance in Schedule I or II;

26 (2) which has a stimulant, depressant, or

1 hallucinogenic effect on the central nervous system that
2 is substantially similar to or greater than the stimulant,
3 depressant, or hallucinogenic effect on the central
4 nervous system of a controlled substance in Schedule I or
5 II; or

6 (3) with respect to a particular person, which such
7 person represents or intends to have a stimulant,
8 depressant, or hallucinogenic effect on the central
9 nervous system that is substantially similar to or greater
10 than the stimulant, depressant, or hallucinogenic effect
11 on the central nervous system of a controlled substance in
12 Schedule I or II.

13 (g) "Counterfeit substance" means a controlled substance,
14 which, or the container or labeling of which, without
15 authorization bears the trademark, trade name, or other
16 identifying mark, imprint, number or device, or any likeness
17 thereof, of a manufacturer, distributor, or dispenser other
18 than the person who in fact manufactured, distributed, or
19 dispensed the substance.

20 (h) "Deliver" or "delivery" means the actual, constructive
21 or attempted transfer of possession of a controlled substance,
22 with or without consideration, whether or not there is an
23 agency relationship.

24 (i) "Department" means the Illinois Department of Human
25 Services (as successor to the Department of Alcoholism and
26 Substance Abuse) or its successor agency.

1 (j) (Blank).

2 (k) "Department of Corrections" means the Department of
3 Corrections of the State of Illinois or its successor agency.

4 (l) "Department of Financial and Professional Regulation"
5 means the Department of Financial and Professional Regulation
6 of the State of Illinois or its successor agency.

7 (m) "Depressant" means any drug that (i) causes an overall
8 depression of central nervous system functions, (ii) causes
9 impaired consciousness and awareness, and (iii) can be
10 habit-forming or lead to a substance abuse problem, including
11 but not limited to alcohol, cannabis and its active principles
12 and their analogs, benzodiazepines and their analogs,
13 barbiturates and their analogs, opioids (natural and
14 synthetic) and their analogs, and chloral hydrate and similar
15 sedative hypnotics.

16 (n) (Blank).

17 (o) "Director" means the Director of the Illinois State
18 Police or his or her designated agents.

19 (p) "Dispense" means to deliver a controlled substance to
20 an ultimate user or research subject by or pursuant to the
21 lawful order of a prescriber, including the prescribing,
22 administering, packaging, labeling, or compounding necessary
23 to prepare the substance for that delivery.

24 (q) "Dispenser" means a practitioner who dispenses.

25 (r) "Distribute" means to deliver, other than by
26 administering or dispensing, a controlled substance.

1 (s) "Distributor" means a person who distributes.

2 (t) "Drug" means (1) substances recognized as drugs in the
3 official United States Pharmacopoeia, Official Homeopathic
4 Pharmacopoeia of the United States, or official National
5 Formulary, or any supplement to any of them; (2) substances
6 intended for use in diagnosis, cure, mitigation, treatment, or
7 prevention of disease in man or animals; (3) substances (other
8 than food) intended to affect the structure of any function of
9 the body of man or animals and (4) substances intended for use
10 as a component of any article specified in clause (1), (2), or
11 (3) of this subsection. It does not include devices or their
12 components, parts, or accessories.

13 (t-3) "Electronic health record" or "EHR" means an
14 electronic record of health-related information on an
15 individual that is created, gathered, managed, and consulted
16 by authorized health care clinicians and staff.

17 (t-4) "Emergency medical services personnel" has the
18 meaning ascribed to it in the Emergency Medical Services (EMS)
19 Systems Act.

20 (t-5) "Euthanasia agency" means an entity certified by the
21 Department of Financial and Professional Regulation for the
22 purpose of animal euthanasia that holds an animal control
23 facility license or animal shelter license under the Animal
24 Welfare Act. A euthanasia agency is authorized to purchase,
25 store, possess, and utilize Schedule II nonnarcotic and
26 Schedule III nonnarcotic drugs for the sole purpose of animal

1 euthanasia.

2 (t-10) "Euthanasia drugs" means Schedule II or Schedule
3 III substances (nonnarcotic controlled substances) that are
4 used by a euthanasia agency for the purpose of animal
5 euthanasia.

6 (u) "Good faith" means the prescribing or dispensing of a
7 controlled substance by a practitioner in the regular course
8 of professional treatment to or for any person who is under his
9 or her treatment for a pathology or condition other than that
10 individual's physical or psychological dependence upon or
11 addiction to a controlled substance, except as provided
12 herein: and application of the term to a pharmacist shall mean
13 the dispensing of a controlled substance pursuant to the
14 prescriber's order which in the professional judgment of the
15 pharmacist is lawful. The pharmacist shall be guided by
16 accepted professional standards including, but not limited to
17 the following, in making the judgment:

18 (1) lack of consistency of prescriber-patient
19 relationship,

20 (2) frequency of prescriptions for same drug by one
21 prescriber for large numbers of patients,

22 (3) quantities beyond those normally prescribed,

23 (4) unusual dosages (recognizing that there may be
24 clinical circumstances where more or less than the usual
25 dose may be used legitimately),

26 (5) unusual geographic distances between patient,

1 pharmacist and prescriber,

2 (6) consistent prescribing of habit-forming drugs.

3 (u-0.5) "Hallucinogen" means a drug that causes markedly
4 altered sensory perception leading to hallucinations of any
5 type.

6 (u-1) "Home infusion services" means services provided by
7 a pharmacy in compounding solutions for direct administration
8 to a patient in a private residence, long-term care facility,
9 or hospice setting by means of parenteral, intravenous,
10 intramuscular, subcutaneous, or intraspinal infusion.

11 (u-5) "Illinois State Police" means the Illinois State
12 Police ~~of the State of Illinois~~, or its successor agency.

13 (v) "Immediate precursor" means a substance:

14 (1) which the Department has found to be and by rule
15 designated as being a principal compound used, or produced
16 primarily for use, in the manufacture of a controlled
17 substance;

18 (2) which is an immediate chemical intermediary used
19 or likely to be used in the manufacture of such controlled
20 substance; and

21 (3) the control of which is necessary to prevent,
22 curtail or limit the manufacture of such controlled
23 substance.

24 (w) "Instructional activities" means the acts of teaching,
25 educating or instructing by practitioners using controlled
26 substances within educational facilities approved by the State

1 Board of Education or its successor agency.

2 (x) "Local authorities" means a duly organized State,
3 County or Municipal peace unit or police force.

4 (y) "Look-alike substance" means a substance, other than a
5 controlled substance which (1) by overall dosage unit
6 appearance, including shape, color, size, markings or lack
7 thereof, taste, consistency, or any other identifying physical
8 characteristic of the substance, would lead a reasonable
9 person to believe that the substance is a controlled
10 substance, or (2) is expressly or impliedly represented to be
11 a controlled substance or is distributed under circumstances
12 which would lead a reasonable person to believe that the
13 substance is a controlled substance. For the purpose of
14 determining whether the representations made or the
15 circumstances of the distribution would lead a reasonable
16 person to believe the substance to be a controlled substance
17 under this clause (2) of subsection (y), the court or other
18 authority may consider the following factors in addition to
19 any other factor that may be relevant:

20 (a) statements made by the owner or person in control
21 of the substance concerning its nature, use or effect;

22 (b) statements made to the buyer or recipient that the
23 substance may be resold for profit;

24 (c) whether the substance is packaged in a manner
25 normally used for the illegal distribution of controlled
26 substances;

1 (d) whether the distribution or attempted distribution
2 included an exchange of or demand for money or other
3 property as consideration, and whether the amount of the
4 consideration was substantially greater than the
5 reasonable retail market value of the substance.

6 Clause (1) of this subsection (y) shall not apply to a
7 noncontrolled substance in its finished dosage form that was
8 initially introduced into commerce prior to the initial
9 introduction into commerce of a controlled substance in its
10 finished dosage form which it may substantially resemble.

11 Nothing in this subsection (y) prohibits the dispensing or
12 distributing of noncontrolled substances by persons authorized
13 to dispense and distribute controlled substances under this
14 Act, provided that such action would be deemed to be carried
15 out in good faith under subsection (u) if the substances
16 involved were controlled substances.

17 Nothing in this subsection (y) or in this Act prohibits
18 the manufacture, preparation, propagation, compounding,
19 processing, packaging, advertising or distribution of a drug
20 or drugs by any person registered pursuant to Section 510 of
21 the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360).

22 (y-1) "Mail-order pharmacy" means a pharmacy that is
23 located in a state of the United States that delivers,
24 dispenses or distributes, through the United States Postal
25 Service or other common carrier, to Illinois residents, any
26 substance which requires a prescription.

1 (z) "Manufacture" means the production, preparation,
2 propagation, compounding, conversion or processing of a
3 controlled substance other than methamphetamine, either
4 directly or indirectly, by extraction from substances of
5 natural origin, or independently by means of chemical
6 synthesis, or by a combination of extraction and chemical
7 synthesis, and includes any packaging or repackaging of the
8 substance or labeling of its container, except that this term
9 does not include:

10 (1) by an ultimate user, the preparation or
11 compounding of a controlled substance for his or her own
12 use; or

13 (2) by a practitioner, or his or her authorized agent
14 under his or her supervision, the preparation,
15 compounding, packaging, or labeling of a controlled
16 substance:

17 (a) as an incident to his or her administering or
18 dispensing of a controlled substance in the course of
19 his or her professional practice; or

20 (b) as an incident to lawful research, teaching or
21 chemical analysis and not for sale.

22 (z-1) (Blank).

23 (z-5) "Medication shopping" means the conduct prohibited
24 under subsection (a) of Section 314.5 of this Act.

25 (z-10) "Mid-level practitioner" means (i) a physician
26 assistant who has been delegated authority to prescribe

1 through a written delegation of authority by a physician
2 licensed to practice medicine in all of its branches, in
3 accordance with Section 7.5 of the Physician Assistant
4 Practice Act of 1987, (ii) an advanced practice registered
5 nurse who has been delegated authority to prescribe through a
6 written delegation of authority by a physician licensed to
7 practice medicine in all of its branches or by a podiatric
8 physician, in accordance with Section 65-40 of the Nurse
9 Practice Act, (iii) an advanced practice registered nurse
10 certified as a nurse practitioner, nurse midwife, or clinical
11 nurse specialist who has been granted authority to prescribe
12 by a hospital affiliate in accordance with Section 65-45 of
13 the Nurse Practice Act, (iv) an animal euthanasia agency, or
14 (v) a prescribing psychologist.

15 (aa) "Narcotic drug" means any of the following, whether
16 produced directly or indirectly by extraction from substances
17 of vegetable origin, or independently by means of chemical
18 synthesis, or by a combination of extraction and chemical
19 synthesis:

20 (1) opium, opiates, derivatives of opium and opiates,
21 including their isomers, esters, ethers, salts, and salts
22 of isomers, esters, and ethers, whenever the existence of
23 such isomers, esters, ethers, and salts is possible within
24 the specific chemical designation; however the term
25 "narcotic drug" does not include the isoquinoline
26 alkaloids of opium;

1 (2) (blank);

2 (3) opium poppy and poppy straw;

3 (4) coca leaves, except coca leaves and extracts of
4 coca leaves from which substantially all of the cocaine
5 and ecgonine, and their isomers, derivatives and salts,
6 have been removed;

7 (5) cocaine, its salts, optical and geometric isomers,
8 and salts of isomers;

9 (6) ecgonine, its derivatives, their salts, isomers,
10 and salts of isomers;

11 (7) any compound, mixture, or preparation which
12 contains any quantity of any of the substances referred to
13 in subparagraphs (1) through (6).

14 (bb) "Nurse" means a registered nurse licensed under the
15 Nurse Practice Act.

16 (cc) (Blank).

17 (dd) "Opiate" means any substance having an addiction
18 forming or addiction sustaining liability similar to morphine
19 or being capable of conversion into a drug having addiction
20 forming or addiction sustaining liability.

21 (ee) "Opium poppy" means the plant of the species *Papaver*
22 *somniferum* L., except its seeds.

23 (ee-5) "Oral dosage" means a tablet, capsule, elixir, or
24 solution or other liquid form of medication intended for
25 administration by mouth, but the term does not include a form
26 of medication intended for buccal, sublingual, or transmucosal

1 administration.

2 (ff) "Parole and Pardon Board" means the Parole and Pardon
3 Board of the State of Illinois or its successor agency.

4 (gg) "Person" means any individual, corporation,
5 mail-order pharmacy, government or governmental subdivision or
6 agency, business trust, estate, trust, partnership or
7 association, or any other entity.

8 (hh) "Pharmacist" means any person who holds a license or
9 certificate of registration as a registered pharmacist, a
10 local registered pharmacist or a registered assistant
11 pharmacist under the Pharmacy Practice Act.

12 (ii) "Pharmacy" means any store, ship or other place in
13 which pharmacy is authorized to be practiced under the
14 Pharmacy Practice Act.

15 (ii-5) "Pharmacy shopping" means the conduct prohibited
16 under subsection (b) of Section 314.5 of this Act.

17 (ii-10) "Physician" (except when the context otherwise
18 requires) means a person licensed to practice medicine in all
19 of its branches.

20 (jj) "Poppy straw" means all parts, except the seeds, of
21 the opium poppy, after mowing.

22 (kk) "Practitioner" means a physician licensed to practice
23 medicine in all its branches, dentist, optometrist, podiatric
24 physician, veterinarian, scientific investigator, pharmacist,
25 physician assistant, advanced practice registered nurse,
26 licensed practical nurse, registered nurse, emergency medical

1 services personnel, hospital, laboratory, or pharmacy, or
2 other person licensed, registered, or otherwise lawfully
3 permitted by the United States or this State to distribute,
4 dispense, conduct research with respect to, administer or use
5 in teaching or chemical analysis, a controlled substance in
6 the course of professional practice or research.

7 (ll) "Pre-printed prescription" means a written
8 prescription upon which the designated drug has been indicated
9 prior to the time of issuance; the term does not mean a written
10 prescription that is individually generated by machine or
11 computer in the prescriber's office.

12 (mm) "Prescriber" means a physician licensed to practice
13 medicine in all its branches, dentist, optometrist,
14 prescribing psychologist licensed under Section 4.2 of the
15 Clinical Psychologist Licensing Act with prescriptive
16 authority delegated under Section 4.3 of the Clinical
17 Psychologist Licensing Act, podiatric physician, or
18 veterinarian who issues a prescription, a physician assistant
19 who issues a prescription for a controlled substance in
20 accordance with Section 303.05, a written delegation, and a
21 written collaborative agreement required under Section 7.5 of
22 the Physician Assistant Practice Act of 1987, an advanced
23 practice registered nurse with prescriptive authority
24 delegated under Section 65-40 of the Nurse Practice Act and in
25 accordance with Section 303.05, a written delegation, and a
26 written collaborative agreement under Section 65-35 of the

1 Nurse Practice Act, an advanced practice registered nurse
2 certified as a nurse practitioner, nurse midwife, or clinical
3 nurse specialist who has been granted authority to prescribe
4 by a hospital affiliate in accordance with Section 65-45 of
5 the Nurse Practice Act and in accordance with Section 303.05,
6 or an advanced practice registered nurse certified as a nurse
7 practitioner, nurse midwife, or clinical nurse specialist who
8 has full practice authority pursuant to Section 65-43 of the
9 Nurse Practice Act.

10 (nn) "Prescription" means a written, facsimile, or oral
11 order, or an electronic order that complies with applicable
12 federal requirements, of a physician licensed to practice
13 medicine in all its branches, dentist, podiatric physician or
14 veterinarian for any controlled substance, of an optometrist
15 in accordance with Section 15.1 of the Illinois Optometric
16 Practice Act of 1987, of a prescribing psychologist licensed
17 under Section 4.2 of the Clinical Psychologist Licensing Act
18 with prescriptive authority delegated under Section 4.3 of the
19 Clinical Psychologist Licensing Act, of a physician assistant
20 for a controlled substance in accordance with Section 303.05,
21 a written delegation, and a written collaborative agreement
22 required under Section 7.5 of the Physician Assistant Practice
23 Act of 1987, of an advanced practice registered nurse with
24 prescriptive authority delegated under Section 65-40 of the
25 Nurse Practice Act who issues a prescription for a controlled
26 substance in accordance with Section 303.05, a written

1 delegation, and a written collaborative agreement under
2 Section 65-35 of the Nurse Practice Act, of an advanced
3 practice registered nurse certified as a nurse practitioner,
4 nurse midwife, or clinical nurse specialist who has been
5 granted authority to prescribe by a hospital affiliate in
6 accordance with Section 65-45 of the Nurse Practice Act and in
7 accordance with Section 303.05 when required by law, or of an
8 advanced practice registered nurse certified as a nurse
9 practitioner, nurse midwife, or clinical nurse specialist who
10 has full practice authority pursuant to Section 65-43 of the
11 Nurse Practice Act.

12 (nn-5) "Prescription Information Library" (PIL) means an
13 electronic library that contains reported controlled substance
14 data.

15 (nn-10) "Prescription Monitoring Program" (PMP) means the
16 entity that collects, tracks, and stores reported data on
17 controlled substances and select drugs pursuant to Section
18 316.

19 (oo) "Production" or "produce" means manufacture,
20 planting, cultivating, growing, or harvesting of a controlled
21 substance other than methamphetamine.

22 (pp) "Registrant" means every person who is required to
23 register under Section 302 of this Act.

24 (qq) "Registry number" means the number assigned to each
25 person authorized to handle controlled substances under the
26 laws of the United States and of this State.

1 (qq-5) "Secretary" means, as the context requires, either
2 the Secretary of the Department or the Secretary of the
3 Department of Financial and Professional Regulation, and the
4 Secretary's designated agents.

5 (rr) "State" includes the State of Illinois and any state,
6 district, commonwealth, territory, insular possession thereof,
7 and any area subject to the legal authority of the United
8 States of America.

9 (rr-5) "Stimulant" means any drug that (i) causes an
10 overall excitation of central nervous system functions, (ii)
11 causes impaired consciousness and awareness, and (iii) can be
12 habit-forming or lead to a substance abuse problem, including
13 but not limited to amphetamines and their analogs,
14 methylphenidate and its analogs, cocaine, and phencyclidine
15 and its analogs.

16 (rr-10) "Synthetic drug" includes, but is not limited to,
17 any synthetic cannabinoids or piperazines or any synthetic
18 cathinones as provided for in Schedule I.

19 (ss) "Ultimate user" means a person who lawfully possesses
20 a controlled substance for his or her own use or for the use of
21 a member of his or her household or for administering to an
22 animal owned by him or her or by a member of his or her
23 household.

24 (Source: P.A. 99-78, eff. 7-20-15; 99-173, eff. 7-29-15;
25 99-371, eff. 1-1-16; 99-480, eff. 9-9-15; 99-642, eff.
26 7-28-16; 100-280, eff. 1-1-18; 100-453, eff. 8-25-17; 100-513,

1 eff. 1-1-18; 100-789, eff. 1-1-19; 100-863, eff. 8-14-18.)

2 Section 1000. The Methamphetamine Control and Community
3 Protection Act is amended by changing Sections 10, 90, and 95
4 as follows:

5 (720 ILCS 646/10)

6 Sec. 10. Definitions. As used in this Act:

7 "Anhydrous ammonia" has the meaning provided in subsection
8 (d) of Section 3 of the Illinois Fertilizer Act of 1961.

9 "Anhydrous ammonia equipment" means all items used to
10 store, hold, contain, handle, transfer, transport, or apply
11 anhydrous ammonia for lawful purposes.

12 "Booby trap" means any device designed to cause physical
13 injury when triggered by an act of a person approaching,
14 entering, or moving through a structure, a vehicle, or any
15 location where methamphetamine has been manufactured, is being
16 manufactured, or is intended to be manufactured.

17 "Deliver" or "delivery" has the meaning provided in
18 subsection (h) of Section 102 of the Illinois Controlled
19 Substances Act.

20 "Director" means the Director of the Illinois State Police
21 or the Director's designated agents.

22 "Dispose" or "disposal" means to abandon, discharge,
23 release, deposit, inject, dump, spill, leak, or place
24 methamphetamine waste onto or into any land, water, or well of

1 any type so that the waste has the potential to enter the
2 environment, be emitted into the air, or be discharged into
3 the soil or any waters, including groundwater.

4 "Emergency response" means the act of collecting evidence
5 from or securing a methamphetamine laboratory site,
6 methamphetamine waste site or other methamphetamine-related
7 site and cleaning up the site, whether these actions are
8 performed by public entities or private contractors paid by
9 public entities.

10 "Emergency service provider" means a local, State, or
11 federal peace officer, firefighter, emergency medical
12 technician-ambulance, emergency medical
13 technician-intermediate, emergency medical
14 technician-paramedic, ambulance driver, or other medical or
15 first aid personnel rendering aid, or any agent or designee of
16 the foregoing.

17 "Finished methamphetamine" means methamphetamine in a form
18 commonly used for personal consumption.

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

21 "Manufacture" means to produce, prepare, compound,
22 convert, process, synthesize, concentrate, purify, separate,
23 extract, or package any methamphetamine, methamphetamine
24 precursor, methamphetamine manufacturing catalyst,
25 methamphetamine manufacturing reagent, methamphetamine
26 manufacturing solvent, or any substance containing any of the

1 foregoing.

2 "Methamphetamine" means the chemical methamphetamine (a
3 Schedule II controlled substance under the Illinois Controlled
4 Substances Act) or any salt, optical isomer, salt of optical
5 isomer, or analog thereof, with the exception of
6 3,4-Methylenedioxymethamphetamine (MDMA) or any other
7 scheduled substance with a separate listing under the Illinois
8 Controlled Substances Act.

9 "Methamphetamine manufacturing catalyst" means any
10 substance that has been used, is being used, or is intended to
11 be used to activate, accelerate, extend, or improve a chemical
12 reaction involved in the manufacture of methamphetamine.

13 "Methamphetamine manufacturing environment" means a
14 structure or vehicle in which:

- 15 (1) methamphetamine is being or has been manufactured;
16 (2) chemicals that are being used, have been used, or
17 are intended to be used to manufacture methamphetamine are
18 stored;
19 (3) methamphetamine manufacturing materials that have
20 been used to manufacture methamphetamine are stored; or
21 (4) methamphetamine manufacturing waste is stored.

22 "Methamphetamine manufacturing material" means any
23 methamphetamine precursor, substance containing any
24 methamphetamine precursor, methamphetamine manufacturing
25 catalyst, substance containing any methamphetamine
26 manufacturing catalyst, methamphetamine manufacturing

1 reagent, substance containing any methamphetamine
2 manufacturing reagent, methamphetamine manufacturing solvent,
3 substance containing any methamphetamine manufacturing
4 solvent, or any other chemical, substance, ingredient,
5 equipment, apparatus, or item that is being used, has been
6 used, or is intended to be used in the manufacture of
7 methamphetamine.

8 "Methamphetamine manufacturing reagent" means any
9 substance other than a methamphetamine manufacturing catalyst
10 that has been used, is being used, or is intended to be used to
11 react with and chemically alter any methamphetamine precursor.

12 "Methamphetamine manufacturing solvent" means any
13 substance that has been used, is being used, or is intended to
14 be used as a medium in which any methamphetamine precursor,
15 methamphetamine manufacturing catalyst, methamphetamine
16 manufacturing reagent, or any substance containing any of the
17 foregoing is dissolved, diluted, or washed during any part of
18 the methamphetamine manufacturing process.

19 "Methamphetamine manufacturing waste" means any chemical,
20 substance, ingredient, equipment, apparatus, or item that is
21 left over from, results from, or is produced by the process of
22 manufacturing methamphetamine, other than finished
23 methamphetamine.

24 "Methamphetamine precursor" means ephedrine,
25 pseudoephedrine, benzyl methyl ketone, methyl benzyl ketone,
26 phenylacetone, phenyl-2-propanone, P2P, or any salt, optical

1 isomer, or salt of an optical isomer of any of these chemicals.

2 "Multi-unit dwelling" means a unified structure used or
3 intended for use as a habitation, home, or residence that
4 contains 2 or more condominiums, apartments, hotel rooms,
5 motel rooms, or other living units.

6 "Package" means an item marked for retail sale that is not
7 designed to be further broken down or subdivided for the
8 purpose of retail sale.

9 "Participate" or "participation" in the manufacture of
10 methamphetamine means to produce, prepare, compound, convert,
11 process, synthesize, concentrate, purify, separate, extract,
12 or package any methamphetamine, methamphetamine precursor,
13 methamphetamine manufacturing catalyst, methamphetamine
14 manufacturing reagent, methamphetamine manufacturing solvent,
15 or any substance containing any of the foregoing, or to assist
16 in any of these actions, or to attempt to take any of these
17 actions, regardless of whether this action or these actions
18 result in the production of finished methamphetamine.

19 "Person with a disability" means a person who suffers from
20 a permanent physical or mental impairment resulting from
21 disease, injury, functional disorder, or congenital condition
22 which renders the person incapable of adequately providing for
23 his or her own health and personal care.

24 "Procure" means to purchase, steal, gather, or otherwise
25 obtain, by legal or illegal means, or to cause another to take
26 such action.

1 "Second or subsequent offense" means an offense under this
2 Act committed by an offender who previously committed an
3 offense under this Act, the Illinois Controlled Substances
4 Act, the Cannabis Control Act, or another Act of this State,
5 another state, or the United States relating to
6 methamphetamine, cannabis, or any other controlled substance.

7 "Standard dosage form", as used in relation to any
8 methamphetamine precursor, means that the methamphetamine
9 precursor is contained in a pill, tablet, capsule, caplet, gel
10 cap, or liquid cap that has been manufactured by a lawful
11 entity and contains a standard quantity of methamphetamine
12 precursor.

13 "Unauthorized container", as used in relation to anhydrous
14 ammonia, means any container that is not designed for the
15 specific and sole purpose of holding, storing, transporting,
16 or applying anhydrous ammonia. "Unauthorized container"
17 includes, but is not limited to, any propane tank, fire
18 extinguisher, oxygen cylinder, gasoline can, food or beverage
19 cooler, or compressed gas cylinder used in dispensing fountain
20 drinks. "Unauthorized container" does not encompass anhydrous
21 ammonia manufacturing plants, refrigeration systems where
22 anhydrous ammonia is used solely as a refrigerant, anhydrous
23 ammonia transportation pipelines, anhydrous ammonia tankers,
24 or anhydrous ammonia barges.

25 (Source: P.A. 97-434, eff. 1-1-12.)

1 (720 ILCS 646/90)

2 Sec. 90. Methamphetamine restitution.

3 (a) If a person commits a violation of this Act in a manner
4 that requires an emergency response, the person shall be
5 required to make restitution to all public entities involved
6 in the emergency response, to cover the reasonable cost of
7 their participation in the emergency response, including but
8 not limited to regular and overtime costs incurred by local
9 law enforcement agencies and private contractors paid by the
10 public agencies in securing the site. The convicted person
11 shall make this restitution in addition to any other fine or
12 penalty required by law.

13 (b) Any restitution payments made under this Section shall
14 be disbursed equitably by the circuit clerk in the following
15 order:

16 (1) first, to the agency responsible for the
17 mitigation of the incident;

18 (2) second, to the local agencies involved in the
19 emergency response;

20 (3) third, to the State agencies involved in the
21 emergency response; and

22 (4) fourth, to the federal agencies involved in the
23 emergency response.

24 (c) In addition to any other penalties and liabilities, a
25 person who is convicted of violating any Section of this Act,
26 whose violation proximately caused any incident resulting in

1 an appropriate emergency response, shall be assessed a fine of
2 \$2,500, payable to the circuit clerk, who shall distribute the
3 money to the law enforcement agency responsible for the
4 mitigation of the incident. If the person has been previously
5 convicted of violating any Section of this Act, the fine shall
6 be \$5,000 and the circuit clerk shall distribute the money to
7 the law enforcement agency responsible for the mitigation of
8 the incident. In the event that more than one agency is
9 responsible for an arrest which does not require mitigation,
10 the amount payable to law enforcement agencies shall be shared
11 equally. Any moneys received by a law enforcement agency under
12 this Section shall be used for law enforcement expenses.

13 Any moneys collected for the Illinois State Police shall
14 be remitted to the State Treasurer and deposited into the
15 State Police Operations Assistance Fund.

16 (Source: P.A. 100-987, eff. 7-1-19.)

17 (720 ILCS 646/95)

18 Sec. 95. Youth Drug Abuse Prevention Fund.

19 (a) Twelve and one-half percent of all amounts collected
20 as fines pursuant to the provisions of this Article shall be
21 paid into the Youth Drug Abuse Prevention Fund created by the
22 Controlled Substances Act in the State treasury, to be used by
23 the Department for the funding of programs and services for
24 drug-abuse treatment, and prevention and education services,
25 for juveniles.

1 (b) Eighty-seven and one-half percent of the proceeds of
2 all fines received under the provisions of this Act shall be
3 transmitted to and deposited into the State treasury and
4 distributed as follows:

5 (1) If such seizure was made by a combination of law
6 enforcement personnel representing differing units of
7 local government, the court levying the fine shall
8 equitably allocate 50% of the fine among these units of
9 local government and shall allocate 37.5% to the county
10 general corporate fund. If the seizure was made by law
11 enforcement personnel representing a unit of local
12 government from a municipality where the number of
13 inhabitants exceeds 2 million in population, the court
14 levying the fine shall allocate 87.5% of the fine to that
15 unit of local government. If the seizure was made by a
16 combination of law enforcement personnel representing
17 differing units of local government and if at least one of
18 those units represents a municipality where the number of
19 inhabitants exceeds 2 million in population, the court
20 shall equitably allocate 87.5% of the proceeds of the
21 fines received among the differing units of local
22 government.

23 (2) If such seizure was made by State law enforcement
24 personnel, then the court shall allocate 37.5% to the
25 State treasury and 50% to the county general corporate
26 fund.

1 (3) If a State law enforcement agency in combination
2 with any law enforcement agency or agencies of a unit or
3 units of local government conducted the seizure, the court
4 shall equitably allocate 37.5% of the fines to or among
5 the law enforcement agency or agencies of the unit or
6 units of local government that conducted the seizure and
7 shall allocate 50% to the county general corporate fund.

8 (c) The proceeds of all fines allocated to the law
9 enforcement agency or agencies of the unit or units of local
10 government pursuant to subsection (b) shall be made available
11 to that law enforcement agency as expendable receipts for use
12 in the enforcement of laws regulating controlled substances
13 and cannabis. The proceeds of fines awarded to the State
14 treasury shall be deposited in a special fund known as the Drug
15 Traffic Prevention Fund, except that amounts distributed to
16 the Secretary of State shall be deposited into the Secretary
17 of State Evidence Fund to be used as provided in Section 2-115
18 of the Illinois Vehicle Code. Moneys from this Fund may be used
19 by the Illinois ~~Department of~~ State Police for use in the
20 enforcement of laws regulating controlled substances and
21 cannabis; to satisfy funding provisions of the
22 Intergovernmental Drug Laws Enforcement Act; to defray costs
23 and expenses associated with returning violators of the
24 Cannabis Control Act and this Act only, as provided in those
25 Acts, when punishment of the crime shall be confinement of the
26 criminal in the penitentiary; and all other moneys shall be

1 paid into the General Revenue Fund in the State treasury.

2 (Source: P.A. 94-556, eff. 9-11-05.)

3 Section 1005. The Methamphetamine Precursor Control Act is
4 amended by changing Section 10 as follows:

5 (720 ILCS 648/10)

6 Sec. 10. Definitions. In this Act:

7 "Administer" or "administration" has the meaning provided
8 in Section 102 of the Illinois Controlled Substances Act.

9 "Agent" has the meaning provided in Section 102 of the
10 Illinois Controlled Substances Act.

11 "Authorized representative" means an employee or agent of
12 a qualified outside entity who has been authorized in writing
13 by his or her agency or office to receive confidential
14 information from the Central Repository.

15 "Central Repository" means the entity chosen by the
16 Illinois State Police to handle electronic transaction records
17 as described in this Act.

18 "Convenience package" means any package that contains 360
19 milligrams or less of ephedrine or pseudoephedrine, their
20 salts or optical isomers, or salts of optical isomers in
21 liquid or liquid-filled capsule form.

22 "Covered pharmacy" means any pharmacy that distributes any
23 amount of targeted methamphetamine precursor that is
24 physically located in Illinois.

1 "Deliver" has the meaning provided in Section 102 of the
2 Illinois Controlled Substances Act.

3 "Dispense" has the meaning provided in Section 102 of the
4 Illinois Controlled Substances Act.

5 "Distribute" has the meaning provided in Section 102 of
6 the Illinois Controlled Substances Act.

7 "Electronic transaction record" means, with respect to the
8 distribution of a targeted methamphetamine precursor by a
9 pharmacy to a recipient under Section 25 of this Act, an
10 electronic record that includes: the name and address of the
11 recipient; date and time of the transaction; brand and product
12 name and total quantity distributed of ephedrine or
13 pseudoephedrine, their salts, or optical isomers, or salts of
14 optical isomers; identification type and identification number
15 of the identification presented by the recipient; and the name
16 and address of the pharmacy.

17 "Identification information" means identification type and
18 identification number.

19 "Identification number" means the number that appears on
20 the identification furnished by the recipient of a targeted
21 methamphetamine precursor.

22 "Identification type" means the type of identification
23 furnished by the recipient of a targeted methamphetamine
24 precursor such as, by way of example only, an Illinois
25 driver's license or United States passport.

26 "List I chemical" has the meaning provided in 21 U.S.C.

1 Section 802.

2 "Methamphetamine precursor" has the meaning provided in
3 Section 10 of the Methamphetamine Control and Community
4 Protection Act.

5 "Package" means an item packaged and marked for retail
6 sale that is not designed to be further broken down or
7 subdivided for the purpose of retail sale.

8 "Pharmacist" has the meaning provided in Section 102 of
9 the Illinois Controlled Substances Act.

10 "Pharmacy" has the meaning provided in Section 102 of the
11 Illinois Controlled Substances Act.

12 "Practitioner" has the meaning provided in Section 102 of
13 the Illinois Controlled Substances Act.

14 "Prescriber" has the meaning provided in Section 102 of
15 the Illinois Controlled Substances Act.

16 "Prescription" has the meaning provided in Section 102 of
17 the Illinois Controlled Substances Act.

18 "Procure" means to purchase, steal, gather, or otherwise
19 obtain, for oneself or another person, by legal or illegal
20 means, or to cause another to take that action.

21 "Qualified outside entity" means a law enforcement agency
22 or prosecutor's office with authority to identify,
23 investigate, or prosecute violations of this Act or any other
24 State or federal law or rule involving a methamphetamine
25 precursor, methamphetamine, or any other controlled substance.

26 "Readily retrievable" has the meaning provided in 21

1 C.F.R. part 1300.

2 "Recipient" means a person purchasing, receiving, or
3 otherwise acquiring a targeted methamphetamine precursor from
4 a pharmacy in Illinois, as described in Section 25 of this Act.

5 "Retail distributor" means a grocery store, general
6 merchandise store, drug store, other merchandise store, or
7 other entity or person whose activities as a distributor
8 relating to drug products containing targeted methamphetamine
9 precursor are limited exclusively or almost exclusively to
10 sales for personal use by an ultimate user, both in number of
11 sales and volume of sales, either directly to walk-in
12 customers or in face-to-face transactions by direct sales.

13 "Sales employee" means any employee or agent, other than a
14 pharmacist or pharmacy technician who at any time (a) operates
15 a cash register at which convenience packages may be sold, (b)
16 stocks shelves containing convenience packages, or (c) trains
17 or supervises any other employee or agent who engages in any of
18 the preceding activities.

19 "Single retail transaction" means a sale by a retail
20 distributor to a recipient at a specific time.

21 "Targeted methamphetamine precursor" means any compound,
22 mixture, or preparation that contains any detectable quantity
23 of ephedrine or pseudoephedrine, their salts or optical
24 isomers, or salts of optical isomers.

25 "Targeted package" means a package, including a
26 convenience package, containing any amount of targeted

1 methamphetamine precursor.

2 "Ultimate user" has the meaning provided in Section 102 of
3 the Illinois Controlled Substances Act.

4 (Source: P.A. 97-670, eff. 1-19-12; 98-371, eff. 8-16-13.)

5 Section 1010. The Methamphetamine Precursor Tracking Act
6 is amended by changing Sections 10, 15, 20, and 25 as follows:

7 (720 ILCS 649/10)

8 Sec. 10. Definitions. In this Act:

9 "Administer" or "administration" has the meaning provided
10 in Section 102 of the Illinois Controlled Substances Act.

11 "Agent" has the meaning provided in Section 102 of the
12 Illinois Controlled Substances Act.

13 "Authorized representative" means an employee or agent of
14 a qualified outside entity who has been authorized in writing
15 by his or her agency or office to receive confidential
16 information from the central repository.

17 "Central Repository" means the entity chosen by the
18 Illinois State Police to handle electronic transaction records
19 as described in this Act.

20 "Convenience package" means any package that contains 360
21 milligrams or less of ephedrine or pseudoephedrine, their
22 salts or optical isomers, or salts of optical isomers in
23 liquid or liquid filled capsule form.

24 "Covered pharmacy" means any pharmacy that distributes any

1 amount of targeted methamphetamine precursor that is
2 physically located in Illinois.

3 "Deliver" has the meaning provided in Section 102 of the
4 Illinois Controlled Substances Act.

5 "Dispense" has the meaning provided in Section 102 of the
6 Illinois Controlled Substances Act.

7 "Distribute" has the meaning provided in Section 102 of
8 the Illinois Controlled Substances Act.

9 "Electronic transaction record" means, with respect to the
10 distribution of a targeted methamphetamine precursor by a
11 pharmacy to a recipient under Section 25 of the
12 Methamphetamine Precursor Control Act, an electronic record
13 that includes: the name and address of the recipient; date and
14 time of the transaction; brand and product name and total
15 quantity distributed of ephedrine or pseudoephedrine, their
16 salts, or optical isomers, or salts of optical isomers;
17 identification type and identification number of the
18 identification presented by the recipient; and the name and
19 address of the pharmacy.

20 "Identification information" means identification type and
21 identification number.

22 "Identification number" means the number that appears on
23 the identification furnished by the recipient of a targeted
24 methamphetamine precursor.

25 "Identification type" means the type of identification
26 furnished by the recipient of a targeted methamphetamine

1 precursor such as, by way of example only, an Illinois
2 driver's license or United States passport.

3 "List I chemical" has the meaning provided in 21 U.S.C.
4 802.

5 "Methamphetamine precursor" has the meaning provided in
6 Section 10 of the Methamphetamine Control and Community
7 Protection Act.

8 "Package" means an item packaged and marked for retail
9 sale that is not designed to be further broken down or
10 subdivided for the purpose of retail sale.

11 "Pharmacist" has the meaning provided in Section 102 of
12 the Illinois Controlled Substances Act.

13 "Pharmacy" has the meaning provided in Section 102 of the
14 Illinois Controlled Substances Act.

15 "Practitioner" has the meaning provided in Section 102 of
16 the Illinois Controlled Substances Act.

17 "Prescriber" has the meaning provided in Section 102 of
18 the Illinois Controlled Substances Act.

19 "Prescription" has the meaning provided in Section 102 of
20 the Illinois Controlled Substances Act.

21 "Qualified outside entity" means:

22 (1) a law enforcement agency or prosecutor's office
23 with authority to identify, investigate, or prosecute
24 violations of this Act or any other State or federal law or
25 rule involving a methamphetamine precursor,
26 methamphetamine, or any other controlled substance;

- 1 (2) any probation and court services department
2 authorized by the Probation and Probation Officers Act;
3 (3) the Department of Corrections;
4 (4) the Department of Juvenile Justice;
5 (5) the U.S. Probation and Pretrial Services System;
6 or
7 (6) the U.S. Parole Commission.

8 "Readily retrievable" has the meaning provided in 21
9 C.F.R. part 1300.

10 "Recipient" means a person purchasing, receiving, or
11 otherwise acquiring a targeted methamphetamine precursor from
12 a pharmacy in Illinois, as described in Section 25 of the
13 Methamphetamine Precursor Control Act.

14 "Retail distributor" means a grocery store, general
15 merchandise store, drug store, other merchandise store, or
16 other entity or person whose activities as a distributor
17 relating to drug products containing targeted methamphetamine
18 precursor are limited exclusively or almost exclusively to
19 sales for personal use by an ultimate user, both in number of
20 sales and volume of sales, either directly to walk-in
21 customers or in face-to-face transactions by direct sales.

22 "Sales employee" means any employee or agent, other than a
23 pharmacist or pharmacy technician who at any time (1) operates
24 a cash register at which convenience packages may be sold, (2)
25 stocks shelves containing convenience packages, or (3) trains
26 or supervises any other employee or agent who engages in any of

1 the preceding activities.

2 "Single retail transaction" means a sale by a retail
3 distributor to a recipient at a specific time.

4 "Targeted methamphetamine precursor" means any compound,
5 mixture, or preparation that contains any detectable quantity
6 of ephedrine or pseudoephedrine, their salts or optical
7 isomers, or salts of optical isomers.

8 "Targeted package" means a package, including a
9 convenience package, containing any amount of targeted
10 methamphetamine precursor.

11 "Ultimate user" has the meaning provided in Section 102 of
12 the Illinois Controlled Substances Act.

13 (Source: P.A. 97-670, eff. 1-19-12; 98-208, eff. 8-9-13.)

14 (720 ILCS 649/15)

15 Sec. 15. General provisions.

16 (a) Structure. There is established a statewide precursor
17 tracking program coordinated and administered by the Illinois
18 State Police to track purchases of targeted methamphetamine
19 precursors across multiple locations for the purposes stated
20 in Section 5 of this Act. Every covered pharmacy must comply
21 with this Act. The tracking program created by this Act shall
22 be the sole methamphetamine precursor tracking program in
23 Illinois.

24 (b) Transmission of electronic transaction records. Unless
25 otherwise provided in this Act, each time a covered pharmacy

1 distributes a targeted methamphetamine precursor to a
2 recipient, the pharmacy shall transmit an electronic
3 transaction record to the Central Repository.

4 (c) Notification. The Illinois Department of Financial and
5 Professional Regulation shall notify pharmacies seeking
6 licensure in Illinois of their obligation to comply with the
7 requirements of this Act.

8 (d) Electronic transmission. Starting on the effective
9 date of this Act and continuing thereafter, covered pharmacies
10 shall transmit all electronic transaction records as required
11 by this Act.

12 (e) Funding. Funding for the tracking program shall be
13 provided by the Illinois State Police drawing upon federal and
14 State grant money and other available sources.

15 (Source: P.A. 97-670, eff. 1-19-12.)

16 (720 ILCS 649/20)

17 Sec. 20. Secure website.

18 (a) The Illinois State Police, in consultation with the
19 Department of Innovation and Technology, shall establish a
20 secure website for the transmission of electronic transaction
21 records and make it available free of charge to covered
22 pharmacies.

23 (b) The secure website shall enable covered pharmacies to
24 transmit to the Central Repository an electronic transaction
25 record each time the pharmacy distributes a targeted

1 methamphetamine precursor to a recipient.

2 (c) If the secure website becomes unavailable to a covered
3 pharmacy, the covered pharmacy may, during the period in which
4 the secure website is not available, continue to distribute
5 targeted methamphetamine precursor without using the secure
6 website if, during this period, the covered pharmacy maintains
7 and transmits handwritten logs as described in Sections 20 and
8 25 of the Methamphetamine Precursor Control Act.

9 (Source: P.A. 100-611, eff. 7-20-18.)

10 (720 ILCS 649/25)

11 Sec. 25. Confidentiality of records.

12 (a) The Central Repository may delete each electronic
13 transaction record and handwritten log entry 48 months after
14 the date of the transaction it describes.

15 (b) The Illinois State Police and Central Repository shall
16 carry out a program to protect the confidentiality of
17 electronic transaction records created pursuant to this Act
18 and shall ensure that this information remains completely
19 confidential except as specifically provided in subsections
20 (c) through (f) of this Section.

21 (c) Any employee or agent of the Central Repository may
22 have access to electronic transaction records and handwritten
23 log entries solely for the purpose of receiving, processing,
24 storing or analyzing this information.

25 (d) The Illinois State Police may grant qualified outside

1 agencies access to electronic transaction records or
2 handwritten log entries for the purpose of identifying,
3 investigating, or prosecuting violations of this Act or any
4 other State or federal law or rule involving a methamphetamine
5 precursor, methamphetamine, or any other controlled substance.

6 (e) The Illinois State Police may release electronic
7 transaction records or handwritten log entries to the
8 authorized representative of a qualified outside entity only
9 if the Illinois State Police verifies that the entity
10 receiving electronic transaction records or handwritten log
11 entries is a qualified outside entity as defined in this Act
12 and that outside entity agrees or has previously agreed in
13 writing that it will use electronic transaction records and
14 handwritten log entries solely for the purpose of identifying,
15 investigating, or prosecuting violations of this Act or any
16 other State or federal law or rule involving a methamphetamine
17 precursor, methamphetamine, or any other controlled substance.

18 (f) The Illinois State Police may release to the recipient
19 any electronic transaction records clearly relating to that
20 recipient, upon sufficient proof of identity.

21 (Source: P.A. 97-670, eff. 1-19-12.)

22 Section 1015. The Prevention of Tobacco Use by Minors and
23 Sale and Distribution of Tobacco Products Act is amended by
24 changing Section 1 as follows:

1 (720 ILCS 675/1) (from Ch. 23, par. 2357)

2 Sec. 1. Prohibition on sale of tobacco products,
3 electronic cigarettes, and alternative nicotine products to
4 persons under 21 years of age; prohibition on the distribution
5 of tobacco product samples, electronic cigarette samples, and
6 alternative nicotine product samples to any person; use of
7 identification cards; vending machines; lunch wagons;
8 out-of-package sales.

9 (a) No person under 21 years of age shall buy any tobacco
10 product, electronic cigarette, or alternative nicotine
11 product. No person shall sell, buy for, distribute samples of
12 or furnish any tobacco product, electronic cigarette, or any
13 alternative nicotine product to any person under 21 years of
14 age.

15 (a-5) No person under 16 years of age may sell any tobacco
16 product, electronic cigarette, or alternative nicotine product
17 at a retail establishment selling tobacco products, electronic
18 cigarettes, or alternative nicotine products. This subsection
19 does not apply to a sales clerk in a family-owned business
20 which can prove that the sales clerk is in fact a son or
21 daughter of the owner.

22 (a-5.1) Before selling, offering for sale, giving, or
23 furnishing a tobacco product, electronic cigarette, or
24 alternative nicotine product to another person, the person
25 selling, offering for sale, giving, or furnishing the tobacco
26 product, electronic cigarette, or alternative nicotine product

1 shall verify that the person is at least 21 years of age by:

2 (1) examining from any person that appears to be under
3 30 years of age a government-issued photographic
4 identification that establishes the person to be 21 years
5 of age or older; or

6 (2) for sales of tobacco products, electronic
7 cigarettes, or alternative nicotine products made through
8 the Internet or other remote sales methods, performing an
9 age verification through an independent, third party age
10 verification service that compares information available
11 from public records to the personal information entered by
12 the person during the ordering process that establishes
13 the person is 21 years of age or older.

14 (a-6) No person under 21 years of age in the furtherance or
15 facilitation of obtaining any tobacco product, electronic
16 cigarette, or alternative nicotine product shall display or
17 use a false or forged identification card or transfer, alter,
18 or deface an identification card.

19 (a-7) (Blank).

20 (a-8) A person shall not distribute without charge samples
21 of any tobacco product to any other person, regardless of age,
22 except for smokeless tobacco in an adult-only facility.

23 This subsection (a-8) does not apply to the distribution
24 of a tobacco product, electronic cigarette, or alternative
25 nicotine product sample in any adult-only facility.

26 (a-9) For the purpose of this Section:

1 "Adult-only facility" means a facility or restricted
2 area (whether open-air or enclosed) where the operator
3 ensures or has a reasonable basis to believe (such as by
4 checking identification as required under State law, or by
5 checking the identification of any person appearing to be
6 under the age of 30) that no person under legal age is
7 present. A facility or restricted area need not be
8 permanently restricted to persons under 21 years of age to
9 constitute an adult-only facility, provided that the
10 operator ensures or has a reasonable basis to believe that
11 no person under 21 years of age is present during the event
12 or time period in question.

13 "Alternative nicotine product" means a product or
14 device not consisting of or containing tobacco that
15 provides for the ingestion into the body of nicotine,
16 whether by chewing, smoking, absorbing, dissolving,
17 inhaling, snorting, sniffing, or by any other means.
18 "Alternative nicotine product" does not include:
19 cigarettes as defined in Section 1 of the Cigarette Tax
20 Act and tobacco products as defined in Section 10-5 of the
21 Tobacco Products Tax Act of 1995; tobacco product and
22 electronic cigarette as defined in this Section; or any
23 product approved by the United States Food and Drug
24 Administration for sale as a tobacco cessation product, as
25 a tobacco dependence product, or for other medical
26 purposes, and is being marketed and sold solely for that

1 approved purpose.

2 "Electronic cigarette" means:

3 (1) any device that employs a battery or other
4 mechanism to heat a solution or substance to produce a
5 vapor or aerosol intended for inhalation;

6 (2) any cartridge or container of a solution or
7 substance intended to be used with or in the device or
8 to refill the device; or

9 (3) any solution or substance, whether or not it
10 contains nicotine intended for use in the device.

11 "Electronic cigarette" includes, but is not limited
12 to, any electronic nicotine delivery system, electronic
13 cigar, electronic cigarillo, electronic pipe, electronic
14 hookah, vape pen, or similar product or device, and any
15 components or parts that can be used to build the product
16 or device. "Electronic cigarette" does not include:
17 cigarettes as defined in Section 1 of the Cigarette Tax
18 Act and tobacco products as defined in Section 10-5 of the
19 Tobacco Products Tax Act of 1995; tobacco product and
20 alternative nicotine product as defined in this Section;
21 any product approved by the United States Food and Drug
22 Administration for sale as a tobacco cessation product, as
23 a tobacco dependence product, or for other medical
24 purposes, and is being marketed and sold solely for that
25 approved purpose; any asthma inhaler prescribed by a
26 physician for that condition and is being marketed and

1 sold solely for that approved purpose; or any therapeutic
2 product approved for use under the Compassionate Use of
3 Medical Cannabis Pilot Program Act.

4 "Lunch wagon" means a mobile vehicle designed and
5 constructed to transport food and from which food is sold
6 to the general public.

7 "Nicotine" means any form of the chemical nicotine,
8 including any salt or complex, regardless of whether the
9 chemical is naturally or synthetically derived.

10 "Tobacco product" means any product containing or made
11 from tobacco that is intended for human consumption,
12 whether smoked, heated, chewed, absorbed, dissolved,
13 inhaled, snorted, sniffed, or ingested by any other means,
14 including, but not limited to, cigarettes, cigars, little
15 cigars, chewing tobacco, pipe tobacco, snuff, snus, and
16 any other smokeless tobacco product which contains tobacco
17 that is finely cut, ground, powdered, or leaf and intended
18 to be placed in the oral cavity. "Tobacco product"
19 includes any component, part, or accessory of a tobacco
20 product, whether or not sold separately. "Tobacco product"
21 does not include: an electronic cigarette and alternative
22 nicotine product as defined in this Section; or any
23 product that has been approved by the United States Food
24 and Drug Administration for sale as a tobacco cessation
25 product, as a tobacco dependence product, or for other
26 medical purposes, and is being marketed and sold solely

1 for that approved purpose.

2 (b) Tobacco products, electronic cigarettes, and
3 alternative nicotine products may be sold through a vending
4 machine only if such tobacco products, electronic cigarettes,
5 and alternative nicotine products are not placed together with
6 any non-tobacco product, other than matches, in the vending
7 machine and the vending machine is in any of the following
8 locations:

9 (1) (Blank).

10 (2) Places to which persons under 21 years of age are
11 not permitted access at any time.

12 (3) Places where alcoholic beverages are sold and
13 consumed on the premises and vending machine operation is
14 under the direct supervision of the owner or manager.

15 (4) (Blank).

16 (5) (Blank).

17 (c) (Blank).

18 (d) The sale or distribution by any person of a tobacco
19 product as defined in this Section, including but not limited
20 to a single or loose cigarette, that is not contained within a
21 sealed container, pack, or package as provided by the
22 manufacturer, which container, pack, or package bears the
23 health warning required by federal law, is prohibited.

24 (e) It is not a violation of this Act for a person under 21
25 years of age to purchase a tobacco product, electronic
26 cigarette, or alternative nicotine product if the person under

1 the age of 21 purchases or is given the tobacco product,
2 electronic cigarette, or alternative nicotine product in any
3 of its forms from a retail seller of tobacco products,
4 electronic cigarettes, or alternative nicotine products or an
5 employee of the retail seller pursuant to a plan or action to
6 investigate, patrol, or otherwise conduct a "sting operation"
7 or enforcement action against a retail seller of tobacco
8 products, electronic cigarettes, or alternative nicotine
9 products or a person employed by the retail seller of tobacco
10 products, electronic cigarettes, or alternative nicotine
11 products or on any premises authorized to sell tobacco
12 products, electronic cigarettes, or alternative nicotine
13 products to determine if tobacco products, electronic
14 cigarettes, or alternative nicotine products are being sold or
15 given to persons under 21 years of age if the "sting operation"
16 or enforcement action is approved by, conducted by, or
17 conducted on behalf of the Illinois ~~Department~~ of State
18 Police, the county sheriff, a municipal police department, the
19 Department of Revenue, the Department of Public Health, or a
20 local health department. The results of any sting operation or
21 enforcement action, including the name of the clerk, shall be
22 provided to the retail seller within 7 business days.

23 (Source: P.A. 101-2, eff. 7-1-19.)

24 Section 1020. The Code of Criminal Procedure of 1963 is
25 amended by changing Sections 104-26, 107-4, 108A-11, 108B-1,

1 108B-2, 108B-5, 108B-13, 108B-14, 110-7, 112A-11.1, 112A-11.2,
2 112A-14, 112A-14.7, 112A-17.5, 112A-20, 112A-22, 112A-28,
3 115-15, 116-3, 116-4, 116-5, 124B-605, 124B-705, 124B-710,
4 124B-930, and 124B-935 as follows:

5 (725 ILCS 5/104-26) (from Ch. 38, par. 104-26)

6 Sec. 104-26. Disposition of Defendants suffering
7 disabilities.

8 (a) A defendant convicted following a trial conducted
9 under the provisions of Section 104-22 shall not be sentenced
10 before a written presentence report of investigation is
11 presented to and considered by the court. The presentence
12 report shall be prepared pursuant to Sections 5-3-2, 5-3-3 and
13 5-3-4 of the Unified Code of Corrections, as now or hereafter
14 amended, and shall include a physical and mental examination
15 unless the court finds that the reports of prior physical and
16 mental examinations conducted pursuant to this Article are
17 adequate and recent enough so that additional examinations
18 would be unnecessary.

19 (b) A defendant convicted following a trial under Section
20 104-22 shall not be subject to the death penalty.

21 (c) A defendant convicted following a trial under Section
22 104-22 shall be sentenced according to the procedures and
23 dispositions authorized under the Unified Code of Corrections,
24 as now or hereafter amended, subject to the following
25 provisions:

1 (1) The court shall not impose a sentence of
2 imprisonment upon the offender if the court believes that
3 because of his disability a sentence of imprisonment would
4 not serve the ends of justice and the interests of society
5 and the offender or that because of his disability a
6 sentence of imprisonment would subject the offender to
7 excessive hardship. In addition to any other conditions of
8 a sentence of conditional discharge or probation the court
9 may require that the offender undergo treatment
10 appropriate to his mental or physical condition.

11 (2) After imposing a sentence of imprisonment upon an
12 offender who has a mental disability, the court may remand
13 him to the custody of the Department of Human Services and
14 order a hearing to be conducted pursuant to the provisions
15 of the Mental Health and Developmental Disabilities Code,
16 as now or hereafter amended. If the offender is committed
17 following such hearing, he shall be treated in the same
18 manner as any other civilly committed patient for all
19 purposes except as provided in this Section. If the
20 defendant is not committed pursuant to such hearing, he
21 shall be remanded to the sentencing court for disposition
22 according to the sentence imposed.

23 (3) If the court imposes a sentence of imprisonment
24 upon an offender who has a mental disability but does not
25 proceed under subparagraph (2) of paragraph (c) of this
26 Section, it shall order the Department of Corrections to

1 proceed pursuant to Section 3-8-5 of the Unified Code of
2 Corrections, as now or hereafter amended.

3 (3.5) If the court imposes a sentence of imprisonment
4 upon an offender who has a mental disability, the court
5 shall direct the circuit court clerk to immediately notify
6 the Illinois ~~Department of~~ State Police, Firearm Owner's
7 Identification (FOID) Office, in a form and manner
8 prescribed by the Illinois ~~Department of~~ State Police and
9 shall forward a copy of the court order to the Department.

10 (4) If the court imposes a sentence of imprisonment
11 upon an offender who has a physical disability, it may
12 authorize the Department of Corrections to place the
13 offender in a public or private facility which is able to
14 provide care or treatment for the offender's disability
15 and which agrees to do so.

16 (5) When an offender is placed with the Department of
17 Human Services or another facility pursuant to
18 subparagraph (2) or (4) of this paragraph (c), the
19 Department or private facility shall not discharge or
20 allow the offender to be at large in the community without
21 prior approval of the court. If the defendant is placed in
22 the custody of the Department of Human Services, the
23 defendant shall be placed in a secure setting unless the
24 court determines that there are compelling reasons why
25 such placement is not necessary. The offender shall accrue
26 good time and shall be eligible for parole in the same

1 manner as if he were serving his sentence within the
2 Department of Corrections. When the offender no longer
3 requires hospitalization, care, or treatment, the
4 Department of Human Services or the facility shall
5 transfer him, if his sentence has not expired, to the
6 Department of Corrections. If an offender is transferred
7 to the Department of Corrections, the Department of Human
8 Services shall transfer to the Department of Corrections
9 all related records pertaining to length of custody and
10 treatment services provided during the time the offender
11 was held.

12 (6) The Department of Corrections shall notify the
13 Department of Human Services or a facility in which an
14 offender has been placed pursuant to subparagraph (2) or
15 (4) of paragraph (c) of this Section of the expiration of
16 his sentence. Thereafter, an offender in the Department of
17 Human Services shall continue to be treated pursuant to
18 his commitment order and shall be considered a civilly
19 committed patient for all purposes including discharge. An
20 offender who is in a facility pursuant to subparagraph (4)
21 of paragraph (c) of this Section shall be informed by the
22 facility of the expiration of his sentence, and shall
23 either consent to the continuation of his care or
24 treatment by the facility or shall be discharged.

25 (Source: P.A. 97-1131, eff. 1-1-13.)

1 (725 ILCS 5/107-4) (from Ch. 38, par. 107-4)
2 Sec. 107-4. Arrest by peace officer from other
3 jurisdiction.

4 (a) As used in this Section:

5 (1) "State" means any State of the United States and
6 the District of Columbia.

7 (2) "Peace Officer" means any peace officer or member
8 of any duly organized State, County, or Municipal peace
9 unit, any police force of another State, the United States
10 Department of Defense, or any police force whose members,
11 by statute, are granted and authorized to exercise powers
12 similar to those conferred upon any peace officer employed
13 by a law enforcement agency of this State.

14 (3) "Fresh pursuit" means the immediate pursuit of a
15 person who is endeavoring to avoid arrest.

16 (4) "Law enforcement agency" means a municipal police
17 department or county sheriff's office of this State.

18 (a-3) Any peace officer employed by a law enforcement
19 agency of this State may conduct temporary questioning
20 pursuant to Section 107-14 of this Code and may make arrests in
21 any jurisdiction within this State: (1) if the officer is
22 engaged in the investigation of criminal activity that
23 occurred in the officer's primary jurisdiction and the
24 temporary questioning or arrest relates to, arises from, or is
25 conducted pursuant to that investigation; or (2) if the
26 officer, while on duty as a peace officer, becomes personally

1 aware of the immediate commission of a felony or misdemeanor
2 violation of the laws of this State; or (3) if the officer,
3 while on duty as a peace officer, is requested by an
4 appropriate State or local law enforcement official to render
5 aid or assistance to the requesting law enforcement agency
6 that is outside the officer's primary jurisdiction; or (4) in
7 accordance with Section 2605-580 of the Illinois ~~Department of~~
8 State Police Law of the Civil Administrative Code of Illinois.
9 While acting pursuant to this subsection, an officer has the
10 same authority as within his or her own jurisdiction.

11 (a-7) The law enforcement agency of the county or
12 municipality in which any arrest is made under this Section
13 shall be immediately notified of the arrest.

14 (b) Any peace officer of another State who enters this
15 State in fresh pursuit and continues within this State in
16 fresh pursuit of a person in order to arrest him on the ground
17 that he has committed an offense in the other State has the
18 same authority to arrest and hold the person in custody as
19 peace officers of this State have to arrest and hold a person
20 in custody on the ground that he has committed an offense in
21 this State.

22 (c) If an arrest is made in this State by a peace officer
23 of another State in accordance with the provisions of this
24 Section he shall without unnecessary delay take the person
25 arrested before the circuit court of the county in which the
26 arrest was made. Such court shall conduct a hearing for the

1 purpose of determining the lawfulness of the arrest. If the
2 court determines that the arrest was lawful it shall commit
3 the person arrested, to await for a reasonable time the
4 issuance of an extradition warrant by the Governor of this
5 State, or admit him to bail for such purpose. If the court
6 determines that the arrest was unlawful it shall discharge the
7 person arrested.

8 (Source: P.A. 98-576, eff. 1-1-14.)

9 (725 ILCS 5/108A-11) (from Ch. 38, par. 108A-11)

10 Sec. 108A-11. Reports concerning use of eavesdropping
11 devices.

12 (a) In January of each year the State's Attorney of each
13 county in which eavesdropping devices were used pursuant to
14 the provisions of this Article shall report to the Illinois
15 ~~Department of~~ State Police the following with respect to each
16 application for an order authorizing the use of an
17 eavesdropping device, or an extension thereof, made during the
18 preceding calendar year:

19 (1) the fact that such an order, extension, or
20 subsequent approval of an emergency was applied for;

21 (2) the kind of order or extension applied for;

22 (3) a statement as to whether the order or extension
23 was granted as applied for was modified, or was denied;

24 (4) the period authorized by the order or extensions
25 in which an eavesdropping device could be used;

1 (5) the felony specified in the order extension or
2 denied application;

3 (6) the identity of the applying investigative or law
4 enforcement officer and agency making the application and
5 the State's Attorney authorizing the application; and

6 (7) the nature of the facilities from which or the
7 place where the eavesdropping device was to be used.

8 (b) Such report shall also include the following:

9 (1) a general description of the uses of eavesdropping
10 devices actually made under such order to overheard or
11 record conversations, including: (a) the approximate
12 nature and frequency of incriminating conversations
13 overheard, (b) the approximate nature and frequency of
14 other conversations overheard, (c) the approximate number
15 of persons whose conversations were overheard, and (d) the
16 approximate nature, amount, and cost of the manpower and
17 other resources used pursuant to the authorization to use
18 an eavesdropping device;

19 (2) the number of arrests resulting from authorized
20 uses of eavesdropping devices and the offenses for which
21 arrests were made;

22 (3) the number of trials resulting from such uses of
23 eavesdropping devices;

24 (4) the number of motions to suppress made with
25 respect to such uses, and the number granted or denied;
26 and

1 (5) the number of convictions resulting from such uses
2 and the offenses for which the convictions were obtained
3 and a general assessment of the importance of the
4 convictions.

5 (c) In April of each year, the Illinois ~~Department of~~
6 State Police shall transmit to the General Assembly a report
7 including information on the number of applications for orders
8 authorizing the use of eavesdropping devices, the number of
9 orders and extensions granted or denied during the preceding
10 calendar year, and the convictions arising out of such uses.

11 The requirement for reporting to the General Assembly
12 shall be satisfied by filing copies of the report as required
13 by Section 3.1 of the General Assembly Organization Act, and
14 filing such additional copies with the State Government Report
15 Distribution Center for the General Assembly as is required
16 under paragraph (t) of Section 7 of the State Library Act.

17 (Source: P.A. 100-1148, eff. 12-10-18.)

18 (725 ILCS 5/108B-1) (from Ch. 38, par. 108B-1)

19 Sec. 108B-1. Definitions. For the purpose of this Article:

20 (a) "Aggrieved person" means a person who was a party to
21 any intercepted private communication or any person against
22 whom the intercept was directed.

23 (b) "Chief Judge" means, when referring to a judge
24 authorized to receive application for, and to enter orders
25 authorizing, interceptions of private communications, the

1 Chief Judge of the Circuit Court wherein the application for
2 order of interception is filed, or a Circuit Judge designated
3 by the Chief Judge to enter these orders. In circuits other
4 than the Cook County Circuit, "Chief Judge" also means, when
5 referring to a judge authorized to receive application for,
6 and to enter orders authorizing, interceptions of private
7 communications, an Associate Judge authorized by Supreme Court
8 Rule to try felony cases who is assigned by the Chief Judge to
9 enter these orders. After assignment by the Chief Judge, an
10 Associate Judge shall have plenary authority to issue orders
11 without additional authorization for each specific application
12 made to him by the State's Attorney until the time the
13 Associate Judge's power is rescinded by the Chief Judge.

14 (c) "Communications common carrier" means any person
15 engaged as a common carrier in the transmission of
16 communications by wire or radio, not including radio
17 broadcasting.

18 (d) "Contents" includes information obtained from a
19 private communication concerning the existence, substance,
20 purport or meaning of the communication, or the identity of a
21 party of the communication.

22 (e) "Court of competent jurisdiction" means any circuit
23 court.

24 (f) (Blank). ~~"Department" means Illinois Department of~~
25 ~~State Police.~~

26 (g) "Director" means Director of the Illinois ~~Department~~

1 ~~of~~ State Police.

2 (g-1) "Electronic communication" means any transfer of
3 signs, signals, writing, images, sounds, data, or intelligence
4 of any nature transmitted in whole or part by a wire, radio,
5 pager, computer, or electromagnetic, photo electronic, or
6 photo optical system where the sending and receiving parties
7 intend the electronic communication to be private and the
8 interception, recording, or transcription of the electronic
9 communication is accomplished by a device in a surreptitious
10 manner contrary to the provisions of this Article. "Electronic
11 communication" does not include:

12 (1) any wire or oral communication; or

13 (2) any communication from a tracking device.

14 (h) "Electronic criminal surveillance device" or
15 "eavesdropping device" means any device or apparatus, or
16 computer program including an induction coil, that can be used
17 to intercept private communication other than:

18 (1) Any telephone, telegraph or telecommunication
19 instrument, equipment or facility, or any component of it,
20 furnished to the subscriber or user by a communication
21 common carrier in the ordinary course of its business, or
22 purchased by any person and being used by the subscriber,
23 user or person in the ordinary course of his business, or
24 being used by a communications common carrier in the
25 ordinary course of its business, or by an investigative or
26 law enforcement officer in the ordinary course of his

1 duties; or

2 (2) A hearing aid or similar device being used to
3 correct subnormal hearing to not better than normal.

4 (i) "Electronic criminal surveillance officer" means any
5 law enforcement officer or retired law enforcement officer of
6 the United States or of the State or political subdivision of
7 it, or of another State, or of a political subdivision of it,
8 who is certified by the Illinois ~~Department of~~ State Police to
9 intercept private communications. A retired law enforcement
10 officer may be certified by the Illinois State Police only to
11 (i) prepare petitions for the authority to intercept private
12 communications in accordance with the provisions of this Act;
13 (ii) intercept and supervise the interception of private
14 communications; (iii) handle, safeguard, and use evidence
15 derived from such private communications; and (iv) operate and
16 maintain equipment used to intercept private communications.

17 (j) "In-progress trace" means to determine the origin of a
18 wire communication to a telephone or telegraph instrument,
19 equipment or facility during the course of the communication.

20 (k) "Intercept" means the aural or other acquisition of
21 the contents of any private communication through the use of
22 any electronic criminal surveillance device.

23 (l) "Journalist" means a person engaged in, connected
24 with, or employed by news media, including newspapers,
25 magazines, press associations, news agencies, wire services,
26 radio, television or other similar media, for the purpose of

1 gathering, processing, transmitting, compiling, editing or
2 disseminating news for the general public.

3 (m) "Law enforcement agency" means any law enforcement
4 agency of the United States, or the State or a political
5 subdivision of it.

6 (n) "Oral communication" means human speech used to
7 communicate by one party to another, in person, by wire
8 communication or by any other means.

9 (o) "Private communication" means a wire, oral, or
10 electronic communication uttered or transmitted by a person
11 exhibiting an expectation that the communication is not
12 subject to interception, under circumstances reasonably
13 justifying the expectation. Circumstances that reasonably
14 justify the expectation that a communication is not subject to
15 interception include the use of a cordless telephone or
16 cellular communication device.

17 (p) "Wire communication" means any human speech used to
18 communicate by one party to another in whole or in part through
19 the use of facilities for the transmission of communications
20 by wire, cable or other like connection between the point of
21 origin and the point of reception furnished or operated by a
22 communications common carrier.

23 (q) "Privileged communications" means a private
24 communication between:

25 (1) a licensed and practicing physician and a patient
26 within the scope of the profession of the physician;

1 (2) a licensed and practicing psychologist to a
2 patient within the scope of the profession of the
3 psychologist;

4 (3) a licensed and practicing attorney-at-law and a
5 client within the scope of the profession of the lawyer;

6 (4) a practicing clergyman and a confidant within the
7 scope of the profession of the clergyman;

8 (5) a practicing journalist within the scope of his
9 profession;

10 (6) spouses within the scope of their marital
11 relationship; or

12 (7) a licensed and practicing social worker to a
13 client within the scope of the profession of the social
14 worker.

15 (r) "Retired law enforcement officer" means a person: (1)
16 who is a graduate of a police training institute or academy,
17 who after graduating served for at least 15 consecutive years
18 as a sworn, full-time peace officer qualified to carry
19 firearms for any federal or State department or agency or for
20 any unit of local government of Illinois; (2) who has retired
21 as a local, State, or federal peace officer in a publicly
22 created peace officer retirement system; and (3) whose service
23 in law enforcement was honorably terminated through retirement
24 or disability and not as a result of discipline, suspension,
25 or discharge.

26 (Source: P.A. 95-331, eff. 8-21-07.)

1 (725 ILCS 5/108B-2) (from Ch. 38, par. 108B-2)

2 Sec. 108B-2. Request for application for interception.

3 (a) A State's Attorney may apply for an order authorizing
4 interception of private communications in accordance with the
5 provisions of this Article.

6 (b) The head of a law enforcement agency, including, for
7 purposes of this subsection, the acting head of such law
8 enforcement agency if the head of such agency is absent or
9 unable to serve, may request that a State's Attorney apply for
10 an order authorizing interception of private communications in
11 accordance with the provisions of this Article.

12 Upon request of a law enforcement agency, the Illinois
13 State Police Department ~~Department~~ may provide technical assistance to
14 such an agency which is authorized to conduct an interception.

15 (Source: P.A. 92-854, eff. 12-5-02.)

16 (725 ILCS 5/108B-5) (from Ch. 38, par. 108B-5)

17 Sec. 108B-5. Requirements for order of interception.

18 (a) Upon consideration of an application, the chief judge
19 may enter an ex parte order, as requested or as modified,
20 authorizing the interception of a private communication, if
21 the chief judge determines on the basis of the application
22 submitted by the applicant, that:

23 (1) There is probable cause for belief that (A) the
24 person whose private communication is to be intercepted is

1 committing, has committed, or is about to commit an
2 offense enumerated in Section 108B-3, or (B) the
3 facilities from which, or the place where, the private
4 communication is to be intercepted, is, has been, or is
5 about to be used in connection with the commission of the
6 offense, or is leased to, listed in the name of, or
7 commonly used by, the person; and

8 (2) There is probable cause for belief that a
9 particular private communication concerning such offense
10 may be obtained through the interception; and

11 (3) Normal investigative procedures with respect to
12 the offense have been tried and have failed or reasonably
13 appear to be unlikely to succeed if tried or too dangerous
14 to employ; and

15 (4) The electronic criminal surveillance officers to
16 be authorized to supervise the interception of the private
17 communication have been certified by the Illinois State
18 Police Department.

19 (b) In the case of an application, other than for an
20 extension, for an order to intercept a communication of a
21 person or on a wire communication facility that was the
22 subject of a previous order authorizing interception, the
23 application shall be based upon new evidence or information
24 different from and in addition to the evidence or information
25 offered to support the prior order, regardless of whether the
26 evidence was derived from prior interceptions or from other

1 sources.

2 (c) The chief judge may authorize interception of a
3 private communication anywhere in the judicial circuit. If the
4 court authorizes the use of an eavesdropping device with
5 respect to a vehicle, watercraft, or aircraft that is within
6 the judicial circuit at the time the order is issued, the order
7 may provide that the interception may continue anywhere within
8 the State if the vehicle, watercraft, or aircraft leaves the
9 judicial circuit.

10 (Source: P.A. 95-331, eff. 8-21-07.)

11 (725 ILCS 5/108B-13) (from Ch. 38, par. 108B-13)

12 Sec. 108B-13. Reports concerning use of eavesdropping
13 devices.

14 (a) Within 30 days after the expiration of an order and
15 each extension thereof authorizing an interception, or within
16 30 days after the denial of an application or disapproval of an
17 application subsequent to any alleged emergency situation, the
18 State's Attorney shall report to the Illinois ~~Department of~~
19 State Police the following:

20 (1) the fact that such an order, extension, or
21 subsequent approval of an emergency was applied for;

22 (2) the kind of order or extension applied for;

23 (3) a statement as to whether the order or extension
24 was granted as applied for was modified, or was denied;

25 (4) the period authorized by the order or extensions

1 in which an eavesdropping device could be used;

2 (5) the offense enumerated in Section 108B-3 which is
3 specified in the order or extension or in the denied
4 application;

5 (6) the identity of the applying electronic criminal
6 surveillance officer and agency making the application and
7 the State's Attorney authorizing the application; and

8 (7) the nature of the facilities from which or the
9 place where the eavesdropping device was to be used.

10 (b) In January of each year the State's Attorney of each
11 county in which an interception occurred pursuant to the
12 provisions of this Article shall report to the Illinois
13 ~~Department of~~ State Police the following:

14 (1) a general description of the uses of eavesdropping
15 devices actually made under such order to overhear or
16 record conversations, including: (a) the approximate
17 nature and frequency of incriminating conversations
18 overheard, (b) the approximate nature and frequency of
19 other conversations overheard, (c) the approximate number
20 of persons whose conversations were overheard, and (d) the
21 approximate nature, amount, and cost of the manpower and
22 other resources used pursuant to the authorization to use
23 an eavesdropping device;

24 (2) the number of arrests resulting from authorized
25 uses of eavesdropping devices and the offenses for which
26 arrests were made;

1 (3) the number of trials resulting from such uses of
2 eavesdropping devices;

3 (4) the number of motions to suppress made with
4 respect to such uses, and the number granted or denied;
5 and

6 (5) the number of convictions resulting from such uses
7 and the offenses for which the convictions were obtained
8 and a general assessment of the importance of the
9 convictions.

10 On or before March 1 of each year, the Director of the
11 Illinois ~~Department of~~ State Police shall submit to the
12 Governor a report of all intercepts as defined herein
13 conducted pursuant to this Article and terminated during the
14 preceding calendar year. Such report shall include:

15 (1) the reports of State's Attorneys forwarded to the
16 Director as required in this Section;

17 (2) the number of Illinois State Police ~~Department~~
18 personnel authorized to possess, install, or operate
19 electronic, mechanical, or other devices;

20 (3) the number of Illinois State Police ~~Department~~ and
21 other law enforcement personnel who participated or
22 engaged in the seizure of intercepts pursuant to this
23 Article during the preceding calendar year;

24 (4) the number of electronic criminal surveillance
25 officers trained by the Illinois State Police ~~Department~~;

26 (5) the total cost to the Illinois State Police

1 ~~Department~~ of all activities and procedures relating to
2 the seizure of intercepts during the preceding calendar
3 year, including costs of equipment, manpower, and expenses
4 incurred as compensation for use of facilities or
5 technical assistance provided to or by the Illinois State
6 Police Department; and

7 (6) a summary of the use of eavesdropping devices
8 pursuant to orders of interception including (a) the
9 frequency of use in each county, (b) the frequency of use
10 for each crime enumerated in Section 108B-3 of the Code of
11 Criminal Procedure of 1963, as amended, (c) the type and
12 frequency of eavesdropping device use, and (d) the
13 frequency of use by each police department or law
14 enforcement agency of this State.

15 (d) In April of each year, the Director of the Illinois
16 ~~Department of~~ State Police and the Governor shall each
17 transmit to the General Assembly reports including information
18 on the number of applications for orders authorizing the use
19 of eavesdropping devices, the number of orders and extensions
20 granted or denied during the preceding calendar year, the
21 convictions arising out of such uses, and a summary of the
22 information required by subsections (a) and (b) of this
23 Section.

24 The requirement for reporting to the General Assembly
25 shall be satisfied by filing copies of the report as required
26 by Section 3.1 of the General Assembly Organization Act, and

1 filing such additional copies with the State Government Report
2 Distribution Center for the General Assembly as is required
3 under paragraph (t) of Section 7 of the State Library Act.

4 (Source: P.A. 100-1148, eff. 12-10-18.)

5 (725 ILCS 5/108B-14) (from Ch. 38, par. 108B-14)

6 Sec. 108B-14. Training.

7 (a) The Director of the Illinois ~~Department of~~ State
8 Police shall:

9 (1) Establish a course of training in the legal,
10 practical, and technical aspects of the interception of
11 private communications and related investigation and
12 prosecution techniques;

13 (2) Issue regulations as he finds necessary for the
14 training program;

15 (3) In cooperation with the Illinois Law Enforcement
16 Training Standards Board, set minimum standards for
17 certification and periodic recertification of electronic
18 criminal surveillance officers as eligible to apply for
19 orders authorizing the interception of private
20 communications, to conduct the interceptions, and to use
21 the private communications or evidence derived from them
22 in official proceedings; and

23 (4) In cooperation with the Illinois Law Enforcement
24 Training Standards Board, revoke or suspend the
25 certification of any electronic criminal surveillance

1 officer who has violated any law relating to electronic
2 criminal surveillance, or any of the guidelines
3 established by the Illinois State Police ~~Department~~ for
4 conducting electronic criminal surveillance.

5 (b) The Executive Director of the Illinois Law Enforcement
6 Training Standards Board shall:

7 (1) Pursuant to the Illinois Police Training Act,
8 review the course of training prescribed by the Illinois
9 State Police ~~Department~~ for the purpose of certification
10 relating to reimbursement of expenses incurred by local
11 law enforcement agencies participating in the electronic
12 criminal surveillance officer training process, and

13 (2) Assist the Illinois State Police ~~Department~~ in
14 establishing minimum standards for certification and
15 periodic recertification of electronic criminal
16 surveillance officers as being eligible to apply for
17 orders authorizing the interception of private
18 communications, to conduct the interpretations, and to use
19 the communications or evidence derived from them in
20 official proceedings.

21 (Source: P.A. 92-854, eff. 12-5-02.)

22 (725 ILCS 5/110-7) (from Ch. 38, par. 110-7)
23 Sec. 110-7. Deposit of bail security.

24 (a) The person for whom bail has been set shall execute the
25 bail bond and deposit with the clerk of the court before which

1 the proceeding is pending a sum of money equal to 10% of the
2 bail, but in no event shall such deposit be less than \$25. The
3 clerk of the court shall provide a space on each form for a
4 person other than the accused who has provided the money for
5 the posting of bail to so indicate and a space signed by an
6 accused who has executed the bail bond indicating whether a
7 person other than the accused has provided the money for the
8 posting of bail. The form shall also include a written notice
9 to such person who has provided the defendant with the money
10 for the posting of bail indicating that the bail may be used to
11 pay costs, attorney's fees, fines, or other purposes
12 authorized by the court and if the defendant fails to comply
13 with the conditions of the bail bond, the court shall enter an
14 order declaring the bail to be forfeited. The written notice
15 must be: (1) distinguishable from the surrounding text; (2) in
16 bold type or underscored; and (3) in a type size at least 2
17 points larger than the surrounding type. When a person for
18 whom bail has been set is charged with an offense under the
19 Illinois Controlled Substances Act or the Methamphetamine
20 Control and Community Protection Act which is a Class X
21 felony, or making a terrorist threat in violation of Section
22 29D-20 of the Criminal Code of 1961 or the Criminal Code of
23 2012 or an attempt to commit the offense of making a terrorist
24 threat, the court may require the defendant to deposit a sum
25 equal to 100% of the bail. Where any person is charged with a
26 forcible felony while free on bail and is the subject of

1 proceedings under Section 109-3 of this Code the judge
2 conducting the preliminary examination may also conduct a
3 hearing upon the application of the State pursuant to the
4 provisions of Section 110-6 of this Code to increase or revoke
5 the bail for that person's prior alleged offense.

6 (b) Upon depositing this sum and any bond fee authorized
7 by law, the person shall be released from custody subject to
8 the conditions of the bail bond.

9 (c) Once bail has been given and a charge is pending or is
10 thereafter filed in or transferred to a court of competent
11 jurisdiction the latter court shall continue the original bail
12 in that court subject to the provisions of Section 110-6 of
13 this Code.

14 (d) After conviction the court may order that the original
15 bail stand as bail pending appeal or deny, increase or reduce
16 bail subject to the provisions of Section 110-6.2.

17 (e) After the entry of an order by the trial court allowing
18 or denying bail pending appeal either party may apply to the
19 reviewing court having jurisdiction or to a justice thereof
20 sitting in vacation for an order increasing or decreasing the
21 amount of bail or allowing or denying bail pending appeal
22 subject to the provisions of Section 110-6.2.

23 (f) When the conditions of the bail bond have been
24 performed and the accused has been discharged from all
25 obligations in the cause the clerk of the court shall return to
26 the accused or to the defendant's designee by an assignment

1 executed at the time the bail amount is deposited, unless the
2 court orders otherwise, 90% of the sum which had been
3 deposited and shall retain as bail bond costs 10% of the amount
4 deposited. However, in no event shall the amount retained by
5 the clerk as bail bond costs be less than \$5. Notwithstanding
6 the foregoing, in counties with a population of 3,000,000 or
7 more, in no event shall the amount retained by the clerk as
8 bail bond costs exceed \$100. Bail bond deposited by or on
9 behalf of a defendant in one case may be used, in the court's
10 discretion, to satisfy financial obligations of that same
11 defendant incurred in a different case due to a fine, court
12 costs, restitution or fees of the defendant's attorney of
13 record. In counties with a population of 3,000,000 or more,
14 the court shall not order bail bond deposited by or on behalf
15 of a defendant in one case to be used to satisfy financial
16 obligations of that same defendant in a different case until
17 the bail bond is first used to satisfy court costs and
18 attorney's fees in the case in which the bail bond has been
19 deposited and any other unpaid child support obligations are
20 satisfied. In counties with a population of less than
21 3,000,000, the court shall not order bail bond deposited by or
22 on behalf of a defendant in one case to be used to satisfy
23 financial obligations of that same defendant in a different
24 case until the bail bond is first used to satisfy court costs
25 in the case in which the bail bond has been deposited.

26 At the request of the defendant the court may order such

1 90% of defendant's bail deposit, or whatever amount is
2 repayable to defendant from such deposit, to be paid to
3 defendant's attorney of record.

4 (g) If the accused does not comply with the conditions of
5 the bail bond the court having jurisdiction shall enter an
6 order declaring the bail to be forfeited. Notice of such order
7 of forfeiture shall be mailed forthwith to the accused at his
8 last known address. If the accused does not appear and
9 surrender to the court having jurisdiction within 30 days from
10 the date of the forfeiture or within such period satisfy the
11 court that appearance and surrender by the accused is
12 impossible and without his fault the court shall enter
13 judgment for the State if the charge for which the bond was
14 given was a felony or misdemeanor, or if the charge was
15 quasi-criminal or traffic, judgment for the political
16 subdivision of the State which prosecuted the case, against
17 the accused for the amount of the bail and costs of the court
18 proceedings; however, in counties with a population of less
19 than 3,000,000, instead of the court entering a judgment for
20 the full amount of the bond the court may, in its discretion,
21 enter judgment for the cash deposit on the bond, less costs,
22 retain the deposit for further disposition or, if a cash bond
23 was posted for failure to appear in a matter involving
24 enforcement of child support or maintenance, the amount of the
25 cash deposit on the bond, less outstanding costs, may be
26 awarded to the person or entity to whom the child support or

1 maintenance is due. The deposit made in accordance with
2 paragraph (a) shall be applied to the payment of costs. If
3 judgment is entered and any amount of such deposit remains
4 after the payment of costs it shall be applied to payment of
5 the judgment and transferred to the treasury of the municipal
6 corporation wherein the bond was taken if the offense was a
7 violation of any penal ordinance of a political subdivision of
8 this State, or to the treasury of the county wherein the bond
9 was taken if the offense was a violation of any penal statute
10 of this State. The balance of the judgment may be enforced and
11 collected in the same manner as a judgment entered in a civil
12 action.

13 (h) After a judgment for a fine and court costs or either
14 is entered in the prosecution of a cause in which a deposit had
15 been made in accordance with paragraph (a) the balance of such
16 deposit, after deduction of bail bond costs, shall be applied
17 to the payment of the judgment.

18 (i) When a court appearance is required for an alleged
19 violation of the Criminal Code of 1961, the Criminal Code of
20 2012, the Illinois Vehicle Code, the Wildlife Code, the Fish
21 and Aquatic Life Code, the Child Passenger Protection Act, or
22 a comparable offense of a unit of local government as
23 specified in Supreme Court Rule 551, and if the accused does
24 not appear in court on the date set for appearance or any date
25 to which the case may be continued and the court issues an
26 arrest warrant for the accused, based upon his or her failure

1 to appear when having so previously been ordered to appear by
2 the court, the accused upon his or her admission to bail shall
3 be assessed by the court a fee of \$75. Payment of the fee shall
4 be a condition of release unless otherwise ordered by the
5 court. The fee shall be in addition to any bail that the
6 accused is required to deposit for the offense for which the
7 accused has been charged and may not be used for the payment of
8 court costs or fines assessed for the offense. The clerk of the
9 court shall remit \$70 of the fee assessed to the arresting
10 agency who brings the offender in on the arrest warrant. If the
11 Illinois ~~Department of~~ State Police is the arresting agency,
12 \$70 of the fee assessed shall be remitted by the clerk of the
13 court to the State Treasurer within one month after receipt
14 for deposit into the State Police Operations Assistance Fund.
15 The clerk of the court shall remit \$5 of the fee assessed to
16 the Circuit Court Clerk Operation and Administrative Fund as
17 provided in Section 27.3d of the Clerks of Courts Act.

18 (Source: P.A. 99-412, eff. 1-1-16.)

19 (725 ILCS 5/112A-11.1)

20 Sec. 112A-11.1. Procedure for determining whether certain
21 misdemeanor crimes are crimes of domestic violence for
22 purposes of federal law.

23 (a) When a defendant has been charged with a violation of
24 Section 12-1, 12-2, 12-3, 12-3.2, 12-3.4, or 12-3.5 of the
25 Criminal Code of 1961 or the Criminal Code of 2012, the State

1 may, at arraignment or no later than 45 days after
2 arraignment, for the purpose of notification to the Illinois
3 ~~Department of~~ State Police Firearm Owner's Identification Card
4 Office, serve on the defendant and file with the court a notice
5 alleging that conviction of the offense would subject the
6 defendant to the prohibitions of 18 U.S.C. 922(g)(9) because
7 of the relationship between the defendant and the alleged
8 victim and the nature of the alleged offense.

9 (b) The notice shall include the name of the person
10 alleged to be the victim of the crime and shall specify the
11 nature of the alleged relationship as set forth in 18 U.S.C.
12 921(a)(33)(A)(ii). It shall also specify the element of the
13 charged offense which requires the use or attempted use of
14 physical force, or the threatened use of a deadly weapon, as
15 set forth 18 U.S.C. 921(a)(33)(A)(ii). It shall also include
16 notice that the defendant is entitled to a hearing on the
17 allegation contained in the notice and that if the allegation
18 is sustained, that determination and conviction shall be
19 reported to the Illinois ~~Department of~~ State Police Firearm
20 Owner's Identification Card Office.

21 (c) After having been notified as provided in subsection
22 (b) of this Section, the defendant may stipulate or admit,
23 orally on the record or in writing, that conviction of the
24 offense would subject the defendant to the prohibitions of 18
25 U.S.C. 922(g)(9). In that case, the applicability of 18 U.S.C.
26 922(g)(9) shall be deemed established for purposes of Section

1 112A-11.2. If the defendant denies the applicability of 18
2 U.S.C. 922(g)(9) as alleged in the notice served by the State,
3 or stands mute with respect to that allegation, then the State
4 shall bear the burden to prove beyond a reasonable doubt that
5 the offense is one to which the prohibitions of 18 U.S.C.
6 922(g)(9) apply. The court may consider reliable hearsay
7 evidence submitted by either party provided that it is
8 relevant to the determination of the allegation. Facts
9 previously proven at trial or elicited at the time of entry of
10 a plea of guilty shall be deemed established beyond a
11 reasonable doubt and shall not be relitigated. At the
12 conclusion of the hearing, or upon a stipulation or admission,
13 as applicable, the court shall make a specific written
14 determination with respect to the allegation.

15 (Source: P.A. 97-1131, eff. 1-1-13; 97-1150, eff. 1-25-13.)

16 (725 ILCS 5/112A-11.2)

17 Sec. 112A-11.2. Notification to the Illinois ~~Department of~~
18 State Police Firearm Owner's Identification Card Office of
19 determinations in certain misdemeanor cases. Upon judgment of
20 conviction of a violation of Section 12-1, 12-2, 12-3, 12-3.2,
21 12-3.4, or 12-3.5 of the Criminal Code of 1961 or the Criminal
22 Code of 2012 when the defendant has been determined, under
23 Section 112A-11.1, to be subject to the prohibitions of 18
24 U.S.C. 922(g)(9), the circuit court clerk shall include
25 notification and a copy of the written determination in a

1 report of the conviction to the Illinois ~~Department of~~ State
2 Police Firearm Owner's Identification Card Office to enable
3 the office to report that determination to the Federal Bureau
4 of Investigation and assist the Bureau in identifying persons
5 prohibited from purchasing and possessing a firearm pursuant
6 to the provisions of 18 U.S.C. 922.

7 (Source: P.A. 97-1131, eff. 1-1-13; 97-1150, eff. 1-25-13.)

8 (725 ILCS 5/112A-14) (from Ch. 38, par. 112A-14)

9 Sec. 112A-14. Domestic violence order of protection;
10 remedies.

11 (a) (Blank).

12 (b) The court may order any of the remedies listed in this
13 subsection (b). The remedies listed in this subsection (b)
14 shall be in addition to other civil or criminal remedies
15 available to petitioner.

16 (1) Prohibition of abuse. Prohibit respondent's
17 harassment, interference with personal liberty,
18 intimidation of a dependent, physical abuse, or willful
19 deprivation, as defined in this Article, if such abuse has
20 occurred or otherwise appears likely to occur if not
21 prohibited.

22 (2) Grant of exclusive possession of residence.
23 Prohibit respondent from entering or remaining in any
24 residence, household, or premises of the petitioner,
25 including one owned or leased by respondent, if petitioner

1 has a right to occupancy thereof. The grant of exclusive
2 possession of the residence, household, or premises shall
3 not affect title to real property, nor shall the court be
4 limited by the standard set forth in subsection (c-2) of
5 Section 501 of the Illinois Marriage and Dissolution of
6 Marriage Act.

7 (A) Right to occupancy. A party has a right to
8 occupancy of a residence or household if it is solely
9 or jointly owned or leased by that party, that party's
10 spouse, a person with a legal duty to support that
11 party or a minor child in that party's care, or by any
12 person or entity other than the opposing party that
13 authorizes that party's occupancy (e.g., a domestic
14 violence shelter). Standards set forth in subparagraph
15 (B) shall not preclude equitable relief.

16 (B) Presumption of hardships. If petitioner and
17 respondent each has the right to occupancy of a
18 residence or household, the court shall balance (i)
19 the hardships to respondent and any minor child or
20 dependent adult in respondent's care resulting from
21 entry of this remedy with (ii) the hardships to
22 petitioner and any minor child or dependent adult in
23 petitioner's care resulting from continued exposure to
24 the risk of abuse (should petitioner remain at the
25 residence or household) or from loss of possession of
26 the residence or household (should petitioner leave to

1 avoid the risk of abuse). When determining the balance
2 of hardships, the court shall also take into account
3 the accessibility of the residence or household.
4 Hardships need not be balanced if respondent does not
5 have a right to occupancy.

6 The balance of hardships is presumed to favor
7 possession by petitioner unless the presumption is
8 rebutted by a preponderance of the evidence, showing
9 that the hardships to respondent substantially
10 outweigh the hardships to petitioner and any minor
11 child or dependent adult in petitioner's care. The
12 court, on the request of petitioner or on its own
13 motion, may order respondent to provide suitable,
14 accessible, alternate housing for petitioner instead
15 of excluding respondent from a mutual residence or
16 household.

17 (3) Stay away order and additional prohibitions. Order
18 respondent to stay away from petitioner or any other
19 person protected by the domestic violence order of
20 protection, or prohibit respondent from entering or
21 remaining present at petitioner's school, place of
22 employment, or other specified places at times when
23 petitioner is present, or both, if reasonable, given the
24 balance of hardships. Hardships need not be balanced for
25 the court to enter a stay away order or prohibit entry if
26 respondent has no right to enter the premises.

1 (A) If a domestic violence order of protection
2 grants petitioner exclusive possession of the
3 residence, prohibits respondent from entering the
4 residence, or orders respondent to stay away from
5 petitioner or other protected persons, then the court
6 may allow respondent access to the residence to remove
7 items of clothing and personal adornment used
8 exclusively by respondent, medications, and other
9 items as the court directs. The right to access shall
10 be exercised on only one occasion as the court directs
11 and in the presence of an agreed-upon adult third
12 party or law enforcement officer.

13 (B) When the petitioner and the respondent attend
14 the same public, private, or non-public elementary,
15 middle, or high school, the court when issuing a
16 domestic violence order of protection and providing
17 relief shall consider the severity of the act, any
18 continuing physical danger or emotional distress to
19 the petitioner, the educational rights guaranteed to
20 the petitioner and respondent under federal and State
21 law, the availability of a transfer of the respondent
22 to another school, a change of placement or a change of
23 program of the respondent, the expense, difficulty,
24 and educational disruption that would be caused by a
25 transfer of the respondent to another school, and any
26 other relevant facts of the case. The court may order

1 that the respondent not attend the public, private, or
2 non-public elementary, middle, or high school attended
3 by the petitioner, order that the respondent accept a
4 change of placement or change of program, as
5 determined by the school district or private or
6 non-public school, or place restrictions on the
7 respondent's movements within the school attended by
8 the petitioner. The respondent bears the burden of
9 proving by a preponderance of the evidence that a
10 transfer, change of placement, or change of program of
11 the respondent is not available. The respondent also
12 bears the burden of production with respect to the
13 expense, difficulty, and educational disruption that
14 would be caused by a transfer of the respondent to
15 another school. A transfer, change of placement, or
16 change of program is not unavailable to the respondent
17 solely on the ground that the respondent does not
18 agree with the school district's or private or
19 non-public school's transfer, change of placement, or
20 change of program or solely on the ground that the
21 respondent fails or refuses to consent or otherwise
22 does not take an action required to effectuate a
23 transfer, change of placement, or change of program.
24 When a court orders a respondent to stay away from the
25 public, private, or non-public school attended by the
26 petitioner and the respondent requests a transfer to

1 another attendance center within the respondent's
2 school district or private or non-public school, the
3 school district or private or non-public school shall
4 have sole discretion to determine the attendance
5 center to which the respondent is transferred. If the
6 court order results in a transfer of the minor
7 respondent to another attendance center, a change in
8 the respondent's placement, or a change of the
9 respondent's program, the parents, guardian, or legal
10 custodian of the respondent is responsible for
11 transportation and other costs associated with the
12 transfer or change.

13 (C) The court may order the parents, guardian, or
14 legal custodian of a minor respondent to take certain
15 actions or to refrain from taking certain actions to
16 ensure that the respondent complies with the order. If
17 the court orders a transfer of the respondent to
18 another school, the parents, guardian, or legal
19 custodian of the respondent is responsible for
20 transportation and other costs associated with the
21 change of school by the respondent.

22 (4) Counseling. Require or recommend the respondent to
23 undergo counseling for a specified duration with a social
24 worker, psychologist, clinical psychologist,
25 psychiatrist, family service agency, alcohol or substance
26 abuse program, mental health center guidance counselor,

1 agency providing services to elders, program designed for
2 domestic violence abusers, or any other guidance service
3 the court deems appropriate. The court may order the
4 respondent in any intimate partner relationship to report
5 to an Illinois Department of Human Services protocol
6 approved partner abuse intervention program for an
7 assessment and to follow all recommended treatment.

8 (5) Physical care and possession of the minor child.
9 In order to protect the minor child from abuse, neglect,
10 or unwarranted separation from the person who has been the
11 minor child's primary caretaker, or to otherwise protect
12 the well-being of the minor child, the court may do either
13 or both of the following: (i) grant petitioner physical
14 care or possession of the minor child, or both, or (ii)
15 order respondent to return a minor child to, or not remove
16 a minor child from, the physical care of a parent or person
17 in loco parentis.

18 If the respondent is charged with abuse (as defined in
19 Section 112A-3 of this Code) of a minor child, there shall
20 be a rebuttable presumption that awarding physical care to
21 respondent would not be in the minor child's best
22 interest.

23 (6) Temporary allocation of parental responsibilities
24 and significant decision-making responsibilities. Award
25 temporary significant decision-making responsibility to
26 petitioner in accordance with this Section, the Illinois

1 Marriage and Dissolution of Marriage Act, the Illinois
2 Parentage Act of 2015, and this State's Uniform
3 Child-Custody Jurisdiction and Enforcement Act.

4 If the respondent is charged with abuse (as defined in
5 Section 112A-3 of this Code) of a minor child, there shall
6 be a rebuttable presumption that awarding temporary
7 significant decision-making responsibility to respondent
8 would not be in the child's best interest.

9 (7) Parenting time. Determine the parenting time, if
10 any, of respondent in any case in which the court awards
11 physical care or temporary significant decision-making
12 responsibility of a minor child to petitioner. The court
13 shall restrict or deny respondent's parenting time with a
14 minor child if the court finds that respondent has done or
15 is likely to do any of the following:

16 (i) abuse or endanger the minor child during
17 parenting time;

18 (ii) use the parenting time as an opportunity to
19 abuse or harass petitioner or petitioner's family or
20 household members;

21 (iii) improperly conceal or detain the minor
22 child; or

23 (iv) otherwise act in a manner that is not in the
24 best interests of the minor child.

25 The court shall not be limited by the standards set
26 forth in Section 603.10 of the Illinois Marriage and

1 Dissolution of Marriage Act. If the court grants parenting
2 time, the order shall specify dates and times for the
3 parenting time to take place or other specific parameters
4 or conditions that are appropriate. No order for parenting
5 time shall refer merely to the term "reasonable parenting
6 time". Petitioner may deny respondent access to the minor
7 child if, when respondent arrives for parenting time,
8 respondent is under the influence of drugs or alcohol and
9 constitutes a threat to the safety and well-being of
10 petitioner or petitioner's minor children or is behaving
11 in a violent or abusive manner. If necessary to protect
12 any member of petitioner's family or household from future
13 abuse, respondent shall be prohibited from coming to
14 petitioner's residence to meet the minor child for
15 parenting time, and the petitioner and respondent shall
16 submit to the court their recommendations for reasonable
17 alternative arrangements for parenting time. A person may
18 be approved to supervise parenting time only after filing
19 an affidavit accepting that responsibility and
20 acknowledging accountability to the court.

21 (8) Removal or concealment of minor child. Prohibit
22 respondent from removing a minor child from the State or
23 concealing the child within the State.

24 (9) Order to appear. Order the respondent to appear in
25 court, alone or with a minor child, to prevent abuse,
26 neglect, removal or concealment of the child, to return

1 the child to the custody or care of the petitioner, or to
2 permit any court-ordered interview or examination of the
3 child or the respondent.

4 (10) Possession of personal property. Grant petitioner
5 exclusive possession of personal property and, if
6 respondent has possession or control, direct respondent to
7 promptly make it available to petitioner, if:

8 (i) petitioner, but not respondent, owns the
9 property; or

10 (ii) the petitioner and respondent own the
11 property jointly; sharing it would risk abuse of
12 petitioner by respondent or is impracticable; and the
13 balance of hardships favors temporary possession by
14 petitioner.

15 If petitioner's sole claim to ownership of the
16 property is that it is marital property, the court may
17 award petitioner temporary possession thereof under the
18 standards of subparagraph (ii) of this paragraph only if a
19 proper proceeding has been filed under the Illinois
20 Marriage and Dissolution of Marriage Act, as now or
21 hereafter amended.

22 No order under this provision shall affect title to
23 property.

24 (11) Protection of property. Forbid the respondent
25 from taking, transferring, encumbering, concealing,
26 damaging, or otherwise disposing of any real or personal

1 property, except as explicitly authorized by the court,
2 if:

3 (i) petitioner, but not respondent, owns the
4 property; or

5 (ii) the petitioner and respondent own the
6 property jointly, and the balance of hardships favors
7 granting this remedy.

8 If petitioner's sole claim to ownership of the
9 property is that it is marital property, the court may
10 grant petitioner relief under subparagraph (ii) of this
11 paragraph only if a proper proceeding has been filed under
12 the Illinois Marriage and Dissolution of Marriage Act, as
13 now or hereafter amended.

14 The court may further prohibit respondent from
15 improperly using the financial or other resources of an
16 aged member of the family or household for the profit or
17 advantage of respondent or of any other person.

18 (11.5) Protection of animals. Grant the petitioner the
19 exclusive care, custody, or control of any animal owned,
20 possessed, leased, kept, or held by either the petitioner
21 or the respondent or a minor child residing in the
22 residence or household of either the petitioner or the
23 respondent and order the respondent to stay away from the
24 animal and forbid the respondent from taking,
25 transferring, encumbering, concealing, harming, or
26 otherwise disposing of the animal.

1 (12) Order for payment of support. Order respondent to
2 pay temporary support for the petitioner or any child in
3 the petitioner's care or over whom the petitioner has been
4 allocated parental responsibility, when the respondent has
5 a legal obligation to support that person, in accordance
6 with the Illinois Marriage and Dissolution of Marriage
7 Act, which shall govern, among other matters, the amount
8 of support, payment through the clerk and withholding of
9 income to secure payment. An order for child support may
10 be granted to a petitioner with lawful physical care of a
11 child, or an order or agreement for physical care of a
12 child, prior to entry of an order allocating significant
13 decision-making responsibility. Such a support order shall
14 expire upon entry of a valid order allocating parental
15 responsibility differently and vacating petitioner's
16 significant decision-making responsibility unless
17 otherwise provided in the order.

18 (13) Order for payment of losses. Order respondent to
19 pay petitioner for losses suffered as a direct result of
20 the abuse. Such losses shall include, but not be limited
21 to, medical expenses, lost earnings or other support,
22 repair or replacement of property damaged or taken,
23 reasonable attorney's fees, court costs, and moving or
24 other travel expenses, including additional reasonable
25 expenses for temporary shelter and restaurant meals.

26 (i) Losses affecting family needs. If a party is

1 entitled to seek maintenance, child support, or
2 property distribution from the other party under the
3 Illinois Marriage and Dissolution of Marriage Act, as
4 now or hereafter amended, the court may order
5 respondent to reimburse petitioner's actual losses, to
6 the extent that such reimbursement would be
7 "appropriate temporary relief", as authorized by
8 subsection (a) (3) of Section 501 of that Act.

9 (ii) Recovery of expenses. In the case of an
10 improper concealment or removal of a minor child, the
11 court may order respondent to pay the reasonable
12 expenses incurred or to be incurred in the search for
13 and recovery of the minor child, including, but not
14 limited to, legal fees, court costs, private
15 investigator fees, and travel costs.

16 (14) Prohibition of entry. Prohibit the respondent
17 from entering or remaining in the residence or household
18 while the respondent is under the influence of alcohol or
19 drugs and constitutes a threat to the safety and
20 well-being of the petitioner or the petitioner's children.

21 (14.5) Prohibition of firearm possession.

22 (A) A person who is subject to an existing
23 domestic violence order of protection issued under
24 this Code may not lawfully possess weapons under
25 Section 8.2 of the Firearm Owners Identification Card
26 Act.

1 (B) Any firearms in the possession of the
2 respondent, except as provided in subparagraph (C) of
3 this paragraph (14.5), shall be ordered by the court
4 to be turned over to a person with a valid Firearm
5 Owner's Identification Card for safekeeping. The court
6 shall issue an order that the respondent's Firearm
7 Owner's Identification Card be turned over to the
8 local law enforcement agency, which in turn shall
9 immediately mail the card to the Illinois ~~Department~~
10 ~~of~~ State Police Firearm Owner's Identification Card
11 Office for safekeeping. The period of safekeeping
12 shall be for the duration of the domestic violence
13 order of protection. The firearm or firearms and
14 Firearm Owner's Identification Card, if unexpired,
15 shall at the respondent's request be returned to the
16 respondent at expiration of the domestic violence
17 order of protection.

18 (C) If the respondent is a peace officer as
19 defined in Section 2-13 of the Criminal Code of 2012,
20 the court shall order that any firearms used by the
21 respondent in the performance of his or her duties as a
22 peace officer be surrendered to the chief law
23 enforcement executive of the agency in which the
24 respondent is employed, who shall retain the firearms
25 for safekeeping for the duration of the domestic
26 violence order of protection.

1 (D) Upon expiration of the period of safekeeping,
2 if the firearms or Firearm Owner's Identification Card
3 cannot be returned to respondent because respondent
4 cannot be located, fails to respond to requests to
5 retrieve the firearms, or is not lawfully eligible to
6 possess a firearm, upon petition from the local law
7 enforcement agency, the court may order the local law
8 enforcement agency to destroy the firearms, use the
9 firearms for training purposes, or for any other
10 application as deemed appropriate by the local law
11 enforcement agency; or that the firearms be turned
12 over to a third party who is lawfully eligible to
13 possess firearms, and who does not reside with
14 respondent.

15 (15) Prohibition of access to records. If a domestic
16 violence order of protection prohibits respondent from
17 having contact with the minor child, or if petitioner's
18 address is omitted under subsection (b) of Section 112A-5
19 of this Code, or if necessary to prevent abuse or wrongful
20 removal or concealment of a minor child, the order shall
21 deny respondent access to, and prohibit respondent from
22 inspecting, obtaining, or attempting to inspect or obtain,
23 school or any other records of the minor child who is in
24 the care of petitioner.

25 (16) Order for payment of shelter services. Order
26 respondent to reimburse a shelter providing temporary

1 housing and counseling services to the petitioner for the
2 cost of the services, as certified by the shelter and
3 deemed reasonable by the court.

4 (17) Order for injunctive relief. Enter injunctive
5 relief necessary or appropriate to prevent further abuse
6 of a family or household member or to effectuate one of the
7 granted remedies, if supported by the balance of
8 hardships. If the harm to be prevented by the injunction
9 is abuse or any other harm that one of the remedies listed
10 in paragraphs (1) through (16) of this subsection is
11 designed to prevent, no further evidence is necessary to
12 establish that the harm is an irreparable injury.

13 (18) Telephone services.

14 (A) Unless a condition described in subparagraph
15 (B) of this paragraph exists, the court may, upon
16 request by the petitioner, order a wireless telephone
17 service provider to transfer to the petitioner the
18 right to continue to use a telephone number or numbers
19 indicated by the petitioner and the financial
20 responsibility associated with the number or numbers,
21 as set forth in subparagraph (C) of this paragraph. In
22 this paragraph (18), the term "wireless telephone
23 service provider" means a provider of commercial
24 mobile service as defined in 47 U.S.C. 332. The
25 petitioner may request the transfer of each telephone
26 number that the petitioner, or a minor child in his or

1 her custody, uses. The clerk of the court shall serve
2 the order on the wireless telephone service provider's
3 agent for service of process provided to the Illinois
4 Commerce Commission. The order shall contain all of
5 the following:

6 (i) The name and billing telephone number of
7 the account holder including the name of the
8 wireless telephone service provider that serves
9 the account.

10 (ii) Each telephone number that will be
11 transferred.

12 (iii) A statement that the provider transfers
13 to the petitioner all financial responsibility for
14 and right to the use of any telephone number
15 transferred under this paragraph.

16 (B) A wireless telephone service provider shall
17 terminate the respondent's use of, and shall transfer
18 to the petitioner use of, the telephone number or
19 numbers indicated in subparagraph (A) of this
20 paragraph unless it notifies the petitioner, within 72
21 hours after it receives the order, that one of the
22 following applies:

23 (i) The account holder named in the order has
24 terminated the account.

25 (ii) A difference in network technology would
26 prevent or impair the functionality of a device on

1 a network if the transfer occurs.

2 (iii) The transfer would cause a geographic or
3 other limitation on network or service provision
4 to the petitioner.

5 (iv) Another technological or operational
6 issue would prevent or impair the use of the
7 telephone number if the transfer occurs.

8 (C) The petitioner assumes all financial
9 responsibility for and right to the use of any
10 telephone number transferred under this paragraph. In
11 this paragraph, "financial responsibility" includes
12 monthly service costs and costs associated with any
13 mobile device associated with the number.

14 (D) A wireless telephone service provider may
15 apply to the petitioner its routine and customary
16 requirements for establishing an account or
17 transferring a number, including requiring the
18 petitioner to provide proof of identification,
19 financial information, and customer preferences.

20 (E) Except for willful or wanton misconduct, a
21 wireless telephone service provider is immune from
22 civil liability for its actions taken in compliance
23 with a court order issued under this paragraph.

24 (F) All wireless service providers that provide
25 services to residential customers shall provide to the
26 Illinois Commerce Commission the name and address of

1 an agent for service of orders entered under this
2 paragraph (18). Any change in status of the registered
3 agent must be reported to the Illinois Commerce
4 Commission within 30 days of such change.

5 (G) The Illinois Commerce Commission shall
6 maintain the list of registered agents for service for
7 each wireless telephone service provider on the
8 Commission's website. The Commission may consult with
9 wireless telephone service providers and the Circuit
10 Court Clerks on the manner in which this information
11 is provided and displayed.

12 (c) Relevant factors; findings.

13 (1) In determining whether to grant a specific remedy,
14 other than payment of support, the court shall consider
15 relevant factors, including, but not limited to, the
16 following:

17 (i) the nature, frequency, severity, pattern, and
18 consequences of the respondent's past abuse of the
19 petitioner or any family or household member,
20 including the concealment of his or her location in
21 order to evade service of process or notice, and the
22 likelihood of danger of future abuse to petitioner or
23 any member of petitioner's or respondent's family or
24 household; and

25 (ii) the danger that any minor child will be
26 abused or neglected or improperly relocated from the

1 jurisdiction, improperly concealed within the State,
2 or improperly separated from the child's primary
3 caretaker.

4 (2) In comparing relative hardships resulting to the
5 parties from loss of possession of the family home, the
6 court shall consider relevant factors, including, but not
7 limited to, the following:

8 (i) availability, accessibility, cost, safety,
9 adequacy, location, and other characteristics of
10 alternate housing for each party and any minor child
11 or dependent adult in the party's care;

12 (ii) the effect on the party's employment; and

13 (iii) the effect on the relationship of the party,
14 and any minor child or dependent adult in the party's
15 care, to family, school, church, and community.

16 (3) Subject to the exceptions set forth in paragraph
17 (4) of this subsection (c), the court shall make its
18 findings in an official record or in writing, and shall at
19 a minimum set forth the following:

20 (i) That the court has considered the applicable
21 relevant factors described in paragraphs (1) and (2)
22 of this subsection (c).

23 (ii) Whether the conduct or actions of respondent,
24 unless prohibited, will likely cause irreparable harm
25 or continued abuse.

26 (iii) Whether it is necessary to grant the

1 requested relief in order to protect petitioner or
2 other alleged abused persons.

3 (4) (Blank).

4 (5) Never married parties. No rights or
5 responsibilities for a minor child born outside of
6 marriage attach to a putative father until a father and
7 child relationship has been established under the Illinois
8 Parentage Act of 1984, the Illinois Parentage Act of 2015,
9 the Illinois Public Aid Code, Section 12 of the Vital
10 Records Act, the Juvenile Court Act of 1987, the Probate
11 Act of 1975, the Uniform Interstate Family Support Act,
12 the Expedited Child Support Act of 1990, any judicial,
13 administrative, or other act of another state or
14 territory, any other statute of this State, or by any
15 foreign nation establishing the father and child
16 relationship, any other proceeding substantially in
17 conformity with the federal Personal Responsibility and
18 Work Opportunity Reconciliation Act of 1996, or when both
19 parties appeared in open court or at an administrative
20 hearing acknowledging under oath or admitting by
21 affirmation the existence of a father and child
22 relationship. Absent such an adjudication, no putative
23 father shall be granted temporary allocation of parental
24 responsibilities, including parenting time with the minor
25 child, or physical care and possession of the minor child,
26 nor shall an order of payment for support of the minor

1 child be entered.

2 (d) Balance of hardships; findings. If the court finds
3 that the balance of hardships does not support the granting of
4 a remedy governed by paragraph (2), (3), (10), (11), or (16) of
5 subsection (b) of this Section, which may require such
6 balancing, the court's findings shall so indicate and shall
7 include a finding as to whether granting the remedy will
8 result in hardship to respondent that would substantially
9 outweigh the hardship to petitioner from denial of the remedy.
10 The findings shall be an official record or in writing.

11 (e) Denial of remedies. Denial of any remedy shall not be
12 based, in whole or in part, on evidence that:

13 (1) respondent has cause for any use of force, unless
14 that cause satisfies the standards for justifiable use of
15 force provided by Article 7 of the Criminal Code of 2012;

16 (2) respondent was voluntarily intoxicated;

17 (3) petitioner acted in self-defense or defense of
18 another, provided that, if petitioner utilized force, such
19 force was justifiable under Article 7 of the Criminal Code
20 of 2012;

21 (4) petitioner did not act in self-defense or defense
22 of another;

23 (5) petitioner left the residence or household to
24 avoid further abuse by respondent;

25 (6) petitioner did not leave the residence or
26 household to avoid further abuse by respondent; or

1 (7) conduct by any family or household member excused
2 the abuse by respondent, unless that same conduct would
3 have excused such abuse if the parties had not been family
4 or household members.

5 (Source: P.A. 100-199, eff. 1-1-18; 100-388, eff. 1-1-18;
6 100-597, eff. 6-29-18; 100-863, eff. 8-14-18; 100-923, eff.
7 1-1-19; 101-81, eff. 7-12-19.)

8 (725 ILCS 5/112A-14.7)

9 Sec. 112A-14.7. Stalking no contact order; remedies.

10 (a) The court may order any of the remedies listed in this
11 Section. The remedies listed in this Section shall be in
12 addition to other civil or criminal remedies available to
13 petitioner. A stalking no contact order shall order one or
14 more of the following:

15 (1) prohibit the respondent from threatening to commit
16 or committing stalking;

17 (2) order the respondent not to have any contact with
18 the petitioner or a third person specifically named by the
19 court;

20 (3) prohibit the respondent from knowingly coming
21 within, or knowingly remaining within a specified distance
22 of the petitioner or the petitioner's residence, school,
23 daycare, or place of employment, or any specified place
24 frequented by the petitioner; however, the court may order
25 the respondent to stay away from the respondent's own

1 residence, school, or place of employment only if the
2 respondent has been provided actual notice of the
3 opportunity to appear and be heard on the petition;

4 (4) prohibit the respondent from possessing a Firearm
5 Owners Identification Card, or possessing or buying
6 firearms; and

7 (5) order other injunctive relief the court determines
8 to be necessary to protect the petitioner or third party
9 specifically named by the court.

10 (b) When the petitioner and the respondent attend the same
11 public, private, or non-public elementary, middle, or high
12 school, the court when issuing a stalking no contact order and
13 providing relief shall consider the severity of the act, any
14 continuing physical danger or emotional distress to the
15 petitioner, the educational rights guaranteed to the
16 petitioner and respondent under federal and State law, the
17 availability of a transfer of the respondent to another
18 school, a change of placement or a change of program of the
19 respondent, the expense, difficulty, and educational
20 disruption that would be caused by a transfer of the
21 respondent to another school, and any other relevant facts of
22 the case. The court may order that the respondent not attend
23 the public, private, or non-public elementary, middle, or high
24 school attended by the petitioner, order that the respondent
25 accept a change of placement or program, as determined by the
26 school district or private or non-public school, or place

1 restrictions on the respondent's movements within the school
2 attended by the petitioner. The respondent bears the burden of
3 proving by a preponderance of the evidence that a transfer,
4 change of placement, or change of program of the respondent is
5 not available. The respondent also bears the burden of
6 production with respect to the expense, difficulty, and
7 educational disruption that would be caused by a transfer of
8 the respondent to another school. A transfer, change of
9 placement, or change of program is not unavailable to the
10 respondent solely on the ground that the respondent does not
11 agree with the school district's or private or non-public
12 school's transfer, change of placement, or change of program
13 or solely on the ground that the respondent fails or refuses to
14 consent to or otherwise does not take an action required to
15 effectuate a transfer, change of placement, or change of
16 program. When a court orders a respondent to stay away from the
17 public, private, or non-public school attended by the
18 petitioner and the respondent requests a transfer to another
19 attendance center within the respondent's school district or
20 private or non-public school, the school district or private
21 or non-public school shall have sole discretion to determine
22 the attendance center to which the respondent is transferred.
23 If the court order results in a transfer of the minor
24 respondent to another attendance center, a change in the
25 respondent's placement, or a change of the respondent's
26 program, the parents, guardian, or legal custodian of the

1 respondent is responsible for transportation and other costs
2 associated with the transfer or change.

3 (c) The court may order the parents, guardian, or legal
4 custodian of a minor respondent to take certain actions or to
5 refrain from taking certain actions to ensure that the
6 respondent complies with the order. If the court orders a
7 transfer of the respondent to another school, the parents,
8 guardian, or legal custodian of the respondent are responsible
9 for transportation and other costs associated with the change
10 of school by the respondent.

11 (d) The court shall not hold a school district or private
12 or non-public school or any of its employees in civil or
13 criminal contempt unless the school district or private or
14 non-public school has been allowed to intervene.

15 (e) The court may hold the parents, guardian, or legal
16 custodian of a minor respondent in civil or criminal contempt
17 for a violation of any provision of any order entered under
18 this Article for conduct of the minor respondent in violation
19 of this Article if the parents, guardian, or legal custodian
20 directed, encouraged, or assisted the respondent minor in the
21 conduct.

22 (f) Monetary damages are not recoverable as a remedy.

23 (g) If the stalking no contact order prohibits the
24 respondent from possessing a Firearm Owner's Identification
25 Card, or possessing or buying firearms; the court shall
26 confiscate the respondent's Firearm Owner's Identification

1 Card and immediately return the card to the Illinois
2 ~~Department of~~ State Police Firearm Owner's Identification Card
3 Office.

4 (Source: P.A. 100-199, eff. 1-1-18.)

5 (725 ILCS 5/112A-17.5)

6 Sec. 112A-17.5. Ex parte protective orders.

7 (a) The petitioner may request expedited consideration of
8 the petition for an ex parte protective order. The court shall
9 consider the request on an expedited basis without requiring
10 the respondent's presence or requiring notice to the
11 respondent.

12 (b) Issuance of ex parte protective orders in cases
13 involving domestic violence. An ex parte domestic violence
14 order of protection shall be issued if petitioner satisfies
15 the requirements of this subsection (b) for one or more of the
16 requested remedies. For each remedy requested, petitioner
17 shall establish that:

18 (1) the court has jurisdiction under Section 112A-9 of
19 this Code;

20 (2) the requirements of subsection (a) of Section
21 112A-11.5 of this Code are satisfied; and

22 (3) there is good cause to grant the remedy,
23 regardless of prior service of process or notice upon the
24 respondent, because:

25 (A) for the remedy of prohibition of abuse

1 described in paragraph (1) of subsection (b) of
2 Section 112A-14 of this Code; stay away order and
3 additional prohibitions described in paragraph (3) of
4 subsection (b) of Section 112A-14 of this Code;
5 removal or concealment of minor child described in
6 paragraph (8) of subsection (b) of Section 112A-14 of
7 this Code; order to appear described in paragraph (9)
8 of subsection (b) of Section 112A-14 of this Code;
9 physical care and possession of the minor child
10 described in paragraph (5) of subsection (b) of
11 Section 112A-14 of this Code; protection of property
12 described in paragraph (11) of subsection (b) of
13 Section 112A-14 of this Code; prohibition of entry
14 described in paragraph (14) of subsection (b) of
15 Section 112A-14 of this Code; prohibition of firearm
16 possession described in paragraph (14.5) of subsection
17 (b) of Section 112A-14 of this Code; prohibition of
18 access to records described in paragraph (15) of
19 subsection (b) of Section 112A-14 of this Code;
20 injunctive relief described in paragraph (16) of
21 subsection (b) of Section 112A-14 of this Code; and
22 telephone services described in paragraph (18) of
23 subsection (b) of Section 112A-14 of this Code, the
24 harm which that remedy is intended to prevent would be
25 likely to occur if the respondent were given any prior
26 notice, or greater notice than was actually given, of

1 the petitioner's efforts to obtain judicial relief;

2 (B) for the remedy of grant of exclusive
3 possession of residence described in paragraph (2) of
4 subsection (b) of Section 112A-14 of this Code; the
5 immediate danger of further abuse of the petitioner by
6 the respondent, if the petitioner chooses or had
7 chosen to remain in the residence or household while
8 the respondent was given any prior notice or greater
9 notice than was actually given of the petitioner's
10 efforts to obtain judicial relief outweighs the
11 hardships to the respondent of an emergency order
12 granting the petitioner exclusive possession of the
13 residence or household; and the remedy shall not be
14 denied because the petitioner has or could obtain
15 temporary shelter elsewhere while prior notice is
16 given to the respondent, unless the hardship to the
17 respondent from exclusion from the home substantially
18 outweigh the hardship to the petitioner; or

19 (C) for the remedy of possession of personal
20 property described in paragraph (10) of subsection (b)
21 of Section 112A-14 of this Code; improper disposition
22 of the personal property would be likely to occur if
23 the respondent were given any prior notice, or greater
24 notice than was actually given, of the petitioner's
25 efforts to obtain judicial relief or the petitioner
26 has an immediate and pressing need for the possession

1 of that property.

2 An ex parte domestic violence order of protection may not
3 include the counseling, custody, or payment of support or
4 monetary compensation remedies provided by paragraphs (4),
5 (12), (13), and (16) of subsection (b) of Section 112A-14 of
6 this Code.

7 (c) Issuance of ex parte civil no contact order in cases
8 involving sexual offenses. An ex parte civil no contact order
9 shall be issued if the petitioner establishes that:

10 (1) the court has jurisdiction under Section 112A-9 of
11 this Code;

12 (2) the requirements of subsection (a) of Section
13 112A-11.5 of this Code are satisfied; and

14 (3) there is good cause to grant the remedy,
15 regardless of prior service of process or of notice upon
16 the respondent, because the harm which that remedy is
17 intended to prevent would be likely to occur if the
18 respondent were given any prior notice, or greater notice
19 than was actually given, of the petitioner's efforts to
20 obtain judicial relief.

21 The court may order any of the remedies under Section
22 112A-14.5 of this Code.

23 (d) Issuance of ex parte stalking no contact order in
24 cases involving stalking offenses. An ex parte stalking no
25 contact order shall be issued if the petitioner establishes
26 that:

1 (1) the court has jurisdiction under Section 112A-9 of
2 this Code;

3 (2) the requirements of subsection (a) of Section
4 112A-11.5 of this Code are satisfied; and

5 (3) there is good cause to grant the remedy,
6 regardless of prior service of process or of notice upon
7 the respondent, because the harm which that remedy is
8 intended to prevent would be likely to occur if the
9 respondent were given any prior notice, or greater notice
10 than was actually given, of the petitioner's efforts to
11 obtain judicial relief.

12 The court may order any of the remedies under Section
13 112A-14.7 of this Code.

14 (e) Issuance of ex parte protective orders on court
15 holidays and evenings.

16 When the court is unavailable at the close of business,
17 the petitioner may file a petition for an ex parte protective
18 order before any available circuit judge or associate judge
19 who may grant relief under this Article. If the judge finds
20 that petitioner has satisfied the prerequisites in subsection
21 (b), (c), or (d) of this Section, the judge shall issue an ex
22 parte protective order.

23 The chief judge of the circuit court may designate for
24 each county in the circuit at least one judge to be reasonably
25 available to issue orally, by telephone, by facsimile, or
26 otherwise, an ex parte protective order at all times, whether

1 or not the court is in session.

2 The judge who issued the order under this Section shall
3 promptly communicate or convey the order to the sheriff to
4 facilitate the entry of the order into the Law Enforcement
5 Agencies Data System by the Illinois ~~Department of~~ State
6 Police under Section 112A-28 of this Code. Any order issued
7 under this Section and any documentation in support of it
8 shall be certified on the next court day to the appropriate
9 court. The clerk of that court shall immediately assign a case
10 number, file the petition, order, and other documents with the
11 court and enter the order of record and file it with the
12 sheriff for service under subsection (f) of this Section.
13 Failure to comply with the requirements of this subsection (e)
14 shall not affect the validity of the order.

15 (f) Service of ex parte protective order on respondent.

16 (1) If an ex parte protective order is entered at the
17 time a summons or arrest warrant is issued for the
18 criminal charge, the petition for the protective order,
19 any supporting affidavits, if any, and the ex parte
20 protective order that has been issued shall be served with
21 the summons or arrest warrant. The enforcement of a
22 protective order under Section 112A-23 of this Code shall
23 not be affected by the lack of service or delivery,
24 provided the requirements of subsection (a) of Section
25 112A-23 of this Code are otherwise met.

26 (2) If an ex parte protective order is entered after a

1 summons or arrest warrant is issued and before the
2 respondent makes an initial appearance in the criminal
3 case, the summons shall be in the form prescribed by
4 subsection (d) of Supreme Court Rule 101, except that it
5 shall require respondent to answer or appear within 7 days
6 and shall be accompanied by the petition for the
7 protective order, any supporting affidavits, if any, and
8 the ex parte protective order that has been issued.

9 (3) If an ex parte protective order is entered after
10 the respondent has been served notice of a petition for a
11 final protective order and the respondent has requested a
12 continuance to respond to the petition, the ex parte
13 protective order shall be served: (A) in open court if the
14 respondent is present at the proceeding at which the order
15 was entered; or (B) by summons in the form prescribed by
16 subsection (d) of Supreme Court Rule 101.

17 (4) No fee shall be charged for service of summons.

18 (5) The summons shall be served by the sheriff or
19 other law enforcement officer at the earliest time and
20 shall take precedence over other summonses except those of
21 a similar emergency nature. Special process servers may be
22 appointed at any time, and their designation shall not
23 affect the responsibilities and authority of the sheriff
24 or other official process servers. In a county with a
25 population over 3,000,000, a special process server may
26 not be appointed if an ex parte protective order grants

1 the surrender of a child, the surrender of a firearm or
2 Firearm Owner's Identification Card, or the exclusive
3 possession of a shared residence. Process may be served in
4 court.

5 (g) Upon 7 days' notice to the petitioner, or a shorter
6 notice period as the court may prescribe, a respondent subject
7 to an ex parte protective order may appear and petition the
8 court to re-hear the petition. Any petition to re-hear shall
9 be verified and shall allege the following:

10 (1) that respondent did not receive prior notice of
11 the initial hearing in which the ex parte protective order
12 was entered under Section 112A-17.5 of this Code; and

13 (2) that respondent had a meritorious defense to the
14 order or any of its remedies or that the order or any of
15 its remedies was not authorized under this Article.

16 The verified petition and affidavit shall set forth the
17 evidence of the meritorious defense that will be presented at
18 a hearing. If the court finds that the evidence presented at
19 the hearing on the petition establishes a meritorious defense
20 by a preponderance of the evidence, the court may decide to
21 vacate the protective order or modify the remedies.

22 (h) If the ex parte protective order granted petitioner
23 exclusive possession of the residence and the petition of
24 respondent seeks to re-open or vacate that grant, the court
25 shall set a date for hearing within 14 days on all issues
26 relating to exclusive possession. Under no circumstances shall

1 a court continue a hearing concerning exclusive possession
2 beyond the 14th day except by agreement of the petitioner and
3 the respondent. Other issues raised by the pleadings may be
4 consolidated for the hearing if the petitioner, the
5 respondent, and the court do not object.

6 (i) Duration of ex parte protective order. An ex parte
7 order shall remain in effect until the court considers the
8 request for a final protective order after notice has been
9 served on the respondent or a default final protective order
10 is entered, whichever occurs first. If a court date is
11 scheduled for the issuance of a default protective order and
12 the petitioner fails to personally appear or appear through
13 counsel or the prosecuting attorney, the petition shall be
14 dismissed and the ex parte order terminated.

15 (Source: P.A. 100-597, eff. 6-29-18.)

16 (725 ILCS 5/112A-20) (from Ch. 38, par. 112A-20)

17 Sec. 112A-20. Duration and extension of final protective
18 orders.

19 (a) (Blank).

20 (b) A final protective order shall remain in effect as
21 follows:

22 (1) if entered during pre-trial release, until
23 disposition, withdrawal, or dismissal of the underlying
24 charge; if, however, the case is continued as an
25 independent cause of action, the order's duration may be

1 for a fixed period of time not to exceed 2 years;

2 (2) if in effect in conjunction with a bond forfeiture
3 warrant, until final disposition or an additional period
4 of time not exceeding 2 years; no domestic violence order
5 of protection, however, shall be terminated by a dismissal
6 that is accompanied by the issuance of a bond forfeiture
7 warrant;

8 (3) until 2 years after the expiration of any
9 supervision, conditional discharge, probation, periodic
10 imprisonment, parole, aftercare release, or mandatory
11 supervised release for domestic violence orders of
12 protection and civil no contact orders; or

13 (4) until 2 years after the date set by the court for
14 expiration of any sentence of imprisonment and subsequent
15 parole, aftercare release, or mandatory supervised release
16 for domestic violence orders of protection and civil no
17 contact orders; and

18 (5) permanent for a stalking no contact order if a
19 judgment of conviction for stalking is entered.

20 (c) Computation of time. The duration of a domestic
21 violence order of protection shall not be reduced by the
22 duration of any prior domestic violence order of protection.

23 (d) Law enforcement records. When a protective order
24 expires upon the occurrence of a specified event, rather than
25 upon a specified date as provided in subsection (b), no
26 expiration date shall be entered in Illinois ~~Department of~~

1 State Police records. To remove the protective order from
2 those records, either the petitioner or the respondent shall
3 request the clerk of the court to file a certified copy of an
4 order stating that the specified event has occurred or that
5 the protective order has been vacated or modified with the
6 sheriff, and the sheriff shall direct that law enforcement
7 records shall be promptly corrected in accordance with the
8 filed order.

9 (e) Extension of Orders. Any domestic violence order of
10 protection or civil no contact order that expires 2 years
11 after the expiration of the defendant's sentence under
12 paragraph (2), (3), or (4) of subsection (b) of Section
13 112A-20 of this Article may be extended one or more times, as
14 required. The petitioner, petitioner's counsel, or the State's
15 Attorney on the petitioner's behalf shall file the motion for
16 an extension of the final protective order in the criminal
17 case and serve the motion in accordance with Supreme Court
18 Rules 11 and 12. The court shall transfer the motion to the
19 appropriate court or division for consideration under
20 subsection (e) of Section 220 of the Illinois Domestic
21 Violence Act of 1986, subsection (c) of Section 216 of the
22 Civil No Contact Order Act, or subsection (c) of Section 105 of
23 the Stalking No Contact Order as appropriate.

24 (f) Termination date. Any final protective order which
25 would expire on a court holiday shall instead expire at the
26 close of the next court business day.

1 (g) Statement of purpose. The practice of dismissing or
2 suspending a criminal prosecution in exchange for issuing a
3 protective order undermines the purposes of this Article. This
4 Section shall not be construed as encouraging that practice.
5 (Source: P.A. 100-199, eff. 1-1-18; 100-597, eff. 6-29-18.)

6 (725 ILCS 5/112A-22) (from Ch. 38, par. 112A-22)

7 Sec. 112A-22. Notice of orders.

8 (a) Entry and issuance. Upon issuance of any protective
9 order, the clerk shall immediately, or on the next court day if
10 an ex parte order is issued under subsection (e) of Section
11 112A-17.5 of this Code, (i) enter the order on the record and
12 file it in accordance with the circuit court procedures and
13 (ii) provide a file stamped copy of the order to respondent and
14 to petitioner, if present, and to the State's Attorney. If the
15 victim is not present the State's Attorney shall (i) as soon as
16 practicable notify the petitioner the order has been entered
17 and (ii) provide a file stamped copy of the order to the
18 petitioner within 3 days.

19 (b) Filing with sheriff. The clerk of the issuing judge
20 shall, on the same day that a protective order is issued, file
21 a copy of that order with the sheriff or other law enforcement
22 officials charged with maintaining Illinois ~~Department of~~
23 State Police records or charged with serving the order upon
24 respondent. If the order was issued under subsection (e) of
25 Section 112A-17.5 of this Code, the clerk on the next court day

1 shall file a certified copy of the order with the sheriff or
2 other law enforcement officials charged with maintaining
3 Illinois ~~Department of State Police~~ records.

4 (c) (Blank).

5 (c-2) Service by sheriff. Unless respondent was present in
6 court when the order was issued, the sheriff, other law
7 enforcement official, or special process server shall promptly
8 serve that order upon respondent and file proof of the
9 service, in the manner provided for service of process in
10 civil proceedings. Instead of serving the order upon the
11 respondent; however, the sheriff, other law enforcement
12 official, special process server, or other persons defined in
13 Section 112A-22.1 of this Code may serve the respondent with a
14 short form notification as provided in Section 112A-22.1 of
15 this Code. If process has not yet been served upon the
16 respondent, process shall be served with the order or short
17 form notification if the service is made by the sheriff, other
18 law enforcement official, or special process server.

19 (c-3) If the person against whom the protective order is
20 issued is arrested and the written order is issued under
21 subsection (e) of Section 112A-17.5 of this Code and received
22 by the custodial law enforcement agency before the respondent
23 or arrestee is released from custody, the custodial law
24 enforcement agency shall promptly serve the order upon the
25 respondent or arrestee before the respondent or arrestee is
26 released from custody. In no event shall detention of the

1 respondent or arrestee be extended for a hearing on the
2 petition for protective order or receipt of the order issued
3 under Section 112A-17 of this Code.

4 (c-4) Extensions, modifications, and revocations. Any
5 order extending, modifying, or revoking any protective order
6 shall be promptly recorded, issued, and served as provided in
7 this Section.

8 (c-5) (Blank).

9 (d) (Blank).

10 (e) Notice to health care facilities and health care
11 practitioners. Upon the request of the petitioner, the clerk
12 of the circuit court shall send a certified copy of the
13 protective order to any specified health care facility or
14 health care practitioner requested by the petitioner at the
15 mailing address provided by the petitioner.

16 (f) Disclosure by health care facilities and health care
17 practitioners. After receiving a certified copy of a
18 protective order that prohibits a respondent's access to
19 records, no health care facility or health care practitioner
20 shall allow a respondent access to the records of any child who
21 is a protected person under the protective order, or release
22 information in those records to the respondent, unless the
23 order has expired or the respondent shows a certified copy of
24 the court order vacating the corresponding protective order
25 that was sent to the health care facility or practitioner.
26 Nothing in this Section shall be construed to require health

1 care facilities or health care practitioners to alter
2 procedures related to billing and payment. The health care
3 facility or health care practitioner may file the copy of the
4 protective order in the records of a child who is a protected
5 person under the protective order, or may employ any other
6 method to identify the records to which a respondent is
7 prohibited access. No health care facility or health care
8 practitioner shall be civilly or professionally liable for
9 reliance on a copy of a protective order, except for willful
10 and wanton misconduct.

11 (g) Notice to schools. Upon the request of the petitioner,
12 within 24 hours of the issuance of a protective order, the
13 clerk of the issuing judge shall send a certified copy of the
14 protective order to the day-care facility, pre-school or
15 pre-kindergarten, or private school or the principal office of
16 the public school district or any college or university in
17 which any child who is a protected person under the protective
18 order or any child of the petitioner is enrolled as requested
19 by the petitioner at the mailing address provided by the
20 petitioner. If the child transfers enrollment to another
21 day-care facility, pre-school, pre-kindergarten, private
22 school, public school, college, or university, the petitioner
23 may, within 24 hours of the transfer, send to the clerk written
24 notice of the transfer, including the name and address of the
25 institution to which the child is transferring. Within 24
26 hours of receipt of notice from the petitioner that a child is

1 transferring to another day-care facility, pre-school,
2 pre-kindergarten, private school, public school, college, or
3 university, the clerk shall send a certified copy of the order
4 to the institution to which the child is transferring.

5 (h) Disclosure by schools. After receiving a certified
6 copy of a protective order that prohibits a respondent's
7 access to records, neither a day-care facility, pre-school,
8 pre-kindergarten, public or private school, college, or
9 university nor its employees shall allow a respondent access
10 to a protected child's records or release information in those
11 records to the respondent. The school shall file the copy of
12 the protective order in the records of a child who is a
13 protected person under the order. When a child who is a
14 protected person under the protective order transfers to
15 another day-care facility, pre-school, pre-kindergarten,
16 public or private school, college, or university, the
17 institution from which the child is transferring may, at the
18 request of the petitioner, provide, within 24 hours of the
19 transfer, written notice of the protective order, along with a
20 certified copy of the order, to the institution to which the
21 child is transferring.

22 (Source: P.A. 100-199, eff. 1-1-18; 100-597, eff. 6-29-18.)

23 (725 ILCS 5/112A-28) (from Ch. 38, par. 112A-28)

24 Sec. 112A-28. Data maintenance by law enforcement
25 agencies.

1 (a) All sheriffs shall furnish to the Illinois Department
2 ~~of~~ State Police, daily, in the form and detail the Department
3 requires, copies of any recorded protective orders issued by
4 the court, and any foreign protective orders filed by the
5 clerk of the court, and transmitted to the sheriff by the clerk
6 of the court. Each protective order shall be entered in the Law
7 Enforcement Agencies Data System on the same day it is issued
8 by the court.

9 (b) The Illinois Department ~~of~~ State Police shall maintain
10 a complete and systematic record and index of all valid and
11 recorded protective orders issued or filed under this Act. The
12 data shall be used to inform all dispatchers and law
13 enforcement officers at the scene of an alleged incident of
14 abuse or violation of a protective order of any recorded prior
15 incident of abuse involving the abused party and the effective
16 dates and terms of any recorded protective order.

17 (c) The data, records and transmittals required under this
18 Section shall pertain to:

19 (1) any valid emergency, interim or plenary domestic
20 violence order of protection, civil no contact or stalking
21 no contact order issued in a civil proceeding; and

22 (2) any valid ex parte or final protective order
23 issued in a criminal proceeding or authorized under the
24 laws of another state, tribe, or United States territory.

25 (Source: P.A. 100-199, eff. 1-1-18; 100-597, eff. 6-29-18.)

1 (725 ILCS 5/115-15)

2 Sec. 115-15. Laboratory reports.

3 (a) In any criminal prosecution for a violation of the
4 Cannabis Control Act, the Illinois Controlled Substances Act,
5 or the Methamphetamine Control and Community Protection Act, a
6 laboratory report from the Illinois ~~Department of~~ State
7 Police, Division of Forensic Services, that is signed and
8 sworn to by the person performing an analysis and that states
9 (1) that the substance that is the basis of the alleged
10 violation has been weighed and analyzed, and (2) the person's
11 findings as to the contents, weight and identity of the
12 substance, and (3) that it contains any amount of a controlled
13 substance or cannabis is prima facie evidence of the contents,
14 identity and weight of the substance. Attached to the report
15 shall be a copy of a notarized statement by the signer of the
16 report giving the name of the signer and stating (i) that he or
17 she is an employee of the Illinois ~~Department of~~ State Police,
18 Division of Forensic Services, (ii) the name and location of
19 the laboratory where the analysis was performed, (iii) that
20 performing the analysis is a part of his or her regular duties,
21 and (iv) that the signer is qualified by education, training
22 and experience to perform the analysis. The signer shall also
23 allege that scientifically accepted tests were performed with
24 due caution and that the evidence was handled in accordance
25 with established and accepted procedures while in the custody
26 of the laboratory.

1 (a-5) In any criminal prosecution for reckless homicide
2 under Section 9-3 of the Criminal Code of 1961 or the Criminal
3 Code of 2012, or driving under the influence of alcohol, other
4 drug, or combination of both, in violation of Section 11-501
5 of the Illinois Vehicle Code or in any civil action held under
6 a statutory summary suspension or revocation hearing under
7 Section 2-118.1 of the Illinois Vehicle Code, a laboratory
8 report from the Illinois ~~Department of~~ State Police, Division
9 of Forensic Services, that is signed and sworn to by the person
10 performing an analysis, and that states that the sample of
11 blood, other bodily substance, or urine was tested for alcohol
12 or drugs, and contains the person's findings as to the
13 presence and amount of alcohol or drugs and type of drug is
14 prima facie evidence of the presence, content, and amount of
15 the alcohol or drugs analyzed in the blood, other bodily
16 substance, or urine. Attached to the report must be a copy of a
17 notarized statement by the signer of the report giving the
18 name of the signer and stating (1) that he or she is an
19 employee of the Illinois ~~Department of~~ State Police, Division
20 of Forensic Services, (2) the name and location of the
21 laboratory where the analysis was performed, (3) that
22 performing the analysis is a part of his or her regular duties,
23 (4) that the signer is qualified by education, training, and
24 experience to perform the analysis, and (5) that
25 scientifically accepted tests were performed with due caution
26 and that the evidence was handled in accordance with

1 established and accepted procedures while in the custody of
2 the laboratory.

3 (b) The State's Attorney shall serve a copy of the report
4 on the attorney of record for the accused, or on the accused if
5 he or she has no attorney, before any proceeding in which the
6 report is to be used against the accused other than at a
7 preliminary hearing or grand jury hearing when the report may
8 be used without having been previously served upon the
9 accused.

10 (c) The report shall not be prima facie evidence if the
11 accused or his or her attorney demands the testimony of the
12 person signing the report by serving the demand upon the
13 State's Attorney within 7 days from the accused or his or her
14 attorney's receipt of the report.

15 (Source: P.A. 99-697, eff. 7-29-16.)

16 (725 ILCS 5/116-3)

17 Sec. 116-3. Motion for fingerprint, Integrated Ballistic
18 Identification System, or forensic testing not available at
19 trial or guilty plea regarding actual innocence.

20 (a) A defendant may make a motion before the trial court
21 that entered the judgment of conviction in his or her case for
22 the performance of fingerprint, Integrated Ballistic
23 Identification System, or forensic DNA testing, including
24 comparison analysis of genetic marker groupings of the
25 evidence collected by criminal justice agencies pursuant to

1 the alleged offense, to those of the defendant, to those of
2 other forensic evidence, and to those maintained under
3 subsection (f) of Section 5-4-3 of the Unified Code of
4 Corrections, on evidence that was secured in relation to the
5 trial or guilty plea which resulted in his or her conviction,
6 and:

7 (1) was not subject to the testing which is now
8 requested at the time of trial; or

9 (2) although previously subjected to testing, can be
10 subjected to additional testing utilizing a method that
11 was not scientifically available at the time of trial that
12 provides a reasonable likelihood of more probative
13 results.

14 Reasonable notice of the motion shall be served upon the
15 State.

16 (b) The defendant must present a prima facie case that:

17 (1) identity was the issue in the trial or guilty plea
18 which resulted in his or her conviction; and

19 (2) the evidence to be tested has been subject to a
20 chain of custody sufficient to establish that it has not
21 been substituted, tampered with, replaced, or altered in
22 any material aspect.

23 (c) The trial court shall allow the testing under
24 reasonable conditions designed to protect the State's
25 interests in the integrity of the evidence and the testing
26 process upon a determination that:

1 (1) the result of the testing has the scientific
2 potential to produce new, noncumulative evidence (i)
3 materially relevant to the defendant's assertion of actual
4 innocence when the defendant's conviction was the result
5 of a trial, even though the results may not completely
6 exonerate the defendant, or (ii) that would raise a
7 reasonable probability that the defendant would have been
8 acquitted if the results of the evidence to be tested had
9 been available prior to the defendant's guilty plea and
10 the petitioner had proceeded to trial instead of pleading
11 guilty, even though the results may not completely
12 exonerate the defendant; and

13 (2) the testing requested employs a scientific method
14 generally accepted within the relevant scientific
15 community.

16 (d) If evidence previously tested pursuant to this Section
17 reveals an unknown fingerprint from the crime scene that does
18 not match the defendant or the victim, the order of the Court
19 shall direct the prosecuting authority to request the Illinois
20 State Police Bureau of Forensic Science to submit the unknown
21 fingerprint evidence into the FBI's Integrated Automated
22 Fingerprint Identification System (AIFIS) for identification.

23 (e) In the court's order to allow testing, the court shall
24 order the investigating authority to prepare an inventory of
25 the evidence related to the case and issue a copy of the
26 inventory to the prosecution, the petitioner, and the court.

1 (f) When a motion is filed to vacate based on favorable
2 post-conviction testing results, the State may, upon request,
3 reactivate victim services for the victim of the crime during
4 the pendency of the proceedings, and, as determined by the
5 court after consultation with the victim or victim advocate,
6 or both, following final adjudication of the case.

7 (Source: P.A. 98-948, eff. 8-15-14.)

8 (725 ILCS 5/116-4)

9 Sec. 116-4. Preservation of evidence for forensic testing.

10 (a) Before or after the trial in a prosecution for a
11 violation of Section 11-1.20, 11-1.30, 11-1.40, 11-1.50,
12 11-1.60, 12-13, 12-14, 12-14.1, 12-15, or 12-16 of the
13 Criminal Code of 1961 or the Criminal Code of 2012 or in a
14 prosecution for an offense defined in Article 9 of that Code,
15 or in a prosecution for an attempt in violation of Section 8-4
16 of that Code of any of the above-enumerated offenses, unless
17 otherwise provided herein under subsection (b) or (c), a law
18 enforcement agency or an agent acting on behalf of the law
19 enforcement agency shall preserve, subject to a continuous
20 chain of custody, any physical evidence in their possession or
21 control that is reasonably likely to contain forensic
22 evidence, including, but not limited to, fingerprints or
23 biological material secured in relation to a trial and with
24 sufficient documentation to locate that evidence.

25 (b) After a judgment of conviction is entered, the

1 evidence shall either be impounded with the Clerk of the
2 Circuit Court or shall be securely retained by a law
3 enforcement agency. Retention shall be permanent in cases
4 where a sentence of death is imposed. Retention shall be until
5 the completion of the sentence, including the period of
6 mandatory supervised release for the offense, or January 1,
7 2006, whichever is later, for any conviction for an offense or
8 an attempt of an offense defined in Article 9 of the Criminal
9 Code of 1961 or the Criminal Code of 2012 or in Section
10 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 12-13, 12-14,
11 12-14.1, 12-15, or 12-16 of the Criminal Code of 1961 or the
12 Criminal Code of 2012 or for 7 years following any conviction
13 for any other felony for which the defendant's genetic profile
14 may be taken by a law enforcement agency and submitted for
15 comparison in a forensic DNA database for unsolved offenses.

16 (c) After a judgment of conviction is entered, the law
17 enforcement agency required to retain evidence described in
18 subsection (a) may petition the court with notice to the
19 defendant or, in cases where the defendant has died, his
20 estate, his attorney of record, or an attorney appointed for
21 that purpose by the court for entry of an order allowing it to
22 dispose of evidence if, after a hearing, the court determines
23 by a preponderance of the evidence that:

24 (1) it has no significant value for forensic science
25 analysis and should be returned to its rightful owner,
26 destroyed, used for training purposes, or as otherwise

1 provided by law; or

2 (2) it has no significant value for forensic science
3 analysis and is of a size, bulk, or physical character not
4 usually retained by the law enforcement agency and cannot
5 practicably be retained by the law enforcement agency; or

6 (3) there no longer exists a reasonable basis to
7 require the preservation of the evidence because of the
8 death of the defendant; however, this paragraph (3) does
9 not apply if a sentence of death was imposed.

10 (d) The court may order the disposition of the evidence if
11 the defendant is allowed the opportunity to take reasonable
12 measures to remove or preserve portions of the evidence in
13 question for future testing.

14 (d-5) Any order allowing the disposition of evidence
15 pursuant to subsection (c) or (d) shall be a final and
16 appealable order. No evidence shall be disposed of until 30
17 days after the order is entered, and if a notice of appeal is
18 filed, no evidence shall be disposed of until the mandate has
19 been received by the circuit court from the appellate court.

20 (d-10) All records documenting the possession, control,
21 storage, and destruction of evidence and all police reports,
22 evidence control or inventory records, and other reports cited
23 in this Section, including computer records, must be retained
24 for as long as the evidence exists and may not be disposed of
25 without the approval of the Local Records Commission.

26 (e) In this Section, "law enforcement agency" includes any

1 of the following or an agent acting on behalf of any of the
2 following: a municipal police department, county sheriff's
3 office, any prosecuting authority, the Illinois ~~Department of~~
4 State Police, or any other State, university, county, federal,
5 or municipal police unit or police force.

6 "Biological material" includes, but is not limited to, any
7 blood, hair, saliva, or semen from which genetic marker
8 groupings may be obtained.

9 (Source: P.A. 96-1551, eff. 7-1-11; 97-1150, eff. 1-25-13.)

10 (725 ILCS 5/116-5)

11 Sec. 116-5. Motion for DNA database search (genetic marker
12 groupings comparison analysis).

13 (a) Upon motion by a defendant charged with any offense
14 where DNA evidence may be material to the defense
15 investigation or relevant at trial, a court may order a DNA
16 database search by the Illinois ~~Department of~~ State Police.
17 Such analysis may include comparing:

18 (1) the genetic profile from forensic evidence that
19 was secured in relation to the trial against the genetic
20 profile of the defendant,

21 (2) the genetic profile of items of forensic evidence
22 secured in relation to trial to the genetic profile of
23 other forensic evidence secured in relation to trial, or

24 (3) the genetic profiles referred to in subdivisions
25 (1) and (2) against:

1 (i) genetic profiles of offenders maintained under
2 subsection (f) of Section 5-4-3 of the Unified Code of
3 Corrections, or

4 (ii) genetic profiles, including but not limited
5 to, profiles from unsolved crimes maintained in state
6 or local DNA databases by law enforcement agencies.

7 (b) If appropriate federal criteria are met, the court may
8 order the Illinois ~~Department of~~ State Police to request the
9 National DNA index system to search its database of genetic
10 profiles.

11 (c) If requested by the defense, a defense representative
12 shall be allowed to view any genetic marker grouping analysis
13 conducted by the Illinois ~~Department of~~ State Police. The
14 defense shall be provided with copies of all documentation,
15 correspondence, including digital correspondence, notes,
16 memoranda, and reports generated in relation to the analysis.

17 (d) Reasonable notice of the motion shall be served upon
18 the State.

19 (Source: P.A. 93-605, eff. 11-19-03.)

20 (725 ILCS 5/124B-605)

21 Sec. 124B-605. Distribution of property and sale proceeds.

22 (a) All moneys and the sale proceeds of all other property
23 forfeited and seized under this Part 600 shall be distributed
24 as follows:

25 (1) 50% shall be distributed to the unit of local

1 government whose officers or employees conducted the
2 investigation into computer fraud and caused the arrest or
3 arrests and prosecution leading to the forfeiture. Amounts
4 distributed to units of local government shall be used for
5 training or enforcement purposes relating to detection,
6 investigation, or prosecution of financial crimes,
7 including computer fraud. If, however, the investigation,
8 arrest or arrests, and prosecution leading to the
9 forfeiture were undertaken solely by a State agency, the
10 portion provided under this paragraph (1) shall be paid
11 into the State Police Services Fund of the Illinois
12 ~~Department of~~ State Police to be used for training or
13 enforcement purposes relating to detection, investigation,
14 or prosecution of financial crimes, including computer
15 fraud.

16 (2) 50% shall be distributed to the county in which
17 the prosecution and petition for forfeiture resulting in
18 the forfeiture was instituted by the State's Attorney and
19 shall be deposited into a special fund in the county
20 treasury and appropriated to the State's Attorney for use
21 in training or enforcement purposes relating to detection,
22 investigation, or prosecution of financial crimes,
23 including computer fraud. If a prosecution and petition
24 for forfeiture resulting in the forfeiture has been
25 maintained by the Attorney General, 50% of the proceeds
26 shall be paid into the Attorney General's Financial Crime

1 Prevention Fund. If the Attorney General and the State's
2 Attorney have participated jointly in any part of the
3 proceedings, 25% of the proceeds forfeited shall be paid
4 to the county in which the prosecution and petition for
5 forfeiture resulting in the forfeiture occurred, and 25%
6 shall be paid into the Attorney General's Financial Crime
7 Prevention Fund to be used for the purposes stated in this
8 paragraph (2).

9 (b) Before any distribution under subsection (a), the
10 Attorney General or State's Attorney shall retain from the
11 forfeited moneys or sale proceeds, or both, sufficient moneys
12 to cover expenses related to the administration and sale of
13 the forfeited property.

14 (Source: P.A. 96-712, eff. 1-1-10.)

15 (725 ILCS 5/124B-705)

16 Sec. 124B-705. Seizure and inventory of property subject
17 to forfeiture. Property taken or detained under this Part
18 shall not be subject to replevin, but is deemed to be in the
19 custody of the Director of the Illinois State Police subject
20 only to the order and judgments of the circuit court having
21 jurisdiction over the forfeiture proceedings and the decisions
22 of the Attorney General or State's Attorney under this
23 Article. When property is seized under this Article, the
24 seizing agency shall promptly conduct an inventory of the
25 seized property and estimate the property's value and shall

1 forward a copy of the estimate of the property's value to the
2 Director of the Illinois State Police. Upon receiving the
3 notice of seizure, the Director may do any of the following:

4 (1) Place the property under seal.

5 (2) Remove the property to a place designated by the
6 Director.

7 (3) Keep the property in the possession of the seizing
8 agency.

9 (4) Remove the property to a storage area for
10 safekeeping or, if the property is a negotiable instrument
11 or money and is not needed for evidentiary purposes,
12 deposit it in an interest bearing account.

13 (5) Place the property under constructive seizure by
14 posting notice of the pending forfeiture on it, by giving
15 notice of the pending forfeiture to its owners and
16 interest holders, or by filing a notice of the pending
17 forfeiture in any appropriate public record relating to
18 the property.

19 (6) Provide for another agency or custodian, including
20 an owner, secured party, or lienholder, to take custody of
21 the property on terms and conditions set by the Director.

22 (Source: P.A. 96-712, eff. 1-1-10.)

23 (725 ILCS 5/124B-710)

24 Sec. 124B-710. Sale of forfeited property by Director of
25 the Illinois State Police.

1 (a) The court shall authorize the Director of the Illinois
2 State Police to seize any property declared forfeited under
3 this Article on terms and conditions the court deems proper.

4 (b) When property is forfeited under this Part 700, the
5 Director of the Illinois State Police shall sell the property
6 unless the property is required by law to be destroyed or is
7 harmful to the public. The Director shall distribute the
8 proceeds of the sale, together with any moneys forfeited or
9 seized, in accordance with Section 124B-715.

10 (c) (Blank).

11 (Source: P.A. 100-512, eff. 7-1-18.)

12 (725 ILCS 5/124B-930)

13 Sec. 124B-930. Disposal of property.

14 (a) Real property taken or detained under this Part is not
15 subject to replevin, but is deemed to be in the custody of the
16 Director of the Illinois State Police subject only to the
17 order and judgments of the circuit court having jurisdiction
18 over the forfeiture proceedings and the decisions of the
19 State's Attorney or Attorney General under this Article.

20 (b) When property is forfeited under this Article, the
21 Director of the Illinois State Police shall sell all such
22 property and shall distribute the proceeds of the sale,
23 together with any moneys forfeited or seized, in accordance
24 with Section 124B-935.

25 (Source: P.A. 96-712, eff. 1-1-10.)

1 (725 ILCS 5/124B-935)

2 Sec. 124B-935. Distribution of property and sale proceeds.
3 All moneys and the sale proceeds of all other property
4 forfeited and seized under this Part 900 shall be distributed
5 as follows:

6 (1) 65% shall be distributed to the local, municipal,
7 county, or State law enforcement agency or agencies that
8 conducted or participated in the investigation resulting
9 in the forfeiture. The distribution shall bear a
10 reasonable relationship to the degree of direct
11 participation of the law enforcement agency in the effort
12 resulting in the forfeiture, taking into account the total
13 value of the property forfeited and the total law
14 enforcement effort with respect to the violation of the
15 law upon which the forfeiture is based.

16 (2) 12.5% shall be distributed to the Office of the
17 State's Attorney of the county in which the prosecution
18 resulting in the forfeiture was instituted for use in the
19 enforcement of laws, including laws governing animal
20 fighting.

21 (3) 12.5% shall be distributed to the Illinois
22 Department of Agriculture for reimbursement of expenses
23 incurred in the investigation, prosecution, and appeal of
24 cases arising under laws governing animal fighting.

25 (4) 10% shall be retained by the Illinois ~~Department~~

1 ~~of~~ State Police for expenses related to the administration
2 and sale of seized and forfeited property.

3 (Source: P.A. 96-712, eff. 1-1-10.)

4 Section 1025. The Drug Asset Forfeiture Procedure Act is
5 amended by changing Sections 3.1, 3.3, 4, 5.1, 6, 11, 13.1, and
6 13.2 as follows:

7 (725 ILCS 150/3.1)

8 Sec. 3.1. Seizure.

9 (a) Actual physical seizure of real property subject to
10 forfeiture under this Act requires the issuance of a seizure
11 warrant. Nothing in this Section prohibits the constructive
12 seizure of real property through the filing of a complaint for
13 forfeiture in circuit court and the recording of a lis pendens
14 against the real property without a hearing, warrant
15 application, or judicial approval.

16 (b) Personal property subject to forfeiture under the
17 Illinois Controlled Substances Act, the Cannabis Control Act,
18 the Illinois Food, Drug and Cosmetic Act, or the
19 Methamphetamine Control and Community Protection Act may be
20 seized by the Director of the Illinois State Police or any
21 peace officer upon process or seizure warrant issued by any
22 court having jurisdiction over the property.

23 (c) Personal property subject to forfeiture under the
24 Illinois Controlled Substances Act, the Cannabis Control Act,

1 the Illinois Food, Drug and Cosmetic Act, or the
2 Methamphetamine Control and Community Protection Act may be
3 seized by the Director of the Illinois State Police or any
4 peace officer without process:

5 (1) if the seizure is incident to inspection under an
6 administrative inspection warrant;

7 (2) if the property subject to seizure has been the
8 subject of a prior judgment in favor of the State in a
9 criminal proceeding or in an injunction or forfeiture
10 proceeding based upon this Act;

11 (3) if there is probable cause to believe that the
12 property is directly or indirectly dangerous to health or
13 safety;

14 (4) if there is probable cause to believe that the
15 property is subject to forfeiture under the Illinois
16 Controlled Substances Act, the Cannabis Control Act, the
17 Illinois Food, Drug and Cosmetic Act, or the
18 Methamphetamine Control and Community Protection Act, and
19 the property is seized under circumstances in which a
20 warrantless seizure or arrest would be reasonable; or

21 (5) under the Code of Criminal Procedure of 1963.

22 (d) If a conveyance is seized under this Act, an
23 investigation shall be made by the law enforcement agency as
24 to any person whose right, title, interest, or lien is of
25 record in the office of the agency or official in which title
26 to or interest in the conveyance is required by law to be

1 recorded.

2 (e) After seizure under this Section, notice shall be
3 given to all known interest holders that forfeiture
4 proceedings, including a preliminary review, may be instituted
5 and the proceedings may be instituted under this Act. Upon a
6 showing of good cause related to an ongoing investigation, the
7 notice required for a preliminary review under this Section
8 may be postponed.

9 (Source: P.A. 100-512, eff. 7-1-18; 100-699, eff. 8-3-18.)

10 (725 ILCS 150/3.3)

11 Sec. 3.3. Safekeeping of seized property pending
12 disposition.

13 (a) Property seized under this Act is deemed to be in the
14 custody of the Director of the Illinois State Police, subject
15 only to the order and judgments of the circuit court having
16 jurisdiction over the forfeiture proceedings and the decisions
17 of the State's Attorney under this Act.

18 (b) If property is seized under this Act, the seizing
19 agency shall promptly conduct an inventory of the seized
20 property and estimate the property's value and shall forward a
21 copy of the inventory of seized property and the estimate of
22 the property's value to the Director of the Illinois State
23 Police. Upon receiving notice of seizure, the Director of the
24 Illinois State Police may:

25 (1) place the property under seal;

1 (2) remove the property to a place designated by the
2 seizing agency;

3 (3) keep the property in the possession of the
4 Director of the Illinois State Police;

5 (4) remove the property to a storage area for
6 safekeeping;

7 (5) place the property under constructive seizure by
8 posting notice of pending forfeiture on it, by giving
9 notice of pending forfeiture to its owners and interest
10 holders, or by filing notice of pending forfeiture in any
11 appropriate public record relating to the property; or

12 (6) provide for another agency or custodian, including
13 an owner, secured party, or lienholder, to take custody of
14 the property upon the terms and conditions set by the
15 seizing agency.

16 (c) The seizing agency is required to exercise ordinary
17 care to protect the seized property from negligent loss,
18 damage, or destruction.

19 (Source: P.A. 100-512, eff. 7-1-18; 100-699, eff. 8-3-18;
20 100-1163, eff. 12-20-18.)

21 (725 ILCS 150/4) (from Ch. 56 1/2, par. 1674)

22 Sec. 4. Notice to owner or interest holder. The first
23 attempted service of notice shall be commenced within 28 days
24 of the filing of the verified claim or the receipt of the
25 notice from the seizing agency by Illinois State Police

1 Notice/Inventory of Seized Property (Form 4-64), whichever
2 occurs sooner. A complaint for forfeiture or a notice of
3 pending forfeiture shall be served upon the property owner or
4 interest holder in the following manner:

5 (1) If the owner's or interest holder's name and
6 current address are known, then by either:

7 (A) personal service; or

8 (B) mailing a copy of the notice by certified
9 mail, return receipt requested, and first class mail
10 to that address.

11 (i) If notice is sent by certified mail and no
12 signed return receipt is received by the State's
13 Attorney within 28 days of mailing, and no
14 communication from the owner or interest holder is
15 received by the State's Attorney documenting
16 actual notice by said parties, then the State's
17 Attorney shall, within a reasonable period of
18 time, mail a second copy of the notice by
19 certified mail, return receipt requested, and
20 first class mail to that address.

21 (ii) If no signed return receipt is received
22 by the State's Attorney within 28 days of the
23 second attempt at service by certified mail, and
24 no communication from the owner or interest holder
25 is received by the State's Attorney documenting
26 actual notice by said parties, then the State's

1 Attorney shall have 60 days to attempt to serve
2 the notice by personal service, which also
3 includes substitute service by leaving a copy at
4 the usual place of abode, with some person of the
5 family or a person residing there, of the age of 13
6 years or upwards. If, after 3 attempts at service
7 in this manner, no service of the notice is
8 accomplished, then the notice shall be posted in a
9 conspicuous manner at this address and service
10 shall be made by posting.

11 The attempts at service and the posting, if
12 required, shall be documented by the person
13 attempting service and said documentation shall be
14 made part of a return of service returned to the
15 State's Attorney.

16 The State's Attorney may utilize any Sheriff
17 or Deputy Sheriff, any peace officer, a private
18 process server or investigator, or any employee,
19 agent, or investigator of the State's Attorney's
20 Office to attempt service without seeking leave of
21 court.

22 After the procedures set forth are followed,
23 service shall be effective on an owner or interest
24 holder on the date of receipt by the State's
25 Attorney of a return receipt, or on the date of
26 receipt of a communication from an owner or

1 interest holder documenting actual notice,
2 whichever is first in time, or on the date of the
3 last act performed by the State's Attorney in
4 attempting personal service under subparagraph
5 (ii) above. If notice is to be shown by actual
6 notice from communication with a claimant, then
7 the State's Attorney shall file an affidavit
8 providing details of the communication, which may
9 be accepted as sufficient proof of service by the
10 court.

11 After a claimant files a verified claim with
12 the State's Attorney and provides an address at
13 which the claimant will accept service, the
14 complaint shall be served and notice shall be
15 perfected upon mailing of the complaint to the
16 claimant at the address the claimant provided via
17 certified mail, return receipt requested, and
18 first class mail. No return receipt need be
19 received, or any other attempts at service need be
20 made to comply with service and notice
21 requirements under this Act. This certified
22 mailing, return receipt requested, shall be proof
23 of service of the complaint on the claimant.

24 For purposes of notice under this Section, if
25 a person has been arrested for the conduct giving
26 rise to the forfeiture, then the address provided

1 to the arresting agency at the time of arrest
2 shall be deemed to be that person's known address.
3 Provided, however, if an owner or interest
4 holder's address changes prior to the effective
5 date of the notice of pending forfeiture, the
6 owner or interest holder shall promptly notify the
7 seizing agency of the change in address or, if the
8 owner or interest holder's address changes
9 subsequent to the effective date of the notice of
10 pending forfeiture, the owner or interest holder
11 shall promptly notify the State's Attorney of the
12 change in address; or if the property seized is a
13 conveyance, to the address reflected in the office
14 of the agency or official in which title to or
15 interest in the conveyance is required by law to
16 be recorded.

17 (2) If the owner's or interest holder's address is not
18 known, and is not on record, then notice shall be served by
19 publication for 3 successive weeks in a newspaper of
20 general circulation in the county in which the seizure
21 occurred.

22 (3) After a claimant files a verified claim with the
23 State's Attorney and provides an address at which the
24 claimant will accept service, the complaint shall be
25 served and notice shall be perfected upon mailing of the
26 complaint to the claimant at the address the claimant

1 provided via certified mail, return receipt requested, and
2 first class mail. No return receipt need be received or
3 any other attempts at service need be made to comply with
4 service and notice requirements under this Act. This
5 certified mailing, return receipt requested, shall be
6 proof of service of the complaint on the claimant.

7 (4) Notice to any business entity, corporation,
8 limited liability company, limited liability partnership,
9 or partnership shall be completed by a single mailing of a
10 copy of the notice by certified mail, return receipt
11 requested, and first class mail to that address. This
12 notice is complete regardless of the return of a signed
13 return receipt.

14 (5) Notice to a person whose address is not within the
15 State shall be completed by a single mailing of a copy of
16 the notice by certified mail, return receipt requested,
17 and first class mail to that address. This notice is
18 complete regardless of the return of a signed return
19 receipt.

20 (6) Notice to a person whose address is not within the
21 United States shall be completed by a single mailing of a
22 copy of the notice by certified mail, return receipt
23 requested, and first class mail to that address. This
24 notice shall be complete regardless of the return of a
25 signed return receipt. If certified mail is not available
26 in the foreign country where the person has an address,

1 then notice shall proceed by publication under paragraph
2 (2) of this Section.

3 (7) Notice to any person whom the State's Attorney
4 reasonably should know is incarcerated within the State
5 shall also include the mailing a copy of the notice by
6 certified mail, return receipt requested, and first class
7 mail to the address of the detention facility with the
8 inmate's name clearly marked on the envelope.

9 (Source: P.A. 100-512, eff. 7-1-18; 100-699, eff. 8-3-18;
10 100-1163, eff. 12-20-18.)

11 (725 ILCS 150/5.1)

12 Sec. 5.1. Replevin prohibited; return of personal property
13 inside seized conveyance.

14 (a) Property seized under this Act shall not be subject to
15 replevin, but is deemed to be in the custody of the Director of
16 the Illinois State Police, subject only to the order and
17 judgments of the circuit court having jurisdiction over the
18 forfeiture proceedings and the decisions of the State's
19 Attorney.

20 (b) A claimant or a party interested in personal property
21 contained within a seized conveyance may file a request with
22 the State's Attorney in an administrative forfeiture action,
23 or a motion with the court in a judicial forfeiture action, for
24 the return of any personal property contained within a
25 conveyance seized under this Act. The return of personal

1 property shall not be unreasonably withheld if the personal
2 property is not mechanically or electrically coupled to the
3 conveyance, needed for evidentiary purposes, or otherwise
4 contraband. A law enforcement agency that returns property
5 under a court order under this Section shall not be liable to
6 any person who claims ownership to the property if the
7 property is returned to an improper party.

8 (Source: P.A. 100-512, eff. 7-1-18; 100-699, eff. 8-3-18.)

9 (725 ILCS 150/6) (from Ch. 56 1/2, par. 1676)

10 Sec. 6. Non-judicial forfeiture. If non-real property that
11 exceeds \$150,000 in value excluding the value of any
12 conveyance, or if real property is seized under the provisions
13 of the Illinois Controlled Substances Act, the Cannabis
14 Control Act, or the Methamphetamine Control and Community
15 Protection Act, the State's Attorney shall institute judicial
16 in rem forfeiture proceedings as described in Section 9 of
17 this Act within 28 days from receipt of notice of seizure from
18 the seizing agency under Section 5 of this Act. However, if
19 non-real property that does not exceed \$150,000 in value
20 excluding the value of any conveyance is seized, the following
21 procedure shall be used:

22 (A) If, after review of the facts surrounding the
23 seizure, the State's Attorney is of the opinion that the
24 seized property is subject to forfeiture, then, within 28
25 days of the receipt of notice of seizure from the seizing

1 agency, the State's Attorney shall cause notice of pending
2 forfeiture to be given to the owner of the property and all
3 known interest holders of the property in accordance with
4 Section 4 of this Act.

5 (B) The notice of pending forfeiture must include a
6 description of the property, the estimated value of the
7 property, the date and place of seizure, the conduct
8 giving rise to forfeiture or the violation of law alleged,
9 and a summary of procedures and procedural rights
10 applicable to the forfeiture action.

11 (C) (1) Any person claiming an interest in property
12 which is the subject of notice under subsection (A) of
13 this Section may, within 45 days after the effective date
14 of notice as described in Section 4 of this Act, file a
15 verified claim with the State's Attorney expressing his or
16 her interest in the property. The claim must set forth:

17 (i) the caption of the proceedings as set forth on
18 the notice of pending forfeiture and the name of the
19 claimant;

20 (ii) the address at which the claimant will accept
21 mail;

22 (iii) the nature and extent of the claimant's
23 interest in the property;

24 (iv) the date, identity of the transferor, and
25 circumstances of the claimant's acquisition of the
26 interest in the property;

1 (v) the names and addresses of all other persons
2 known to have an interest in the property;

3 (vi) the specific provision of law relied on in
4 asserting the property is not subject to forfeiture;

5 (vii) all essential facts supporting each
6 assertion; and

7 (viii) the relief sought.

8 (2) If a claimant files the claim then the State's
9 Attorney shall institute judicial in rem forfeiture
10 proceedings within 28 days after receipt of the claim.

11 (D) If no claim is filed within the 45-day period as
12 described in subsection (C) of this Section, the State's
13 Attorney shall declare the property forfeited and shall
14 promptly notify the owner and all known interest holders
15 of the property and the Director of the Illinois
16 ~~Department of~~ State Police of the declaration of
17 forfeiture and the Director shall dispose of the property
18 in accordance with law.

19 (Source: P.A. 100-512, eff. 7-1-18; 100-699, eff. 8-3-18;
20 100-1163, eff. 12-20-18.)

21 (725 ILCS 150/11) (from Ch. 56 1/2, par. 1681)

22 Sec. 11. Settlement of claims. Notwithstanding other
23 provisions of this Act, the State's Attorney and a claimant of
24 seized property may enter into an agreed-upon settlement
25 concerning the seized property in such an amount and upon such

1 terms as are set out in writing in a settlement agreement. All
2 proceeds from a settlement agreement shall be tendered to the
3 Illinois Department of State Police and distributed in
4 accordance with the provisions of Section 13.2 of this Act.
5 (Source: P.A. 100-512, eff. 7-1-18; 100-699, eff. 8-3-18.)

6 (725 ILCS 150/13.1) (was 725 ILCS 150/15)

7 Sec. 13.1. Return of property, damages, and costs.

8 (a) The law enforcement agency that holds custody of
9 property seized for forfeiture shall deliver property ordered
10 by the court to be returned or conveyed to the claimant within
11 a reasonable time not to exceed 7 days, unless the order is
12 stayed by the trial court or a reviewing court pending an
13 appeal, motion to reconsider, or other reason.

14 (b) The law enforcement agency that holds custody of
15 property described in subsection (a) of this Section is
16 responsible for any damages, storage fees, and related costs
17 applicable to property returned. The claimant shall not be
18 subject to any charges by the State for storage of the property
19 or expenses incurred in the preservation of the property.
20 Charges for the towing of a conveyance shall be borne by the
21 claimant unless the conveyance was towed for the sole reason
22 of seizure for forfeiture. This Section does not prohibit the
23 imposition of any fees or costs by a home rule unit of local
24 government related to the impoundment of a conveyance pursuant
25 to an ordinance enacted by the unit of government.

1 (c) A law enforcement agency shall not retain forfeited
2 property for its own use or transfer the property to any person
3 or entity, except as provided under this Section. A law
4 enforcement agency may apply in writing to the Director of the
5 Illinois State Police to request that forfeited property be
6 awarded to the agency for a specifically articulated official
7 law enforcement use in an investigation. The Director of the
8 Illinois State Police shall provide a written justification in
9 each instance detailing the reasons why the forfeited property
10 was placed into official use and the justification shall be
11 retained for a period of not less than 3 years.

12 (Source: P.A. 100-512, eff. 7-1-18; 100-699, eff. 8-3-18.)

13 (725 ILCS 150/13.2) (was 725 ILCS 150/17)

14 Sec. 13.2. Distribution of proceeds; selling or retaining
15 seized property prohibited.

16 (a) Except as otherwise provided in this Section, the
17 court shall order that property forfeited under this Act be
18 delivered to the Illinois ~~Department of~~ State Police within 60
19 days.

20 (b) All moneys and the sale proceeds of all other property
21 forfeited and seized under this Act shall be distributed as
22 follows:

23 (1) (i) 65% shall be distributed to the metropolitan
24 enforcement group, local, municipal, county, or State law
25 enforcement agency or agencies that conducted or

1 participated in the investigation resulting in the
2 forfeiture. The distribution shall bear a reasonable
3 relationship to the degree of direct participation of the
4 law enforcement agency in the effort resulting in the
5 forfeiture, taking into account the total value of the
6 property forfeited and the total law enforcement effort
7 with respect to the violation of the law upon which the
8 forfeiture is based. Amounts distributed to the agency or
9 agencies shall be used for the enforcement of laws
10 governing cannabis and controlled substances; for public
11 education in the community or schools in the prevention or
12 detection of the abuse of drugs or alcohol; or for
13 security cameras used for the prevention or detection of
14 violence, except that amounts distributed to the Secretary
15 of State shall be deposited into the Secretary of State
16 Evidence Fund to be used as provided in Section 2-115 of
17 the Illinois Vehicle Code.

18 (ii) Any local, municipal, or county law enforcement
19 agency entitled to receive a monetary distribution of
20 forfeiture proceeds may share those forfeiture proceeds
21 pursuant to the terms of an intergovernmental agreement
22 with a municipality that has a population in excess of
23 20,000 if:

24 (A) the receiving agency has entered into an
25 intergovernmental agreement with the municipality to
26 provide police services;

1 (B) the intergovernmental agreement for police
2 services provides for consideration in an amount of
3 not less than \$1,000,000 per year;

4 (C) the seizure took place within the geographical
5 limits of the municipality; and

6 (D) the funds are used only for the enforcement of
7 laws governing cannabis and controlled substances; for
8 public education in the community or schools in the
9 prevention or detection of the abuse of drugs or
10 alcohol; or for security cameras used for the
11 prevention or detection of violence or the
12 establishment of a municipal police force, including
13 the training of officers, construction of a police
14 station, or the purchase of law enforcement equipment
15 or vehicles.

16 (2) (i) 12.5% shall be distributed to the Office of the
17 State's Attorney of the county in which the prosecution
18 resulting in the forfeiture was instituted, deposited in a
19 special fund in the county treasury and appropriated to
20 the State's Attorney for use in the enforcement of laws
21 governing cannabis and controlled substances; for public
22 education in the community or schools in the prevention or
23 detection of the abuse of drugs or alcohol; or, at the
24 discretion of the State's Attorney, in addition to other
25 authorized purposes, to make grants to local substance
26 abuse treatment facilities and half-way houses. In

1 counties over 3,000,000 population, 25% shall be
2 distributed to the Office of the State's Attorney for use
3 in the enforcement of laws governing cannabis and
4 controlled substances; for public education in the
5 community or schools in the prevention or detection of the
6 abuse of drugs or alcohol; or at the discretion of the
7 State's Attorney, in addition to other authorized
8 purposes, to make grants to local substance abuse
9 treatment facilities and half-way houses. If the
10 prosecution is undertaken solely by the Attorney General,
11 the portion provided shall be distributed to the Attorney
12 General for use in the enforcement of laws governing
13 cannabis and controlled substances or for public education
14 in the community or schools in the prevention or detection
15 of the abuse of drugs or alcohol.

16 (ii) 12.5% shall be distributed to the Office of the
17 State's Attorneys Appellate Prosecutor and deposited in
18 the Narcotics Profit Forfeiture Fund of that office to be
19 used for additional expenses incurred in the
20 investigation, prosecution and appeal of cases arising
21 under laws governing cannabis and controlled substances,
22 together with administrative expenses, and for legal
23 education or for public education in the community or
24 schools in the prevention or detection of the abuse of
25 drugs or alcohol. The Office of the State's Attorneys
26 Appellate Prosecutor shall not receive distribution from

1 cases brought in counties with over 3,000,000 population.

2 (3) 10% shall be retained by the Illinois ~~Department~~
3 ~~of~~ State Police for expenses related to the administration
4 and sale of seized and forfeited property.

5 (Source: P.A. 100-512, eff. 7-1-18; 100-699, eff. 8-3-18;
6 101-10, eff. 6-5-19.)

7 Section 1030. The Narcotics Profit Forfeiture Act is
8 amended by changing Sections 5 and 5.2 as follows:

9 (725 ILCS 175/5) (from Ch. 56 1/2, par. 1655)

10 Sec. 5. (a) A person who commits the offense of narcotics
11 racketeering shall:

12 (1) be guilty of a Class 1 felony; and

13 (2) be subject to a fine of up to \$250,000.

14 A person who commits the offense of narcotics racketeering
15 or who violates Section 3 of the Drug Paraphernalia Control
16 Act shall forfeit to the State of Illinois: (A) any profits or
17 proceeds and any property or property interest he has acquired
18 or maintained in violation of this Act or Section 3 of the Drug
19 Paraphernalia Control Act or has used to facilitate a
20 violation of this Act that the court determines, after a
21 forfeiture hearing, under subsection (b) of this Section to
22 have been acquired or maintained as a result of narcotics
23 racketeering or violating Section 3 of the Drug Paraphernalia
24 Control Act, or used to facilitate narcotics racketeering; and

1 (B) any interest in, security of, claim against, or property
2 or contractual right of any kind affording a source of
3 influence over, any enterprise which he has established,
4 operated, controlled, conducted, or participated in the
5 conduct of, in violation of this Act or Section 3 of the Drug
6 Paraphernalia Control Act, that the court determines, after a
7 forfeiture hearing, under subsection (b) of this Section to
8 have been acquired or maintained as a result of narcotics
9 racketeering or violating Section 3 of the Drug Paraphernalia
10 Control Act or used to facilitate narcotics racketeering.

11 (b) The court shall, upon petition by the Attorney General
12 or State's Attorney, at any time subsequent to the filing of an
13 information or return of an indictment, conduct a hearing to
14 determine whether any property or property interest is subject
15 to forfeiture under this Act. At the forfeiture hearing the
16 people shall have the burden of establishing, by a
17 preponderance of the evidence, that property or property
18 interests are subject to forfeiture under this Act. There is a
19 rebuttable presumption at such hearing that any property or
20 property interest of a person charged by information or
21 indictment with narcotics racketeering or who is convicted of
22 a violation of Section 3 of the Drug Paraphernalia Control Act
23 is subject to forfeiture under this Section if the State
24 establishes by a preponderance of the evidence that:

25 (1) such property or property interest was acquired by
26 such person during the period of the violation of this Act

1 or Section 3 of the Drug Paraphernalia Control Act or
2 within a reasonable time after such period; and

3 (2) there was no likely source for such property or
4 property interest other than the violation of this Act or
5 Section 3 of the Drug Paraphernalia Control Act.

6 (c) In an action brought by the People of the State of
7 Illinois under this Act, wherein any restraining order,
8 injunction or prohibition or any other action in connection
9 with any property or property interest subject to forfeiture
10 under this Act is sought, the circuit court which shall
11 preside over the trial of the person or persons charged with
12 narcotics racketeering as defined in Section 4 of this Act or
13 violating Section 3 of the Drug Paraphernalia Control Act
14 shall first determine whether there is probable cause to
15 believe that the person or persons so charged has committed
16 the offense of narcotics racketeering as defined in Section 4
17 of this Act or a violation of Section 3 of the Drug
18 Paraphernalia Control Act and whether the property or property
19 interest is subject to forfeiture pursuant to this Act.

20 In order to make such a determination, prior to entering
21 any such order, the court shall conduct a hearing without a
22 jury, wherein the People shall establish that there is: (i)
23 probable cause that the person or persons so charged have
24 committed the offense of narcotics racketeering or violating
25 Section 3 of the Drug Paraphernalia Control Act and (ii)
26 probable cause that any property or property interest may be

1 subject to forfeiture pursuant to this Act. Such hearing may
2 be conducted simultaneously with a preliminary hearing, if the
3 prosecution is commenced by information or complaint, or by
4 motion of the People, at any stage in the proceedings. The
5 court may accept a finding of probable cause at a preliminary
6 hearing following the filing of an information charging the
7 offense of narcotics racketeering as defined in Section 4 of
8 this Act or the return of an indictment by a grand jury
9 charging the offense of narcotics racketeering as defined in
10 Section 4 of this Act or after a charge is filed for violating
11 Section 3 of the Drug Paraphernalia Control Act as sufficient
12 evidence of probable cause as provided in item (i) above.

13 Upon such a finding, the circuit court shall enter such
14 restraining order, injunction or prohibition, or shall take
15 such other action in connection with any such property or
16 property interest subject to forfeiture under this Act, as is
17 necessary to insure that such property is not removed from the
18 jurisdiction of the court, concealed, destroyed or otherwise
19 disposed of by the owner of that property or property interest
20 prior to a forfeiture hearing under subsection (b) of this
21 Section. The Attorney General or State's Attorney shall file a
22 certified copy of such restraining order, injunction or other
23 prohibition with the recorder of deeds or registrar of titles
24 of each county where any such property of the defendant may be
25 located. No such injunction, restraining order or other
26 prohibition shall affect the rights of any bona fide

1 purchaser, mortgagee, judgment creditor or other lien holder
2 arising prior to the date of such filing.

3 The court may, at any time, upon verified petition by the
4 defendant, conduct a hearing to release all or portions of any
5 such property or interest which the court previously
6 determined to be subject to forfeiture or subject to any
7 restraining order, injunction, or prohibition or other action.
8 The court may release such property to the defendant for good
9 cause shown and within the sound discretion of the court.

10 (d) Prosecution under this Act may be commenced by the
11 Attorney General or a State's Attorney.

12 (e) Upon an order of forfeiture being entered pursuant to
13 subsection (b) of this Section, the court shall authorize the
14 Attorney General to seize any property or property interest
15 declared forfeited under this Act and under such terms and
16 conditions as the court shall deem proper. Any property or
17 property interest that has been the subject of an entered
18 restraining order, injunction or prohibition or any other
19 action filed under subsection (c) shall be forfeited unless
20 the claimant can show by a preponderance of the evidence that
21 the property or property interest has not been acquired or
22 maintained as a result of narcotics racketeering or has not
23 been used to facilitate narcotics racketeering.

24 (f) The Attorney General or his designee is authorized to
25 sell all property forfeited and seized pursuant to this Act,
26 unless such property is required by law to be destroyed or is

1 harmful to the public, and, after the deduction of all
2 requisite expenses of administration and sale, shall
3 distribute the proceeds of such sale, along with any moneys
4 forfeited or seized, in accordance with subsection (g) or (h),
5 whichever is applicable.

6 (g) All monies and the sale proceeds of all other property
7 forfeited and seized pursuant to this Act shall be distributed
8 as follows:

9 (1) An amount equal to 50% shall be distributed to the
10 unit of local government whose officers or employees
11 conducted the investigation into narcotics racketeering
12 and caused the arrest or arrests and prosecution leading
13 to the forfeiture. Amounts distributed to units of local
14 government shall be used for enforcement of laws governing
15 narcotics activity or for public education in the
16 community or schools in the prevention or detection of the
17 abuse of drugs or alcohol. In the event, however, that the
18 investigation, arrest or arrests and prosecution leading
19 to the forfeiture were undertaken solely by a State
20 agency, the portion provided hereunder shall be paid into
21 the Drug Traffic Prevention Fund in the State treasury to
22 be used for enforcement of laws governing narcotics
23 activity.

24 (2) An amount equal to 12.5% shall be distributed to
25 the county in which the prosecution resulting in the
26 forfeiture was instituted, deposited in a special fund in

1 the county treasury and appropriated to the State's
2 Attorney for use in the enforcement of laws governing
3 narcotics activity or for public education in the
4 community or schools in the prevention or detection of the
5 abuse of drugs or alcohol.

6 An amount equal to 12.5% shall be distributed to the
7 Office of the State's Attorneys Appellate Prosecutor and
8 deposited in the Narcotics Profit Forfeiture Fund, which
9 is hereby created in the State treasury, to be used by the
10 Office of the State's Attorneys Appellate Prosecutor for
11 additional expenses incurred in prosecuting appeals
12 arising under this Act. Any amounts remaining in the Fund
13 after all additional expenses have been paid shall be used
14 by the Office to reduce the participating county
15 contributions to the Office on a pro-rated basis as
16 determined by the board of governors of the Office of the
17 State's Attorneys Appellate Prosecutor based on the
18 populations of the participating counties.

19 (3) An amount equal to 25% shall be paid into the Drug
20 Traffic Prevention Fund in the State treasury to be used
21 by the Illinois ~~Department of~~ State Police for funding
22 Metropolitan Enforcement Groups created pursuant to the
23 Intergovernmental Drug Laws Enforcement Act. Any amounts
24 remaining in the Fund after full funding of Metropolitan
25 Enforcement Groups shall be used for enforcement, by the
26 State or any unit of local government, of laws governing

1 narcotics activity or for public education in the
2 community or schools in the prevention or detection of the
3 abuse of drugs or alcohol.

4 (h) Where the investigation or indictment for the offense
5 of narcotics racketeering or a violation of Section 3 of the
6 Drug Paraphernalia Control Act has occurred under the
7 provisions of the Statewide Grand Jury Act, all monies and the
8 sale proceeds of all other property shall be distributed as
9 follows:

10 (1) 60% shall be distributed to the metropolitan
11 enforcement group, local, municipal, county, or State law
12 enforcement agency or agencies which conducted or
13 participated in the investigation resulting in the
14 forfeiture. The distribution shall bear a reasonable
15 relationship to the degree of direct participation of the
16 law enforcement agency in the effort resulting in the
17 forfeiture, taking into account the total value of the
18 property forfeited and the total law enforcement effort
19 with respect to the violation of the law on which the
20 forfeiture is based. Amounts distributed to the agency or
21 agencies shall be used for the enforcement of laws
22 governing cannabis and controlled substances or for public
23 education in the community or schools in the prevention or
24 detection of the abuse of drugs or alcohol.

25 (2) 25% shall be distributed by the Attorney General
26 as grants to drug education, treatment and prevention

1 programs licensed or approved by the Department of Human
2 Services. In making these grants, the Attorney General
3 shall take into account the plans and service priorities
4 of, and the needs identified by, the Department of Human
5 Services.

6 (3) 15% shall be distributed to the Attorney General
7 and the State's Attorney, if any, participating in the
8 prosecution resulting in the forfeiture. The distribution
9 shall bear a reasonable relationship to the degree of
10 direct participation in the prosecution of the offense,
11 taking into account the total value of the property
12 forfeited and the total amount of time spent in preparing
13 and presenting the case, the complexity of the case and
14 other similar factors. Amounts distributed to the Attorney
15 General under this paragraph shall be retained in a fund
16 held by the State Treasurer as ex-officio custodian to be
17 designated as the Statewide Grand Jury Prosecution Fund
18 and paid out upon the direction of the Attorney General
19 for expenses incurred in criminal prosecutions arising
20 under the Statewide Grand Jury Act. Amounts distributed to
21 a State's Attorney shall be deposited in a special fund in
22 the county treasury and appropriated to the State's
23 Attorney for use in the enforcement of laws governing
24 narcotics activity or for public education in the
25 community or schools in the prevention or detection of the
26 abuse of drugs or alcohol.

1 (i) All monies deposited pursuant to this Act in the Drug
2 Traffic Prevention Fund established under Section 5-9-1.2 of
3 the Unified Code of Corrections are appropriated, on a
4 continuing basis, to the Illinois ~~Department of~~ State Police
5 to be used for funding Metropolitan Enforcement Groups created
6 pursuant to the Intergovernmental Drug Laws Enforcement Act or
7 otherwise for the enforcement of laws governing narcotics
8 activity or for public education in the community or schools
9 in the prevention or detection of the abuse of drugs or
10 alcohol.

11 (Source: P.A. 99-686, eff. 7-29-16.)

12 (725 ILCS 175/5.2) (from Ch. 56 1/2, par. 1655.2)

13 Sec. 5.2. (a) Twelve and one-half percent of all amounts
14 collected as fines pursuant to the provisions of this Act
15 shall be paid into the Youth Drug Abuse Prevention Fund, which
16 is hereby created in the State treasury, to be used by the
17 Department of Human Services for the funding of programs and
18 services for drug-abuse treatment, and prevention and
19 education services, for juveniles.

20 (b) Eighty-seven and one-half percent of the proceeds of
21 all fines received under the provisions of this Act shall be
22 transmitted to and deposited in the treasurer's office at the
23 level of government as follows:

24 (1) If such seizure was made by a combination of law
25 enforcement personnel representing differing units of

1 local government, the court levying the fine shall
2 equitably allocate 50% of the fine among these units of
3 local government and shall allocate 37 1/2% to the county
4 general corporate fund. In the event that the seizure was
5 made by law enforcement personnel representing a unit of
6 local government from a municipality where the number of
7 inhabitants exceeds 2 million in population, the court
8 levying the fine shall allocate 87 1/2% of the fine to that
9 unit of local government. If the seizure was made by a
10 combination of law enforcement personnel representing
11 differing units of local government, and at least one of
12 those units represents a municipality where the number of
13 inhabitants exceeds 2 million in population, the court
14 shall equitably allocate 87 1/2% of the proceeds of the
15 fines received among the differing units of local
16 government.

17 (2) If such seizure was made by State law enforcement
18 personnel, then the court shall allocate 37 1/2% to the
19 State treasury and 50% to the county general corporate
20 fund.

21 (3) If a State law enforcement agency in combination
22 with a law enforcement agency or agencies of a unit or
23 units of local government conducted the seizure, the court
24 shall equitably allocate 37 1/2% of the fines to or among
25 the law enforcement agency or agencies of the unit or
26 units of local government which conducted the seizure and

1 shall allocate 50% to the county general corporate fund.

2 (c) The proceeds of all fines allocated to the law
3 enforcement agency or agencies of the unit or units of local
4 government pursuant to subsection (b) shall be made available
5 to that law enforcement agency as expendable receipts for use
6 in the enforcement of laws regulating controlled substances
7 and cannabis. The proceeds of fines awarded to the State
8 treasury shall be deposited in a special fund known as the Drug
9 Traffic Prevention Fund. Monies from this fund may be used by
10 the Illinois ~~Department of~~ State Police for use in the
11 enforcement of laws regulating controlled substances and
12 cannabis; to satisfy funding provisions of the
13 Intergovernmental Drug Laws Enforcement Act; to defray costs
14 and expenses associated with returning violators of the
15 Cannabis Control Act and the Illinois Controlled Substances
16 Act only, as provided in those Acts, when punishment of the
17 crime shall be confinement of the criminal in the
18 penitentiary; and all other monies shall be paid into the
19 general revenue fund in the State treasury.

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

21 Section 1035. The Sexual Assault Evidence Submission Act
22 is amended by changing Sections 5, 10, 15, 20, 25, 35, 42, 45,
23 and 50 as follows:

24 (725 ILCS 202/5)

1 Sec. 5. Definitions. In this Act:

2 "Commission" means the Sexual Assault Evidence Tracking
3 and Reporting Commission.

4 ~~"Department" means the Department of State Police or~~
5 ~~Illinois State Police.~~

6 "Law enforcement agencies" means local, county, State or
7 federal law enforcement agencies involved in the investigation
8 of sexual assault cases in Illinois.

9 "Sexual assault evidence" means evidence collected in
10 connection with a sexual assault investigation, including, but
11 not limited to, evidence collected using the Illinois State
12 Police Evidence Collection Kits.

13 (Source: P.A. 100-336, eff. 8-25-17.)

14 (725 ILCS 202/10)

15 Sec. 10. Submission of evidence. Law enforcement agencies
16 that receive sexual assault evidence that the victim of a
17 sexual assault or sexual abuse or a person authorized under
18 Section 6.5 of the Sexual Assault Survivors Emergency
19 Treatment Act has consented to allow law enforcement to test
20 in connection with the investigation of a criminal case on or
21 after the effective date of this Act must submit evidence from
22 the case within 10 business days of receipt of the consent to
23 test to an Illinois ~~a Department of~~ State Police forensic
24 laboratory or a laboratory approved and designated by the
25 Director of the Illinois State Police. The written report

1 required under Section 20 of the Sexual Assault Incident
2 Procedure Act shall include the date and time the sexual
3 assault evidence was picked up from the hospital, the date
4 consent to test the sexual assault evidence was given, and the
5 date and time the sexual assault evidence was sent to the
6 laboratory. Sexual assault evidence received by a law
7 enforcement agency within 30 days prior to the effective date
8 of this Act shall be submitted pursuant to this Section.

9 (Source: P.A. 99-801, eff. 1-1-17.)

10 (725 ILCS 202/15)

11 Sec. 15. Analysis of evidence; notification.

12 (a) All sexual assault evidence submitted pursuant to
13 Section 10 of this Act on or after the effective date of this
14 Act shall be analyzed within 6 months after receipt of all
15 necessary evidence and standards by the Illinois State Police
16 Laboratory or other designated laboratory if sufficient
17 staffing and resources are available.

18 (b) If a consistent DNA profile has been identified by
19 comparing the submitted sexual assault evidence with a known
20 standard from a suspect or with DNA profiles in the CODIS
21 database, the Illinois State Police ~~Department~~ shall notify
22 the investigating law enforcement agency of the results in
23 writing, and the Illinois State Police ~~Department~~ shall
24 provide an automatic courtesy copy of the written notification
25 to the appropriate State's Attorney's Office for tracking and

1 further action, as necessary.

2 (Source: P.A. 99-617, eff. 7-22-16.)

3 (725 ILCS 202/20)

4 Sec. 20. Inventory of evidence.

5 (a) By October 15, 2010, each Illinois law enforcement
6 agency shall provide written notice to the Illinois Department
7 ~~of~~ State Police, in a form and manner prescribed by the
8 Illinois State Police Department, stating the number of sexual
9 assault cases in the custody of the law enforcement agency
10 that have not been previously submitted to a laboratory for
11 analysis. Within 180 days after the effective date of this
12 Act, appropriate arrangements shall be made between the law
13 enforcement agency and the Illinois Department ~~of~~ State
14 Police, or a laboratory approved and designated by the
15 Director of the Illinois State Police, to ensure that all
16 cases that were collected prior to the effective date of this
17 Act and are, or were at the time of collection, the subject of
18 a criminal investigation, are submitted to the Illinois
19 ~~Department of~~ State Police, or a laboratory approved and
20 designated by the Director of the Illinois State Police.

21 (b) By February 15, 2011, the Illinois Department ~~of~~ State
22 Police shall submit to the Governor, the Attorney General, and
23 both houses of the General Assembly a plan for analyzing cases
24 submitted pursuant to this Section. The plan shall include but
25 not be limited to a timeline for completion of analysis and a

1 summary of the inventory received, as well as requests for
2 funding and resources necessary to meet the established
3 timeline. Should the Illinois State Police ~~Department~~
4 determine it is necessary to outsource the forensic testing of
5 the cases submitted in accordance with this Section, all such
6 cases will be exempt from the provisions of subsection (n) of
7 Section 5-4-3 of the Unified Code of Corrections.

8 (c) Beginning June 1, 2016 or on and after the effective
9 date of this amendatory Act of the 99th General Assembly,
10 whichever is later, each law enforcement agency must conduct
11 an annual inventory of all sexual assault cases in the custody
12 of the law enforcement agency and provide written notice of
13 its annual findings to the State's Attorney's Office having
14 jurisdiction to ensure sexual assault cases are being
15 submitted as provided by law.

16 (Source: P.A. 99-617, eff. 7-22-16.)

17 (725 ILCS 202/25)

18 Sec. 25. Failure of a law enforcement agency to submit the
19 sexual assault evidence. The failure of a law enforcement
20 agency to submit the sexual assault evidence collected on or
21 after the effective date of this Act within 10 business days
22 after receipt shall in no way alter the authority of the law
23 enforcement agency to submit the evidence or the authority of
24 the Illinois ~~Department of~~ State Police forensic laboratory or
25 designated laboratory to accept and analyze the evidence or

1 specimen or to maintain or upload the results of genetic
2 marker grouping analysis information into a local, State, or
3 national database in accordance with established protocol.

4 (Source: P.A. 96-1011, eff. 9-1-10.)

5 (725 ILCS 202/35)

6 Sec. 35. Expungement. If the Illinois State Police
7 ~~Department~~ receives written confirmation from the
8 investigating law enforcement agency or State's Attorney's
9 office that a DNA record that has been uploaded pursuant to
10 this Act into a local, State or national DNA database was not
11 connected to a criminal investigation, the DNA record shall be
12 expunged from the DNA database and the Illinois State Police
13 ~~Department~~ shall, by rule, prescribe procedures to ensure that
14 written confirmation is sent to the submitting law enforcement
15 agency verifying the expungement.

16 (Source: P.A. 96-1011, eff. 9-1-10.)

17 (725 ILCS 202/42)

18 Sec. 42. Reporting. Beginning January 1, 2017 and each
19 year thereafter, the Illinois State Police ~~Department~~ shall
20 publish a quarterly report on its website, indicating a
21 breakdown of the number of sexual assault case submissions
22 from every law enforcement agency.

23 (Source: P.A. 99-617, eff. 7-22-16.)

1 (725 ILCS 202/45)

2 Sec. 45. Rules. The Illinois ~~Department of~~ State Police
3 shall promulgate rules that prescribe the procedures for the
4 operation of this Act, including expunging a DNA record.

5 (Source: P.A. 96-1011, eff. 9-1-10.)

6 (725 ILCS 202/50)

7 Sec. 50. Sexual assault evidence tracking system.

8 (a) On June 26, 2018, the Sexual Assault Evidence Tracking
9 and Reporting Commission issued its report as required under
10 Section 43. It is the intention of the General Assembly in
11 enacting the provisions of this amendatory Act of the 101st
12 General Assembly to implement the recommendations of the
13 Sexual Assault Evidence Tracking and Reporting Commission set
14 forth in that report in a manner that utilizes the current
15 resources of law enforcement agencies whenever possible and
16 that is adaptable to changing technologies and circumstances.

17 (a-1) Due to the complex nature of a statewide tracking
18 system for sexual assault evidence and to ensure all
19 stakeholders, including, but not limited to, victims and their
20 designees, health care facilities, law enforcement agencies,
21 forensic labs, and State's Attorneys offices are integrated,
22 the Commission recommended the purchase of an electronic
23 off-the-shelf tracking system. The system must be able to
24 communicate with all stakeholders and provide real-time
25 information to a victim or his or her designee on the status of

1 the evidence that was collected. The sexual assault evidence
2 tracking system must:

3 (1) be electronic and web-based;

4 (2) be administered by the Illinois ~~Department of~~
5 State Police;

6 (3) have help desk availability at all times;

7 (4) ensure the law enforcement agency contact
8 information is accessible to the victim or his or her
9 designee through the tracking system, so there is contact
10 information for questions;

11 (5) have the option for external connectivity to
12 evidence management systems, laboratory information
13 management systems, or other electronic data systems
14 already in existence by any of the stakeholders to
15 minimize additional burdens or tasks on stakeholders;

16 (6) allow for the victim to opt in for automatic
17 notifications when status updates are entered in the
18 system, if the system allows;

19 (7) include at each step in the process, a brief
20 explanation of the general purpose of that step and a
21 general indication of how long the step may take to
22 complete;

23 (8) contain minimum fields for tracking and reporting,
24 as follows:

25 (A) for sexual assault evidence kit vendor fields:

26 (i) each sexual evidence kit identification

1 number provided to each health care facility; and
2 (ii) the date the sexual evidence kit was sent
3 to the health care facility.

4 (B) for health care facility fields:

5 (i) the date sexual assault evidence was
6 collected; and

7 (ii) the date notification was made to the law
8 enforcement agency that the sexual assault
9 evidence was collected.

10 (C) for law enforcement agency fields:

11 (i) the date the law enforcement agency took
12 possession of the sexual assault evidence from the
13 health care facility, another law enforcement
14 agency, or victim if he or she did not go through a
15 health care facility;

16 (ii) the law enforcement agency complaint
17 number;

18 (iii) if the law enforcement agency that takes
19 possession of the sexual assault evidence from a
20 health care facility is not the law enforcement
21 agency with jurisdiction in which the offense
22 occurred, the date when the law enforcement agency
23 notified the law enforcement agency having
24 jurisdiction that the agency has sexual assault
25 evidence required under subsection (c) of Section
26 20 of the Sexual Assault Incident Procedure Act;

1 (iv) an indication if the victim consented for
2 analysis of the sexual assault evidence;

3 (v) if the victim did not consent for analysis
4 of the sexual assault evidence, the date on which
5 the law enforcement agency is no longer required
6 to store the sexual assault evidence;

7 (vi) a mechanism for the law enforcement
8 agency to document why the sexual assault evidence
9 was not submitted to the laboratory for analysis,
10 if applicable;

11 (vii) the date the law enforcement agency
12 received the sexual assault evidence results back
13 from the laboratory;

14 (viii) the date statutory notifications were
15 made to the victim or documentation of why
16 notification was not made; and

17 (ix) the date the law enforcement agency
18 turned over the case information to the State's
19 Attorney office, if applicable.

20 (D) for forensic lab fields:

21 (i) the date the sexual assault evidence is
22 received from the law enforcement agency by the
23 forensic lab for analysis;

24 (ii) the laboratory case number, visible to
25 the law enforcement agency and State's Attorney
26 office; and

1 (iii) the date the laboratory completes the
2 analysis of the sexual assault evidence.

3 (E) for State's Attorney office fields:

4 (i) the date the State's Attorney office
5 received the sexual assault evidence results from
6 the laboratory, if applicable; and

7 (ii) the disposition or status of the case.

8 (a-2) The Commission also developed guidelines for secure
9 electronic access to a tracking system for a victim, or his or
10 her designee to access information on the status of the
11 evidence collected. The Commission recommended minimum
12 guidelines in order to safeguard confidentiality of the
13 information contained within this statewide tracking system.
14 These recommendations are that the sexual assault evidence
15 tracking system must:

16 (1) allow for secure access, controlled by an
17 administering body who can restrict user access and allow
18 different permissions based on the need of that particular
19 user and health care facility users may include
20 out-of-state border hospitals, if authorized by the
21 Illinois Department of State Police to obtain this State's
22 kits from vendor;

23 (2) provide for users, other than victims, the ability
24 to provide for any individual who is granted access to the
25 program their own unique user ID and password;

26 (3) provide for a mechanism for a victim to enter the

1 system and only access his or her own information;

2 (4) enable a sexual assault evidence to be tracked and
3 identified through the unique sexual assault evidence kit
4 identification number or barcode that the vendor applies
5 to each sexual assault evidence kit per the Illinois
6 ~~Department of State Police's~~ contract;

7 (5) have a mechanism to inventory unused kits provided
8 to a health care facility from the vendor;

9 (6) provide users the option to either scan the bar
10 code or manually enter the sexual assault evidence kit
11 number into the tracking program;

12 (7) provide a mechanism to create a separate unique
13 identification number for cases in which a sexual evidence
14 kit was not collected, but other evidence was collected;

15 (8) provide the ability to record date, time, and user
16 ID whenever any user accesses the system;

17 (9) provide for real-time entry and update of data;

18 (10) contain report functions including:

19 (A) health care facility compliance with
20 applicable laws;

21 (B) law enforcement agency compliance with
22 applicable laws;

23 (C) law enforcement agency annual inventory of
24 cases to each State's Attorney office; and

25 (D) forensic lab compliance with applicable laws;

26 and

1 (11) provide automatic notifications to the law
2 enforcement agency when:

3 (A) a health care facility has collected sexual
4 assault evidence;

5 (B) unreleased sexual assault evidence that is
6 being stored by the law enforcement agency has met the
7 minimum storage requirement by law; and

8 (C) timelines as required by law are not met for a
9 particular case, if not otherwise documented.

10 (b) The Illinois State Police ~~Department~~ shall develop
11 rules to implement a sexual assault evidence tracking system
12 that conforms with subsections (a-1) and (a-2) of this
13 Section. The Illinois State Police ~~Department~~ shall design the
14 criteria for the sexual assault evidence tracking system so
15 that, to the extent reasonably possible, the system can use
16 existing technologies and products, including, but not limited
17 to, currently available tracking systems. The sexual assault
18 evidence tracking system shall be operational and shall begin
19 tracking and reporting sexual assault evidence no later than
20 one year after the effective date of this amendatory Act of the
21 101st General Assembly. The Illinois State Police ~~Department~~
22 may adopt additional rules as it deems necessary to ensure
23 that the sexual assault evidence tracking system continues to
24 be a useful tool for law enforcement.

25 (c) A treatment hospital, a treatment hospital with
26 approved pediatric transfer, an out-of-state hospital approved

1 by the Department of Public Health to receive transfers of
2 Illinois sexual assault survivors, or an approved pediatric
3 health care facility defined in Section 1a of the Sexual
4 Assault Survivors Emergency Treatment Act shall participate in
5 the sexual assault evidence tracking system created under this
6 Section and in accordance with rules adopted under subsection
7 (b), including, but not limited to, the collection of sexual
8 assault evidence and providing information regarding that
9 evidence, including, but not limited to, providing notice to
10 law enforcement that the evidence has been collected.

11 (d) The operations of the sexual assault evidence tracking
12 system shall be funded by moneys appropriated for that purpose
13 from the State Crime Laboratory Fund and funds provided to the
14 Illinois State Police Department through asset forfeiture,
15 together with such other funds as the General Assembly may
16 appropriate.

17 (e) To ensure that the sexual assault evidence tracking
18 system is operational, the Illinois State Police Department
19 may adopt emergency rules to implement the provisions of this
20 Section under subsection (ff) of Section 5-45 of the Illinois
21 Administrative Procedure Act.

22 (f) Information, including, but not limited to, evidence
23 and records in the sexual assault evidence tracking system is
24 exempt from disclosure under the Freedom of Information Act.

25 (Source: P.A. 101-377, eff. 8-16-19.)

1 Section 1045. The Sexual Assault Incident Procedure Act is
2 amended by changing Sections 15, 20, and 35 as follows:

3 (725 ILCS 203/15)

4 Sec. 15. Sexual assault incident policies.

5 (a) On or before January 1, 2018, every law enforcement
6 agency shall develop, adopt, and implement written policies
7 regarding procedures for incidents of sexual assault or sexual
8 abuse consistent with the guidelines developed under
9 subsection (b) of this Section. In developing these policies,
10 each law enforcement agency is encouraged to consult with
11 other law enforcement agencies, sexual assault advocates, and
12 sexual assault nurse examiners with expertise in recognizing
13 and handling sexual assault and sexual abuse incidents. These
14 policies must include mandatory sexual assault and sexual
15 abuse response training as required in Section 10.21 of the
16 Illinois Police Training Act and Sections 2605-51 and 2605-53
17 ~~and 2605-98~~ of the Illinois ~~Department of~~ State Police Law of
18 the Civil Administrative Code of Illinois.

19 (a-5) On or before January 1, 2021, every law enforcement
20 agency shall revise and implement its written policies
21 regarding procedures for incidents of sexual assault or sexual
22 abuse consistent with the guideline revisions developed under
23 subsection (b-5) of this Section.

24 (b) On or before July 1, 2017, the Office of the Attorney
25 General, in consultation with the Illinois Law Enforcement

1 Training Standards Board and the Illinois ~~Department of~~ State
2 Police, shall develop and make available to each law
3 enforcement agency, comprehensive guidelines for creation of a
4 law enforcement agency policy on evidence-based,
5 trauma-informed, victim-centered sexual assault and sexual
6 abuse response and investigation.

7 These guidelines shall include, but not be limited to the
8 following:

- 9 (1) dispatcher or call taker response;
- 10 (2) responding officer duties;
- 11 (3) duties of officers investigating sexual assaults
12 and sexual abuse;
- 13 (4) supervisor duties;
- 14 (5) report writing;
- 15 (6) reporting methods;
- 16 (7) victim interviews;
- 17 (8) evidence collection;
- 18 (9) sexual assault medical forensic examinations;
- 19 (10) suspect interviews;
- 20 (11) suspect forensic exams;
- 21 (12) witness interviews;
- 22 (13) sexual assault response and resource teams, if
23 applicable;
- 24 (14) working with victim advocates;
- 25 (15) working with prosecutors;
- 26 (16) victims' rights;

1 (17) victim notification; and

2 (18) consideration for specific populations or
3 communities.

4 (b-5) On or before January 1, 2020, the Office of the
5 Attorney General, in consultation with the Illinois Law
6 Enforcement Training Standards Board and the Illinois
7 ~~Department of~~ State Police, shall revise the comprehensive
8 guidelines developed under subsection (b) to include
9 responding to victims who are under 13 years of age at the time
10 the sexual assault or sexual abuse occurred.

11 (Source: P.A. 99-801, eff. 1-1-17; 100-201, eff. 8-18-17;
12 100-910, eff. 1-1-19.)

13 (725 ILCS 203/20)

14 Sec. 20. Reports by law enforcement officers.

15 (a) A law enforcement officer shall complete a written
16 police report upon receiving the following, regardless of
17 where the incident occurred:

18 (1) an allegation by a person that the person has been
19 sexually assaulted or sexually abused regardless of
20 jurisdiction;

21 (2) information from hospital or medical personnel
22 provided under Section 3.2 of the Criminal Identification
23 Act; or

24 (3) information from a witness who personally observed
25 what appeared to be a sexual assault or sexual abuse or

1 attempted sexual assault or sexual abuse.

2 (b) The written report shall include the following, if
3 known:

4 (1) the victim's name or other identifier;

5 (2) the victim's contact information;

6 (3) time, date, and location of offense;

7 (4) information provided by the victim;

8 (5) the suspect's description and name, if known;

9 (6) names of persons with information relevant to the
10 time before, during, or after the sexual assault or sexual
11 abuse, and their contact information;

12 (7) names of medical professionals who provided a
13 medical forensic examination of the victim and any
14 information they provided about the sexual assault or
15 sexual abuse;

16 (8) whether an Illinois State Police Sexual Assault
17 Evidence Collection Kit was completed, the name and
18 contact information for the hospital, and whether the
19 victim consented to testing of the Evidence Collection Kit
20 by law enforcement;

21 (9) whether a urine or blood sample was collected and
22 whether the victim consented to testing of a toxicology
23 screen by law enforcement;

24 (10) information the victim related to medical
25 professionals during a medical forensic examination which
26 the victim consented to disclosure to law enforcement; and

1 (11) other relevant information.

2 (c) If the sexual assault or sexual abuse occurred in
3 another jurisdiction, the law enforcement officer taking the
4 report must submit the report to the law enforcement agency
5 having jurisdiction in person or via fax or email within 24
6 hours of receiving information about the sexual assault or
7 sexual abuse.

8 (d) Within 24 hours of receiving a report from a law
9 enforcement agency in another jurisdiction in accordance with
10 subsection (c), the law enforcement agency having jurisdiction
11 shall submit a written confirmation to the law enforcement
12 agency that wrote the report. The written confirmation shall
13 contain the name and identifier of the person and confirming
14 receipt of the report and a name and contact phone number that
15 will be given to the victim. The written confirmation shall be
16 delivered in person or via fax or email.

17 (e) No law enforcement officer shall require a victim of
18 sexual assault or sexual abuse to submit to an interview.

19 (f) No law enforcement agency may refuse to complete a
20 written report as required by this Section on any ground.

21 (g) All law enforcement agencies shall ensure that all
22 officers responding to or investigating a complaint of sexual
23 assault or sexual abuse have successfully completed training
24 under Section 10.21 of the Illinois Police Training Act and
25 Section 2605-51 ~~2605-98~~ of the Illinois ~~Department of~~ State
26 Police Law of the Civil Administrative Code of Illinois.

1 (Source: P.A. 99-801, eff. 1-1-17; 100-201, eff. 8-18-17.)

2 (725 ILCS 203/35)

3 Sec. 35. Release of information.

4 (a) Upon the request of the victim who has consented to the
5 release of sexual assault evidence for testing, the law
6 enforcement agency having jurisdiction shall provide the
7 following information in writing:

8 (1) the date the sexual assault evidence was sent to
9 an Illinois ~~a Department of~~ State Police forensic
10 laboratory or designated laboratory;

11 (2) test results provided to the law enforcement
12 agency by an Illinois ~~a Department of~~ State Police
13 forensic laboratory or designated laboratory, including,
14 but not limited to:

15 (A) whether a DNA profile was obtained from the
16 testing of the sexual assault evidence from the
17 victim's case;

18 (B) whether the DNA profile developed from the
19 sexual assault evidence has been searched against the
20 DNA Index System or any state or federal DNA database;

21 (C) whether an association was made to an
22 individual whose DNA profile is consistent with the
23 sexual assault evidence DNA profile, provided that
24 disclosure would not impede or compromise an ongoing
25 investigation; and

1 (D) whether any drugs were detected in a urine or
2 blood sample analyzed for drug facilitated sexual
3 assault and information about any drugs detected.

4 (b) The information listed in paragraph (1) of subsection
5 (a) of this Section shall be provided to the victim within 7
6 days of the transfer of the evidence to the laboratory. The
7 information listed in paragraph (2) of subsection (a) of this
8 Section shall be provided to the victim within 7 days of the
9 receipt of the information by the law enforcement agency
10 having jurisdiction.

11 (c) At the time the sexual assault evidence is released
12 for testing, the victim shall be provided written information
13 by the law enforcement agency having jurisdiction or the
14 hospital providing emergency services and forensic services to
15 the victim informing him or her of the right to request
16 information under subsection (a) of this Section. A victim may
17 designate another person or agency to receive this
18 information.

19 (d) The victim or the victim's designee shall keep the law
20 enforcement agency having jurisdiction informed of the name,
21 address, telephone number, and email address of the person to
22 whom the information should be provided, and any changes of
23 the name, address, telephone number, and email address, if an
24 email address is available.

25 (Source: P.A. 99-801, eff. 1-1-17.)

1 Section 1050. The Sexually Violent Persons Commitment Act
2 is amended by changing Section 45 as follows:

3 (725 ILCS 207/45)

4 Sec. 45. Deoxyribonucleic acid analysis requirements.

5 (a) (1) If a person is found to be a sexually violent person
6 under this Act, the court shall require the person to provide a
7 biological specimen for deoxyribonucleic acid analysis in
8 accordance with Section 5-4-3 of the Unified Code of
9 Corrections.

10 (2) The results from deoxyribonucleic acid analysis of a
11 specimen under paragraph (a) (1) of this Section may be used
12 only as authorized by Section 5-4-3 of the Unified Code of
13 Corrections.

14 (b) The rules adopted by the Illinois ~~Department of~~ State
15 Police under Section 5-4-3 of the Unified Code of Corrections
16 are the procedures that must be followed for persons to
17 provide specimens under paragraph (a) (1) of this Section.

18 (Source: P.A. 90-40, eff. 1-1-98; 91-227, eff. 1-1-00.)

19 Section 1055. The Unified Code of Corrections is amended
20 by changing Sections 3-2-2, 3-2.7-25, 3-3-2, 3-14-1, 3-14-1.5,
21 3-17-5, 5-2-4, 5-4-3, 5-4-3a, 5-4-3b, 5-5-4, 5-5.5-40, 5-6-3,
22 5-9-1.2, 5-9-1.4, and 5-9-1.9 as follows:

23 (730 ILCS 5/3-2-2) (from Ch. 38, par. 1003-2-2)

1 Sec. 3-2-2. Powers and duties of the Department.

2 (1) In addition to the powers, duties, and
3 responsibilities which are otherwise provided by law, the
4 Department shall have the following powers:

5 (a) To accept persons committed to it by the courts of
6 this State for care, custody, treatment and
7 rehabilitation, and to accept federal prisoners and aliens
8 over whom the Office of the Federal Detention Trustee is
9 authorized to exercise the federal detention function for
10 limited purposes and periods of time.

11 (b) To develop and maintain reception and evaluation
12 units for purposes of analyzing the custody and
13 rehabilitation needs of persons committed to it and to
14 assign such persons to institutions and programs under its
15 control or transfer them to other appropriate agencies. In
16 consultation with the Department of Alcoholism and
17 Substance Abuse (now the Department of Human Services),
18 the Department of Corrections shall develop a master plan
19 for the screening and evaluation of persons committed to
20 its custody who have alcohol or drug abuse problems, and
21 for making appropriate treatment available to such
22 persons; the Department shall report to the General
23 Assembly on such plan not later than April 1, 1987. The
24 maintenance and implementation of such plan shall be
25 contingent upon the availability of funds.

26 (b-1) To create and implement, on January 1, 2002, a

1 pilot program to establish the effectiveness of
2 pupillometer technology (the measurement of the pupil's
3 reaction to light) as an alternative to a urine test for
4 purposes of screening and evaluating persons committed to
5 its custody who have alcohol or drug problems. The pilot
6 program shall require the pupillometer technology to be
7 used in at least one Department of Corrections facility.
8 The Director may expand the pilot program to include an
9 additional facility or facilities as he or she deems
10 appropriate. A minimum of 4,000 tests shall be included in
11 the pilot program. The Department must report to the
12 General Assembly on the effectiveness of the program by
13 January 1, 2003.

14 (b-5) To develop, in consultation with the Illinois
15 ~~Department of~~ State Police, a program for tracking and
16 evaluating each inmate from commitment through release for
17 recording his or her gang affiliations, activities, or
18 ranks.

19 (c) To maintain and administer all State correctional
20 institutions and facilities under its control and to
21 establish new ones as needed. Pursuant to its power to
22 establish new institutions and facilities, the Department
23 may, with the written approval of the Governor, authorize
24 the Department of Central Management Services to enter
25 into an agreement of the type described in subsection (d)
26 of Section 405-300 of the Department of Central Management

1 Services Law ~~(20 ILCS 405/405-300)~~. The Department shall
2 designate those institutions which shall constitute the
3 State Penitentiary System.

4 Pursuant to its power to establish new institutions
5 and facilities, the Department may authorize the
6 Department of Central Management Services to accept bids
7 from counties and municipalities for the construction,
8 remodeling or conversion of a structure to be leased to
9 the Department of Corrections for the purposes of its
10 serving as a correctional institution or facility. Such
11 construction, remodeling or conversion may be financed
12 with revenue bonds issued pursuant to the Industrial
13 Building Revenue Bond Act by the municipality or county.
14 The lease specified in a bid shall be for a term of not
15 less than the time needed to retire any revenue bonds used
16 to finance the project, but not to exceed 40 years. The
17 lease may grant to the State the option to purchase the
18 structure outright.

19 Upon receipt of the bids, the Department may certify
20 one or more of the bids and shall submit any such bids to
21 the General Assembly for approval. Upon approval of a bid
22 by a constitutional majority of both houses of the General
23 Assembly, pursuant to joint resolution, the Department of
24 Central Management Services may enter into an agreement
25 with the county or municipality pursuant to such bid.

26 (c-5) To build and maintain regional juvenile

1 detention centers and to charge a per diem to the counties
2 as established by the Department to defray the costs of
3 housing each minor in a center. In this subsection (c-5),
4 "juvenile detention center" means a facility to house
5 minors during pendency of trial who have been transferred
6 from proceedings under the Juvenile Court Act of 1987 to
7 prosecutions under the criminal laws of this State in
8 accordance with Section 5-805 of the Juvenile Court Act of
9 1987, whether the transfer was by operation of law or
10 permissive under that Section. The Department shall
11 designate the counties to be served by each regional
12 juvenile detention center.

13 (d) To develop and maintain programs of control,
14 rehabilitation and employment of committed persons within
15 its institutions.

16 (d-5) To provide a pre-release job preparation program
17 for inmates at Illinois adult correctional centers.

18 (d-10) To provide educational and visitation
19 opportunities to committed persons within its institutions
20 through temporary access to content-controlled tablets
21 that may be provided as a privilege to committed persons
22 to induce or reward compliance.

23 (e) To establish a system of supervision and guidance
24 of committed persons in the community.

25 (f) To establish in cooperation with the Department of
26 Transportation to supply a sufficient number of prisoners

1 for use by the Department of Transportation to clean up
2 the trash and garbage along State, county, township, or
3 municipal highways as designated by the Department of
4 Transportation. The Department of Corrections, at the
5 request of the Department of Transportation, shall furnish
6 such prisoners at least annually for a period to be agreed
7 upon between the Director of Corrections and the Secretary
8 of Transportation. The prisoners used on this program
9 shall be selected by the Director of Corrections on
10 whatever basis he deems proper in consideration of their
11 term, behavior and earned eligibility to participate in
12 such program - where they will be outside of the prison
13 facility but still in the custody of the Department of
14 Corrections. Prisoners convicted of first degree murder,
15 or a Class X felony, or armed violence, or aggravated
16 kidnapping, or criminal sexual assault, aggravated
17 criminal sexual abuse or a subsequent conviction for
18 criminal sexual abuse, or forcible detention, or arson, or
19 a prisoner adjudged a Habitual Criminal shall not be
20 eligible for selection to participate in such program. The
21 prisoners shall remain as prisoners in the custody of the
22 Department of Corrections and such Department shall
23 furnish whatever security is necessary. The Department of
24 Transportation shall furnish trucks and equipment for the
25 highway cleanup program and personnel to supervise and
26 direct the program. Neither the Department of Corrections

1 nor the Department of Transportation shall replace any
2 regular employee with a prisoner.

3 (g) To maintain records of persons committed to it and
4 to establish programs of research, statistics and
5 planning.

6 (h) To investigate the grievances of any person
7 committed to the Department and to inquire into any
8 alleged misconduct by employees or committed persons; and
9 for these purposes it may issue subpoenas and compel the
10 attendance of witnesses and the production of writings and
11 papers, and may examine under oath any witnesses who may
12 appear before it; to also investigate alleged violations
13 of a parolee's or releasee's conditions of parole or
14 release; and for this purpose it may issue subpoenas and
15 compel the attendance of witnesses and the production of
16 documents only if there is reason to believe that such
17 procedures would provide evidence that such violations
18 have occurred.

19 If any person fails to obey a subpoena issued under
20 this subsection, the Director may apply to any circuit
21 court to secure compliance with the subpoena. The failure
22 to comply with the order of the court issued in response
23 thereto shall be punishable as contempt of court.

24 (i) To appoint and remove the chief administrative
25 officers, and administer programs of training and
26 development of personnel of the Department. Personnel

1 assigned by the Department to be responsible for the
2 custody and control of committed persons or to investigate
3 the alleged misconduct of committed persons or employees
4 or alleged violations of a parolee's or releasee's
5 conditions of parole shall be conservators of the peace
6 for those purposes, and shall have the full power of peace
7 officers outside of the facilities of the Department in
8 the protection, arrest, retaking and reconfining of
9 committed persons or where the exercise of such power is
10 necessary to the investigation of such misconduct or
11 violations. This subsection shall not apply to persons
12 committed to the Department of Juvenile Justice under the
13 Juvenile Court Act of 1987 on aftercare release.

14 (j) To cooperate with other departments and agencies
15 and with local communities for the development of
16 standards and programs for better correctional services in
17 this State.

18 (k) To administer all moneys and properties of the
19 Department.

20 (l) To report annually to the Governor on the
21 committed persons, institutions and programs of the
22 Department.

23 (l-5) (Blank).

24 (m) To make all rules and regulations and exercise all
25 powers and duties vested by law in the Department.

26 (n) To establish rules and regulations for

1 administering a system of sentence credits, established in
2 accordance with Section 3-6-3, subject to review by the
3 Prisoner Review Board.

4 (o) To administer the distribution of funds from the
5 State Treasury to reimburse counties where State penal
6 institutions are located for the payment of assistant
7 state's attorneys' salaries under Section 4-2001 of the
8 Counties Code.

9 (p) To exchange information with the Department of
10 Human Services and the Department of Healthcare and Family
11 Services for the purpose of verifying living arrangements
12 and for other purposes directly connected with the
13 administration of this Code and the Illinois Public Aid
14 Code.

15 (q) To establish a diversion program.

16 The program shall provide a structured environment for
17 selected technical parole or mandatory supervised release
18 violators and committed persons who have violated the
19 rules governing their conduct while in work release. This
20 program shall not apply to those persons who have
21 committed a new offense while serving on parole or
22 mandatory supervised release or while committed to work
23 release.

24 Elements of the program shall include, but shall not
25 be limited to, the following:

26 (1) The staff of a diversion facility shall

1 provide supervision in accordance with required
2 objectives set by the facility.

3 (2) Participants shall be required to maintain
4 employment.

5 (3) Each participant shall pay for room and board
6 at the facility on a sliding-scale basis according to
7 the participant's income.

8 (4) Each participant shall:

9 (A) provide restitution to victims in
10 accordance with any court order;

11 (B) provide financial support to his
12 dependents; and

13 (C) make appropriate payments toward any other
14 court-ordered obligations.

15 (5) Each participant shall complete community
16 service in addition to employment.

17 (6) Participants shall take part in such
18 counseling, educational and other programs as the
19 Department may deem appropriate.

20 (7) Participants shall submit to drug and alcohol
21 screening.

22 (8) The Department shall promulgate rules
23 governing the administration of the program.

24 (r) To enter into intergovernmental cooperation
25 agreements under which persons in the custody of the
26 Department may participate in a county impact

1 incarceration program established under Section 3-6038 or
2 3-15003.5 of the Counties Code.

3 (r-5) (Blank).

4 (r-10) To systematically and routinely identify with
5 respect to each streetgang active within the correctional
6 system: (1) each active gang; (2) every existing
7 inter-gang affiliation or alliance; and (3) the current
8 leaders in each gang. The Department shall promptly
9 segregate leaders from inmates who belong to their gangs
10 and allied gangs. "Segregate" means no physical contact
11 and, to the extent possible under the conditions and space
12 available at the correctional facility, prohibition of
13 visual and sound communication. For the purposes of this
14 paragraph (r-10), "leaders" means persons who:

15 (i) are members of a criminal streetgang;

16 (ii) with respect to other individuals within the
17 streetgang, occupy a position of organizer,
18 supervisor, or other position of management or
19 leadership; and

20 (iii) are actively and personally engaged in
21 directing, ordering, authorizing, or requesting
22 commission of criminal acts by others, which are
23 punishable as a felony, in furtherance of streetgang
24 related activity both within and outside of the
25 Department of Corrections.

26 "Streetgang", "gang", and "streetgang related" have the

1 meanings ascribed to them in Section 10 of the Illinois
2 Streetgang Terrorism Omnibus Prevention Act.

3 (s) To operate a super-maximum security institution,
4 in order to manage and supervise inmates who are
5 disruptive or dangerous and provide for the safety and
6 security of the staff and the other inmates.

7 (t) To monitor any unprivileged conversation or any
8 unprivileged communication, whether in person or by mail,
9 telephone, or other means, between an inmate who, before
10 commitment to the Department, was a member of an organized
11 gang and any other person without the need to show cause or
12 satisfy any other requirement of law before beginning the
13 monitoring, except as constitutionally required. The
14 monitoring may be by video, voice, or other method of
15 recording or by any other means. As used in this
16 subdivision (1)(t), "organized gang" has the meaning
17 ascribed to it in Section 10 of the Illinois Streetgang
18 Terrorism Omnibus Prevention Act.

19 As used in this subdivision (1)(t), "unprivileged
20 conversation" or "unprivileged communication" means a
21 conversation or communication that is not protected by any
22 privilege recognized by law or by decision, rule, or order
23 of the Illinois Supreme Court.

24 (u) To establish a Women's and Children's Pre-release
25 Community Supervision Program for the purpose of providing
26 housing and services to eligible female inmates, as

1 determined by the Department, and their newborn and young
2 children.

3 (u-5) To issue an order, whenever a person committed
4 to the Department absconds or absents himself or herself,
5 without authority to do so, from any facility or program
6 to which he or she is assigned. The order shall be
7 certified by the Director, the Supervisor of the
8 Apprehension Unit, or any person duly designated by the
9 Director, with the seal of the Department affixed. The
10 order shall be directed to all sheriffs, coroners, and
11 police officers, or to any particular person named in the
12 order. Any order issued pursuant to this subdivision (1)
13 (u-5) shall be sufficient warrant for the officer or
14 person named in the order to arrest and deliver the
15 committed person to the proper correctional officials and
16 shall be executed the same as criminal process.

17 (v) To do all other acts necessary to carry out the
18 provisions of this Chapter.

19 (2) The Department of Corrections shall by January 1,
20 1998, consider building and operating a correctional facility
21 within 100 miles of a county of over 2,000,000 inhabitants,
22 especially a facility designed to house juvenile participants
23 in the impact incarceration program.

24 (3) When the Department lets bids for contracts for
25 medical services to be provided to persons committed to
26 Department facilities by a health maintenance organization,

1 medical service corporation, or other health care provider,
2 the bid may only be let to a health care provider that has
3 obtained an irrevocable letter of credit or performance bond
4 issued by a company whose bonds have an investment grade or
5 higher rating by a bond rating organization.

6 (4) When the Department lets bids for contracts for food
7 or commissary services to be provided to Department
8 facilities, the bid may only be let to a food or commissary
9 services provider that has obtained an irrevocable letter of
10 credit or performance bond issued by a company whose bonds
11 have an investment grade or higher rating by a bond rating
12 organization.

13 (5) On and after the date 6 months after August 16, 2013
14 (the effective date of Public Act 98-488), as provided in the
15 Executive Order 1 (2012) Implementation Act, all of the
16 powers, duties, rights, and responsibilities related to State
17 healthcare purchasing under this Code that were transferred
18 from the Department of Corrections to the Department of
19 Healthcare and Family Services by Executive Order 3 (2005) are
20 transferred back to the Department of Corrections; however,
21 powers, duties, rights, and responsibilities related to State
22 healthcare purchasing under this Code that were exercised by
23 the Department of Corrections before the effective date of
24 Executive Order 3 (2005) but that pertain to individuals
25 resident in facilities operated by the Department of Juvenile
26 Justice are transferred to the Department of Juvenile Justice.

1 (Source: P.A. 100-198, eff. 1-1-18; 100-863, eff. 8-14-18;
2 101-235, eff. 1-1-20.)

3 (730 ILCS 5/3-2.7-25)

4 Sec. 3-2.7-25. Duties and powers.

5 (a) The Independent Juvenile Ombudsman shall function
6 independently within the Department of Juvenile Justice with
7 respect to the operations of the Office in performance of his
8 or her duties under this Article and shall report to the
9 Governor. The Ombudsman shall adopt rules and standards as may
10 be necessary or desirable to carry out his or her duties.
11 Funding for the Office shall be designated separately within
12 Department funds. The Department shall provide necessary
13 administrative services and facilities to the Office of the
14 Independent Juvenile Ombudsman.

15 (b) The Office of Independent Juvenile Ombudsman shall
16 have the following duties:

17 (1) review and monitor the implementation of the rules
18 and standards established by the Department of Juvenile
19 Justice and evaluate the delivery of services to youth to
20 ensure that the rights of youth are fully observed;

21 (2) provide assistance to a youth or family whom the
22 Ombudsman determines is in need of assistance, including
23 advocating with an agency, provider, or other person in
24 the best interests of the youth;

25 (3) investigate and attempt to resolve complaints made

1 by or on behalf of youth, other than complaints alleging
2 criminal behavior or violations of the State Officials and
3 Employees Ethics Act, if the Office determines that the
4 investigation and resolution would further the purpose of
5 the Office, and:

6 (A) a youth committed to the Department of
7 Juvenile Justice or the youth's family is in need of
8 assistance from the Office; or

9 (B) a systemic issue in the Department of Juvenile
10 Justice's provision of services is raised by a
11 complaint;

12 (4) review or inspect periodically the facilities and
13 procedures of any facility in which a youth has been
14 placed by the Department of Juvenile Justice to ensure
15 that the rights of youth are fully observed; and

16 (5) be accessible to and meet confidentially and
17 regularly with youth committed to the Department and serve
18 as a resource by informing them of pertinent laws, rules,
19 and policies, and their rights thereunder.

20 (c) The following cases shall be reported immediately to
21 the Director of Juvenile Justice and the Governor:

22 (1) cases of severe abuse or injury of a youth;

23 (2) serious misconduct, misfeasance, malfeasance, or
24 serious violations of policies and procedures concerning
25 the administration of a Department of Juvenile Justice
26 program or operation;

1 (3) serious problems concerning the delivery of
2 services in a facility operated by or under contract with
3 the Department of Juvenile Justice;

4 (4) interference by the Department of Juvenile Justice
5 with an investigation conducted by the Office; and

6 (5) other cases as deemed necessary by the Ombudsman.

7 (d) Notwithstanding any other provision of law, the
8 Ombudsman may not investigate alleged criminal behavior or
9 violations of the State Officials and Employees Ethics Act. If
10 the Ombudsman determines that a possible criminal act has been
11 committed, or that special expertise is required in the
12 investigation, he or she shall immediately notify the Illinois
13 ~~Department of~~ State Police. If the Ombudsman determines that a
14 possible violation of the State Officials and Employees Ethics
15 Act has occurred, he or she shall immediately refer the
16 incident to the Office of the Governor's Executive Inspector
17 General for investigation. If the Ombudsman receives a
18 complaint from a youth or third party regarding suspected
19 abuse or neglect of a child, the Ombudsman shall refer the
20 incident to the Child Abuse and Neglect Hotline or to the
21 Illinois State Police as mandated by the Abused and Neglected
22 Child Reporting Act. Any investigation conducted by the
23 Ombudsman shall not be duplicative and shall be separate from
24 any investigation mandated by the Abused and Neglected Child
25 Reporting Act. All investigations conducted by the Ombudsman
26 shall be conducted in a manner designed to ensure the

1 preservation of evidence for possible use in a criminal
2 prosecution.

3 (e) In performance of his or her duties, the Ombudsman
4 may:

5 (1) review court files of youth;

6 (2) recommend policies, rules, and legislation
7 designed to protect youth;

8 (3) make appropriate referrals under any of the duties
9 and powers listed in this Section;

10 (4) attend internal administrative and disciplinary
11 hearings to ensure the rights of youth are fully observed
12 and advocate for the best interest of youth when deemed
13 necessary; and

14 (5) perform other acts, otherwise permitted or
15 required by law, in furtherance of the purpose of the
16 Office.

17 (f) To assess if a youth's rights have been violated, the
18 Ombudsman may, in any matter that does not involve alleged
19 criminal behavior, contact or consult with an administrator,
20 employee, youth, parent, expert, or any other individual in
21 the course of his or her investigation or to secure
22 information as necessary to fulfill his or her duties.

23 (Source: P.A. 98-1032, eff. 8-25-14; 99-78, eff. 7-20-15.)

24 (730 ILCS 5/3-3-2) (from Ch. 38, par. 1003-3-2)

25 Sec. 3-3-2. Powers and duties.

1 (a) The Parole and Pardon Board is abolished and the term
2 "Parole and Pardon Board" as used in any law of Illinois, shall
3 read "Prisoner Review Board." After February 1, 1978 (the
4 effective date of Public Act 81-1099) ~~this amendatory Act of~~
5 ~~1977~~, the Prisoner Review Board shall provide by rule for the
6 orderly transition of all files, records, and documents of the
7 Parole and Pardon Board and for such other steps as may be
8 necessary to effect an orderly transition and shall:

9 (1) hear by at least one member and through a panel of
10 at least 3 members decide, cases of prisoners who were
11 sentenced under the law in effect prior to February 1,
12 1978 (the effective date of Public Act 81-1099) ~~this~~
13 ~~amendatory Act of 1977~~, and who are eligible for parole;

14 (2) hear by at least one member and through a panel of
15 at least 3 members decide, the conditions of parole and
16 the time of discharge from parole, impose sanctions for
17 violations of parole, and revoke parole for those
18 sentenced under the law in effect prior to February 1,
19 1978 (the effective date of Public Act 81-1099) ~~this~~
20 ~~amendatory Act of 1977~~; provided that the decision to
21 parole and the conditions of parole for all prisoners who
22 were sentenced for first degree murder or who received a
23 minimum sentence of 20 years or more under the law in
24 effect prior to February 1, 1978 shall be determined by a
25 majority vote of the Prisoner Review Board. One
26 representative supporting parole and one representative

1 opposing parole will be allowed to speak. Their comments
2 shall be limited to making corrections and filling in
3 omissions to the Board's presentation and discussion;

4 (3) hear by at least one member and through a panel of
5 at least 3 members decide, the conditions of mandatory
6 supervised release and the time of discharge from
7 mandatory supervised release, impose sanctions for
8 violations of mandatory supervised release, and revoke
9 mandatory supervised release for those sentenced under the
10 law in effect after February 1, 1978 (the effective date
11 of Public Act 81-1099) ~~this amendatory Act of 1977~~;

12 (3.5) hear by at least one member and through a panel
13 of at least 3 members decide, the conditions of mandatory
14 supervised release and the time of discharge from
15 mandatory supervised release, to impose sanctions for
16 violations of mandatory supervised release and revoke
17 mandatory supervised release for those serving extended
18 supervised release terms pursuant to paragraph (4) of
19 subsection (d) of Section 5-8-1;

20 (3.6) hear by at least one member and through a panel
21 of at least 3 members decide whether to revoke aftercare
22 release for those committed to the Department of Juvenile
23 Justice under the Juvenile Court Act of 1987;

24 (4) hear by at least one member and through a panel of
25 at least 3 members, decide cases brought by the Department
26 of Corrections against a prisoner in the custody of the

1 Department for alleged violation of Department rules with
2 respect to sentence credits under Section 3-6-3 of this
3 Code in which the Department seeks to revoke sentence
4 credits, if the amount of time at issue exceeds 30 days or
5 when, during any 12-month ~~12-month~~ period, the cumulative
6 amount of credit revoked exceeds 30 days except where the
7 infraction is committed or discovered within 60 days of
8 scheduled release. In such cases, the Department of
9 Corrections may revoke up to 30 days of sentence credit.
10 The Board may subsequently approve the revocation of
11 additional sentence credit, if the Department seeks to
12 revoke sentence credit in excess of 30 ~~thirty~~ days.
13 However, the Board shall not be empowered to review the
14 Department's decision with respect to the loss of 30 days
15 of sentence credit for any prisoner or to increase any
16 penalty beyond the length requested by the Department;

17 (5) hear by at least one member and through a panel of
18 at least 3 members decide, the release dates for certain
19 prisoners sentenced under the law in existence prior to
20 February 1, 1978 (the effective date of Public Act
21 81-1099) ~~this amendatory Act of 1977~~, in accordance with
22 Section 3-3-2.1 of this Code;

23 (6) hear by at least one member and through a panel of
24 at least 3 members decide, all requests for pardon,
25 reprieve or commutation, and make confidential
26 recommendations to the Governor;

1 (6.5) hear by at least one member who is qualified in
2 the field of juvenile matters and through a panel of at
3 least 3 members, 2 of whom are qualified in the field of
4 juvenile matters, decide parole review cases in accordance
5 with Section 5-4.5-115 of this Code and make release
6 determinations of persons under the age of 21 at the time
7 of the commission of an offense or offenses, other than
8 those persons serving sentences for first degree murder or
9 aggravated criminal sexual assault;

10 (6.6) hear by at least a quorum of the Prisoner Review
11 Board and decide by a majority of members present at the
12 hearing, in accordance with Section 5-4.5-115 of this
13 Code, release determinations of persons under the age of
14 21 at the time of the commission of an offense or offenses
15 of those persons serving sentences for first degree murder
16 or aggravated criminal sexual assault;

17 (7) comply with the requirements of the Open Parole
18 Hearings Act;

19 (8) hear by at least one member and, through a panel of
20 at least 3 members, decide cases brought by the Department
21 of Corrections against a prisoner in the custody of the
22 Department for court dismissal of a frivolous lawsuit
23 pursuant to Section 3-6-3(d) of this Code in which the
24 Department seeks to revoke up to 180 days of sentence
25 credit, and if the prisoner has not accumulated 180 days
26 of sentence credit at the time of the dismissal, then all

1 sentence credit accumulated by the prisoner shall be
2 revoked;

3 (9) hear by at least 3 members, and, through a panel of
4 at least 3 members, decide whether to grant certificates
5 of relief from disabilities or certificates of good
6 conduct as provided in Article 5.5 of Chapter V;

7 (10) upon a petition by a person who has been
8 convicted of a Class 3 or Class 4 felony and who meets the
9 requirements of this paragraph, hear by at least 3 members
10 and, with the unanimous vote of a panel of 3 members, issue
11 a certificate of eligibility for sealing recommending that
12 the court order the sealing of all official records of the
13 arresting authority, the circuit court clerk, and the
14 Illinois Department of State Police concerning the arrest
15 and conviction for the Class 3 or 4 felony. A person may
16 not apply to the Board for a certificate of eligibility
17 for sealing:

18 (A) until 5 years have elapsed since the
19 expiration of his or her sentence;

20 (B) until 5 years have elapsed since any arrests
21 or detentions by a law enforcement officer for an
22 alleged violation of law, other than a petty offense,
23 traffic offense, conservation offense, or local
24 ordinance offense;

25 (C) if convicted of a violation of the Cannabis
26 Control Act, Illinois Controlled Substances Act, the

1 Methamphetamine Control and Community Protection Act,
2 the Methamphetamine Precursor Control Act, or the
3 Methamphetamine Precursor Tracking Act unless the
4 petitioner has completed a drug abuse program for the
5 offense on which sealing is sought and provides proof
6 that he or she has completed the program successfully;

7 (D) if convicted of:

8 (i) a sex offense described in Article 11 or
9 Sections 12-13, 12-14, 12-14.1, 12-15, or 12-16 of
10 the Criminal Code of 1961 or the Criminal Code of
11 2012;

12 (ii) aggravated assault;

13 (iii) aggravated battery;

14 (iv) domestic battery;

15 (v) aggravated domestic battery;

16 (vi) violation of an order of protection;

17 (vii) an offense under the Criminal Code of
18 1961 or the Criminal Code of 2012 involving a
19 firearm;

20 (viii) driving while under the influence of
21 alcohol, other drug or drugs, intoxicating
22 compound or compounds, or any combination thereof;

23 (ix) aggravated driving while under the
24 influence of alcohol, other drug or drugs,
25 intoxicating compound or compounds, or any
26 combination thereof; or

1 (x) any crime defined as a crime of violence
2 under Section 2 of the Crime Victims Compensation
3 Act.

4 If a person has applied to the Board for a certificate
5 of eligibility for sealing and the Board denies the
6 certificate, the person must wait at least 4 years before
7 filing again or filing for pardon from the Governor unless
8 the Chairman of the Prisoner Review Board grants a waiver.

9 The decision to issue or refrain from issuing a
10 certificate of eligibility for sealing shall be at the
11 Board's sole discretion, and shall not give rise to any
12 cause of action against either the Board or its members.

13 The Board may only authorize the sealing of Class 3
14 and 4 felony convictions of the petitioner from one
15 information or indictment under this paragraph (10). A
16 petitioner may only receive one certificate of eligibility
17 for sealing under this provision for life; and

18 (11) upon a petition by a person who after having been
19 convicted of a Class 3 or Class 4 felony thereafter served
20 in the United States Armed Forces or National Guard of
21 this or any other state and had received an honorable
22 discharge from the United States Armed Forces or National
23 Guard or who at the time of filing the petition is enlisted
24 in the United States Armed Forces or National Guard of
25 this or any other state and served one tour of duty and who
26 meets the requirements of this paragraph, hear by at least

1 3 members and, with the unanimous vote of a panel of 3
2 members, issue a certificate of eligibility for
3 expungement recommending that the court order the
4 expungement of all official records of the arresting
5 authority, the circuit court clerk, and the Illinois
6 ~~Department of~~ State Police concerning the arrest and
7 conviction for the Class 3 or 4 felony. A person may not
8 apply to the Board for a certificate of eligibility for
9 expungement:

10 (A) if convicted of:

11 (i) a sex offense described in Article 11 or
12 Sections 12-13, 12-14, 12-14.1, 12-15, or 12-16 of
13 the Criminal Code of 1961 or Criminal Code of
14 2012;

15 (ii) an offense under the Criminal Code of
16 1961 or Criminal Code of 2012 involving a firearm;
17 or

18 (iii) a crime of violence as defined in
19 Section 2 of the Crime Victims Compensation Act;
20 or

21 (B) if the person has not served in the United
22 States Armed Forces or National Guard of this or any
23 other state or has not received an honorable discharge
24 from the United States Armed Forces or National Guard
25 of this or any other state or who at the time of the
26 filing of the petition is serving in the United States

1 Armed Forces or National Guard of this or any other
2 state and has not completed one tour of duty.

3 If a person has applied to the Board for a certificate
4 of eligibility for expungement and the Board denies the
5 certificate, the person must wait at least 4 years before
6 filing again or filing for a pardon with authorization for
7 expungement from the Governor unless the Governor or
8 Chairman of the Prisoner Review Board grants a waiver.

9 (a-5) The Prisoner Review Board, with the cooperation of
10 and in coordination with the Department of Corrections and the
11 Department of Central Management Services, shall implement a
12 pilot project in 3 correctional institutions providing for the
13 conduct of hearings under paragraphs (1) and (4) of subsection
14 (a) of this Section through interactive video conferences. The
15 project shall be implemented within 6 months after January 1,
16 1997 (the effective date of Public Act 89-490) ~~this amendatory~~
17 ~~Act of 1996~~. Within 6 months after the implementation of the
18 pilot project, the Prisoner Review Board, with the cooperation
19 of and in coordination with the Department of Corrections and
20 the Department of Central Management Services, shall report to
21 the Governor and the General Assembly regarding the use,
22 costs, effectiveness, and future viability of interactive
23 video conferences for Prisoner Review Board hearings.

24 (b) Upon recommendation of the Department the Board may
25 restore sentence credit previously revoked.

26 (c) The Board shall cooperate with the Department in

1 promoting an effective system of parole and mandatory
2 supervised release.

3 (d) The Board shall promulgate rules for the conduct of
4 its work, and the Chairman shall file a copy of such rules and
5 any amendments thereto with the Director and with the
6 Secretary of State.

7 (e) The Board shall keep records of all of its official
8 actions and shall make them accessible in accordance with law
9 and the rules of the Board.

10 (f) The Board or one who has allegedly violated the
11 conditions of his or her parole, aftercare release, or
12 mandatory supervised release may require by subpoena the
13 attendance and testimony of witnesses and the production of
14 documentary evidence relating to any matter under
15 investigation or hearing. The Chairman of the Board may sign
16 subpoenas which shall be served by any agent or public
17 official authorized by the Chairman of the Board, or by any
18 person lawfully authorized to serve a subpoena under the laws
19 of the State of Illinois. The attendance of witnesses, and the
20 production of documentary evidence, may be required from any
21 place in the State to a hearing location in the State before
22 the Chairman of the Board or his or her designated agent or
23 agents or any duly constituted Committee or Subcommittee of
24 the Board. Witnesses so summoned shall be paid the same fees
25 and mileage that are paid witnesses in the circuit courts of
26 the State, and witnesses whose depositions are taken and the

1 persons taking those depositions are each entitled to the same
2 fees as are paid for like services in actions in the circuit
3 courts of the State. Fees and mileage shall be vouchered for
4 payment when the witness is discharged from further
5 attendance.

6 In case of disobedience to a subpoena, the Board may
7 petition any circuit court of the State for an order requiring
8 the attendance and testimony of witnesses or the production of
9 documentary evidence or both. A copy of such petition shall be
10 served by personal service or by registered or certified mail
11 upon the person who has failed to obey the subpoena, and such
12 person shall be advised in writing that a hearing upon the
13 petition will be requested in a court room to be designated in
14 such notice before the judge hearing motions or extraordinary
15 remedies at a specified time, on a specified date, not less
16 than 10 nor more than 15 days after the deposit of the copy of
17 the written notice and petition in the U.S. mail ~~mails~~
18 addressed to the person at his or her last known address or
19 after the personal service of the copy of the notice and
20 petition upon such person. The court upon the filing of such a
21 petition, may order the person refusing to obey the subpoena
22 to appear at an investigation or hearing, or to there produce
23 documentary evidence, if so ordered, or to give evidence
24 relative to the subject matter of that investigation or
25 hearing. Any failure to obey such order of the circuit court
26 may be punished by that court as a contempt of court.

1 Each member of the Board and any hearing officer
2 designated by the Board shall have the power to administer
3 oaths and to take the testimony of persons under oath.

4 (g) Except under subsection (a) of this Section, a
5 majority of the members then appointed to the Prisoner Review
6 Board shall constitute a quorum for the transaction of all
7 business of the Board.

8 (h) The Prisoner Review Board shall annually transmit to
9 the Director a detailed report of its work for the preceding
10 calendar year. The annual report shall also be transmitted to
11 the Governor for submission to the Legislature.

12 (Source: P.A. 100-1182, eff. 6-1-19; 101-288, eff. 1-1-20;
13 revised 8-19-20.)

14 (730 ILCS 5/3-14-1) (from Ch. 38, par. 1003-14-1)

15 Sec. 3-14-1. Release from the institution.

16 (a) Upon release of a person on parole, mandatory release,
17 final discharge or pardon the Department shall return all
18 property held for him, provide him with suitable clothing and
19 procure necessary transportation for him to his designated
20 place of residence and employment. It may provide such person
21 with a grant of money for travel and expenses which may be paid
22 in installments. The amount of the money grant shall be
23 determined by the Department.

24 (a-1) The Department shall, before a wrongfully imprisoned
25 person, as defined in Section 3-1-2 of this Code, is

1 discharged from the Department, provide him or her with any
2 documents necessary after discharge.

3 (a-2) The Department of Corrections may establish and
4 maintain, in any institution it administers, revolving funds
5 to be known as "Travel and Allowances Revolving Funds". These
6 revolving funds shall be used for advancing travel and expense
7 allowances to committed, paroled, and discharged prisoners.
8 The moneys paid into such revolving funds shall be from
9 appropriations to the Department for Committed, Paroled, and
10 Discharged Prisoners.

11 (a-3) Upon release of a person who is eligible to vote on
12 parole, mandatory release, final discharge, or pardon, the
13 Department shall provide the person with a form that informs
14 him or her that his or her voting rights have been restored and
15 a voter registration application. The Department shall have
16 available voter registration applications in the languages
17 provided by the Illinois State Board of Elections. The form
18 that informs the person that his or her rights have been
19 restored shall include the following information:

20 (1) All voting rights are restored upon release from
21 the Department's custody.

22 (2) A person who is eligible to vote must register in
23 order to be able to vote.

24 The Department of Corrections shall confirm that the
25 person received the voter registration application and has
26 been informed that his or her voting rights have been

1 restored.

2 (a-4) ~~(a-3)~~ Prior to release of a person on parole,
3 mandatory supervised release, final discharge, or pardon, the
4 Department shall screen every person for Medicaid eligibility.
5 Officials of the correctional institution or facility where
6 the committed person is assigned shall assist an eligible
7 person to complete a Medicaid application to ensure that the
8 person begins receiving benefits as soon as possible after his
9 or her release. The application must include the eligible
10 person's address associated with his or her residence upon
11 release from the facility. If the residence is temporary, the
12 eligible person must notify the Department of Human Services
13 of his or her change in address upon transition to permanent
14 housing.

15 (b) (Blank).

16 (c) Except as otherwise provided in this Code, the
17 Department shall establish procedures to provide written
18 notification of any release of any person who has been
19 convicted of a felony to the State's Attorney and sheriff of
20 the county from which the offender was committed, and the
21 State's Attorney and sheriff of the county into which the
22 offender is to be paroled or released. Except as otherwise
23 provided in this Code, the Department shall establish
24 procedures to provide written notification to the proper law
25 enforcement agency for any municipality of any release of any
26 person who has been convicted of a felony if the arrest of the

1 offender or the commission of the offense took place in the
2 municipality, if the offender is to be paroled or released
3 into the municipality, or if the offender resided in the
4 municipality at the time of the commission of the offense. If a
5 person convicted of a felony who is in the custody of the
6 Department of Corrections or on parole or mandatory supervised
7 release informs the Department that he or she has resided,
8 resides, or will reside at an address that is a housing
9 facility owned, managed, operated, or leased by a public
10 housing agency, the Department must send written notification
11 of that information to the public housing agency that owns,
12 manages, operates, or leases the housing facility. The written
13 notification shall, when possible, be given at least 14 days
14 before release of the person from custody, or as soon
15 thereafter as possible. The written notification shall be
16 provided electronically if the State's Attorney, sheriff,
17 proper law enforcement agency, or public housing agency has
18 provided the Department with an accurate and up to date email
19 address.

20 (c-1) (Blank).

21 (c-2) The Department shall establish procedures to provide
22 notice to the Illinois ~~Department of~~ State Police of the
23 release or discharge of persons convicted of violations of the
24 Methamphetamine Control and Community Protection Act or a
25 violation of the Methamphetamine Precursor Control Act. The
26 Illinois ~~Department of~~ State Police shall make this

1 information available to local, State, or federal law
2 enforcement agencies upon request.

3 (c-5) If a person on parole or mandatory supervised
4 release becomes a resident of a facility licensed or regulated
5 by the Department of Public Health, the Illinois Department of
6 Public Aid, or the Illinois Department of Human Services, the
7 Department of Corrections shall provide copies of the
8 following information to the appropriate licensing or
9 regulating Department and the licensed or regulated facility
10 where the person becomes a resident:

11 (1) The mittimus and any pre-sentence investigation
12 reports.

13 (2) The social evaluation prepared pursuant to Section
14 3-8-2.

15 (3) Any pre-release evaluation conducted pursuant to
16 subsection (j) of Section 3-6-2.

17 (4) Reports of disciplinary infractions and
18 dispositions.

19 (5) Any parole plan, including orders issued by the
20 Prisoner Review Board, and any violation reports and
21 dispositions.

22 (6) The name and contact information for the assigned
23 parole agent and parole supervisor.

24 This information shall be provided within 3 days of the
25 person becoming a resident of the facility.

26 (c-10) If a person on parole or mandatory supervised

1 release becomes a resident of a facility licensed or regulated
2 by the Department of Public Health, the Illinois Department of
3 Public Aid, or the Illinois Department of Human Services, the
4 Department of Corrections shall provide written notification
5 of such residence to the following:

6 (1) The Prisoner Review Board.

7 (2) The chief of police and sheriff in the
8 municipality and county in which the licensed facility is
9 located.

10 The notification shall be provided within 3 days of the
11 person becoming a resident of the facility.

12 (d) Upon the release of a committed person on parole,
13 mandatory supervised release, final discharge or pardon, the
14 Department shall provide such person with information
15 concerning programs and services of the Illinois Department of
16 Public Health to ascertain whether such person has been
17 exposed to the human immunodeficiency virus (HIV) or any
18 identified causative agent of Acquired Immunodeficiency
19 Syndrome (AIDS).

20 (e) Upon the release of a committed person on parole,
21 mandatory supervised release, final discharge, pardon, or who
22 has been wrongfully imprisoned, the Department shall verify
23 the released person's full name, date of birth, and social
24 security number. If verification is made by the Department by
25 obtaining a certified copy of the released person's birth
26 certificate and the released person's social security card or

1 other documents authorized by the Secretary, the Department
2 shall provide the birth certificate and social security card
3 or other documents authorized by the Secretary to the released
4 person. If verification by the Department is done by means
5 other than obtaining a certified copy of the released person's
6 birth certificate and the released person's social security
7 card or other documents authorized by the Secretary, the
8 Department shall complete a verification form, prescribed by
9 the Secretary of State, and shall provide that verification
10 form to the released person.

11 (f) Forty-five days prior to the scheduled discharge of a
12 person committed to the custody of the Department of
13 Corrections, the Department shall give the person who is
14 otherwise uninsured an opportunity to apply for health care
15 coverage including medical assistance under Article V of the
16 Illinois Public Aid Code in accordance with subsection (b) of
17 Section 1-8.5 of the Illinois Public Aid Code, and the
18 Department of Corrections shall provide assistance with
19 completion of the application for health care coverage
20 including medical assistance. The Department may adopt rules
21 to implement this Section.

22 (Source: P.A. 101-351, eff. 1-1-20; 101-442, eff. 1-1-20;
23 revised 9-9-19.)

24 (730 ILCS 5/3-14-1.5)

25 Sec. 3-14-1.5. Parole agents and parole supervisors;

1 off-duty firearms. Subsections 24-1(a)(4) and 24-1(a)(10) and
2 Section 24-1.6 of the Criminal Code of 2012 do not apply to
3 parole agents and parole supervisors who meet the following
4 conditions:

5 (1) The parole agent or parole supervisor must receive
6 training in the use of firearms while off-duty conducted by
7 the Illinois Law Enforcement Training Standards Board and be
8 certified as having successfully completing such training by
9 the Board. The Board shall determine the amount of such
10 training and the course content for such training. The parole
11 agent or parole supervisor shall requalify for the firearms
12 training annually at a State range certified by the Illinois
13 Law Enforcement Training Standards Board. The expenses of such
14 retraining shall be paid by the parole agent or parole
15 supervisor and moneys for such requalification shall be
16 expended at the request of the Illinois Law Enforcement
17 Training Standards Board.

18 (2) The parole agent or parole supervisor shall purchase
19 such firearm at his or her own expense and shall register the
20 firearm with the Illinois ~~Department of~~ State Police and with
21 any other local law enforcement agencies that require such
22 registration.

23 (3) The parole agent or parole supervisor may not carry
24 any Illinois Department of Corrections State issued firearm
25 while off-duty. A person who violates this paragraph (3) is
26 subject to disciplinary action by the Illinois Department of

1 Corrections.

2 (4) Parole agents and supervisors who are discharged from
3 employment of the Illinois Department of Corrections shall no
4 longer be considered law enforcement officials and all their
5 rights as law enforcement officials shall be revoked
6 permanently.

7 (Source: P.A. 96-230, eff. 1-1-10; 97-333, eff. 8-12-11;
8 97-1150, eff. 1-25-13.)

9 (730 ILCS 5/3-17-5)

10 Sec. 3-17-5. Transitional housing; licensing.

11 (a) The Department of Corrections shall license
12 transitional housing facilities for persons convicted of or
13 placed on supervision for sex offenses as defined in the Sex
14 Offender Management Board Act.

15 (b) A transitional housing facility must meet the
16 following criteria to be licensed by the Department:

17 (1) The facility shall provide housing to a sex
18 offender who is in compliance with his or her parole,
19 mandatory supervised release, probation, or supervision
20 order for a period not to exceed 90 days, unless extended
21 with approval from the Director or his or her designee.
22 Notice of any extension approved shall be provided to the
23 Prisoner Review Board.

24 (2) The Department of Corrections must approve a
25 treatment plan and counseling for each sex offender

1 residing in the transitional housing.

2 (3) The transitional housing facility must provide
3 security 24 hours each day and 7 days each week as defined
4 and approved by the Department.

5 (4) The facility must notify the police department,
6 public and private elementary and secondary schools,
7 public libraries, and each residential home and apartment
8 complex located within 500 feet of the transitional
9 housing facility of its initial licensure as a
10 transitional housing facility, and of its continuing
11 operation as a transitional housing facility annually
12 thereafter.

13 (5) Upon its initial licensure as a transitional
14 housing facility and during its licensure, each facility
15 shall maintain at its main entrance a visible and
16 conspicuous exterior sign identifying itself as, in
17 letters at least 4 inches tall, a "Department of
18 Corrections Licensed Transitional Housing Facility".

19 (6) Upon its initial licensure as a transitional
20 housing facility, each facility shall file in the office
21 of the county clerk of the county in which such facility is
22 located, a certificate setting forth the name under which
23 the facility is, or is to be, operated, and the true or
24 real full name or names of the person, persons or entity
25 operating the same, with the address of the facility. The
26 certificate shall be executed and duly acknowledged by the

1 person or persons so operating or intending to operate the
2 facility. Notice of the filing of the certificate shall be
3 published in a newspaper of general circulation published
4 within the county in which the certificate is filed. The
5 notice shall be published once a week for 3 consecutive
6 weeks. The first publication shall be within 15 days after
7 the certificate is filed in the office of the county
8 clerk. Proof of publication shall be filed with the county
9 clerk within 50 days from the date of filing the
10 certificate. Upon receiving proof of publication, the
11 clerk shall issue a receipt to the person filing the
12 certificate, but no additional charge shall be assessed by
13 the clerk for giving such receipt. Unless proof of
14 publication is made to the clerk, the notification is
15 void.

16 (7) Each licensed transitional housing facility shall
17 be identified on the Illinois State Police Sex Offender
18 Registry website, including the address of the facility
19 together with the maximum possible number of sex offenders
20 that the facility could house.

21 (c) The Department of Corrections shall establish rules
22 consistent with this Section establishing licensing procedures
23 and criteria for transitional housing facilities for sex
24 offenders, and may create criteria for, and issue licenses
25 for, different levels of facilities to be licensed. The
26 Department is authorized to set and charge a licensing fee for

1 each application for a transitional housing license. The rules
2 shall be adopted within 60 days after the effective date of
3 this amendatory Act of the 94th General Assembly. Facilities
4 which on the effective date of this amendatory Act of the 94th
5 General Assembly are currently housing and providing sex
6 offender treatment to sex offenders may continue housing more
7 than one sex offender on parole, mandatory supervised release,
8 probation, or supervision for a period of 120 days after the
9 adoption of licensure rules during which time the facility
10 shall apply for a transitional housing license.

11 (d) The Department of Corrections shall maintain a file on
12 each sex offender housed in a transitional housing facility.
13 The file shall contain efforts of the Department in placing a
14 sex offender in non-transitional housing, efforts of the
15 Department to place the sex offender in a county from which he
16 or she was convicted, the anticipated length of stay of each
17 sex offender in the transitional housing facility, the number
18 of sex offenders residing in the transitional housing
19 facility, and the services to be provided the sex offender
20 while he or she resides in the transitional housing facility.

21 (e) The Department of Corrections shall, on or before
22 December 31 of each year, file a report with the General
23 Assembly on the number of transitional housing facilities for
24 sex offenders licensed by the Department, the addresses of
25 each licensed facility, how many sex offenders are housed in
26 each facility, and the particular sex offense that each

1 resident of the transitional housing facility committed.
2 (Source: P.A. 94-161, eff. 7-11-05; 95-331, eff. 8-21-07.)

3 (730 ILCS 5/5-2-4) (from Ch. 38, par. 1005-2-4)
4 Sec. 5-2-4. Proceedings after acquittal by reason of
5 insanity.

6 (a) After a finding or verdict of not guilty by reason of
7 insanity under Sections 104-25, 115-3, or 115-4 of the Code of
8 Criminal Procedure of 1963, the defendant shall be ordered to
9 the Department of Human Services for an evaluation as to
10 whether he is in need of mental health services. The order
11 shall specify whether the evaluation shall be conducted on an
12 inpatient or outpatient basis. If the evaluation is to be
13 conducted on an inpatient basis, the defendant shall be placed
14 in a secure setting. With the court order for evaluation shall
15 be sent a copy of the arrest report, criminal charges, arrest
16 record, jail record, any report prepared under Section 115-6
17 of the Code of Criminal Procedure of 1963, and any statement
18 prepared under Section 6 of the Rights of Crime Victims and
19 Witnesses Act. The clerk of the circuit court shall transmit
20 this information to the Department within 5 days. If the court
21 orders that the evaluation be done on an inpatient basis, the
22 Department shall evaluate the defendant to determine to which
23 secure facility the defendant shall be transported and, within
24 20 days of the transmittal by the clerk of the circuit court of
25 the placement court order, notify the sheriff of the

1 designated facility. Upon receipt of that notice, the sheriff
2 shall promptly transport the defendant to the designated
3 facility. During the period of time required to determine the
4 appropriate placement, the defendant shall remain in jail. If,
5 within 20 days of the transmittal by the clerk of the circuit
6 court of the placement court order, the Department fails to
7 notify the sheriff of the identity of the facility to which the
8 defendant shall be transported, the sheriff shall contact a
9 designated person within the Department to inquire about when
10 a placement will become available at the designated facility
11 and bed availability at other facilities. If, within 20 days
12 of the transmittal by the clerk of the circuit court of the
13 placement court order, the Department fails to notify the
14 sheriff of the identity of the facility to which the defendant
15 shall be transported, the sheriff shall notify the Department
16 of its intent to transfer the defendant to the nearest secure
17 mental health facility operated by the Department and inquire
18 as to the status of the placement evaluation and availability
19 for admission to the facility operated by the Department by
20 contacting a designated person within the Department. The
21 Department shall respond to the sheriff within 2 business days
22 of the notice and inquiry by the sheriff seeking the transfer
23 and the Department shall provide the sheriff with the status
24 of the placement evaluation, information on bed and placement
25 availability, and an estimated date of admission for the
26 defendant and any changes to that estimated date of admission.

1 If the Department notifies the sheriff during the 2 business
2 day period of a facility operated by the Department with
3 placement availability, the sheriff shall promptly transport
4 the defendant to that facility. Individualized placement
5 evaluations by the Department of Human Services determine the
6 most appropriate setting for forensic treatment based upon a
7 number of factors including mental health diagnosis, proximity
8 to surviving victims, security need, age, gender, and
9 proximity to family.

10 The Department shall provide the Court with a report of
11 its evaluation within 30 days of the date of this order. The
12 Court shall hold a hearing as provided under the Mental Health
13 and Developmental Disabilities Code to determine if the
14 individual is: (a) in need of mental health services on an
15 inpatient basis; (b) in need of mental health services on an
16 outpatient basis; (c) a person not in need of mental health
17 services. The court shall afford the victim the opportunity to
18 make a written or oral statement as guaranteed by Article I,
19 Section 8.1 of the Illinois Constitution and Section 6 of the
20 Rights of Crime Victims and Witnesses Act. The court shall
21 allow a victim to make an oral statement if the victim is
22 present in the courtroom and requests to make an oral
23 statement. An oral statement includes the victim or a
24 representative of the victim reading the written statement.
25 The court may allow persons impacted by the crime who are not
26 victims under subsection (a) of Section 3 of the Rights of

1 Crime Victims and Witnesses Act to present an oral or written
2 statement. A victim and any person making an oral statement
3 shall not be put under oath or subject to cross-examination.
4 The court shall consider any statement presented along with
5 all other appropriate factors in determining the sentence of
6 the defendant or disposition of the juvenile. All statements
7 shall become part of the record of the court.

8 If the defendant is found to be in need of mental health
9 services on an inpatient care basis, the Court shall order the
10 defendant to the Department of Human Services. The defendant
11 shall be placed in a secure setting. Such defendants placed in
12 a secure setting shall not be permitted outside the facility's
13 housing unit unless escorted or accompanied by personnel of
14 the Department of Human Services or with the prior approval of
15 the Court for unsupervised on-grounds privileges as provided
16 herein. Any defendant placed in a secure setting pursuant to
17 this Section, transported to court hearings or other necessary
18 appointments off facility grounds by personnel of the
19 Department of Human Services, shall be placed in security
20 devices or otherwise secured during the period of
21 transportation to assure secure transport of the defendant and
22 the safety of Department of Human Services personnel and
23 others. These security measures shall not constitute restraint
24 as defined in the Mental Health and Developmental Disabilities
25 Code. If the defendant is found to be in need of mental health
26 services, but not on an inpatient care basis, the Court shall

1 conditionally release the defendant, under such conditions as
2 set forth in this Section as will reasonably assure the
3 defendant's satisfactory progress and participation in
4 treatment or rehabilitation and the safety of the defendant,
5 the victim, the victim's family members, and others. If the
6 Court finds the person not in need of mental health services,
7 then the Court shall order the defendant discharged from
8 custody.

9 (a-1) Definitions. For the purposes of this Section:

10 (A) (Blank).

11 (B) "In need of mental health services on an inpatient
12 basis" means: a defendant who has been found not guilty by
13 reason of insanity but who, due to mental illness, is
14 reasonably expected to inflict serious physical harm upon
15 himself or another and who would benefit from inpatient
16 care or is in need of inpatient care.

17 (C) "In need of mental health services on an
18 outpatient basis" means: a defendant who has been found
19 not guilty by reason of insanity who is not in need of
20 mental health services on an inpatient basis, but is in
21 need of outpatient care, drug and/or alcohol
22 rehabilitation programs, community adjustment programs,
23 individual, group, or family therapy, or chemotherapy.

24 (D) "Conditional Release" means: the release from
25 either the custody of the Department of Human Services or
26 the custody of the Court of a person who has been found not

1 guilty by reason of insanity under such conditions as the
2 Court may impose which reasonably assure the defendant's
3 satisfactory progress in treatment or habilitation and the
4 safety of the defendant, the victim, the victim's family,
5 and others. The Court shall consider such terms and
6 conditions which may include, but need not be limited to,
7 outpatient care, alcoholic and drug rehabilitation
8 programs, community adjustment programs, individual,
9 group, family, and chemotherapy, random testing to ensure
10 the defendant's timely and continuous taking of any
11 medicines prescribed to control or manage his or her
12 conduct or mental state, and periodic checks with the
13 legal authorities and/or the Department of Human Services.
14 The Court may order as a condition of conditional release
15 that the defendant not contact the victim of the offense
16 that resulted in the finding or verdict of not guilty by
17 reason of insanity or any other person. The Court may
18 order the Department of Human Services to provide care to
19 any person conditionally released under this Section. The
20 Department may contract with any public or private agency
21 in order to discharge any responsibilities imposed under
22 this Section. The Department shall monitor the provision
23 of services to persons conditionally released under this
24 Section and provide periodic reports to the Court
25 concerning the services and the condition of the
26 defendant. Whenever a person is conditionally released

1 pursuant to this Section, the State's Attorney for the
2 county in which the hearing is held shall designate in
3 writing the name, telephone number, and address of a
4 person employed by him or her who shall be notified in the
5 event that either the reporting agency or the Department
6 decides that the conditional release of the defendant
7 should be revoked or modified pursuant to subsection (i)
8 of this Section. Such conditional release shall be for a
9 period of five years. However, the defendant, the person
10 or facility rendering the treatment, therapy, program or
11 outpatient care, the Department, or the State's Attorney
12 may petition the Court for an extension of the conditional
13 release period for an additional 5 years. Upon receipt of
14 such a petition, the Court shall hold a hearing consistent
15 with the provisions of paragraph (a), this paragraph
16 (a-1), and paragraph (f) of this Section, shall determine
17 whether the defendant should continue to be subject to the
18 terms of conditional release, and shall enter an order
19 either extending the defendant's period of conditional
20 release for an additional 5-year period or discharging the
21 defendant. Additional 5-year periods of conditional
22 release may be ordered following a hearing as provided in
23 this Section. However, in no event shall the defendant's
24 period of conditional release continue beyond the maximum
25 period of commitment ordered by the Court pursuant to
26 paragraph (b) of this Section. These provisions for

1 extension of conditional release shall only apply to
2 defendants conditionally released on or after August 8,
3 2003. However, the extension provisions of Public Act
4 83-1449 apply only to defendants charged with a forcible
5 felony.

6 (E) "Facility director" means the chief officer of a
7 mental health or developmental disabilities facility or
8 his or her designee or the supervisor of a program of
9 treatment or habilitation or his or her designee.
10 "Designee" may include a physician, clinical psychologist,
11 social worker, nurse, or clinical professional counselor.

12 (b) If the Court finds the defendant in need of mental
13 health services on an inpatient basis, the admission,
14 detention, care, treatment or habilitation, treatment plans,
15 review proceedings, including review of treatment and
16 treatment plans, and discharge of the defendant after such
17 order shall be under the Mental Health and Developmental
18 Disabilities Code, except that the initial order for admission
19 of a defendant acquitted of a felony by reason of insanity
20 shall be for an indefinite period of time. Such period of
21 commitment shall not exceed the maximum length of time that
22 the defendant would have been required to serve, less credit
23 for good behavior as provided in Section 5-4-1 of the Unified
24 Code of Corrections, before becoming eligible for release had
25 he been convicted of and received the maximum sentence for the
26 most serious crime for which he has been acquitted by reason of

1 insanity. The Court shall determine the maximum period of
2 commitment by an appropriate order. During this period of
3 time, the defendant shall not be permitted to be in the
4 community in any manner, including, but not limited to,
5 off-grounds privileges, with or without escort by personnel of
6 the Department of Human Services, unsupervised on-grounds
7 privileges, discharge or conditional or temporary release,
8 except by a plan as provided in this Section. In no event shall
9 a defendant's continued unauthorized absence be a basis for
10 discharge. Not more than 30 days after admission and every 90
11 days thereafter so long as the initial order remains in
12 effect, the facility director shall file a treatment plan
13 report in writing with the court and forward a copy of the
14 treatment plan report to the clerk of the court, the State's
15 Attorney, and the defendant's attorney, if the defendant is
16 represented by counsel, or to a person authorized by the
17 defendant under the Mental Health and Developmental
18 Disabilities Confidentiality Act to be sent a copy of the
19 report. The report shall include an opinion as to whether the
20 defendant is currently in need of mental health services on an
21 inpatient basis or in need of mental health services on an
22 outpatient basis. The report shall also summarize the basis
23 for those findings and provide a current summary of the
24 following items from the treatment plan: (1) an assessment of
25 the defendant's treatment needs, (2) a description of the
26 services recommended for treatment, (3) the goals of each type

1 of element of service, (4) an anticipated timetable for the
2 accomplishment of the goals, and (5) a designation of the
3 qualified professional responsible for the implementation of
4 the plan. The report may also include unsupervised on-grounds
5 privileges, off-grounds privileges (with or without escort by
6 personnel of the Department of Human Services), home visits
7 and participation in work programs, but only where such
8 privileges have been approved by specific court order, which
9 order may include such conditions on the defendant as the
10 Court may deem appropriate and necessary to reasonably assure
11 the defendant's satisfactory progress in treatment and the
12 safety of the defendant and others.

13 (c) Every defendant acquitted of a felony by reason of
14 insanity and subsequently found to be in need of mental health
15 services shall be represented by counsel in all proceedings
16 under this Section and under the Mental Health and
17 Developmental Disabilities Code.

18 (1) The Court shall appoint as counsel the public
19 defender or an attorney licensed by this State.

20 (2) Upon filing with the Court of a verified statement
21 of legal services rendered by the private attorney
22 appointed pursuant to paragraph (1) of this subsection,
23 the Court shall determine a reasonable fee for such
24 services. If the defendant is unable to pay the fee, the
25 Court shall enter an order upon the State to pay the entire
26 fee or such amount as the defendant is unable to pay from

1 funds appropriated by the General Assembly for that
2 purpose.

3 (d) When the facility director determines that:

4 (1) the defendant is no longer in need of mental
5 health services on an inpatient basis; and

6 (2) the defendant may be conditionally released
7 because he or she is still in need of mental health
8 services or that the defendant may be discharged as not in
9 need of any mental health services; ~~or~~

10 ~~(3) (blank);~~

11 the facility director shall give written notice to the Court,
12 State's Attorney and defense attorney. Such notice shall set
13 forth in detail the basis for the recommendation of the
14 facility director, and specify clearly the recommendations, if
15 any, of the facility director, concerning conditional release.
16 Any recommendation for conditional release shall include an
17 evaluation of the defendant's need for psychotropic
18 medication, what provisions should be made, if any, to ensure
19 that the defendant will continue to receive psychotropic
20 medication following discharge, and what provisions should be
21 made to assure the safety of the defendant and others in the
22 event the defendant is no longer receiving psychotropic
23 medication. Within 30 days of the notification by the facility
24 director, the Court shall set a hearing and make a finding as
25 to whether the defendant is:

26 (i) (blank); or

1 (ii) in need of mental health services in the form of
2 inpatient care; or

3 (iii) in need of mental health services but not
4 subject to inpatient care; or

5 (iv) no longer in need of mental health services; or

6 (v) (blank).

7 A crime victim shall be allowed to present an oral and
8 written statement. The court shall allow a victim to make an
9 oral statement if the victim is present in the courtroom and
10 requests to make an oral statement. An oral statement includes
11 the victim or a representative of the victim reading the
12 written statement. A victim and any person making an oral
13 statement shall not be put under oath or subject to
14 cross-examination. All statements shall become part of the
15 record of the court.

16 Upon finding by the Court, the Court shall enter its
17 findings and such appropriate order as provided in subsections
18 (a) and (a-1) of this Section.

19 (e) A defendant admitted pursuant to this Section, or any
20 person on his behalf, may file a petition for treatment plan
21 review or discharge or conditional release under the standards
22 of this Section in the Court which rendered the verdict. Upon
23 receipt of a petition for treatment plan review or discharge
24 or conditional release, the Court shall set a hearing to be
25 held within 120 days. Thereafter, no new petition may be filed
26 for 180 days without leave of the Court.

1 (f) The Court shall direct that notice of the time and
2 place of the hearing be served upon the defendant, the
3 facility director, the State's Attorney, and the defendant's
4 attorney. If requested by either the State or the defense or if
5 the Court feels it is appropriate, an impartial examination of
6 the defendant by a psychiatrist or clinical psychologist as
7 defined in Section 1-103 of the Mental Health and
8 Developmental Disabilities Code who is not in the employ of
9 the Department of Human Services shall be ordered, and the
10 report considered at the time of the hearing.

11 (g) The findings of the Court shall be established by
12 clear and convincing evidence. The burden of proof and the
13 burden of going forth with the evidence rest with the
14 defendant or any person on the defendant's behalf when a
15 hearing is held to review a petition filed by or on behalf of
16 the defendant. The evidence shall be presented in open Court
17 with the right of confrontation and cross-examination. Such
18 evidence may include, but is not limited to:

19 (1) whether the defendant appreciates the harm caused
20 by the defendant to others and the community by his or her
21 prior conduct that resulted in the finding of not guilty
22 by reason of insanity;

23 (2) Whether the person appreciates the criminality of
24 conduct similar to the conduct for which he or she was
25 originally charged in this matter;

26 (3) the current state of the defendant's illness;

1 (4) what, if any, medications the defendant is taking
2 to control his or her mental illness;

3 (5) what, if any, adverse physical side effects the
4 medication has on the defendant;

5 (6) the length of time it would take for the
6 defendant's mental health to deteriorate if the defendant
7 stopped taking prescribed medication;

8 (7) the defendant's history or potential for alcohol
9 and drug abuse;

10 (8) the defendant's past criminal history;

11 (9) any specialized physical or medical needs of the
12 defendant;

13 (10) any family participation or involvement expected
14 upon release and what is the willingness and ability of
15 the family to participate or be involved;

16 (11) the defendant's potential to be a danger to
17 himself, herself, or others;

18 (11.5) a written or oral statement made by the victim;
19 and

20 (12) any other factor or factors the Court deems
21 appropriate.

22 (h) Before the court orders that the defendant be
23 discharged or conditionally released, it shall order the
24 facility director to establish a discharge plan that includes
25 a plan for the defendant's shelter, support, and medication.
26 If appropriate, the court shall order that the facility

1 director establish a program to train the defendant in
2 self-medication under standards established by the Department
3 of Human Services. If the Court finds, consistent with the
4 provisions of this Section, that the defendant is no longer in
5 need of mental health services it shall order the facility
6 director to discharge the defendant. If the Court finds,
7 consistent with the provisions of this Section, that the
8 defendant is in need of mental health services, and no longer
9 in need of inpatient care, it shall order the facility
10 director to release the defendant under such conditions as the
11 Court deems appropriate and as provided by this Section. Such
12 conditional release shall be imposed for a period of 5 years as
13 provided in paragraph (D) of subsection (a-1) and shall be
14 subject to later modification by the Court as provided by this
15 Section. If the Court finds consistent with the provisions in
16 this Section that the defendant is in need of mental health
17 services on an inpatient basis, it shall order the facility
18 director not to discharge or release the defendant in
19 accordance with paragraph (b) of this Section.

20 (i) If within the period of the defendant's conditional
21 release the State's Attorney determines that the defendant has
22 not fulfilled the conditions of his or her release, the
23 State's Attorney may petition the Court to revoke or modify
24 the conditional release of the defendant. Upon the filing of
25 such petition the defendant may be remanded to the custody of
26 the Department, or to any other mental health facility

1 designated by the Department, pending the resolution of the
2 petition. Nothing in this Section shall prevent the emergency
3 admission of a defendant pursuant to Article VI of Chapter III
4 of the Mental Health and Developmental Disabilities Code or
5 the voluntary admission of the defendant pursuant to Article
6 IV of Chapter III of the Mental Health and Developmental
7 Disabilities Code. If the Court determines, after hearing
8 evidence, that the defendant has not fulfilled the conditions
9 of release, the Court shall order a hearing to be held
10 consistent with the provisions of paragraph (f) and (g) of
11 this Section. At such hearing, if the Court finds that the
12 defendant is in need of mental health services on an inpatient
13 basis, it shall enter an order remanding him or her to the
14 Department of Human Services or other facility. If the
15 defendant is remanded to the Department of Human Services, he
16 or she shall be placed in a secure setting unless the Court
17 determines that there are compelling reasons that such
18 placement is not necessary. If the Court finds that the
19 defendant continues to be in need of mental health services
20 but not on an inpatient basis, it may modify the conditions of
21 the original release in order to reasonably assure the
22 defendant's satisfactory progress in treatment and his or her
23 safety and the safety of others in accordance with the
24 standards established in paragraph (D) of subsection (a-1).
25 Nothing in this Section shall limit a Court's contempt powers
26 or any other powers of a Court.

1 (j) An order of admission under this Section does not
2 affect the remedy of habeas corpus.

3 (k) In the event of a conflict between this Section and the
4 Mental Health and Developmental Disabilities Code or the
5 Mental Health and Developmental Disabilities Confidentiality
6 Act, the provisions of this Section shall govern.

7 (l) Public Act 90-593 shall apply to all persons who have
8 been found not guilty by reason of insanity and who are
9 presently committed to the Department of Mental Health and
10 Developmental Disabilities (now the Department of Human
11 Services).

12 (m) The Clerk of the Court shall transmit a certified copy
13 of the order of discharge or conditional release to the
14 Department of Human Services, to the sheriff of the county
15 from which the defendant was admitted, to the Illinois
16 ~~Department of~~ State Police, to the proper law enforcement
17 agency for the municipality where the offense took place, and
18 to the sheriff of the county into which the defendant is
19 conditionally discharged. The Illinois ~~Department of~~ State
20 Police shall maintain a centralized record of discharged or
21 conditionally released defendants while they are under court
22 supervision for access and use of appropriate law enforcement
23 agencies.

24 (n) The provisions in this Section which allow ~~allows~~ a
25 crime victim to make a written and oral statement do not apply
26 if the defendant was under 18 years of age at the time the

1 offense was committed.

2 (o) If any provision of this Section or its application to
3 any person or circumstance is held invalid, the invalidity of
4 that provision does not affect any other provision or
5 application of this Section that can be given effect without
6 the invalid provision or application.

7 (Source: P.A. 100-27, eff. 1-1-18; 100-424, eff. 1-1-18;
8 100-863, eff. 8-14-18; 100-961, eff. 1-1-19; 101-81, eff.
9 7-12-19; revised 9-24-19.)

10 (730 ILCS 5/5-4-3) (from Ch. 38, par. 1005-4-3)

11 Sec. 5-4-3. Specimens; genetic marker groups.

12 (a) Any person convicted of, found guilty under the
13 Juvenile Court Act of 1987 for, or who received a disposition
14 of court supervision for, a qualifying offense or attempt of a
15 qualifying offense, convicted or found guilty of any offense
16 classified as a felony under Illinois law, convicted or found
17 guilty of any offense requiring registration under the Sex
18 Offender Registration Act, found guilty or given supervision
19 for any offense classified as a felony under the Juvenile
20 Court Act of 1987, convicted or found guilty of, under the
21 Juvenile Court Act of 1987, any offense requiring registration
22 under the Sex Offender Registration Act, or institutionalized
23 as a sexually dangerous person under the Sexually Dangerous
24 Persons Act, or committed as a sexually violent person under
25 the Sexually Violent Persons Commitment Act shall, regardless

1 of the sentence or disposition imposed, be required to submit
2 specimens of blood, saliva, or tissue to the Illinois
3 ~~Department of~~ State Police in accordance with the provisions
4 of this Section, provided such person is:

5 (1) convicted of a qualifying offense or attempt of a
6 qualifying offense on or after July 1, 1990 and sentenced
7 to a term of imprisonment, periodic imprisonment, fine,
8 probation, conditional discharge or any other form of
9 sentence, or given a disposition of court supervision for
10 the offense;

11 (1.5) found guilty or given supervision under the
12 Juvenile Court Act of 1987 for a qualifying offense or
13 attempt of a qualifying offense on or after January 1,
14 1997;

15 (2) ordered institutionalized as a sexually dangerous
16 person on or after July 1, 1990;

17 (3) convicted of a qualifying offense or attempt of a
18 qualifying offense before July 1, 1990 and is presently
19 confined as a result of such conviction in any State
20 correctional facility or county jail or is presently
21 serving a sentence of probation, conditional discharge or
22 periodic imprisonment as a result of such conviction;

23 (3.5) convicted or found guilty of any offense
24 classified as a felony under Illinois law or found guilty
25 or given supervision for such an offense under the
26 Juvenile Court Act of 1987 on or after August 22, 2002;

1 (4) presently institutionalized as a sexually
2 dangerous person or presently institutionalized as a
3 person found guilty but mentally ill of a sexual offense
4 or attempt to commit a sexual offense; or

5 (4.5) ordered committed as a sexually violent person
6 on or after the effective date of the Sexually Violent
7 Persons Commitment Act.

8 (a-1) Any person incarcerated in a facility of the
9 Illinois Department of Corrections or the Illinois Department
10 of Juvenile Justice on or after August 22, 2002, whether for a
11 term of years, natural life, or a sentence of death, who has
12 not yet submitted a specimen of blood, saliva, or tissue shall
13 be required to submit a specimen of blood, saliva, or tissue
14 prior to his or her final discharge, or release on parole,
15 aftercare release, or mandatory supervised release, as a
16 condition of his or her parole, aftercare release, or
17 mandatory supervised release, or within 6 months from August
18 13, 2009 (the effective date of Public Act 96-426), whichever
19 is sooner. A person incarcerated on or after August 13, 2009
20 (the effective date of Public Act 96-426) shall be required to
21 submit a specimen within 45 days of incarceration, or prior to
22 his or her final discharge, or release on parole, aftercare
23 release, or mandatory supervised release, as a condition of
24 his or her parole, aftercare release, or mandatory supervised
25 release, whichever is sooner. These specimens shall be placed
26 into the State or national DNA database, to be used in

1 accordance with other provisions of this Section, by the
2 Illinois State Police.

3 (a-2) Any person sentenced to life imprisonment in a
4 facility of the Illinois Department of Corrections after the
5 effective date of this amendatory Act of the 94th General
6 Assembly or sentenced to death after the effective date of
7 this amendatory Act of the 94th General Assembly shall be
8 required to provide a specimen of blood, saliva, or tissue
9 within 45 days after sentencing or disposition at a collection
10 site designated by the Illinois ~~Department of~~ State Police.
11 Any person serving a sentence of life imprisonment in a
12 facility of the Illinois Department of Corrections on the
13 effective date of this amendatory Act of the 94th General
14 Assembly or any person who is under a sentence of death on the
15 effective date of this amendatory Act of the 94th General
16 Assembly shall be required to provide a specimen of blood,
17 saliva, or tissue upon request at a collection site designated
18 by the Illinois ~~Department of~~ State Police.

19 (a-3) Any person seeking transfer to or residency in
20 Illinois under Sections 3-3-11.05 through 3-3-11.5 of this
21 Code, the Interstate Compact for Adult Offender Supervision,
22 or the Interstate Agreements on Sexually Dangerous Persons Act
23 shall be required to provide a specimen of blood, saliva, or
24 tissue within 45 days after transfer to or residency in
25 Illinois at a collection site designated by the Illinois
26 ~~Department of~~ State Police.

1 (a-3.1) Any person required by an order of the court to
2 submit a DNA specimen shall be required to provide a specimen
3 of blood, saliva, or tissue within 45 days after the court
4 order at a collection site designated by the Illinois
5 ~~Department of~~ State Police.

6 (a-3.2) On or after January 1, 2012 (the effective date of
7 Public Act 97-383), any person arrested for any of the
8 following offenses, after an indictment has been returned by a
9 grand jury, or following a hearing pursuant to Section 109-3
10 of the Code of Criminal Procedure of 1963 and a judge finds
11 there is probable cause to believe the arrestee has committed
12 one of the designated offenses, or an arrestee has waived a
13 preliminary hearing shall be required to provide a specimen of
14 blood, saliva, or tissue within 14 days after such indictment
15 or hearing at a collection site designated by the Illinois
16 ~~Department of~~ State Police:

- 17 (A) first degree murder;
18 (B) home invasion;
19 (C) predatory criminal sexual assault of a child;
20 (D) aggravated criminal sexual assault; or
21 (E) criminal sexual assault.

22 (a-3.3) Any person required to register as a sex offender
23 under the Sex Offender Registration Act, regardless of the
24 date of conviction as set forth in subsection (c-5.2) shall be
25 required to provide a specimen of blood, saliva, or tissue
26 within the time period prescribed in subsection (c-5.2) at a

1 collection site designated by the Illinois ~~Department of~~ State
2 Police.

3 (a-5) Any person who was otherwise convicted of or
4 received a disposition of court supervision for any other
5 offense under the Criminal Code of 1961 or the Criminal Code of
6 2012 or who was found guilty or given supervision for such a
7 violation under the Juvenile Court Act of 1987, may,
8 regardless of the sentence imposed, be required by an order of
9 the court to submit specimens of blood, saliva, or tissue to
10 the Illinois ~~Department of~~ State Police in accordance with the
11 provisions of this Section.

12 (b) Any person required by paragraphs (a) (1), (a) (1.5),
13 (a) (2), (a) (3.5), and (a-5) to provide specimens of blood,
14 saliva, or tissue shall provide specimens of blood, saliva, or
15 tissue within 45 days after sentencing or disposition at a
16 collection site designated by the Illinois ~~Department of~~ State
17 Police.

18 (c) Any person required by paragraphs (a) (3), (a) (4), and
19 (a) (4.5) to provide specimens of blood, saliva, or tissue
20 shall be required to provide such specimens prior to final
21 discharge or within 6 months from August 13, 2009 (the
22 effective date of Public Act 96-426), whichever is sooner.
23 These specimens shall be placed into the State or national DNA
24 database, to be used in accordance with other provisions of
25 this Act, by the Illinois State Police.

26 (c-5) Any person required by paragraph (a-3) to provide

1 specimens of blood, saliva, or tissue shall, where feasible,
2 be required to provide the specimens before being accepted for
3 conditioned residency in Illinois under the interstate compact
4 or agreement, but no later than 45 days after arrival in this
5 State.

6 (c-5.2) Unless it is determined that a registered sex
7 offender has previously submitted a specimen of blood, saliva,
8 or tissue that has been placed into the State DNA database, a
9 person registering as a sex offender shall be required to
10 submit a specimen at the time of his or her initial
11 registration pursuant to the Sex Offender Registration Act or,
12 for a person registered as a sex offender on or prior to
13 January 1, 2012 (the effective date of Public Act 97-383),
14 within one year of January 1, 2012 (the effective date of
15 Public Act 97-383) or at the time of his or her next required
16 registration.

17 (c-6) The Illinois ~~Department of~~ State Police may
18 determine which type of specimen or specimens, blood, saliva,
19 or tissue, is acceptable for submission to the Division of
20 Forensic Services for analysis. The Illinois ~~Department of~~
21 State Police may require the submission of fingerprints from
22 anyone required to give a specimen under this Act.

23 (d) The Illinois ~~Department of~~ State Police shall provide
24 all equipment and instructions necessary for the collection of
25 blood specimens. The collection of specimens shall be
26 performed in a medically approved manner. Only a physician

1 authorized to practice medicine, a registered nurse or other
2 qualified person trained in venipuncture may withdraw blood
3 for the purposes of this Act. The specimens shall thereafter
4 be forwarded to the Illinois ~~Department of~~ State Police,
5 Division of Forensic Services, for analysis and categorizing
6 into genetic marker groupings.

7 (d-1) The Illinois ~~Department of~~ State Police shall
8 provide all equipment and instructions necessary for the
9 collection of saliva specimens. The collection of saliva
10 specimens shall be performed in a medically approved manner.
11 Only a person trained in the instructions promulgated by the
12 Illinois State Police on collecting saliva may collect saliva
13 for the purposes of this Section. The specimens shall
14 thereafter be forwarded to the Illinois ~~Department of~~ State
15 Police, Division of Forensic Services, for analysis and
16 categorizing into genetic marker groupings.

17 (d-2) The Illinois ~~Department of~~ State Police shall
18 provide all equipment and instructions necessary for the
19 collection of tissue specimens. The collection of tissue
20 specimens shall be performed in a medically approved manner.
21 Only a person trained in the instructions promulgated by the
22 Illinois State Police on collecting tissue may collect tissue
23 for the purposes of this Section. The specimens shall
24 thereafter be forwarded to the Illinois ~~Department of~~ State
25 Police, Division of Forensic Services, for analysis and
26 categorizing into genetic marker groupings.

1 (d-5) To the extent that funds are available, the Illinois
2 ~~Department of~~ State Police shall contract with qualified
3 personnel and certified laboratories for the collection,
4 analysis, and categorization of known specimens, except as
5 provided in subsection (n) of this Section.

6 (d-6) Agencies designated by the Illinois ~~Department of~~
7 State Police and the Illinois ~~Department of~~ State Police may
8 contract with third parties to provide for the collection or
9 analysis of DNA, or both, of an offender's blood, saliva, and
10 tissue specimens, except as provided in subsection (n) of this
11 Section.

12 (e) The genetic marker groupings shall be maintained by
13 the Illinois ~~Department of~~ State Police, Division of Forensic
14 Services.

15 (f) The genetic marker grouping analysis information
16 obtained pursuant to this Act shall be confidential and shall
17 be released only to peace officers of the United States, of
18 other states or territories, of the insular possessions of the
19 United States, of foreign countries duly authorized to receive
20 the same, to all peace officers of the State of Illinois and to
21 all prosecutorial agencies, and to defense counsel as provided
22 by Section 116-5 of the Code of Criminal Procedure of 1963. The
23 genetic marker grouping analysis information obtained pursuant
24 to this Act shall be used only for (i) valid law enforcement
25 identification purposes and as required by the Federal Bureau
26 of Investigation for participation in the National DNA

1 database, (ii) technology validation purposes, (iii) a
2 population statistics database, (iv) quality assurance
3 purposes if personally identifying information is removed, (v)
4 assisting in the defense of the criminally accused pursuant to
5 Section 116-5 of the Code of Criminal Procedure of 1963, or
6 (vi) identifying and assisting in the prosecution of a person
7 who is suspected of committing a sexual assault as defined in
8 Section 1a of the Sexual Assault Survivors Emergency Treatment
9 Act. Notwithstanding any other statutory provision to the
10 contrary, all information obtained under this Section shall be
11 maintained in a single State data base, which may be uploaded
12 into a national database, and which information may be subject
13 to expungement only as set forth in subsection (f-1).

14 (f-1) Upon receipt of notification of a reversal of a
15 conviction based on actual innocence, or of the granting of a
16 pardon pursuant to Section 12 of Article V of the Illinois
17 Constitution, if that pardon document specifically states that
18 the reason for the pardon is the actual innocence of an
19 individual whose DNA record has been stored in the State or
20 national DNA identification index in accordance with this
21 Section by the Illinois ~~Department of~~ State Police, the DNA
22 record shall be expunged from the DNA identification index,
23 and the Department shall by rule prescribe procedures to
24 ensure that the record and any specimens, analyses, or other
25 documents relating to such record, whether in the possession
26 of the Department or any law enforcement or police agency, or

1 any forensic DNA laboratory, including any duplicates or
2 copies thereof, are destroyed and a letter is sent to the court
3 verifying the expungement is completed. For specimens required
4 to be collected prior to conviction, unless the individual has
5 other charges or convictions that require submission of a
6 specimen, the DNA record for an individual shall be expunged
7 from the DNA identification databases and the specimen
8 destroyed upon receipt of a certified copy of a final court
9 order for each charge against an individual in which the
10 charge has been dismissed, resulted in acquittal, or that the
11 charge was not filed within the applicable time period. The
12 Department shall by rule prescribe procedures to ensure that
13 the record and any specimens in the possession or control of
14 the Department are destroyed and a letter is sent to the court
15 verifying the expungement is completed.

16 (f-5) Any person who intentionally uses genetic marker
17 grouping analysis information, or any other information
18 derived from a DNA specimen, beyond the authorized uses as
19 provided under this Section, or any other Illinois law, is
20 guilty of a Class 4 felony, and shall be subject to a fine of
21 not less than \$5,000.

22 (f-6) The Illinois ~~Department of~~ State Police may contract
23 with third parties for the purposes of implementing this
24 amendatory Act of the 93rd General Assembly, except as
25 provided in subsection (n) of this Section. Any other party
26 contracting to carry out the functions of this Section shall

1 be subject to the same restrictions and requirements of this
2 Section insofar as applicable, as the Illinois ~~Department of~~
3 State Police, and to any additional restrictions imposed by
4 the Illinois ~~Department of~~ State Police.

5 (g) For the purposes of this Section, "qualifying offense"
6 means any of the following:

7 (1) any violation or inchoate violation of Section
8 11-1.50, 11-1.60, 11-6, 11-9.1, 11-11, 11-18.1, 12-15, or
9 12-16 of the Criminal Code of 1961 or the Criminal Code of
10 2012;

11 (1.1) any violation or inchoate violation of Section
12 9-1, 9-2, 10-1, 10-2, 12-11, 12-11.1, 18-1, 18-2, 18-3,
13 18-4, 18-6, 19-1, 19-2, or 19-6 of the Criminal Code of
14 1961 or the Criminal Code of 2012 for which persons are
15 convicted on or after July 1, 2001;

16 (2) any former statute of this State which defined a
17 felony sexual offense;

18 (3) (blank);

19 (4) any inchoate violation of Section 9-3.1, 9-3.4,
20 11-9.3, 12-7.3, or 12-7.4 of the Criminal Code of 1961 or
21 the Criminal Code of 2012; or

22 (5) any violation or inchoate violation of Article 29D
23 of the Criminal Code of 1961 or the Criminal Code of 2012.

24 (g-5) (Blank).

25 (h) The Illinois ~~Department of~~ State Police shall be the
26 State central repository for all genetic marker grouping

1 analysis information obtained pursuant to this Act. The
2 Illinois ~~Department of~~ State Police may promulgate rules for
3 the form and manner of the collection of blood, saliva, or
4 tissue specimens and other procedures for the operation of
5 this Act. The provisions of the Administrative Review Law
6 shall apply to all actions taken under the rules so
7 promulgated.

8 (i) (1) A person required to provide a blood, saliva, or
9 tissue specimen shall cooperate with the collection of the
10 specimen and any deliberate act by that person intended to
11 impede, delay or stop the collection of the blood, saliva,
12 or tissue specimen is a Class 4 felony.

13 (2) In the event that a person's DNA specimen is not
14 adequate for any reason, the person shall provide another
15 DNA specimen for analysis. Duly authorized law enforcement
16 and corrections personnel may employ reasonable force in
17 cases in which an individual refuses to provide a DNA
18 specimen required under this Act.

19 (j) (Blank).

20 (k) All analysis and categorization assessments provided
21 under the Criminal and Traffic Assessments Act to the State
22 Offender DNA Identification System Fund shall be regulated as
23 follows:

24 (1) The State Offender DNA Identification System Fund
25 is hereby created as a special fund in the State Treasury.

26 (2) (Blank).

1 (3) Moneys deposited into the State Offender DNA
2 Identification System Fund shall be used by Illinois State
3 Police crime laboratories as designated by the Director of
4 the Illinois State Police. These funds shall be in
5 addition to any allocations made pursuant to existing laws
6 and shall be designated for the exclusive use of State
7 crime laboratories. These uses may include, but are not
8 limited to, the following:

9 (A) Costs incurred in providing analysis and
10 genetic marker categorization as required by
11 subsection (d).

12 (B) Costs incurred in maintaining genetic marker
13 groupings as required by subsection (e).

14 (C) Costs incurred in the purchase and maintenance
15 of equipment for use in performing analyses.

16 (D) Costs incurred in continuing research and
17 development of new techniques for analysis and genetic
18 marker categorization.

19 (E) Costs incurred in continuing education,
20 training, and professional development of forensic
21 scientists regularly employed by these laboratories.

22 (1) The failure of a person to provide a specimen, or of
23 any person or agency to collect a specimen, shall in no way
24 alter the obligation of the person to submit such specimen, or
25 the authority of the Illinois ~~Department of~~ State Police or
26 persons designated by the Department to collect the specimen,

1 or the authority of the Illinois ~~Department of~~ State Police to
2 accept, analyze and maintain the specimen or to maintain or
3 upload results of genetic marker grouping analysis information
4 into a State or national database.

5 (m) If any provision of this amendatory Act of the 93rd
6 General Assembly is held unconstitutional or otherwise
7 invalid, the remainder of this amendatory Act of the 93rd
8 General Assembly is not affected.

9 (n) Neither the Illinois ~~Department of~~ State Police, the
10 Division of Forensic Services, nor any laboratory of the
11 Division of Forensic Services may contract out forensic
12 testing for the purpose of an active investigation or a matter
13 pending before a court of competent jurisdiction without the
14 written consent of the prosecuting agency. For the purposes of
15 this subsection (n), "forensic testing" includes the analysis
16 of physical evidence in an investigation or other proceeding
17 for the prosecution of a violation of the Criminal Code of 1961
18 or the Criminal Code of 2012 or for matters adjudicated under
19 the Juvenile Court Act of 1987, and includes the use of
20 forensic databases and databanks, including DNA, firearm, and
21 fingerprint databases, and expert testimony.

22 (o) Mistake does not invalidate a database match. The
23 detention, arrest, or conviction of a person based upon a
24 database match or database information is not invalidated if
25 it is determined that the specimen was obtained or placed in
26 the database by mistake.

1 (p) This Section may be referred to as the Illinois DNA
2 Database Law of 2011.

3 (Source: P.A. 100-987, eff. 7-1-19.)

4 (730 ILCS 5/5-4-3a)

5 Sec. 5-4-3a. DNA testing backlog accountability.

6 (a) On or before August 1 of each year, the Illinois
7 ~~Department of~~ State Police shall report to the Governor and
8 both houses of the General Assembly the following information:

9 (1) the extent of the backlog of cases awaiting
10 testing or awaiting DNA analysis by that Department,
11 including but not limited to those tests conducted under
12 Section 5-4-3, as of June 30 of the previous fiscal year,
13 with the backlog being defined as all cases awaiting
14 forensic testing whether in the physical custody of the
15 Illinois State Police or in the physical custody of local
16 law enforcement, provided that the Illinois State Police
17 have written notice of any evidence in the physical
18 custody of local law enforcement prior to June 1 of that
19 year; and

20 (2) what measures have been and are being taken to
21 reduce that backlog and the estimated costs or
22 expenditures in doing so.

23 (b) The information reported under this Section shall be
24 made available to the public, at the time it is reported, on
25 the official web site of the Illinois ~~Department of~~ State

1 Police.

2 (c) Beginning January 1, 2016, the Illinois ~~Department of~~
3 State Police shall quarterly report on the status of the
4 processing of forensic biology and DNA evidence submitted to
5 the Illinois ~~Department of~~ State Police Laboratory for
6 analysis. The report shall be submitted to the Governor and
7 the General Assembly, and shall be posted on the Illinois
8 ~~Department of~~ State Police website. The report shall include
9 the following for each Illinois State Police Laboratory
10 location and any laboratory to which the Illinois ~~Department~~
11 ~~of~~ State Police has outsourced evidence for testing:

12 (1) For forensic biology submissions, report both
13 total case and sexual assault or abuse case (as defined by
14 the Sexual Assault Evidence Submission Act) figures for:

15 (A) The number of cases received in the preceding
16 quarter.

17 (B) The number of cases completed in the preceding
18 quarter.

19 (C) The number of cases waiting analysis.

20 (D) The number of cases sent for outsourcing.

21 (E) The number of cases waiting analysis that were
22 received within the past 30 days.

23 (F) The number of cases waiting analysis that were
24 received 31 to 90 days prior.

25 (G) The number of cases waiting analysis that were
26 received 91 to 180 days prior.

1 (H) The number of cases waiting analysis that were
2 received 181 to 365 days prior.

3 (I) The number of cases waiting analysis that were
4 received more than 365 days prior.

5 (J) The number of cases forwarded for DNA
6 analyses.

7 (2) For DNA submissions, report both total case and
8 sexual assault or abuse case (as defined by the Sexual
9 Assault Evidence Submission Act) figures for:

10 (A) The number of cases received in the preceding
11 quarter.

12 (B) The number of cases completed in the preceding
13 quarter.

14 (C) The number of cases waiting analysis.

15 (D) The number of cases sent for outsourcing.

16 (E) The number of cases waiting analysis that were
17 received within the past 30 days.

18 (F) The number of cases waiting analysis that were
19 received 31 to 90 days prior.

20 (G) The number of cases waiting analysis that were
21 received 91 to 180 days prior.

22 (H) The number of cases waiting analysis that were
23 received 181 to 365 days prior.

24 (I) The number of cases waiting analysis that were
25 received more than 365 days prior.

26 (3) For all other categories of testing (e.g., drug

1 chemistry, firearms/toolmark, footwear/tire track, latent
2 prints, toxicology, and trace chemistry analysis):

3 (A) The number of cases received in the preceding
4 quarter.

5 (B) The number of cases completed in the preceding
6 quarter.

7 (C) The number of cases waiting analysis.

8 (4) For the Combined DNA Index System (CODIS), report
9 both total case and sexual assault or abuse case (as
10 defined by the Sexual Assault Evidence Submission Act)
11 figures for subparagraphs (D), (E), and (F) of this
12 paragraph (4):

13 (A) The number of new offender samples received in
14 the preceding quarter.

15 (B) The number of offender samples uploaded to
16 CODIS in the preceding quarter.

17 (C) The number of offender samples awaiting
18 analysis.

19 (D) The number of unknown DNA case profiles
20 uploaded to CODIS in the preceding quarter.

21 (E) The number of CODIS hits in the preceding
22 quarter.

23 (F) The number of forensic evidence submissions
24 submitted to confirm a previously reported CODIS hit.

25 (5) For each category of testing, report the number of
26 trained forensic scientists and the number of forensic

1 scientists in training.

2 As used in this subsection (c), "completed" means
3 completion of both the analysis of the evidence and the
4 provision of the results to the submitting law enforcement
5 agency.

6 (d) The provisions of this subsection (d), other than this
7 sentence, are inoperative on and after January 1, 2019 or 2
8 years after the effective date of this amendatory Act of the
9 99th General Assembly, whichever is later. In consultation
10 with and subject to the approval of the Chief Procurement
11 Officer, the Illinois ~~Department of~~ State Police may obtain
12 contracts for services, commodities, and equipment to assist
13 in the timely completion of forensic biology, DNA, drug
14 chemistry, firearms/toolmark, footwear/tire track, latent
15 prints, toxicology, microscopy, trace chemistry, and Combined
16 DNA Index System (CODIS) analysis. Contracts to support the
17 delivery of timely forensic science services are not subject
18 to the provisions of the Illinois Procurement Code, except for
19 Sections 20-60, 20-65, 20-70, and 20-160 and Article 50 of
20 that Code, provided that the Chief Procurement Officer may, in
21 writing with justification, waive any certification required
22 under Article 50 of the Illinois Procurement Code. For any
23 contracts for services which are currently provided by members
24 of a collective bargaining agreement, the applicable terms of
25 the collective bargaining agreement concerning subcontracting
26 shall be followed.

1 (Source: P.A. 99-352, eff. 1-1-16; 99-801, eff. 1-1-17.)

2 (730 ILCS 5/5-4-3b)

3 Sec. 5-4-3b. Electronic Laboratory Information Management
4 System.

5 (a) The Illinois ~~Department of~~ State Police shall obtain,
6 implement, and maintain an Electronic Laboratory Information
7 Management System (LIMS) to efficiently and effectively track
8 all evidence submitted for forensic testing. At a minimum, the
9 LIMS shall record:

10 (1) the criminal offense or suspected criminal offense
11 for which the evidence is being submitted;

12 (2) the law enforcement agency submitting the
13 evidence;

14 (3) the name of the victim;

15 (4) the law enforcement agency case number;

16 (5) the Illinois State Police Laboratory case number;

17 (6) the date the evidence was received by the Illinois
18 State Police Laboratory;

19 (7) if the Illinois State Police Laboratory sent the
20 evidence for analysis to another designated laboratory,
21 the name of the laboratory and the date the evidence was
22 sent to that laboratory; and

23 (8) the date and description of any results or
24 information regarding the analysis sent to the submitting
25 law enforcement agency by the Illinois State Police

1 Laboratory or any other designated laboratory.

2 The LIMS shall also link multiple forensic evidence
3 submissions pertaining to a single criminal investigation such
4 that evidence submitted to confirm a previously reported
5 Combined DNA Index System (CODIS) hit in a State or federal
6 database can be linked to the initial evidence submission. The
7 LIMS shall be such that the system provides ease of
8 interoperability with law enforcement agencies for evidence
9 submission and reporting, as well as supports expansion
10 capabilities for future internal networking and laboratory
11 operations.

12 (b) The Illinois ~~Department of~~ State Police, in
13 consultation with and subject to the approval of the Chief
14 Procurement Officer, may procure a single contract or multiple
15 contracts to implement the provisions of this Section. A
16 contract or contracts under this subsection are not subject to
17 the provisions of the Illinois Procurement Code, except for
18 Sections 20-60, 20-65, 20-70, and 20-160 and Article 50 of
19 that Code, provided that the Chief Procurement Officer may, in
20 writing with justification, waive any certification required
21 under Article 50 of the Illinois Procurement Code. This
22 exemption is inoperative 2 years from January 1, 2016 (the
23 effective date of Public Act 99-352).

24 (Source: P.A. 99-352, eff. 1-1-16; 99-642, eff. 7-28-16.)

25 (730 ILCS 5/5-5-4) (from Ch. 38, par. 1005-5-4)

1 Sec. 5-5-4. Resentences.

2 (a) Where a conviction or sentence has been set aside on
3 direct review or on collateral attack, the court shall not
4 impose a new sentence for the same offense or for a different
5 offense based on the same conduct which is more severe than the
6 prior sentence less the portion of the prior sentence
7 previously satisfied unless the more severe sentence is based
8 upon conduct on the part of the defendant occurring after the
9 original sentencing. If a sentence is vacated on appeal or on
10 collateral attack due to the failure of the trier of fact at
11 trial to determine beyond a reasonable doubt the existence of
12 a fact (other than a prior conviction) necessary to increase
13 the punishment for the offense beyond the statutory maximum
14 otherwise applicable, either the defendant may be re-sentenced
15 to a term within the range otherwise provided or, if the State
16 files notice of its intention to again seek the extended
17 sentence, the defendant shall be afforded a new trial.

18 (b) If a conviction or sentence has been set aside on
19 direct review or on collateral attack and the court determines
20 by clear and convincing evidence that the defendant was
21 factually innocent of the charge, the court shall enter an
22 order expunging the record of arrest from the official records
23 of the arresting authority and order that the records of the
24 clerk of the circuit court and Illinois ~~Department of~~ State
25 Police be sealed until further order of the court upon good
26 cause shown or as otherwise provided herein, and the name of

1 the defendant obliterated from the official index requested to
2 be kept by the circuit court clerk under Section 16 of the
3 Clerks of Courts Act in connection with the arrest and
4 conviction for the offense but the order shall not affect any
5 index issued by the circuit court clerk before the entry of the
6 order. The court shall enter the expungement order regardless
7 of whether the defendant has prior criminal convictions.

8 All records sealed by the Illinois ~~Department of~~ State
9 Police may be disseminated by the Department only as required
10 by law or to the arresting authority, the State's Attorney,
11 the court upon a later arrest for the same or similar offense,
12 or for the purpose of sentencing for any subsequent felony.
13 Upon conviction for any subsequent offense, the Department of
14 Corrections shall have access to all sealed records of the
15 Department pertaining to that individual.

16 Upon entry of the order of expungement, the clerk of the
17 circuit court shall promptly mail a copy of the order to the
18 person whose records were expunged and sealed.

19 (c) If a conviction has been vacated as a result of a claim
20 of actual innocence based on newly discovered evidence made
21 under Section 122-1 of the Code of Criminal Procedure of 1963
22 or Section 2-1401 of the Code of Civil Procedure, and the
23 provisions of paragraphs (1) and (2) of subsection (g) of
24 Section 2-702 of the Code of Civil Procedure are otherwise
25 satisfied, the court shall enter an order for a certificate of
26 innocence and an order expunging the conviction for which the

1 petitioner has been determined to be innocent as provided in
2 subsection (h) of Section 2-702 of the Code of Civil
3 Procedure.

4 (Source: P.A. 98-133, eff. 1-1-14.)

5 (730 ILCS 5/5-5.5-40)

6 Sec. 5-5.5-40. Forms and filing.

7 (a) All applications, certificates, and orders of
8 revocation necessary for the purposes of this Article shall be
9 upon forms prescribed by the Chief Justice of the Supreme
10 Court or his or her designee. The forms relating to
11 certificates of relief from disabilities and certificates of
12 good conduct shall be distributed by the Director of the
13 Division of Probation Services.

14 (b) Any court or board issuing or revoking any certificate
15 under this Article shall immediately file a copy of the
16 certificate or of the order of revocation with the Director of
17 the Illinois State Police.

18 (Source: P.A. 96-852, eff. 1-1-10.)

19 (730 ILCS 5/5-6-3) (from Ch. 38, par. 1005-6-3)

20 Sec. 5-6-3. Conditions of probation and of conditional
21 discharge.

22 (a) The conditions of probation and of conditional
23 discharge shall be that the person:

24 (1) not violate any criminal statute of any

1 jurisdiction;

2 (2) report to or appear in person before such person
3 or agency as directed by the court;

4 (3) refrain from possessing a firearm or other
5 dangerous weapon where the offense is a felony or, if a
6 misdemeanor, the offense involved the intentional or
7 knowing infliction of bodily harm or threat of bodily
8 harm;

9 (4) not leave the State without the consent of the
10 court or, in circumstances in which the reason for the
11 absence is of such an emergency nature that prior consent
12 by the court is not possible, without the prior
13 notification and approval of the person's probation
14 officer. Transfer of a person's probation or conditional
15 discharge supervision to another state is subject to
16 acceptance by the other state pursuant to the Interstate
17 Compact for Adult Offender Supervision;

18 (5) permit the probation officer to visit him at his
19 home or elsewhere to the extent necessary to discharge his
20 duties;

21 (6) perform no less than 30 hours of community service
22 and not more than 120 hours of community service, if
23 community service is available in the jurisdiction and is
24 funded and approved by the county board where the offense
25 was committed, where the offense was related to or in
26 furtherance of the criminal activities of an organized

1 gang and was motivated by the offender's membership in or
2 allegiance to an organized gang. The community service
3 shall include, but not be limited to, the cleanup and
4 repair of any damage caused by a violation of Section
5 21-1.3 of the Criminal Code of 1961 or the Criminal Code of
6 2012 and similar damage to property located within the
7 municipality or county in which the violation occurred.
8 When possible and reasonable, the community service should
9 be performed in the offender's neighborhood. For purposes
10 of this Section, "organized gang" has the meaning ascribed
11 to it in Section 10 of the Illinois Streetgang Terrorism
12 Omnibus Prevention Act. The court may give credit toward
13 the fulfillment of community service hours for
14 participation in activities and treatment as determined by
15 court services;

16 (7) if he or she is at least 17 years of age and has
17 been sentenced to probation or conditional discharge for a
18 misdemeanor or felony in a county of 3,000,000 or more
19 inhabitants and has not been previously convicted of a
20 misdemeanor or felony, may be required by the sentencing
21 court to attend educational courses designed to prepare
22 the defendant for a high school diploma and to work toward
23 a high school diploma or to work toward passing high
24 school equivalency testing or to work toward completing a
25 vocational training program approved by the court. The
26 person on probation or conditional discharge must attend a

1 public institution of education to obtain the educational
2 or vocational training required by this paragraph (7). The
3 court shall revoke the probation or conditional discharge
4 of a person who willfully ~~wilfully~~ fails to comply with
5 this paragraph (7). The person on probation or conditional
6 discharge shall be required to pay for the cost of the
7 educational courses or high school equivalency testing if
8 a fee is charged for those courses or testing. The court
9 shall resentence the offender whose probation or
10 conditional discharge has been revoked as provided in
11 Section 5-6-4. This paragraph (7) does not apply to a
12 person who has a high school diploma or has successfully
13 passed high school equivalency testing. This paragraph (7)
14 does not apply to a person who is determined by the court
15 to be a person with a developmental disability or
16 otherwise mentally incapable of completing the educational
17 or vocational program;

18 (8) if convicted of possession of a substance
19 prohibited by the Cannabis Control Act, the Illinois
20 Controlled Substances Act, or the Methamphetamine Control
21 and Community Protection Act after a previous conviction
22 or disposition of supervision for possession of a
23 substance prohibited by the Cannabis Control Act or
24 Illinois Controlled Substances Act or after a sentence of
25 probation under Section 10 of the Cannabis Control Act,
26 Section 410 of the Illinois Controlled Substances Act, or

1 Section 70 of the Methamphetamine Control and Community
2 Protection Act and upon a finding by the court that the
3 person is addicted, undergo treatment at a substance abuse
4 program approved by the court;

5 (8.5) if convicted of a felony sex offense as defined
6 in the Sex Offender Management Board Act, the person shall
7 undergo and successfully complete sex offender treatment
8 by a treatment provider approved by the Board and
9 conducted in conformance with the standards developed
10 under the Sex Offender Management Board Act;

11 (8.6) if convicted of a sex offense as defined in the
12 Sex Offender Management Board Act, refrain from residing
13 at the same address or in the same condominium unit or
14 apartment unit or in the same condominium complex or
15 apartment complex with another person he or she knows or
16 reasonably should know is a convicted sex offender or has
17 been placed on supervision for a sex offense; the
18 provisions of this paragraph do not apply to a person
19 convicted of a sex offense who is placed in a Department of
20 Corrections licensed transitional housing facility for sex
21 offenders;

22 (8.7) if convicted for an offense committed on or
23 after June 1, 2008 (the effective date of Public Act
24 95-464) that would qualify the accused as a child sex
25 offender as defined in Section 11-9.3 or 11-9.4 of the
26 Criminal Code of 1961 or the Criminal Code of 2012,

1 refrain from communicating with or contacting, by means of
2 the Internet, a person who is not related to the accused
3 and whom the accused reasonably believes to be under 18
4 years of age; for purposes of this paragraph (8.7),
5 "Internet" has the meaning ascribed to it in Section
6 16-0.1 of the Criminal Code of 2012; and a person is not
7 related to the accused if the person is not: (i) the
8 spouse, brother, or sister of the accused; (ii) a
9 descendant of the accused; (iii) a first or second cousin
10 of the accused; or (iv) a step-child or adopted child of
11 the accused;

12 (8.8) if convicted for an offense under Section 11-6,
13 11-9.1, 11-14.4 that involves soliciting for a juvenile
14 prostitute, 11-15.1, 11-20.1, 11-20.1B, 11-20.3, or 11-21
15 of the Criminal Code of 1961 or the Criminal Code of 2012,
16 or any attempt to commit any of these offenses, committed
17 on or after June 1, 2009 (the effective date of Public Act
18 95-983):

19 (i) not access or use a computer or any other
20 device with Internet capability without the prior
21 written approval of the offender's probation officer,
22 except in connection with the offender's employment or
23 search for employment with the prior approval of the
24 offender's probation officer;

25 (ii) submit to periodic unannounced examinations
26 of the offender's computer or any other device with

1 Internet capability by the offender's probation
2 officer, a law enforcement officer, or assigned
3 computer or information technology specialist,
4 including the retrieval and copying of all data from
5 the computer or device and any internal or external
6 peripherals and removal of such information,
7 equipment, or device to conduct a more thorough
8 inspection;

9 (iii) submit to the installation on the offender's
10 computer or device with Internet capability, at the
11 offender's expense, of one or more hardware or
12 software systems to monitor the Internet use; and

13 (iv) submit to any other appropriate restrictions
14 concerning the offender's use of or access to a
15 computer or any other device with Internet capability
16 imposed by the offender's probation officer;

17 (8.9) if convicted of a sex offense as defined in the
18 Sex Offender Registration Act committed on or after
19 January 1, 2010 (the effective date of Public Act 96-262),
20 refrain from accessing or using a social networking
21 website as defined in Section 17-0.5 of the Criminal Code
22 of 2012;

23 (9) if convicted of a felony or of any misdemeanor
24 violation of Section 12-1, 12-2, 12-3, 12-3.2, 12-3.4, or
25 12-3.5 of the Criminal Code of 1961 or the Criminal Code of
26 2012 that was determined, pursuant to Section 112A-11.1 of

1 the Code of Criminal Procedure of 1963, to trigger the
2 prohibitions of 18 U.S.C. 922(g)(9), physically surrender
3 at a time and place designated by the court, his or her
4 Firearm Owner's Identification Card and any and all
5 firearms in his or her possession. The Court shall return
6 to the Illinois ~~Department of~~ State Police Firearm Owner's
7 Identification Card Office the person's Firearm Owner's
8 Identification Card;

9 (10) if convicted of a sex offense as defined in
10 subsection (a-5) of Section 3-1-2 of this Code, unless the
11 offender is a parent or guardian of the person under 18
12 years of age present in the home and no non-familial
13 minors are present, not participate in a holiday event
14 involving children under 18 years of age, such as
15 distributing candy or other items to children on
16 Halloween, wearing a Santa Claus costume on or preceding
17 Christmas, being employed as a department store Santa
18 Claus, or wearing an Easter Bunny costume on or preceding
19 Easter;

20 (11) if convicted of a sex offense as defined in
21 Section 2 of the Sex Offender Registration Act committed
22 on or after January 1, 2010 (the effective date of Public
23 Act 96-362) that requires the person to register as a sex
24 offender under that Act, may not knowingly use any
25 computer scrub software on any computer that the sex
26 offender uses;

1 (12) if convicted of a violation of the
2 Methamphetamine Control and Community Protection Act, the
3 Methamphetamine Precursor Control Act, or a
4 methamphetamine related offense:

5 (A) prohibited from purchasing, possessing, or
6 having under his or her control any product containing
7 pseudoephedrine unless prescribed by a physician; and

8 (B) prohibited from purchasing, possessing, or
9 having under his or her control any product containing
10 ammonium nitrate; and

11 (13) if convicted of a hate crime involving the
12 protected class identified in subsection (a) of Section
13 12-7.1 of the Criminal Code of 2012 that gave rise to the
14 offense the offender committed, perform public or
15 community service of no less than 200 hours and enroll in
16 an educational program discouraging hate crimes that
17 includes racial, ethnic, and cultural sensitivity training
18 ordered by the court.

19 (b) The Court may in addition to other reasonable
20 conditions relating to the nature of the offense or the
21 rehabilitation of the defendant as determined for each
22 defendant in the proper discretion of the Court require that
23 the person:

24 (1) serve a term of periodic imprisonment under
25 Article 7 for a period not to exceed that specified in
26 paragraph (d) of Section 5-7-1;

- 1 (2) pay a fine and costs;
- 2 (3) work or pursue a course of study or vocational
3 training;
- 4 (4) undergo medical, psychological or psychiatric
5 treatment; or treatment for drug addiction or alcoholism;
- 6 (5) attend or reside in a facility established for the
7 instruction or residence of defendants on probation;
- 8 (6) support his dependents;
- 9 (7) and in addition, if a minor:
 - 10 (i) reside with his parents or in a foster home;
 - 11 (ii) attend school;
 - 12 (iii) attend a non-residential program for youth;
 - 13 (iv) contribute to his own support at home or in a
14 foster home;
 - 15 (v) with the consent of the superintendent of the
16 facility, attend an educational program at a facility
17 other than the school in which the offense was
18 committed if he or she is convicted of a crime of
19 violence as defined in Section 2 of the Crime Victims
20 Compensation Act committed in a school, on the real
21 property comprising a school, or within 1,000 feet of
22 the real property comprising a school;
- 23 (8) make restitution as provided in Section 5-5-6 of
24 this Code;
- 25 (9) perform some reasonable public or community
26 service;

1 (10) serve a term of home confinement. In addition to
2 any other applicable condition of probation or conditional
3 discharge, the conditions of home confinement shall be
4 that the offender:

5 (i) remain within the interior premises of the
6 place designated for his confinement during the hours
7 designated by the court;

8 (ii) admit any person or agent designated by the
9 court into the offender's place of confinement at any
10 time for purposes of verifying the offender's
11 compliance with the conditions of his confinement; and

12 (iii) if further deemed necessary by the court or
13 the Probation or Court Services Department, be placed
14 on an approved electronic monitoring device, subject
15 to Article 8A of Chapter V;

16 (iv) for persons convicted of any alcohol,
17 cannabis or controlled substance violation who are
18 placed on an approved monitoring device as a condition
19 of probation or conditional discharge, the court shall
20 impose a reasonable fee for each day of the use of the
21 device, as established by the county board in
22 subsection (g) of this Section, unless after
23 determining the inability of the offender to pay the
24 fee, the court assesses a lesser fee or no fee as the
25 case may be. This fee shall be imposed in addition to
26 the fees imposed under subsections (g) and (i) of this

1 Section. The fee shall be collected by the clerk of the
2 circuit court, except as provided in an administrative
3 order of the Chief Judge of the circuit court. The
4 clerk of the circuit court shall pay all monies
5 collected from this fee to the county treasurer for
6 deposit in the substance abuse services fund under
7 Section 5-1086.1 of the Counties Code, except as
8 provided in an administrative order of the Chief Judge
9 of the circuit court.

10 The Chief Judge of the circuit court of the county
11 may by administrative order establish a program for
12 electronic monitoring of offenders, in which a vendor
13 supplies and monitors the operation of the electronic
14 monitoring device, and collects the fees on behalf of
15 the county. The program shall include provisions for
16 indigent offenders and the collection of unpaid fees.
17 The program shall not unduly burden the offender and
18 shall be subject to review by the Chief Judge.

19 The Chief Judge of the circuit court may suspend
20 any additional charges or fees for late payment,
21 interest, or damage to any device; and

22 (v) for persons convicted of offenses other than
23 those referenced in clause (iv) above and who are
24 placed on an approved monitoring device as a condition
25 of probation or conditional discharge, the court shall
26 impose a reasonable fee for each day of the use of the

1 device, as established by the county board in
2 subsection (g) of this Section, unless after
3 determining the inability of the defendant to pay the
4 fee, the court assesses a lesser fee or no fee as the
5 case may be. This fee shall be imposed in addition to
6 the fees imposed under subsections (g) and (i) of this
7 Section. The fee shall be collected by the clerk of the
8 circuit court, except as provided in an administrative
9 order of the Chief Judge of the circuit court. The
10 clerk of the circuit court shall pay all monies
11 collected from this fee to the county treasurer who
12 shall use the monies collected to defray the costs of
13 corrections. The county treasurer shall deposit the
14 fee collected in the probation and court services
15 fund. The Chief Judge of the circuit court of the
16 county may by administrative order establish a program
17 for electronic monitoring of offenders, in which a
18 vendor supplies and monitors the operation of the
19 electronic monitoring device, and collects the fees on
20 behalf of the county. The program shall include
21 provisions for indigent offenders and the collection
22 of unpaid fees. The program shall not unduly burden
23 the offender and shall be subject to review by the
24 Chief Judge.

25 The Chief Judge of the circuit court may suspend
26 any additional charges or fees for late payment,

1 interest, or damage to any device.

2 (11) comply with the terms and conditions of an order
3 of protection issued by the court pursuant to the Illinois
4 Domestic Violence Act of 1986, as now or hereafter
5 amended, or an order of protection issued by the court of
6 another state, tribe, or United States territory. A copy
7 of the order of protection shall be transmitted to the
8 probation officer or agency having responsibility for the
9 case;

10 (12) reimburse any "local anti-crime program" as
11 defined in Section 7 of the Anti-Crime Advisory Council
12 Act for any reasonable expenses incurred by the program on
13 the offender's case, not to exceed the maximum amount of
14 the fine authorized for the offense for which the
15 defendant was sentenced;

16 (13) contribute a reasonable sum of money, not to
17 exceed the maximum amount of the fine authorized for the
18 offense for which the defendant was sentenced, (i) to a
19 "local anti-crime program", as defined in Section 7 of the
20 Anti-Crime Advisory Council Act, or (ii) for offenses
21 under the jurisdiction of the Department of Natural
22 Resources, to the fund established by the Department of
23 Natural Resources for the purchase of evidence for
24 investigation purposes and to conduct investigations as
25 outlined in Section 805-105 of the Department of Natural
26 Resources (Conservation) Law;

1 (14) refrain from entering into a designated
2 geographic area except upon such terms as the court finds
3 appropriate. Such terms may include consideration of the
4 purpose of the entry, the time of day, other persons
5 accompanying the defendant, and advance approval by a
6 probation officer, if the defendant has been placed on
7 probation or advance approval by the court, if the
8 defendant was placed on conditional discharge;

9 (15) refrain from having any contact, directly or
10 indirectly, with certain specified persons or particular
11 types of persons, including but not limited to members of
12 street gangs and drug users or dealers;

13 (16) refrain from having in his or her body the
14 presence of any illicit drug prohibited by the Cannabis
15 Control Act, the Illinois Controlled Substances Act, or
16 the Methamphetamine Control and Community Protection Act,
17 unless prescribed by a physician, and submit samples of
18 his or her blood or urine or both for tests to determine
19 the presence of any illicit drug;

20 (17) if convicted for an offense committed on or after
21 June 1, 2008 (the effective date of Public Act 95-464)
22 that would qualify the accused as a child sex offender as
23 defined in Section 11-9.3 or 11-9.4 of the Criminal Code
24 of 1961 or the Criminal Code of 2012, refrain from
25 communicating with or contacting, by means of the
26 Internet, a person who is related to the accused and whom

1 the accused reasonably believes to be under 18 years of
2 age; for purposes of this paragraph (17), "Internet" has
3 the meaning ascribed to it in Section 16-0.1 of the
4 Criminal Code of 2012; and a person is related to the
5 accused if the person is: (i) the spouse, brother, or
6 sister of the accused; (ii) a descendant of the accused;
7 (iii) a first or second cousin of the accused; or (iv) a
8 step-child or adopted child of the accused;

9 (18) if convicted for an offense committed on or after
10 June 1, 2009 (the effective date of Public Act 95-983)
11 that would qualify as a sex offense as defined in the Sex
12 Offender Registration Act:

13 (i) not access or use a computer or any other
14 device with Internet capability without the prior
15 written approval of the offender's probation officer,
16 except in connection with the offender's employment or
17 search for employment with the prior approval of the
18 offender's probation officer;

19 (ii) submit to periodic unannounced examinations
20 of the offender's computer or any other device with
21 Internet capability by the offender's probation
22 officer, a law enforcement officer, or assigned
23 computer or information technology specialist,
24 including the retrieval and copying of all data from
25 the computer or device and any internal or external
26 peripherals and removal of such information,

1 equipment, or device to conduct a more thorough
2 inspection;

3 (iii) submit to the installation on the offender's
4 computer or device with Internet capability, at the
5 subject's expense, of one or more hardware or software
6 systems to monitor the Internet use; and

7 (iv) submit to any other appropriate restrictions
8 concerning the offender's use of or access to a
9 computer or any other device with Internet capability
10 imposed by the offender's probation officer; and

11 (19) refrain from possessing a firearm or other
12 dangerous weapon where the offense is a misdemeanor that
13 did not involve the intentional or knowing infliction of
14 bodily harm or threat of bodily harm.

15 (c) The court may as a condition of probation or of
16 conditional discharge require that a person under 18 years of
17 age found guilty of any alcohol, cannabis or controlled
18 substance violation, refrain from acquiring a driver's license
19 during the period of probation or conditional discharge. If
20 such person is in possession of a permit or license, the court
21 may require that the minor refrain from driving or operating
22 any motor vehicle during the period of probation or
23 conditional discharge, except as may be necessary in the
24 course of the minor's lawful employment.

25 (d) An offender sentenced to probation or to conditional
26 discharge shall be given a certificate setting forth the

1 conditions thereof.

2 (e) Except where the offender has committed a fourth or
3 subsequent violation of subsection (c) of Section 6-303 of the
4 Illinois Vehicle Code, the court shall not require as a
5 condition of the sentence of probation or conditional
6 discharge that the offender be committed to a period of
7 imprisonment in excess of 6 months. This 6-month limit shall
8 not include periods of confinement given pursuant to a
9 sentence of county impact incarceration under Section 5-8-1.2.

10 Persons committed to imprisonment as a condition of
11 probation or conditional discharge shall not be committed to
12 the Department of Corrections.

13 (f) The court may combine a sentence of periodic
14 imprisonment under Article 7 or a sentence to a county impact
15 incarceration program under Article 8 with a sentence of
16 probation or conditional discharge.

17 (g) An offender sentenced to probation or to conditional
18 discharge and who during the term of either undergoes
19 mandatory drug or alcohol testing, or both, or is assigned to
20 be placed on an approved electronic monitoring device, shall
21 be ordered to pay all costs incidental to such mandatory drug
22 or alcohol testing, or both, and all costs incidental to such
23 approved electronic monitoring in accordance with the
24 defendant's ability to pay those costs. The county board with
25 the concurrence of the Chief Judge of the judicial circuit in
26 which the county is located shall establish reasonable fees

1 for the cost of maintenance, testing, and incidental expenses
2 related to the mandatory drug or alcohol testing, or both, and
3 all costs incidental to approved electronic monitoring,
4 involved in a successful probation program for the county. The
5 concurrence of the Chief Judge shall be in the form of an
6 administrative order. The fees shall be collected by the clerk
7 of the circuit court, except as provided in an administrative
8 order of the Chief Judge of the circuit court. The clerk of the
9 circuit court shall pay all moneys collected from these fees
10 to the county treasurer who shall use the moneys collected to
11 defray the costs of drug testing, alcohol testing, and
12 electronic monitoring. The county treasurer shall deposit the
13 fees collected in the county working cash fund under Section
14 6-27001 or Section 6-29002 of the Counties Code, as the case
15 may be. The Chief Judge of the circuit court of the county may
16 by administrative order establish a program for electronic
17 monitoring of offenders, in which a vendor supplies and
18 monitors the operation of the electronic monitoring device,
19 and collects the fees on behalf of the county. The program
20 shall include provisions for indigent offenders and the
21 collection of unpaid fees. The program shall not unduly burden
22 the offender and shall be subject to review by the Chief Judge.

23 The Chief Judge of the circuit court may suspend any
24 additional charges or fees for late payment, interest, or
25 damage to any device.

26 (h) Jurisdiction over an offender may be transferred from

1 the sentencing court to the court of another circuit with the
2 concurrence of both courts. Further transfers or retransfers
3 of jurisdiction are also authorized in the same manner. The
4 court to which jurisdiction has been transferred shall have
5 the same powers as the sentencing court. The probation
6 department within the circuit to which jurisdiction has been
7 transferred, or which has agreed to provide supervision, may
8 impose probation fees upon receiving the transferred offender,
9 as provided in subsection (i). For all transfer cases, as
10 defined in Section 9b of the Probation and Probation Officers
11 Act, the probation department from the original sentencing
12 court shall retain all probation fees collected prior to the
13 transfer. After the transfer, all probation fees shall be paid
14 to the probation department within the circuit to which
15 jurisdiction has been transferred.

16 (i) The court shall impose upon an offender sentenced to
17 probation after January 1, 1989 or to conditional discharge
18 after January 1, 1992 or to community service under the
19 supervision of a probation or court services department after
20 January 1, 2004, as a condition of such probation or
21 conditional discharge or supervised community service, a fee
22 of \$50 for each month of probation or conditional discharge
23 supervision or supervised community service ordered by the
24 court, unless after determining the inability of the person
25 sentenced to probation or conditional discharge or supervised
26 community service to pay the fee, the court assesses a lesser

1 fee. The court may not impose the fee on a minor who is placed
2 in the guardianship or custody of the Department of Children
3 and Family Services under the Juvenile Court Act of 1987 while
4 the minor is in placement. The fee shall be imposed only upon
5 an offender who is actively supervised by the probation and
6 court services department. The fee shall be collected by the
7 clerk of the circuit court. The clerk of the circuit court
8 shall pay all monies collected from this fee to the county
9 treasurer for deposit in the probation and court services fund
10 under Section 15.1 of the Probation and Probation Officers
11 Act.

12 A circuit court may not impose a probation fee under this
13 subsection (i) in excess of \$25 per month unless the circuit
14 court has adopted, by administrative order issued by the chief
15 judge, a standard probation fee guide determining an
16 offender's ability to pay. Of the amount collected as a
17 probation fee, up to \$5 of that fee collected per month may be
18 used to provide services to crime victims and their families.

19 The Court may only waive probation fees based on an
20 offender's ability to pay. The probation department may
21 re-evaluate an offender's ability to pay every 6 months, and,
22 with the approval of the Director of Court Services or the
23 Chief Probation Officer, adjust the monthly fee amount. An
24 offender may elect to pay probation fees due in a lump sum. Any
25 offender that has been assigned to the supervision of a
26 probation department, or has been transferred either under

1 subsection (h) of this Section or under any interstate
2 compact, shall be required to pay probation fees to the
3 department supervising the offender, based on the offender's
4 ability to pay.

5 Public Act 93-970 deletes the \$10 increase in the fee
6 under this subsection that was imposed by Public Act 93-616.
7 This deletion is intended to control over any other Act of the
8 93rd General Assembly that retains or incorporates that fee
9 increase.

10 (i-5) In addition to the fees imposed under subsection (i)
11 of this Section, in the case of an offender convicted of a
12 felony sex offense (as defined in the Sex Offender Management
13 Board Act) or an offense that the court or probation
14 department has determined to be sexually motivated (as defined
15 in the Sex Offender Management Board Act), the court or the
16 probation department shall assess additional fees to pay for
17 all costs of treatment, assessment, evaluation for risk and
18 treatment, and monitoring the offender, based on that
19 offender's ability to pay those costs either as they occur or
20 under a payment plan.

21 (j) All fines and costs imposed under this Section for any
22 violation of Chapters 3, 4, 6, and 11 of the Illinois Vehicle
23 Code, or a similar provision of a local ordinance, and any
24 violation of the Child Passenger Protection Act, or a similar
25 provision of a local ordinance, shall be collected and
26 disbursed by the circuit clerk as provided under the Criminal

1 and Traffic Assessment Act.

2 (k) Any offender who is sentenced to probation or
3 conditional discharge for a felony sex offense as defined in
4 the Sex Offender Management Board Act or any offense that the
5 court or probation department has determined to be sexually
6 motivated as defined in the Sex Offender Management Board Act
7 shall be required to refrain from any contact, directly or
8 indirectly, with any persons specified by the court and shall
9 be available for all evaluations and treatment programs
10 required by the court or the probation department.

11 (l) The court may order an offender who is sentenced to
12 probation or conditional discharge for a violation of an order
13 of protection be placed under electronic surveillance as
14 provided in Section 5-8A-7 of this Code.

15 (Source: P.A. 99-143, eff. 7-27-15; 99-797, eff. 8-12-16;
16 100-159, eff. 8-18-17; 100-260, eff. 1-1-18; 100-575, eff.
17 1-8-18; 100-987, eff. 7-1-19; revised 7-12-19.)

18 (730 ILCS 5/5-9-1.2) (from Ch. 38, par. 1005-9-1.2)

19 Sec. 5-9-1.2. (a) Twelve and one-half percent of all
20 amounts collected as fines pursuant to Section 5-9-1.1 shall
21 be paid into the Youth Drug Abuse Prevention Fund, which is
22 hereby created in the State treasury, to be used by the
23 Department of Human Services for the funding of programs and
24 services for drug-abuse treatment, and prevention and
25 education services, for juveniles.

1 (b) Eighty-seven and one-half percent of the proceeds of
2 all fines received pursuant to Section 5-9-1.1 shall be
3 transmitted to and deposited in the treasurer's office at the
4 level of government as follows:

5 (1) If such seizure was made by a combination of law
6 enforcement personnel representing differing units of
7 local government, the court levying the fine shall
8 equitably allocate 50% of the fine among these units of
9 local government and shall allocate 37 1/2% to the county
10 general corporate fund. In the event that the seizure was
11 made by law enforcement personnel representing a unit of
12 local government from a municipality where the number of
13 inhabitants exceeds 2 million in population, the court
14 levying the fine shall allocate 87 1/2% of the fine to that
15 unit of local government. If the seizure was made by a
16 combination of law enforcement personnel representing
17 differing units of local government, and at least one of
18 those units represents a municipality where the number of
19 inhabitants exceeds 2 million in population, the court
20 shall equitably allocate 87 1/2% of the proceeds of the
21 fines received among the differing units of local
22 government.

23 (2) If such seizure was made by State law enforcement
24 personnel, then the court shall allocate 37 1/2% to the
25 State treasury and 50% to the county general corporate
26 fund.

1 (3) If a State law enforcement agency in combination
2 with a law enforcement agency or agencies of a unit or
3 units of local government conducted the seizure, the court
4 shall equitably allocate 37 1/2% of the fines to or among
5 the law enforcement agency or agencies of the unit or
6 units of local government which conducted the seizure and
7 shall allocate 50% to the county general corporate fund.

8 (c) The proceeds of all fines allocated to the law
9 enforcement agency or agencies of the unit or units of local
10 government pursuant to subsection (b) shall be made available
11 to that law enforcement agency as expendable receipts for use
12 in the enforcement of laws regulating controlled substances
13 and cannabis. The proceeds of fines awarded to the State
14 treasury shall be deposited in a special fund known as the Drug
15 Traffic Prevention Fund. Monies from this fund may be used by
16 the Illinois ~~Department of~~ State Police for use in the
17 enforcement of laws regulating controlled substances and
18 cannabis; to satisfy funding provisions of the
19 Intergovernmental Drug Laws Enforcement Act; and to defray
20 costs and expenses associated with returning violators of the
21 Cannabis Control Act, the Illinois Controlled Substances Act,
22 and the Methamphetamine Control and Community Protection Act
23 only, as provided in those Acts, when punishment of the crime
24 shall be confinement of the criminal in the penitentiary.
25 Moneys in the Drug Traffic Prevention Fund deposited from
26 fines awarded as a direct result of enforcement efforts of the

1 Illinois Conservation Police may be used by the Department of
2 Natural Resources Office of Law Enforcement for use in
3 enforcing laws regulating controlled substances and cannabis
4 on Department of Natural Resources regulated lands and
5 waterways. All other monies shall be paid into the general
6 revenue fund in the State treasury.

7 (d) There is created in the State treasury the
8 Methamphetamine Law Enforcement Fund. Moneys in the Fund shall
9 be equitably allocated to local law enforcement agencies to:

10 (1) reimburse those agencies for the costs of securing and
11 cleaning up sites and facilities used for the illegal
12 manufacture of methamphetamine; (2) defray the costs of
13 employing full-time or part-time peace officers from a
14 Metropolitan Enforcement Group or other local drug task force,
15 including overtime costs for those officers; and (3) defray
16 the costs associated with medical or dental expenses incurred
17 by the county resulting from the incarceration of
18 methamphetamine addicts in the county jail or County
19 Department of Corrections.

20 (Source: P.A. 94-550, eff. 1-1-06; 94-556, eff. 9-11-05;
21 95-331, eff. 8-21-07.)

22 (730 ILCS 5/5-9-1.4) (from Ch. 38, par. 1005-9-1.4)

23 Sec. 5-9-1.4. (a) "Crime laboratory" means any
24 not-for-profit laboratory registered with the Drug Enforcement
25 Administration of the United States Department of Justice,

1 substantially funded by a unit or combination of units of
2 local government or the State of Illinois, which regularly
3 employs at least one person engaged in the analysis of
4 controlled substances, cannabis, methamphetamine, or steroids
5 for criminal justice agencies in criminal matters and provides
6 testimony with respect to such examinations.

7 (b) (Blank).

8 (c) In addition to any other disposition made pursuant to
9 the provisions of the Juvenile Court Act of 1987, any minor
10 adjudicated delinquent for an offense which if committed by an
11 adult would constitute a violation of the Cannabis Control
12 Act, the Illinois Controlled Substances Act, the
13 Methamphetamine Control and Community Protection Act, or the
14 Steroid Control Act shall be required to pay a criminal
15 laboratory analysis assessment of \$100 for each adjudication.
16 Upon verified petition of the minor, the court may suspend
17 payment of all or part of the assessment if it finds that the
18 minor does not have the ability to pay the assessment. The
19 parent, guardian or legal custodian of the minor may pay some
20 or all of such assessment on the minor's behalf.

21 (d) All criminal laboratory analysis fees provided for by
22 this Section shall be collected by the clerk of the court and
23 forwarded to the appropriate crime laboratory fund as provided
24 in subsection (f).

25 (e) Crime laboratory funds shall be established as
26 follows:

1 (1) Any unit of local government which maintains a
2 crime laboratory may establish a crime laboratory fund
3 within the office of the county or municipal treasurer.

4 (2) Any combination of units of local government which
5 maintains a crime laboratory may establish a crime
6 laboratory fund within the office of the treasurer of the
7 county where the crime laboratory is situated.

8 (3) The State Crime Laboratory Fund is hereby created
9 as a special fund in the State Treasury.

10 (f) The analysis assessment provided for in subsection (c)
11 of this Section shall be forwarded to the office of the
12 treasurer of the unit of local government that performed the
13 analysis if that unit of local government has established a
14 crime laboratory fund, or to the State Crime Laboratory Fund
15 if the analysis was performed by a laboratory operated by the
16 Illinois State Police. If the analysis was performed by a
17 crime laboratory funded by a combination of units of local
18 government, the analysis assessment shall be forwarded to the
19 treasurer of the county where the crime laboratory is situated
20 if a crime laboratory fund has been established in that
21 county. If the unit of local government or combination of
22 units of local government has not established a crime
23 laboratory fund, then the analysis assessment shall be
24 forwarded to the State Crime Laboratory Fund.

25 (g) Moneys deposited into a crime laboratory fund created
26 pursuant to paragraphs (1) or (2) of subsection (e) of this

1 Section shall be in addition to any allocations made pursuant
2 to existing law and shall be designated for the exclusive use
3 of the crime laboratory. These uses may include, but are not
4 limited to, the following:

5 (1) costs incurred in providing analysis for
6 controlled substances in connection with criminal
7 investigations conducted within this State;

8 (2) purchase and maintenance of equipment for use in
9 performing analyses; and

10 (3) continuing education, training and professional
11 development of forensic scientists regularly employed by
12 these laboratories.

13 (h) Moneys deposited in the State Crime Laboratory Fund
14 created pursuant to paragraph (3) of subsection (d) of this
15 Section shall be used by State crime laboratories as
16 designated by the Director of the Illinois State Police. These
17 funds shall be in addition to any allocations made pursuant to
18 existing law and shall be designated for the exclusive use of
19 State crime laboratories or for the sexual assault evidence
20 tracking system created under Section 50 of the Sexual Assault
21 Evidence Submission Act. These uses may include those
22 enumerated in subsection (g) of this Section.

23 (Source: P.A. 100-987, eff. 7-1-19; 101-377, eff. 8-16-19.)

24 (730 ILCS 5/5-9-1.9)

25 Sec. 5-9-1.9. DUI analysis fee.

1 (a) "Crime laboratory" means a not-for-profit laboratory
2 substantially funded by a single unit or combination of units
3 of local government or the State of Illinois that regularly
4 employs at least one person engaged in the DUI analysis of
5 blood, other bodily substance, and urine for criminal justice
6 agencies in criminal matters and provides testimony with
7 respect to such examinations.

8 "DUI analysis" means an analysis of blood, other bodily
9 substance, or urine for purposes of determining whether a
10 violation of Section 11-501 of the Illinois Vehicle Code has
11 occurred.

12 (b) (Blank).

13 (c) In addition to any other disposition made under the
14 provisions of the Juvenile Court Act of 1987, any minor
15 adjudicated delinquent for an offense which if committed by an
16 adult would constitute a violation of Section 11-501 of the
17 Illinois Vehicle Code shall pay a crime laboratory DUI
18 analysis assessment of \$150 for each adjudication. Upon
19 verified petition of the minor, the court may suspend payment
20 of all or part of the assessment if it finds that the minor
21 does not have the ability to pay the assessment. The parent,
22 guardian, or legal custodian of the minor may pay some or all
23 of the assessment on the minor's behalf.

24 (d) All crime laboratory DUI analysis assessments provided
25 for by this Section shall be collected by the clerk of the
26 court and forwarded to the appropriate crime laboratory DUI

1 fund as provided in subsection (f).

2 (e) Crime laboratory funds shall be established as
3 follows:

4 (1) A unit of local government that maintains a crime
5 laboratory may establish a crime laboratory DUI fund
6 within the office of the county or municipal treasurer.

7 (2) Any combination of units of local government that
8 maintains a crime laboratory may establish a crime
9 laboratory DUI fund within the office of the treasurer of
10 the county where the crime laboratory is situated.

11 (3) The State Police DUI Fund is created as a special
12 fund in the State Treasury.

13 (f) The analysis assessment provided for in subsection (c)
14 of this Section shall be forwarded to the office of the
15 treasurer of the unit of local government that performed the
16 analysis if that unit of local government has established a
17 crime laboratory DUI fund, or to the State Treasurer for
18 deposit into the State Crime Laboratory Fund if the analysis
19 was performed by a laboratory operated by the Illinois
20 ~~Department of~~ State Police. If the analysis was performed by a
21 crime laboratory funded by a combination of units of local
22 government, the analysis assessment shall be forwarded to the
23 treasurer of the county where the crime laboratory is situated
24 if a crime laboratory DUI fund has been established in that
25 county. If the unit of local government or combination of
26 units of local government has not established a crime

1 laboratory DUI fund, then the analysis assessment shall be
2 forwarded to the State Treasurer for deposit into the State
3 Crime Laboratory Fund.

4 (g) Moneys deposited into a crime laboratory DUI fund
5 created under paragraphs (1) and (2) of subsection (e) of this
6 Section shall be in addition to any allocations made pursuant
7 to existing law and shall be designated for the exclusive use
8 of the crime laboratory. These uses may include, but are not
9 limited to, the following:

10 (1) Costs incurred in providing analysis for DUI
11 investigations conducted within this State.

12 (2) Purchase and maintenance of equipment for use in
13 performing analyses.

14 (3) Continuing education, training, and professional
15 development of forensic scientists regularly employed by
16 these laboratories.

17 (h) Moneys deposited in the State Crime Laboratory Fund
18 shall be used by State crime laboratories as designated by the
19 Director of the Illinois State Police. These funds shall be in
20 addition to any allocations made according to existing law and
21 shall be designated for the exclusive use of State crime
22 laboratories. These uses may include those enumerated in
23 subsection (g) of this Section.

24 (Source: P.A. 99-697, eff. 7-29-16; 100-987, eff. 7-1-19;
25 100-1161, eff. 7-1-19.)

1 Section 1060. The Arsonist Registration Act is amended by
2 changing Sections 10, 15, 20, 25, 30, 35, 45, 50, 55, 60, 70,
3 75, and 80 as follows:

4 (730 ILCS 148/10)

5 Sec. 10. Duty to register.

6 (a) An arsonist shall, within the time period prescribed
7 in subsections (b) and (c), register in person and provide
8 accurate information as required by the Illinois ~~Department of~~
9 State Police. Such information shall include current address,
10 current place of employment, and school attended. The arsonist
11 shall register:

12 (1) with the chief of police in each of the
13 municipalities in which he or she attends school, is
14 employed, resides or is temporarily domiciled for a period
15 of time of 10 or more days, unless the municipality is the
16 City of Chicago, in which case he or she shall register at
17 a fixed location designated by the Superintendent of the
18 Chicago Police Department; or

19 (2) with the sheriff in each of the counties in which
20 he or she attends school, is employed, resides or is
21 temporarily domiciled in an unincorporated area or, if
22 incorporated, no police chief exists. For purposes of this
23 Act, the place of residence or temporary domicile is
24 defined as any and all places where the arsonist resides
25 for an aggregate period of time of 10 or more days during

1 any calendar year. The arsonist shall provide accurate
2 information as required by the Illinois ~~Department of~~
3 State Police. That information shall include the
4 arsonist's current place of employment.

5 (a-5) An out-of-state student or out-of-state employee
6 shall, within 10 days after beginning school or employment in
7 this State, register in person and provide accurate
8 information as required by the Illinois ~~Department of~~ State
9 Police. Such information must include current place of
10 employment, school attended, and address in state of
11 residence:

12 (1) with the chief of police in each of the
13 municipalities in which he or she attends school or is
14 employed for a period of time of 10 or more days or for an
15 aggregate period of time of more than 30 days during any
16 calendar year, unless the municipality is the City of
17 Chicago, in which case he or she shall register at a fixed
18 location designated by the Superintendent of the Chicago
19 Police Department; or

20 (2) with the sheriff in each of the counties in which
21 he or she attends school or is employed for a period of
22 time of 10 or more days or for an aggregate period of time
23 of more than 30 days during any calendar year in an
24 unincorporated area or, if incorporated, no police chief
25 exists. The out-of-state student or out-of-state employee
26 shall provide accurate information as required by the

1 Illinois Department of State Police. That information
2 shall include the out-of-state student's current place of
3 school attendance or the out-of-state employee's current
4 place of employment.

5 (b) An arsonist as defined in Section 5 of this Act,
6 regardless of any initial, prior, or other registration,
7 shall, within 10 days of beginning school, or establishing a
8 residence, place of employment, or temporary domicile in any
9 county, register in person as set forth in subsection (a) or
10 (a-5).

11 (c) The registration for any person required to register
12 under this Act shall be as follows:

13 (1) Except as provided in paragraph (3) of this
14 subsection (c), any person who has not been notified of
15 his or her responsibility to register shall be notified by
16 a criminal justice entity of his or her responsibility to
17 register. Upon notification the person must then register
18 within 10 days of notification of his or her requirement
19 to register. If notification is not made within the
20 offender's 10 year registration requirement, and the
21 Illinois Department of State Police determines no evidence
22 exists or indicates the offender attempted to avoid
23 registration, the offender will no longer be required to
24 register under this Act.

25 (2) Except as provided in paragraph (3) of this
26 subsection (c), any person convicted on or after the

1 effective date of this Act shall register in person within
2 10 days after the entry of the sentencing order based upon
3 his or her conviction.

4 (3) Any person unable to comply with the registration
5 requirements of this Act because he or she is confined,
6 institutionalized, or imprisoned in Illinois on or after
7 the effective date of this Act shall register in person
8 within 10 days of discharge, parole or release.

9 (4) The person shall provide positive identification
10 and documentation that substantiates proof of residence at
11 the registering address.

12 (5) The person shall pay a \$10 initial registration
13 fee and a \$5 annual renewal fee. The fees shall be used by
14 the registering agency for official purposes. The agency
15 shall establish procedures to document receipt and use of
16 the funds. The law enforcement agency having jurisdiction
17 may waive the registration fee if it determines that the
18 person is indigent and unable to pay the registration fee.

19 (d) Within 10 days after obtaining or changing employment,
20 a person required to register under this Section must report,
21 in person or in writing to the law enforcement agency having
22 jurisdiction, the business name and address where he or she is
23 employed. If the person has multiple businesses or work
24 locations, every business and work location must be reported
25 to the law enforcement agency having jurisdiction.

26 (Source: P.A. 99-755, eff. 8-5-16.)

1 (730 ILCS 148/15)

2 Sec. 15. Discharge of arsonist from penal institution. Any
3 arsonist who is discharged, paroled or released from a
4 Department of Corrections facility, a facility where such
5 person was placed by the Department of Corrections or another
6 penal institution, and whose liability for registration has
7 not terminated under Section 45 shall, within 10 days prior to
8 discharge, parole, or release from the facility or
9 institution, be informed of his or her duty to register in
10 person under this Act by the facility or institution in which
11 he or she was confined. The facility or institution shall also
12 inform any person who must register that if he or she
13 establishes a residence outside of the State of Illinois, is
14 employed outside of the State of Illinois, or attends school
15 outside of the State of Illinois, he or she must register in
16 the new state within 10 days after establishing the residence,
17 beginning employment, or beginning school. The facility shall
18 require the person to read and sign such form as may be
19 required by the Illinois ~~Department of~~ State Police stating
20 that the duty to register and the procedure for registration
21 has been explained to him or her and that he or she understands
22 the duty to register and the procedure for registration. The
23 facility shall further advise the person in writing that the
24 failure to register or other violation of this Act shall
25 result in revocation of parole, mandatory supervised release

1 or conditional release. The facility shall obtain information
2 about where the person expects to reside, work, and attend
3 school upon his or her discharge, parole or release and shall
4 report the information to the Illinois ~~Department of~~ State
5 Police. The facility shall give one copy of the form to the
6 person and shall send one copy to each of the law enforcement
7 agencies having jurisdiction where the person expects to
8 reside, work, and attend school upon his or her discharge,
9 parole or release and retain one copy for the files.
10 Electronic data files that include all notification form
11 information and photographs of arsonists being released from
12 an Illinois Department of Corrections facility shall be shared
13 on a regular basis as determined between the Illinois
14 ~~Department of~~ State Police and the Department of Corrections.
15 (Source: P.A. 93-949, eff. 1-1-05.)

16 (730 ILCS 148/20)

17 Sec. 20. Release of arsonist on probation. An arsonist who
18 is released on probation shall, prior to such release, be
19 informed of his or her duty to register under this Act by the
20 court in which he or she was convicted. The court shall also
21 inform any person who must register that if he or she
22 establishes a residence outside of the State of Illinois, is
23 employed outside of the State of Illinois, or attends school
24 outside of the State of Illinois, he or she must register in
25 the new state within 10 days after establishing the residence,

1 beginning employment, or beginning school. The court shall
2 require the person to read and sign such form as may be
3 required by the Illinois ~~Department of~~ State Police stating
4 that the duty to register and the procedure for registration
5 has been explained to him or her and that he or she understands
6 the duty to register and the procedure for registration. The
7 court shall further advise the person in writing that the
8 failure to register or other violation of this Act shall
9 result in probation revocation. The court shall obtain
10 information about where the person expects to reside, work,
11 and attend school upon his or her release, and shall report the
12 information to the Illinois ~~Department of~~ State Police. The
13 court shall give one copy of the form to the person and retain
14 the original in the court records. The Illinois ~~Department of~~
15 State Police shall notify the law enforcement agencies having
16 jurisdiction where the person expects to reside, work and
17 attend school upon his or her release.

18 (Source: P.A. 93-949, eff. 1-1-05.)

19 (730 ILCS 148/25)

20 Sec. 25. Discharge of arsonist from hospital or other
21 treatment facility. Any arsonist who is discharged or released
22 from a hospital or other treatment facility where he or she was
23 confined shall be informed by the hospital or treatment
24 facility in which he or she was confined, prior to discharge or
25 release from the hospital or treatment facility, of his or her

1 duty to register under this Act. The facility shall require
2 the person to read and sign such form as may be required by the
3 Illinois ~~Department of~~ State Police stating that the duty to
4 register and the procedure for registration has been explained
5 to him or her and that he or she understands the duty to
6 register and the procedure for registration. The facility
7 shall give one copy of the form to the person, retain one copy
8 for its records, and forward the original to the Illinois
9 ~~Department of~~ State Police. The facility shall obtain
10 information about where the person expects to reside, work,
11 and attend school upon his or her discharge, parole, or
12 release and shall report the information to the Illinois
13 ~~Department of~~ State Police within 3 days. The facility or
14 institution shall also inform any person who must register
15 that if he or she establishes a residence outside of the State
16 of Illinois, is employed outside of the State of Illinois, or
17 attends school outside of the State of Illinois, he or she must
18 register in the new state within 10 days after establishing
19 the residence, beginning school, or beginning employment. The
20 Illinois ~~Department of~~ State Police shall notify the law
21 enforcement agencies having jurisdiction where the person
22 expects to reside, work, and attend school upon his or her
23 release.

24 (Source: P.A. 93-949, eff. 1-1-05.)

1 Sec. 30. Nonforwardable verification letter. The Illinois
2 ~~Department of~~ State Police shall mail an annual nonforwardable
3 verification letter to a person registered under this Act
4 beginning one year from the date of his or her last
5 registration. A person required to register under this Act who
6 is mailed a verification letter shall complete, sign, and
7 return the enclosed verification form to the Illinois
8 ~~Department of~~ State Police postmarked within 10 days after the
9 mailing date of the letter. A person's failure to return the
10 verification form to the Illinois ~~Department of~~ State Police
11 within 10 days after the mailing date of the letter shall be
12 considered a violation of this Act; however it is an
13 affirmative defense to a prosecution for failure of a person
14 who is required to return a verification form to the Illinois
15 ~~Department of~~ State Police if the post office fails to deliver
16 the verification form to the Illinois ~~Department of~~ State
17 Police or if it can be proven that the form has been lost by
18 the Department.

19 (Source: P.A. 93-949, eff. 1-1-05.)

20 (730 ILCS 148/35)

21 Sec. 35. Duty to report change of address, school, or
22 employment. Any person who is required to register under this
23 Act shall report in person to the appropriate law enforcement
24 agency with whom he or she last registered within one year from
25 the date of last registration and every year thereafter. If

1 any person required to register under this Act changes his or
2 her residence address, place of employment, or school, he or
3 she shall, in writing, within 10 days inform the law
4 enforcement agency with whom he or she last registered of his
5 or her new address, change in employment, or school and
6 register with the appropriate law enforcement agency within
7 the time period specified in Section 10. The law enforcement
8 agency shall, within 3 days of receipt, notify the Illinois
9 ~~Department of~~ State Police and the law enforcement agency
10 having jurisdiction of the new place of residence, change in
11 employment, or school. If any person required to register
12 under this Act establishes a residence or employment outside
13 of the State of Illinois, within 10 days after establishing
14 that residence or employment, he or she shall, in writing,
15 inform the law enforcement agency with which he or she last
16 registered of his or her out-of-state residence or employment.
17 The law enforcement agency with which such person last
18 registered shall, within 3 days notice of an address or
19 employment change, notify the Illinois ~~Department of~~ State
20 Police. The Illinois ~~Department of~~ State Police shall forward
21 such information to the out-of-state law enforcement agency
22 having jurisdiction in the form and manner prescribed by the
23 Illinois ~~Department of~~ State Police.

24 (Source: P.A. 93-949, eff. 1-1-05.)

1 Sec. 45. Duration of registration. Any person, other than
2 a minor who is tried and convicted in an adult criminal
3 prosecution for an offense for which the person is required to
4 register under this Act, who is required to register under
5 this Act shall be required to register for a period of 10 years
6 after conviction if not confined to a penal institution,
7 hospital or any other institution or facility, and if
8 confined, for a period of 10 years after parole, discharge or
9 release from any such facility. A minor who has been tried and
10 convicted in an adult criminal prosecution for an offense for
11 which the person is required to register under this Act shall
12 be required to register for a period of 10 years after his or
13 her conviction for an offense for which the person is required
14 to register under this Act. An arsonist who is allowed to leave
15 a county, State, or federal facility for the purposes of work
16 release, education, or overnight visitations shall be required
17 to register within 10 days of beginning such a program.
18 Liability for registration terminates at the expiration of 10
19 years from the date of conviction if not confined to a penal
20 institution, hospital or any other institution or facility and
21 if confined, at the expiration of 10 years from the date of
22 parole, discharge or release from any such facility, providing
23 such person does not, during that period, again become liable
24 to register under the provisions of this Act. In the case of a
25 minor who is tried and convicted in an adult criminal
26 prosecution, liability for registration terminates 10 years

1 after conviction. The Director of the Illinois State Police,
2 consistent with administrative rules, shall extend for 10
3 years the registration period of any arsonist who fails to
4 comply with the provisions of this Act.

5 (Source: P.A. 93-949, eff. 1-1-05.)

6 (730 ILCS 148/50)

7 Sec. 50. Registration requirements. Registration as
8 required by this Act shall consist of a statement in writing
9 signed by the person giving the information that is required
10 by the Illinois ~~Department of~~ State Police, which may include
11 the fingerprints and must include a photograph of the person.
12 The registration information must include whether the person
13 is an arsonist. Within 3 days, the registering law enforcement
14 agency shall forward any required information to the Illinois
15 ~~Department of~~ State Police. The registering law enforcement
16 agency shall enter the information into I-CLEAR as provided in
17 Section 2605-378 of the Illinois ~~Department of~~ State Police
18 Law of the Civil Administrative Code of Illinois.

19 (Source: P.A. 93-949, eff. 1-1-05.)

20 (730 ILCS 148/55)

21 Sec. 55. Address verification requirements. The agency
22 having jurisdiction shall verify the address of arsonists
23 required to register with their agency at least once per
24 calendar year. The verification must be documented in I-CLEAR

1 in the form and manner required by the Illinois ~~Department of~~
2 State Police.

3 (Source: P.A. 93-949, eff. 1-1-05.)

4 (730 ILCS 148/60)

5 Sec. 60. Public inspection of registration data.

6 (a) Except as otherwise provided in subsection (b), the
7 statements or any other information required by this Act shall
8 not be open to inspection by the public, or by any person other
9 than by a law enforcement officer or other individual as may be
10 authorized by law and shall include law enforcement agencies
11 of this State, any other state, or of the federal government.
12 Similar information may be requested from any law enforcement
13 agency of another state or of the federal government for
14 purposes of this Act. It is a Class B misdemeanor to permit the
15 unauthorized release of any information required by this Act.

16 (b) The Illinois ~~Department of~~ State Police shall furnish
17 to the Office of the State Fire Marshal the registration
18 information concerning persons who are required to register
19 under this Act. The Office of the State Fire Marshal shall
20 establish and maintain a Statewide Arsonist Database for the
21 purpose of making that information available to the public on
22 the Internet by means of a hyperlink labeled "Arsonist
23 Information" on the Office of the State Fire Marshal's
24 website.

25 (Source: P.A. 93-949, eff. 1-1-05.)

1 (730 ILCS 148/70)

2 Sec. 70. Arsonist Registration Fund. There is created in
3 the State treasury the Arsonist Registration Fund. Moneys in
4 the Fund shall be used to cover costs incurred by the criminal
5 justice system to administer this Act. The Illinois Department
6 ~~of~~ State Police shall establish and promulgate rules and
7 procedures regarding the administration of this Fund. At least
8 50% of the moneys in the Fund shall be allocated by the
9 Department for sheriffs' offices and police departments.
10 (Source: P.A. 93-949, eff. 1-1-05.)

11 (730 ILCS 148/75)

12 Sec. 75. Access to State of Illinois databases. The
13 Illinois Department ~~of~~ State Police shall have access to State
14 of Illinois databases containing information that may help in
15 the identification or location of persons required to register
16 under this Act. Interagency agreements shall be implemented,
17 consistent with security and procedures established by the
18 State agency and consistent with the laws governing the
19 confidentiality of the information in the databases.
20 Information shall be used only for administration of this Act.
21 (Source: P.A. 93-949, eff. 1-1-05.)

22 (730 ILCS 148/80)

23 Sec. 80. Applicability. Until the Illinois Department ~~of~~

1 State Police establishes I-CLEAR throughout this State, this
2 Act applies only to arsonists who reside, are employed, or
3 attend school within the City of Chicago. Once I-CLEAR is
4 established throughout this State, this Act applies throughout
5 the State to arsonists who reside, are employed, or attend
6 school anywhere in this State. Any duties imposed upon the
7 Illinois Department of State Police by this Act are subject to
8 appropriation and shall not commence until I-CLEAR is
9 implemented throughout this State and until such time, those
10 duties shall be imposed upon the City of Chicago.

11 (Source: P.A. 93-949, eff. 1-1-05.)

12 Section 1065. The Sex Offender Registration Act is amended
13 by changing Sections 3, 4, 5, 5-5, 5-10, 6, 7, 8, 8-5, and 11
14 as follows:

15 (730 ILCS 150/3)

16 Sec. 3. Duty to register.

17 (a) A sex offender, as defined in Section 2 of this Act, or
18 sexual predator shall, within the time period prescribed in
19 subsections (b) and (c), register in person and provide
20 accurate information as required by the Illinois Department of
21 State Police. Such information shall include a current
22 photograph, current address, current place of employment, the
23 sex offender's or sexual predator's telephone number,
24 including cellular telephone number, the employer's telephone

1 number, school attended, all e-mail addresses, instant
2 messaging identities, chat room identities, and other Internet
3 communications identities that the sex offender uses or plans
4 to use, all Uniform Resource Locators (URLs) registered or
5 used by the sex offender, all blogs and other Internet sites
6 maintained by the sex offender or to which the sex offender has
7 uploaded any content or posted any messages or information,
8 extensions of the time period for registering as provided in
9 this Article and, if an extension was granted, the reason why
10 the extension was granted and the date the sex offender was
11 notified of the extension. The information shall also include
12 a copy of the terms and conditions of parole or release signed
13 by the sex offender and given to the sex offender by his or her
14 supervising officer or aftercare specialist, the county of
15 conviction, license plate numbers for every vehicle registered
16 in the name of the sex offender, the age of the sex offender at
17 the time of the commission of the offense, the age of the
18 victim at the time of the commission of the offense, and any
19 distinguishing marks located on the body of the sex offender.
20 A sex offender convicted under Section 11-6, 11-20.1,
21 11-20.1B, 11-20.3, or 11-21 of the Criminal Code of 1961 or the
22 Criminal Code of 2012 shall provide all Internet protocol (IP)
23 addresses in his or her residence, registered in his or her
24 name, accessible at his or her place of employment, or
25 otherwise under his or her control or custody. If the sex
26 offender is a child sex offender as defined in Section 11-9.3

1 or 11-9.4 of the Criminal Code of 1961 or the Criminal Code of
2 2012, the sex offender shall report to the registering agency
3 whether he or she is living in a household with a child under
4 18 years of age who is not his or her own child, provided that
5 his or her own child is not the victim of the sex offense. The
6 sex offender or sexual predator shall register:

7 (1) with the chief of police in the municipality in
8 which he or she resides or is temporarily domiciled for a
9 period of time of 3 or more days, unless the municipality
10 is the City of Chicago, in which case he or she shall
11 register at a fixed location designated by the
12 Superintendent of the Chicago Police Department; or

13 (2) with the sheriff in the county in which he or she
14 resides or is temporarily domiciled for a period of time
15 of 3 or more days in an unincorporated area or, if
16 incorporated, no police chief exists.

17 If the sex offender or sexual predator is employed at or
18 attends an institution of higher education, he or she shall
19 also register:

20 (i) with:

21 (A) the chief of police in the municipality in
22 which he or she is employed at or attends an
23 institution of higher education, unless the
24 municipality is the City of Chicago, in which case he
25 or she shall register at a fixed location designated
26 by the Superintendent of the Chicago Police

1 Department; or

2 (B) the sheriff in the county in which he or she is
3 employed or attends an institution of higher education
4 located in an unincorporated area, or if incorporated,
5 no police chief exists; and

6 (ii) with the public safety or security director of
7 the institution of higher education which he or she is
8 employed at or attends.

9 The registration fees shall only apply to the municipality
10 or county of primary registration, and not to campus
11 registration.

12 For purposes of this Article, the place of residence or
13 temporary domicile is defined as any and all places where the
14 sex offender resides for an aggregate period of time of 3 or
15 more days during any calendar year. Any person required to
16 register under this Article who lacks a fixed address or
17 temporary domicile must notify, in person, the agency of
18 jurisdiction of his or her last known address within 3 days
19 after ceasing to have a fixed residence.

20 A sex offender or sexual predator who is temporarily
21 absent from his or her current address of registration for 3 or
22 more days shall notify the law enforcement agency having
23 jurisdiction of his or her current registration, including the
24 itinerary for travel, in the manner provided in Section 6 of
25 this Act for notification to the law enforcement agency having
26 jurisdiction of change of address.

1 Any person who lacks a fixed residence must report weekly,
2 in person, with the sheriff's office of the county in which he
3 or she is located in an unincorporated area, or with the chief
4 of police in the municipality in which he or she is located.
5 The agency of jurisdiction will document each weekly
6 registration to include all the locations where the person has
7 stayed during the past 7 days.

8 The sex offender or sexual predator shall provide accurate
9 information as required by the Illinois ~~Department of~~ State
10 Police. That information shall include the sex offender's or
11 sexual predator's current place of employment.

12 (a-5) An out-of-state student or out-of-state employee
13 shall, within 3 days after beginning school or employment in
14 this State, register in person and provide accurate
15 information as required by the Illinois ~~Department of~~ State
16 Police. Such information will include current place of
17 employment, school attended, and address in state of
18 residence. A sex offender convicted under Section 11-6,
19 11-20.1, 11-20.1B, 11-20.3, or 11-21 of the Criminal Code of
20 1961 or the Criminal Code of 2012 shall provide all Internet
21 protocol (IP) addresses in his or her residence, registered in
22 his or her name, accessible at his or her place of employment,
23 or otherwise under his or her control or custody. The
24 out-of-state student or out-of-state employee shall register:

25 (1) with:

26 (A) the chief of police in the municipality in

1 which he or she attends school or is employed for a
2 period of time of 5 or more days or for an aggregate
3 period of time of more than 30 days during any calendar
4 year, unless the municipality is the City of Chicago,
5 in which case he or she shall register at a fixed
6 location designated by the Superintendent of the
7 Chicago Police Department; or

8 (B) the sheriff in the county in which he or she
9 attends school or is employed for a period of time of 5
10 or more days or for an aggregate period of time of more
11 than 30 days during any calendar year in an
12 unincorporated area or, if incorporated, no police
13 chief exists; and

14 (2) with the public safety or security director of the
15 institution of higher education he or she is employed at
16 or attends for a period of time of 5 or more days or for an
17 aggregate period of time of more than 30 days during a
18 calendar year.

19 The registration fees shall only apply to the municipality
20 or county of primary registration, and not to campus
21 registration.

22 The out-of-state student or out-of-state employee shall
23 provide accurate information as required by the Illinois
24 ~~Department of~~ State Police. That information shall include the
25 out-of-state student's current place of school attendance or
26 the out-of-state employee's current place of employment.

1 (a-10) Any law enforcement agency registering sex
2 offenders or sexual predators in accordance with subsections
3 (a) or (a-5) of this Section shall forward to the Attorney
4 General a copy of sex offender registration forms from persons
5 convicted under Section 11-6, 11-20.1, 11-20.1B, 11-20.3, or
6 11-21 of the Criminal Code of 1961 or the Criminal Code of
7 2012, including periodic and annual registrations under
8 Section 6 of this Act.

9 (b) Any sex offender, as defined in Section 2 of this Act,
10 or sexual predator, regardless of any initial, prior, or other
11 registration, shall, within 3 days of beginning school, or
12 establishing a residence, place of employment, or temporary
13 domicile in any county, register in person as set forth in
14 subsection (a) or (a-5).

15 (c) The registration for any person required to register
16 under this Article shall be as follows:

17 (1) Any person registered under the Habitual Child Sex
18 Offender Registration Act or the Child Sex Offender
19 Registration Act prior to January 1, 1996, shall be deemed
20 initially registered as of January 1, 1996; however, this
21 shall not be construed to extend the duration of
22 registration set forth in Section 7.

23 (2) Except as provided in subsection (c)(2.1) or
24 (c)(4), any person convicted or adjudicated prior to
25 January 1, 1996, whose liability for registration under
26 Section 7 has not expired, shall register in person prior

1 to January 31, 1996.

2 (2.1) A sex offender or sexual predator, who has never
3 previously been required to register under this Act, has a
4 duty to register if the person has been convicted of any
5 felony offense after July 1, 2011. A person who previously
6 was required to register under this Act for a period of 10
7 years and successfully completed that registration period
8 has a duty to register if: (i) the person has been
9 convicted of any felony offense after July 1, 2011, and
10 (ii) the offense for which the 10 year registration was
11 served currently requires a registration period of more
12 than 10 years. Notification of an offender's duty to
13 register under this subsection shall be pursuant to
14 Section 5-7 of this Act.

15 (2.5) Except as provided in subsection (c)(4), any
16 person who has not been notified of his or her
17 responsibility to register shall be notified by a criminal
18 justice entity of his or her responsibility to register.
19 Upon notification the person must then register within 3
20 days of notification of his or her requirement to
21 register. Except as provided in subsection (c)(2.1), if
22 notification is not made within the offender's 10 year
23 registration requirement, and the Illinois ~~Department of~~
24 State Police determines no evidence exists or indicates
25 the offender attempted to avoid registration, the offender
26 will no longer be required to register under this Act.

1 (3) Except as provided in subsection (c)(4), any
2 person convicted on or after January 1, 1996, shall
3 register in person within 3 days after the entry of the
4 sentencing order based upon his or her conviction.

5 (4) Any person unable to comply with the registration
6 requirements of this Article because he or she is
7 confined, institutionalized, or imprisoned in Illinois on
8 or after January 1, 1996, shall register in person within
9 3 days of discharge, parole or release.

10 (5) The person shall provide positive identification
11 and documentation that substantiates proof of residence at
12 the registering address.

13 (6) The person shall pay a \$100 initial registration
14 fee and a \$100 annual renewal fee to the registering law
15 enforcement agency having jurisdiction. The registering
16 agency may waive the registration fee if it determines
17 that the person is indigent and unable to pay the
18 registration fee. Thirty-five dollars for the initial
19 registration fee and \$35 of the annual renewal fee shall
20 be retained and used by the registering agency for
21 official purposes. Having retained \$35 of the initial
22 registration fee and \$35 of the annual renewal fee, the
23 registering agency shall remit the remainder of the fee to
24 State agencies within 30 days of receipt for deposit into
25 the State funds as follows:

26 (A) Five dollars of the initial registration fee

1 and \$5 of the annual fee shall be remitted to the State
2 Treasurer who shall deposit the moneys into the Sex
3 Offender Management Board Fund under Section 19 of the
4 Sex Offender Management Board Act. Money deposited
5 into the Sex Offender Management Board Fund shall be
6 administered by the Sex Offender Management Board and
7 shall be used by the Board to comply with the
8 provisions of the Sex Offender Management Board Act.

9 (B) Thirty dollars of the initial registration fee
10 and \$30 of the annual renewal fee shall be remitted to
11 the Illinois ~~Department of~~ State Police which shall
12 deposit the moneys into the Offender Registration
13 Fund.

14 (C) Thirty dollars of the initial registration fee
15 and \$30 of the annual renewal fee shall be remitted to
16 the Attorney General who shall deposit the moneys into
17 the Attorney General Sex Offender Awareness, Training,
18 and Education Fund. Moneys deposited into the Fund
19 shall be used by the Attorney General to administer
20 the I-SORT program and to alert and educate the
21 public, victims, and witnesses of their rights under
22 various victim notification laws and for training law
23 enforcement agencies, State's Attorneys, and medical
24 providers of their legal duties concerning the
25 prosecution and investigation of sex offenses.

26 The registering agency shall establish procedures to

1 document the receipt and remittance of the \$100 initial
2 registration fee and \$100 annual renewal fee.

3 (d) Within 3 days after obtaining or changing employment
4 and, if employed on January 1, 2000, within 5 days after that
5 date, a person required to register under this Section must
6 report, in person to the law enforcement agency having
7 jurisdiction, the business name and address where he or she is
8 employed. If the person has multiple businesses or work
9 locations, every business and work location must be reported
10 to the law enforcement agency having jurisdiction.

11 (Source: P.A. 101-571, eff. 8-23-19.)

12 (730 ILCS 150/4) (from Ch. 38, par. 224)

13 Sec. 4. Discharge of sex offender, as defined in Section 2
14 of this Act, or sexual predator from Department of Corrections
15 facility or other penal institution; duties of official in
16 charge. Any sex offender, as defined in Section 2 of this Act,
17 or sexual predator, as defined by this Article, who is
18 discharged, paroled or released from a Department of
19 Corrections or Department of Juvenile Justice facility, a
20 facility where such person was placed by the Department of
21 Corrections or Department of Juvenile Justice or another penal
22 institution, and whose liability for registration has not
23 terminated under Section 7 shall, prior to discharge, parole
24 or release from the facility or institution, be informed of
25 his or her duty to register in person within 3 days of release

1 by the facility or institution in which he or she was confined.
2 The facility or institution shall also inform any person who
3 must register that if he or she establishes a residence
4 outside of the State of Illinois, is employed outside of the
5 State of Illinois, or attends school outside of the State of
6 Illinois, he or she must register in the new state within 3
7 days after establishing the residence, beginning employment,
8 or beginning school.

9 The facility shall require the person to read and sign
10 such form as may be required by the Illinois ~~Department of~~
11 State Police stating that the duty to register and the
12 procedure for registration has been explained to him or her
13 and that he or she understands the duty to register and the
14 procedure for registration. The facility shall further advise
15 the person in writing that the failure to register or other
16 violation of this Article shall result in revocation of
17 parole, aftercare release, mandatory supervised release or
18 conditional release. The facility shall obtain information
19 about where the person expects to reside, work, and attend
20 school upon his or her discharge, parole or release and shall
21 report the information to the Illinois ~~Department of~~ State
22 Police. The facility shall give one copy of the form to the
23 person and shall send one copy to each of the law enforcement
24 agencies having jurisdiction where the person expects to
25 reside, work, and attend school upon his or her discharge,
26 parole or release and retain one copy for the files.

1 Electronic data files which includes all notification form
2 information and photographs of sex offenders being released
3 from an Illinois Department of Corrections or Illinois
4 Department of Juvenile Justice facility will be shared on a
5 regular basis as determined between the Illinois ~~Department of~~
6 State Police, the Department of Corrections, and Department of
7 Juvenile Justice.

8 (Source: P.A. 98-558, eff. 1-1-14.)

9 (730 ILCS 150/5) (from Ch. 38, par. 225)

10 Sec. 5. Release of sex offender, as defined in Section 2 of
11 this Act, or sexual predator; duties of the Court. Any sex
12 offender, as defined in Section 2 of this Act, or sexual
13 predator, as defined by this Article, who is released on
14 probation or discharged upon payment of a fine because of the
15 commission of one of the offenses defined in subsection (B) of
16 Section 2 of this Article, shall, prior to such release be
17 informed of his or her duty to register under this Article by
18 the Court in which he or she was convicted. The Court shall
19 also inform any person who must register that if he or she
20 establishes a residence outside of the State of Illinois, is
21 employed outside of the State of Illinois, or attends school
22 outside of the State of Illinois, he or she must register in
23 the new state within 3 days after establishing the residence,
24 beginning employment, or beginning school. The Court shall
25 require the person to read and sign such form as may be

1 required by the Illinois ~~Department of~~ State Police stating
2 that the duty to register and the procedure for registration
3 has been explained to him or her and that he or she understands
4 the duty to register and the procedure for registration. The
5 Court shall further advise the person in writing that the
6 failure to register or other violation of this Article shall
7 result in probation revocation. The Court shall obtain
8 information about where the person expects to reside, work,
9 and attend school upon his or her release, and shall report the
10 information to the Illinois ~~Department of~~ State Police. The
11 Court shall give one copy of the form to the person and retain
12 the original in the court records. The Illinois ~~Department of~~
13 State Police shall notify the law enforcement agencies having
14 jurisdiction where the person expects to reside, work and
15 attend school upon his or her release.

16 (Source: P.A. 94-168, eff. 1-1-06; 95-640, eff. 6-1-08.)

17 (730 ILCS 150/5-5)

18 Sec. 5-5. Discharge of sex offender or sexual predator
19 from a hospital or other treatment facility; duties of the
20 official in charge. Any sex offender, as defined in Section 2
21 of this Act, or sexual predator, as defined in this Article,
22 who is discharged or released from a hospital or other
23 treatment facility where he or she was confined shall be
24 informed by the hospital or treatment facility in which he or
25 she was confined, prior to discharge or release from the

1 hospital or treatment facility, of his or her duty to register
2 under this Article.

3 The facility shall require the person to read and sign
4 such form as may be required by the Illinois ~~Department of~~
5 State Police stating that the duty to register and the
6 procedure for registration has been explained to him or her
7 and that he or she understands the duty to register and the
8 procedure for registration. The facility shall give one copy
9 of the form to the person, retain one copy for their records,
10 and forward the original to the Illinois ~~Department of~~ State
11 Police. The facility shall obtain information about where the
12 person expects to reside, work, and attend school upon his or
13 her discharge, parole, or release and shall report the
14 information to the Illinois ~~Department of~~ State Police within
15 3 days. The facility or institution shall also inform any
16 person who must register that if he or she establishes a
17 residence outside of the State of Illinois, is employed
18 outside of the State of Illinois, or attends school outside of
19 the State of Illinois, he or she must register in the new state
20 within 3 days after establishing the residence, beginning
21 school, or beginning employment. The Illinois ~~Department of~~
22 State Police shall notify the law enforcement agencies having
23 jurisdiction where the person expects to reside, work, and
24 attend school upon his or her release.

25 (Source: P.A. 94-168, eff. 1-1-06; 95-640, eff. 6-1-08.)

1 (730 ILCS 150/5-10)

2 Sec. 5-10. Nonforwardable verification letters. The
3 Illinois ~~Department of~~ State Police shall mail a quarterly
4 nonforwardable verification letter to each registered person
5 who has been adjudicated to be sexually dangerous or is a
6 sexually violent person and is later released, or found to be
7 no longer sexually dangerous or no longer a sexually violent
8 person and discharged, beginning 90 days from the date of his
9 or her last registration. To any other person registered under
10 this Article, the Illinois ~~Department of~~ State Police shall
11 mail an annual nonforwardable verification letter, beginning
12 one year from the date of his or her last registration. A
13 person required to register under this Article who is mailed a
14 verification letter shall complete, sign, and return the
15 enclosed verification form to the Illinois ~~Department of~~ State
16 Police postmarked within 10 days after the mailing date of the
17 letter. A person's failure to return the verification form to
18 the Illinois ~~Department of~~ State Police within 10 days after
19 the mailing date of the letter shall be considered a violation
20 of this Article.

21 (Source: P.A. 90-193, eff. 7-24-97; 91-48, eff. 7-1-99.)

22 (730 ILCS 150/6)

23 Sec. 6. Duty to report; change of address, school, or
24 employment; duty to inform. A person who has been adjudicated
25 to be sexually dangerous or is a sexually violent person and is

1 later released, or found to be no longer sexually dangerous or
2 no longer a sexually violent person and discharged, or
3 convicted of a violation of this Act after July 1, 2005, shall
4 report in person to the law enforcement agency with whom he or
5 she last registered no later than 90 days after the date of his
6 or her last registration and every 90 days thereafter and at
7 such other times at the request of the law enforcement agency
8 not to exceed 4 times a year. Such sexually dangerous or
9 sexually violent person must report all new or changed e-mail
10 addresses, all new or changed instant messaging identities,
11 all new or changed chat room identities, and all other new or
12 changed Internet communications identities that the sexually
13 dangerous or sexually violent person uses or plans to use, all
14 new or changed Uniform Resource Locators (URLs) registered or
15 used by the sexually dangerous or sexually violent person, and
16 all new or changed blogs and other Internet sites maintained
17 by the sexually dangerous or sexually violent person or to
18 which the sexually dangerous or sexually violent person has
19 uploaded any content or posted any messages or information.
20 Any person who lacks a fixed residence must report weekly, in
21 person, to the appropriate law enforcement agency where the
22 sex offender is located. Any other person who is required to
23 register under this Article shall report in person to the
24 appropriate law enforcement agency with whom he or she last
25 registered within one year from the date of last registration
26 and every year thereafter and at such other times at the

1 request of the law enforcement agency not to exceed 4 times a
2 year. If any person required to register under this Article
3 lacks a fixed residence or temporary domicile, he or she must
4 notify, in person, the agency of jurisdiction of his or her
5 last known address within 3 days after ceasing to have a fixed
6 residence and if the offender leaves the last jurisdiction of
7 residence, he or she, must within 3 days after leaving
8 register in person with the new agency of jurisdiction. If any
9 other person required to register under this Article changes
10 his or her residence address, place of employment, telephone
11 number, cellular telephone number, or school, he or she shall
12 report in person, to the law enforcement agency with whom he or
13 she last registered, his or her new address, change in
14 employment, telephone number, cellular telephone number, or
15 school, all new or changed e-mail addresses, all new or
16 changed instant messaging identities, all new or changed chat
17 room identities, and all other new or changed Internet
18 communications identities that the sex offender uses or plans
19 to use, all new or changed Uniform Resource Locators (URLs)
20 registered or used by the sex offender, and all new or changed
21 blogs and other Internet sites maintained by the sex offender
22 or to which the sex offender has uploaded any content or posted
23 any messages or information, and register, in person, with the
24 appropriate law enforcement agency within the time period
25 specified in Section 3. If the sex offender is a child sex
26 offender as defined in Section 11-9.3 or 11-9.4 of the

1 Criminal Code of 1961 or the Criminal Code of 2012, the sex
2 offender shall within 3 days after beginning to reside in a
3 household with a child under 18 years of age who is not his or
4 her own child, provided that his or her own child is not the
5 victim of the sex offense, report that information to the
6 registering law enforcement agency. The law enforcement agency
7 shall, within 3 days of the reporting in person by the person
8 required to register under this Article, notify the Illinois
9 ~~Department of~~ State Police of the new place of residence,
10 change in employment, telephone number, cellular telephone
11 number, or school.

12 If any person required to register under this Article
13 intends to establish a residence or employment outside of the
14 State of Illinois, at least 10 days before establishing that
15 residence or employment, he or she shall report in person to
16 the law enforcement agency with which he or she last
17 registered of his or her out-of-state intended residence or
18 employment. The law enforcement agency with which such person
19 last registered shall, within 3 days after the reporting in
20 person of the person required to register under this Article
21 of an address or employment change, notify the Illinois
22 ~~Department of~~ State Police. The Illinois ~~Department of~~ State
23 Police shall forward such information to the out-of-state law
24 enforcement agency having jurisdiction in the form and manner
25 prescribed by the Illinois ~~Department of~~ State Police.

26 (Source: P.A. 96-1094, eff. 1-1-11; 96-1104, eff. 1-1-11;

1 97-333, eff. 8-12-11; 97-1150, eff. 1-25-13.)

2 (730 ILCS 150/7) (from Ch. 38, par. 227)

3 Sec. 7. Duration of registration. A person who has been
4 adjudicated to be sexually dangerous and is later released or
5 found to be no longer sexually dangerous and discharged, shall
6 register for the period of his or her natural life. A sexually
7 violent person or sexual predator shall register for the
8 period of his or her natural life after conviction or
9 adjudication if not confined to a penal institution, hospital,
10 or other institution or facility, and if confined, for the
11 period of his or her natural life after parole, discharge, or
12 release from any such facility. A person who becomes subject
13 to registration under paragraph (2.1) of subsection (c) of
14 Section 3 of this Article who has previously been subject to
15 registration under this Article shall register for the period
16 currently required for the offense for which the person was
17 previously registered if not confined to a penal institution,
18 hospital, or other institution or facility, and if confined,
19 for the same period after parole, discharge, or release from
20 any such facility. Except as otherwise provided in this
21 Section, a person who becomes subject to registration under
22 this Article who has previously been subject to registration
23 under this Article or under the Murderer and Violent Offender
24 Against Youth Registration Act or similar registration
25 requirements of other jurisdictions shall register for the

1 period of his or her natural life if not confined to a penal
2 institution, hospital, or other institution or facility, and
3 if confined, for the period of his or her natural life after
4 parole, discharge, or release from any such facility. Any
5 other person who is required to register under this Article
6 shall be required to register for a period of 10 years after
7 conviction or adjudication if not confined to a penal
8 institution, hospital or any other institution or facility,
9 and if confined, for a period of 10 years after parole,
10 discharge or release from any such facility. A sex offender
11 who is allowed to leave a county, State, or federal facility
12 for the purposes of work release, education, or overnight
13 visitations shall be required to register within 3 days of
14 beginning such a program. Liability for registration
15 terminates at the expiration of 10 years from the date of
16 conviction or adjudication if not confined to a penal
17 institution, hospital or any other institution or facility and
18 if confined, at the expiration of 10 years from the date of
19 parole, discharge or release from any such facility, providing
20 such person does not, during that period, again become liable
21 to register under the provisions of this Article.
22 Reconfinement due to a violation of parole or other
23 circumstances that relates to the original conviction or
24 adjudication shall extend the period of registration to 10
25 years after final parole, discharge, or release. Reconfinement
26 due to a violation of parole, a conviction reviving

1 registration, or other circumstances that do not relate to the
2 original conviction or adjudication shall toll the running of
3 the balance of the 10-year period of registration, which shall
4 not commence running until after final parole, discharge, or
5 release. The Director of the Illinois State Police, consistent
6 with administrative rules, shall extend for 10 years the
7 registration period of any sex offender, as defined in Section
8 2 of this Act, who fails to comply with the provisions of this
9 Article. The registration period for any sex offender who
10 fails to comply with any provision of the Act shall extend the
11 period of registration by 10 years beginning from the first
12 date of registration after the violation. If the registration
13 period is extended, the Illinois ~~Department of~~ State Police
14 shall send a registered letter to the law enforcement agency
15 where the sex offender resides within 3 days after the
16 extension of the registration period. The sex offender shall
17 report to that law enforcement agency and sign for that
18 letter. One copy of that letter shall be kept on file with the
19 law enforcement agency of the jurisdiction where the sex
20 offender resides and one copy shall be returned to the
21 Illinois ~~Department of~~ State Police.

22 (Source: P.A. 97-154, eff. 1-1-12; 97-578, eff. 1-1-12;
23 97-813, eff. 7-13-12.)

24 (730 ILCS 150/8) (from Ch. 38, par. 228)

25 Sec. 8. Registration and DNA submission requirements.

1 (a) Registration. Registration as required by this Article
2 shall consist of a statement in writing signed by the person
3 giving the information that is required by the Illinois
4 ~~Department of~~ State Police, which may include the fingerprints
5 and must include a current photograph of the person, to be
6 updated annually. If the sex offender is a child sex offender
7 as defined in Section 11-9.3 or 11-9.4 of the Criminal Code of
8 1961 or the Criminal Code of 2012, he or she shall sign a
9 statement that he or she understands that according to
10 Illinois law as a child sex offender he or she may not reside
11 within 500 feet of a school, park, or playground. The offender
12 may also not reside within 500 feet of a facility providing
13 services directed exclusively toward persons under 18 years of
14 age unless the sex offender meets specified exemptions. The
15 registration information must include whether the person is a
16 sex offender as defined in the Sex Offender Community
17 Notification Law. Within 3 days, the registering law
18 enforcement agency shall forward any required information to
19 the Illinois ~~Department of~~ State Police. The registering law
20 enforcement agency shall enter the information into the Law
21 Enforcement Agencies Data System (LEADS) as provided in
22 Sections 6 and 7 of the Intergovernmental Missing Child
23 Recovery Act of 1984.

24 (b) DNA submission. Every person registering as a sex
25 offender pursuant to this Act, regardless of the date of
26 conviction or the date of initial registration who is required

1 to submit specimens of blood, saliva, or tissue for DNA
2 analysis as required by subsection (a) of Section 5-4-3 of the
3 Unified Code of Corrections shall submit the specimens as
4 required by that Section. Registered sex offenders who have
5 previously submitted a DNA specimen which has been uploaded to
6 the Illinois DNA database shall not be required to submit an
7 additional specimen pursuant to this Section.

8 (Source: P.A. 97-383, eff. 1-1-12; 97-1150, eff. 1-25-13.)

9 (730 ILCS 150/8-5)

10 Sec. 8-5. Verification requirements.

11 (a) Address verification. The agency having jurisdiction
12 shall verify the address of sex offenders, as defined in
13 Section 2 of this Act, or sexual predators required to
14 register with their agency at least once per year. The
15 verification must be documented in LEADS in the form and
16 manner required by the Illinois ~~Department of~~ State Police.

17 (a-5) Internet Protocol address verification. The agency
18 having jurisdiction may verify the Internet protocol (IP)
19 address of sex offenders, as defined in Section 2 of this Act,
20 who are required to register with their agency under Section 3
21 of this Act. A copy of any such verification must be sent to
22 the Attorney General for entrance in the Illinois Cyber-crimes
23 Location Database pursuant to Section 5-4-3.2 of the Unified
24 Code of Corrections.

25 (b) Registration verification. The supervising officer or

1 aftercare specialist, shall, within 15 days of sentencing to
2 probation or release from an Illinois Department of
3 Corrections or Illinois Department of Juvenile Justice
4 facility or other penal institution, contact the law
5 enforcement agency in the jurisdiction in which the sex
6 offender or sexual predator designated as his or her intended
7 residence and verify compliance with the requirements of this
8 Act. Revocation proceedings shall be immediately commenced
9 against a sex offender or sexual predator on probation,
10 parole, aftercare release, or mandatory supervised release who
11 fails to comply with the requirements of this Act.

12 (c) In an effort to ensure that sexual predators and sex
13 offenders who fail to respond to address-verification attempts
14 or who otherwise abscond from registration are located in a
15 timely manner, the Illinois Department ~~of~~ State Police shall
16 share information with local law enforcement agencies. The
17 Department shall use analytical resources to assist local law
18 enforcement agencies to determine the potential whereabouts of
19 any sexual predator or sex offender who fails to respond to
20 address-verification attempts or who otherwise absconds from
21 registration. The Department shall review and analyze all
22 available information concerning any such predator or offender
23 who fails to respond to address-verification attempts or who
24 otherwise absconds from registration and provide the
25 information to local law enforcement agencies in order to
26 assist the agencies in locating and apprehending the sexual

1 predator or sex offender.

2 (Source: P.A. 98-558, eff. 1-1-14.)

3 (730 ILCS 150/11)

4 Sec. 11. Offender Registration Fund. There is created the
5 Offender Registration Fund (formerly known as the Sex Offender
6 Registration Fund). Moneys in the Fund shall be used to cover
7 costs incurred by the criminal justice system to administer
8 this Article and the Murderer and Violent Offender Against
9 Youth Registration Act, and for purposes as authorized under
10 Section 5-9-1.15 of the Unified Code of Corrections. The
11 Illinois ~~Department of~~ State Police shall establish and
12 promulgate rules and procedures regarding the administration
13 of this Fund. Fifty percent of the moneys in the Fund shall be
14 allocated by the Department for sheriffs' offices and police
15 departments. The remaining moneys in the Fund received under
16 this amendatory Act of the 101st General Assembly shall be
17 allocated to the Illinois State Police for education and
18 administration of the Act.

19 (Source: P.A. 101-571, eff. 8-23-19.)

20 Section 1070. The Sex Offender Community Notification Law
21 is amended by changing Sections 115, 116, 117, 120, and 121 as
22 follows:

23 (730 ILCS 152/115)

1 Sec. 115. Sex offender database.

2 (a) The Illinois ~~Department of~~ State Police shall
3 establish and maintain a Statewide Sex Offender Database for
4 the purpose of identifying sex offenders and making that
5 information available to the persons specified in Sections 120
6 and 125 of this Law. The Database shall be created from the Law
7 Enforcement Agencies Data System (LEADS) established under
8 Section 6 of the Intergovernmental Missing Child Recovery Act
9 of 1984. The Illinois ~~Department of~~ State Police shall examine
10 its LEADS database for persons registered as sex offenders
11 under the Sex Offender Registration Act and shall identify
12 those who are sex offenders and shall add all the information,
13 including photographs if available, on those sex offenders to
14 the Statewide Sex Offender Database.

15 (b) The Illinois ~~Department of~~ State Police must make the
16 information contained in the Statewide Sex Offender Database
17 accessible on the Internet by means of a hyperlink labeled
18 "Sex Offender Information" on the Department's World Wide Web
19 home page. The Department must make the information contained
20 in the Statewide Sex Offender Database searchable via a
21 mapping system which identifies registered sex offenders
22 living within 5 miles of an identified address. The Illinois
23 ~~Department of~~ State Police must update that information as it
24 deems necessary.

25 The Illinois ~~Department of~~ State Police may require that a
26 person who seeks access to the sex offender information submit

1 biographical information about himself or herself before
2 permitting access to the sex offender information. The
3 Illinois ~~Department of~~ State Police must promulgate rules in
4 accordance with the Illinois Administrative Procedure Act to
5 implement this subsection (b) and those rules must include
6 procedures to ensure that the information in the database is
7 accurate.

8 (c) The Illinois ~~Department of~~ State Police, Sex Offender
9 Registration Unit, must develop and conduct training to
10 educate all those entities involved in the Sex Offender
11 Registration Program.

12 (Source: P.A. 93-979, eff. 8-20-04; 94-994, eff. 1-1-07.)

13 (730 ILCS 152/116)

14 Sec. 116. Missing Sex Offender Database.

15 (a) The Illinois ~~Department of~~ State Police shall
16 establish and maintain a Statewide Missing Sex Offender
17 Database for the purpose of identifying missing sex offenders
18 and making that information available to the persons specified
19 in Sections 120 and 125 of this Law. The Database shall be
20 created from the Law Enforcement Agencies Data System (LEADS)
21 established under Section 6 of the Intergovernmental Missing
22 Child Recovery Act of 1984. The Illinois ~~Department of~~ State
23 Police shall examine its LEADS database for persons registered
24 as sex offenders under the Sex Offender Registration Act and
25 shall identify those who are sex offenders and who have not

1 complied with the provisions of Section 6 of that Act or whose
2 address can not be verified under Section 8-5 of that Act and
3 shall add all the information, including photographs if
4 available, on those missing sex offenders to the Statewide Sex
5 Offender Database.

6 (b) The Illinois ~~Department of~~ State Police must make the
7 information contained in the Statewide Missing Sex Offender
8 Database accessible on the Internet by means of a hyperlink
9 labeled "Missing Sex Offender Information" on the Department's
10 World Wide Web home page and on the Attorney General's I-SORT
11 page. The Illinois ~~Department of~~ State Police must update that
12 information as it deems necessary. The Internet page shall
13 also include information that rewards may be available to
14 persons who inform the Illinois ~~Department of~~ State Police or
15 a local law enforcement agency of the whereabouts of a missing
16 sex offender.

17 The Illinois ~~Department of~~ State Police may require that a
18 person who seeks access to the missing sex offender
19 information submit biographical information about himself or
20 herself before permitting access to the missing sex offender
21 information. The Illinois ~~Department of~~ State Police must
22 promulgate rules in accordance with the Illinois
23 Administrative Procedure Act to implement this subsection (b)
24 and those rules must include procedures to ensure that the
25 information in the database is accurate.

26 (c) The Illinois ~~Department of~~ State Police, Sex Offender

1 Registration Unit, must develop and conduct training to
2 educate all those entities involved in the Missing Sex
3 Offender Registration Program.

4 (Source: P.A. 98-921, eff. 8-15-14.)

5 (730 ILCS 152/117)

6 Sec. 117. The Illinois ~~Department of~~ State Police shall
7 promulgate rules to develop a list of sex offenders covered by
8 this Act and a list of child care facilities, schools, and
9 institutions of higher education eligible to receive notice
10 under this Act, so that the list can be disseminated in a
11 timely manner to law enforcement agencies having jurisdiction.

12 (Source: P.A. 92-828, eff. 8-22-02.)

13 (730 ILCS 152/120)

14 Sec. 120. Community notification of sex offenders.

15 (a) The sheriff of the county, except Cook County, shall
16 disclose to the following the name, address, date of birth,
17 place of employment, school attended, e-mail addresses,
18 instant messaging identities, chat room identities, other
19 Internet communications identities, all Uniform Resource
20 Locators (URLs) registered or used by the sex offender, all
21 blogs and other Internet sites maintained by the sex offender
22 or to which the sex offender has uploaded any content or posted
23 any messages or information, and offense or adjudication of
24 all sex offenders required to register under Section 3 of the

1 Sex Offender Registration Act:

2 (1) The boards of institutions of higher education or
3 other appropriate administrative offices of each
4 non-public institution of higher education located in the
5 county where the sex offender is required to register,
6 resides, is employed, or is attending an institution of
7 higher education;

8 (2) School boards of public school districts and the
9 principal or other appropriate administrative officer of
10 each nonpublic school located in the county where the sex
11 offender is required to register or is employed;

12 (3) Child care facilities located in the county where
13 the sex offender is required to register or is employed;

14 (4) Libraries located in the county where the sex
15 offender is required to register or is employed;

16 (5) Public libraries located in the county where the
17 sex offender is required to register or is employed;

18 (6) Public housing agencies located in the county
19 where the sex offender is required to register or is
20 employed;

21 (7) The Illinois Department of Children and Family
22 Services;

23 (8) Social service agencies providing services to
24 minors located in the county where the sex offender is
25 required to register or is employed;

26 (9) Volunteer organizations providing services to

1 minors located in the county where the sex offender is
2 required to register or is employed; and

3 (10) A victim of a sex offense residing in the county
4 where the sex offender is required to register or is
5 employed, who is not otherwise required to be notified
6 under Section 4.5 of the Rights of Crime Victims and
7 Witnesses Act or Section 75 of the Sexually Violent
8 Persons Commitment Act.

9 (a-2) The sheriff of Cook County shall disclose to the
10 following the name, address, date of birth, place of
11 employment, school attended, e-mail addresses, instant
12 messaging identities, chat room identities, other Internet
13 communications identities, all Uniform Resource Locators
14 (URLs) registered or used by the sex offender, all blogs and
15 other Internet sites maintained by the sex offender or to
16 which the sex offender has uploaded any content or posted any
17 messages or information, and offense or adjudication of all
18 sex offenders required to register under Section 3 of the Sex
19 Offender Registration Act:

20 (1) School boards of public school districts and the
21 principal or other appropriate administrative officer of
22 each nonpublic school located within the region of Cook
23 County, as those public school districts and nonpublic
24 schools are identified in LEADS, other than the City of
25 Chicago, where the sex offender is required to register or
26 is employed;

1 (2) Child care facilities located within the region of
2 Cook County, as those child care facilities are identified
3 in LEADS, other than the City of Chicago, where the sex
4 offender is required to register or is employed;

5 (3) The boards of institutions of higher education or
6 other appropriate administrative offices of each
7 non-public institution of higher education located in the
8 county, other than the City of Chicago, where the sex
9 offender is required to register, resides, is employed, or
10 attending an institution of higher education;

11 (4) Libraries located in the county, other than the
12 City of Chicago, where the sex offender is required to
13 register, resides, is employed, or is attending an
14 institution of higher education;

15 (5) Public libraries located in the county, other than
16 the City of Chicago, where the sex offender is required to
17 register, resides, is employed, or attending an
18 institution of higher education;

19 (6) Public housing agencies located in the county,
20 other than the City of Chicago, where the sex offender is
21 required to register, resides, is employed, or attending
22 an institution of higher education;

23 (7) The Illinois Department of Children and Family
24 Services;

25 (8) Social service agencies providing services to
26 minors located in the county, other than the City of

1 Chicago, where the sex offender is required to register,
2 resides, is employed, or attending an institution of
3 higher education;

4 (9) Volunteer organizations providing services to
5 minors located in the county, other than the City of
6 Chicago, where the sex offender is required to register,
7 resides, is employed, or attending an institution of
8 higher education; and

9 (10) A victim of a sex offense residing in the county,
10 other than the City of Chicago, where the sex offender is
11 required to register, resides, is employed, or attends an
12 institution of higher education, who is not otherwise
13 required to be notified under Section 4.5 of the Rights of
14 Crime Victims and Witnesses Act or Section 75 of the
15 Sexually Violent Persons Commitment Act.

16 (a-3) The Chicago Police Department shall disclose to the
17 following the name, address, date of birth, place of
18 employment, school attended, e-mail addresses, instant
19 messaging identities, chat room identities, other Internet
20 communications identities, all Uniform Resource Locators
21 (URLs) registered or used by the sex offender, all blogs and
22 other Internet sites maintained by the sex offender or to
23 which the sex offender has uploaded any content or posted any
24 messages or information, and offense or adjudication of all
25 sex offenders required to register under Section 3 of the Sex
26 Offender Registration Act:

1 (1) School boards of public school districts and the
2 principal or other appropriate administrative officer of
3 each nonpublic school located in the police district where
4 the sex offender is required to register or is employed if
5 the offender is required to register or is employed in the
6 City of Chicago;

7 (2) Child care facilities located in the police
8 district where the sex offender is required to register or
9 is employed if the offender is required to register or is
10 employed in the City of Chicago;

11 (3) The boards of institutions of higher education or
12 other appropriate administrative offices of each
13 non-public institution of higher education located in the
14 police district where the sex offender is required to
15 register, resides, is employed, or attending an
16 institution of higher education in the City of Chicago;

17 (4) Libraries located in the police district where the
18 sex offender is required to register or is employed if the
19 offender is required to register or is employed in the
20 City of Chicago;

21 (5) Public libraries located in the police district
22 where the sex offender is required to register, resides,
23 is employed, or attending an institution of higher
24 education in the City of Chicago;

25 (6) Public housing agencies located in the police
26 district where the sex offender is required to register,

1 resides, is employed, or attending an institution of
2 higher education in the City of Chicago;

3 (7) The Illinois Department of Children and Family
4 Services;

5 (8) Social service agencies providing services to
6 minors located in the police district where the sex
7 offender is required to register, resides, is employed, or
8 attending an institution of higher education in the City
9 of Chicago;

10 (9) Volunteer organizations providing services to
11 minors located in the police district where the sex
12 offender is required to register, resides, is employed, or
13 attending an institution of higher education in the City
14 of Chicago; and

15 (10) A victim of a sex offense residing in the police
16 district where the sex offender is required to register,
17 resides, is employed, or attends an institution of higher
18 education in the City of Chicago, who is not otherwise
19 required to be notified under Section 4.5 of the Rights of
20 Crime Victims and Witnesses Act or Section 75 of the
21 Sexually Violent Persons Commitment Act.

22 (a-4) The Illinois ~~Department of~~ State Police shall
23 provide a list of sex offenders required to register to the
24 Illinois Department of Children and Family Services.

25 (b) The Illinois ~~Department of~~ State Police and any law
26 enforcement agency may disclose, in the Department's or

1 agency's discretion, the following information to any person
2 likely to encounter a sex offender, or sexual predator:

3 (1) The offender's name, address, date of birth,
4 e-mail addresses, instant messaging identities, chat room
5 identities, and other Internet communications identities,
6 all Uniform Resource Locators (URLs) registered or used by
7 the sex offender, and all blogs and other Internet sites
8 maintained by the sex offender or to which the sex
9 offender has uploaded any content or posted any messages
10 or information.

11 (2) The offense for which the offender was convicted.

12 (3) Adjudication as a sexually dangerous person.

13 (4) The offender's photograph or other such
14 information that will help identify the sex offender.

15 (5) Offender employment information, to protect public
16 safety.

17 (c) The name, address, date of birth, e-mail addresses,
18 instant messaging identities, chat room identities, other
19 Internet communications identities, all Uniform Resource
20 Locators (URLs) registered or used by the sex offender, all
21 blogs and other Internet sites maintained by the sex offender
22 or to which the sex offender has uploaded any content or posted
23 any messages or information, offense or adjudication, the
24 county of conviction, license plate numbers for every vehicle
25 registered in the name of the sex offender, the age of the sex
26 offender at the time of the commission of the offense, the age

1 of the victim at the time of the commission of the offense, and
2 any distinguishing marks located on the body of the sex
3 offender for sex offenders required to register under Section
4 3 of the Sex Offender Registration Act shall be open to
5 inspection by the public as provided in this Section. Every
6 municipal police department shall make available at its
7 headquarters the information on all sex offenders who are
8 required to register in the municipality under the Sex
9 Offender Registration Act. The sheriff shall also make
10 available at his or her headquarters the information on all
11 sex offenders who are required to register under that Act and
12 who live in unincorporated areas of the county. Sex offender
13 information must be made available for public inspection to
14 any person, no later than 72 hours or 3 business days from the
15 date of the request. The request must be made in person, in
16 writing, or by telephone. Availability must include giving the
17 inquirer access to a facility where the information may be
18 copied. A department or sheriff may charge a fee, but the fee
19 may not exceed the actual costs of copying the information. An
20 inquirer must be allowed to copy this information in his or her
21 own handwriting. A department or sheriff must allow access to
22 the information during normal public working hours. The
23 sheriff or a municipal police department may publish the
24 photographs of sex offenders where any victim was 13 years of
25 age or younger and who are required to register in the
26 municipality or county under the Sex Offender Registration Act

1 in a newspaper or magazine of general circulation in the
2 municipality or county or may disseminate the photographs of
3 those sex offenders on the Internet or on television. The law
4 enforcement agency may make available the information on all
5 sex offenders residing within any county.

6 (d) The Illinois ~~Department of~~ State Police and any law
7 enforcement agency having jurisdiction may, in the
8 Department's or agency's discretion, place the information
9 specified in subsection (b) on the Internet or in other media.

10 (e) (Blank).

11 (f) The administrator of a transitional housing facility
12 for sex offenders shall comply with the notification
13 procedures established in paragraph (4) of subsection (b) of
14 Section 3-17-5 of the Unified Code of Corrections.

15 (g) A principal or teacher of a public or private
16 elementary or secondary school shall notify the parents of
17 children attending the school during school registration or
18 during parent-teacher conferences that information about sex
19 offenders is available to the public as provided in this Act.

20 (h) In order to receive notice under paragraph (10) of
21 subsection (a), paragraph (10) of subsection (a-2), or
22 paragraph (10) of subsection (a-3), the victim of the sex
23 offense must notify the appropriate sheriff or the Chicago
24 Police Department in writing, by facsimile transmission, or by
25 e-mail that the victim desires to receive such notice.

26 (i) For purposes of this Section, "victim of a sex

1 offense" means:

2 (1) the victim of the sex offense; or

3 (2) a single representative who may be the spouse,
4 parent, child, or sibling of a person killed during the
5 course of a sex offense perpetrated against the person
6 killed or the spouse, parent, child, or sibling of any
7 victim of a sex offense who is physically or mentally
8 incapable of comprehending or requesting notice.

9 (Source: P.A. 94-161, eff. 7-11-05; 94-168, eff. 1-1-06;
10 94-994, eff. 1-1-07; 95-229, eff. 8-16-07; 95-278, eff.
11 8-17-07; 95-640, eff. 6-1-08; 95-876, eff. 8-21-08; 95-896,
12 eff. 1-1-09.)

13 (730 ILCS 152/121)

14 Sec. 121. Notification regarding juvenile offenders.

15 (a) The Illinois ~~Department of~~ State Police and any law
16 enforcement agency having jurisdiction may, in the
17 Department's or agency's discretion, only provide the
18 information specified in subsection (b) of Section 120 of this
19 Act, with respect to an adjudicated juvenile delinquent, to
20 any person when that person's safety may be compromised for
21 some reason related to the juvenile sex offender.

22 (b) The local law enforcement agency having jurisdiction
23 to register the juvenile sex offender shall ascertain from the
24 juvenile sex offender whether the juvenile sex offender is
25 enrolled in school; and if so, shall provide a copy of the sex

1 offender registration form only to the principal or chief
2 administrative officer of the school and any guidance
3 counselor designated by him or her. The registration form
4 shall be kept separately from any and all school records
5 maintained on behalf of the juvenile sex offender.

6 (Source: P.A. 94-168, eff. 1-1-06; 95-331, eff. 8-21-07.)

7 Section 1075. The Murderer and Violent Offender Against
8 Youth Registration Act is amended by changing Sections 10, 11,
9 13, 15, 20, 25, 30, 40, 45, 46, 50, 85, 90, 95, and 100 as
10 follows:

11 (730 ILCS 154/10)

12 Sec. 10. Duty to register.

13 (a) A violent offender against youth shall, within the
14 time period prescribed in subsections (b) and (c), register in
15 person and provide accurate information as required by the
16 Illinois ~~Department of~~ State Police. Such information shall
17 include a current photograph, current address, current place
18 of employment, the employer's telephone number, school
19 attended, extensions of the time period for registering as
20 provided in this Act and, if an extension was granted, the
21 reason why the extension was granted and the date the violent
22 offender against youth was notified of the extension. A person
23 who has been adjudicated a juvenile delinquent for an act
24 which, if committed by an adult, would be a violent offense

1 against youth shall register as an adult violent offender
2 against youth within 10 days after attaining 17 years of age.

3 The violent offender against youth shall register:

4 (1) with the chief of police in the municipality in
5 which he or she resides or is temporarily domiciled for a
6 period of time of 5 or more days, unless the municipality
7 is the City of Chicago, in which case he or she shall
8 register at a fixed location designated by the
9 Superintendent of the Chicago Police Department; or

10 (2) with the sheriff in the county in which he or she
11 resides or is temporarily domiciled for a period of time
12 of 5 or more days in an unincorporated area or, if
13 incorporated, no police chief exists.

14 If the violent offender against youth is employed at or
15 attends an institution of higher education, he or she shall
16 register:

17 (i) with the chief of police in the municipality in
18 which he or she is employed at or attends an institution of
19 higher education, unless the municipality is the City of
20 Chicago, in which case he or she shall register at a fixed
21 location designated by the Superintendent of the Chicago
22 Police Department; or

23 (ii) with the sheriff in the county in which he or she
24 is employed or attends an institution of higher education
25 located in an unincorporated area, or if incorporated, no
26 police chief exists.

1 For purposes of this Act, the place of residence or
2 temporary domicile is defined as any and all places where the
3 violent offender against youth resides for an aggregate period
4 of time of 5 or more days during any calendar year. Any person
5 required to register under this Act who lacks a fixed address
6 or temporary domicile must notify, in person, the agency of
7 jurisdiction of his or her last known address within 5 days
8 after ceasing to have a fixed residence.

9 Any person who lacks a fixed residence must report weekly,
10 in person, with the sheriff's office of the county in which he
11 or she is located in an unincorporated area, or with the chief
12 of police in the municipality in which he or she is located.
13 The agency of jurisdiction will document each weekly
14 registration to include all the locations where the person has
15 stayed during the past 7 days.

16 The violent offender against youth shall provide accurate
17 information as required by the Illinois ~~Department of~~ State
18 Police. That information shall include the current place of
19 employment of the violent offender against youth.

20 (a-5) An out-of-state student or out-of-state employee
21 shall, within 5 days after beginning school or employment in
22 this State, register in person and provide accurate
23 information as required by the Illinois ~~Department of~~ State
24 Police. Such information will include current place of
25 employment, school attended, and address in state of
26 residence. The out-of-state student or out-of-state employee

1 shall register:

2 (1) with the chief of police in the municipality in
3 which he or she attends school or is employed for a period
4 of time of 5 or more days or for an aggregate period of
5 time of more than 30 days during any calendar year, unless
6 the municipality is the City of Chicago, in which case he
7 or she shall register at a fixed location designated by
8 the Superintendent of the Chicago Police Department; or

9 (2) with the sheriff in the county in which he or she
10 attends school or is employed for a period of time of 5 or
11 more days or for an aggregate period of time of more than
12 30 days during any calendar year in an unincorporated area
13 or, if incorporated, no police chief exists.

14 The out-of-state student or out-of-state employee shall
15 provide accurate information as required by the Illinois
16 ~~Department of~~ State Police. That information shall include the
17 out-of-state student's current place of school attendance or
18 the out-of-state employee's current place of employment.

19 (b) Any violent offender against youth regardless of any
20 initial, prior, or other registration, shall, within 5 days of
21 beginning school, or establishing a residence, place of
22 employment, or temporary domicile in any county, register in
23 person as set forth in subsection (a) or (a-5).

24 (c) The registration for any person required to register
25 under this Act shall be as follows:

26 (1) Except as provided in paragraph (3) of this

1 subsection (c), any person who has not been notified of
2 his or her responsibility to register shall be notified by
3 a criminal justice entity of his or her responsibility to
4 register. Upon notification the person must then register
5 within 5 days of notification of his or her requirement to
6 register. If notification is not made within the
7 offender's 10 year registration requirement, and the
8 Illinois Department of State Police determines no evidence
9 exists or indicates the offender attempted to avoid
10 registration, the offender will no longer be required to
11 register under this Act.

12 (2) Except as provided in paragraph (3) of this
13 subsection (c), any person convicted on or after the
14 effective date of this Act shall register in person within
15 5 days after the entry of the sentencing order based upon
16 his or her conviction.

17 (3) Any person unable to comply with the registration
18 requirements of this Act because he or she is confined,
19 institutionalized, or imprisoned in Illinois on or after
20 the effective date of this Act shall register in person
21 within 5 days of discharge, parole or release.

22 (4) The person shall provide positive identification
23 and documentation that substantiates proof of residence at
24 the registering address.

25 (5) The person shall pay a \$20 initial registration
26 fee and a \$10 annual renewal fee. The fees shall be

1 deposited into the Offender Registration Fund. The fees
2 shall be used by the registering agency for official
3 purposes. The agency shall establish procedures to
4 document receipt and use of the funds. The law enforcement
5 agency having jurisdiction may waive the registration fee
6 if it determines that the person is indigent and unable to
7 pay the registration fee.

8 (d) Within 5 days after obtaining or changing employment,
9 a person required to register under this Section must report,
10 in person to the law enforcement agency having jurisdiction,
11 the business name and address where he or she is employed. If
12 the person has multiple businesses or work locations, every
13 business and work location must be reported to the law
14 enforcement agency having jurisdiction.

15 (Source: P.A. 101-571, eff. 8-23-19.)

16 (730 ILCS 154/11)

17 Sec. 11. Transfer from the sex offender registry.

18 (a) The registration information for a person registered
19 under the Sex Offender Registration Act who was convicted or
20 adjudicated for an offense listed in subsection (b) of Section
21 5 of this Act may only be transferred to the Murderer and
22 Violent Offender Against Youth Registry if all the following
23 conditions are met:

24 (1) The offender's sole offense requiring registration
25 was a conviction or adjudication for an offense or

1 offenses listed in subsection (b) of Section 5 of this
2 Act.

3 (2) The State's Attorney's Office in the county in
4 which the offender was convicted has verified, on a form
5 prescribed by the Illinois State Police, that the person's
6 crime that required or requires registration was not
7 sexually motivated as defined in Section 10 of the Sex
8 Offender Management Board Act.

9 (3) The completed form has been received by the
10 registering law enforcement agency and the Illinois State
11 Police's Sex Offender Registration Unit.

12 (b) Transfer under this Section shall not extend the
13 registration period for offenders who were registered under
14 the Sex Offender Registration Act.

15 (Source: P.A. 97-154, eff. 1-1-12.)

16 (730 ILCS 154/13)

17 Sec. 13. Request for Review.

18 (a) Any person who is required to register under this Act
19 may file a Request for Review with the office of the State's
20 Attorney of the county in which he or she was convicted, and
21 request that the office of the State's Attorney review his or
22 her registration information. Upon receipt of a Request for
23 Review, the State's Attorney shall review the information
24 provided by the offender, and if he or she determines that the
25 information currently relied upon for registration is

1 inaccurate, the State's Attorney shall correct the error
2 before reporting the offender's personal information to the
3 Illinois ~~Department of~~ State Police. If the State's Attorney
4 makes a determination to deny a Request for Review, the
5 State's Attorney shall give the reason why and the information
6 relied upon for denying the Request for Review.

7 (b) Within 60 days of a denial of a request for review an
8 offender may appeal the decision of the State's Attorney to
9 deny the Request for Review in the circuit court.

10 (Source: P.A. 100-946, eff. 1-1-19.)

11 (730 ILCS 154/15)

12 Sec. 15. Discharge of violent offender against youth.
13 Discharge of violent offender against youth from Department of
14 Corrections facility or other penal institution; duties of
15 official in charge. Any violent offender against youth who is
16 discharged, paroled, or released from a Department of
17 Corrections facility, a facility where such person was placed
18 by the Department of Corrections or another penal institution,
19 and whose liability for registration has not terminated under
20 Section 40 shall, prior to discharge, parole or release from
21 the facility or institution, be informed of his or her duty to
22 register in person within 5 days of release by the facility or
23 institution in which he or she was confined. The facility or
24 institution shall also inform any person who must register
25 that if he or she establishes a residence outside of the State

1 of Illinois, is employed outside of the State of Illinois, or
2 attends school outside of the State of Illinois, he or she must
3 register in the new state within 5 days after establishing the
4 residence, beginning employment, or beginning school.

5 The facility shall require the person to read and sign
6 such form as may be required by the Illinois ~~Department of~~
7 State Police stating that the duty to register and the
8 procedure for registration has been explained to him or her
9 and that he or she understands the duty to register and the
10 procedure for registration. The facility shall further advise
11 the person in writing that the failure to register or other
12 violation of this Act shall result in revocation of parole,
13 aftercare release, mandatory supervised release or conditional
14 release. The facility shall obtain information about where the
15 person expects to reside, work, and attend school upon his or
16 her discharge, parole or release and shall report the
17 information to the Illinois ~~Department of~~ State Police. The
18 facility shall give one copy of the form to the person and
19 shall send one copy to each of the law enforcement agencies
20 having jurisdiction where the person expects to reside, work,
21 and attend school upon his or her discharge, parole or release
22 and retain one copy for the files. Electronic data files which
23 includes all notification form information and photographs of
24 violent offenders against youth being released from an
25 Illinois Department of Corrections or Illinois Department of
26 Juvenile Justice facility will be shared on a regular basis as

1 determined between the Illinois ~~Department of~~ State Police,
2 the Department of Corrections and Department of Juvenile
3 Justice.

4 (Source: P.A. 98-558, eff. 1-1-14.)

5 (730 ILCS 154/20)

6 Sec. 20. Release of violent offender against youth; duties
7 of the Court. Any violent offender against youth who is
8 released on probation or discharged upon payment of a fine
9 because of the commission of one of the offenses defined in
10 subsection (b) of Section 5 of this Act, shall, prior to such
11 release be informed of his or her duty to register under this
12 Act by the Court in which he or she was convicted. The Court
13 shall also inform any person who must register that if he or
14 she establishes a residence outside of the State of Illinois,
15 is employed outside of the State of Illinois, or attends
16 school outside of the State of Illinois, he or she must
17 register in the new state within 5 days after establishing the
18 residence, beginning employment, or beginning school. The
19 Court shall require the person to read and sign such form as
20 may be required by the Illinois ~~Department of~~ State Police
21 stating that the duty to register and the procedure for
22 registration has been explained to him or her and that he or
23 she understands the duty to register and the procedure for
24 registration. The Court shall further advise the person in
25 writing that the failure to register or other violation of

1 this Act shall result in probation revocation. The Court shall
2 obtain information about where the person expects to reside,
3 work, and attend school upon his or her release, and shall
4 report the information to the Illinois ~~Department of~~ State
5 Police. The Court shall give one copy of the form to the person
6 and retain the original in the court records. The Illinois
7 ~~Department of~~ State Police shall notify the law enforcement
8 agencies having jurisdiction where the person expects to
9 reside, work and attend school upon his or her release.

10 (Source: P.A. 94-945, eff. 6-27-06.)

11 (730 ILCS 154/25)

12 Sec. 25. Discharge of violent offender against youth from
13 hospital. Discharge of violent offender against youth from a
14 hospital or other treatment facility; duties of the official
15 in charge. Any violent offender against youth who is
16 discharged or released from a hospital or other treatment
17 facility where he or she was confined shall be informed by the
18 hospital or treatment facility in which he or she was
19 confined, prior to discharge or release from the hospital or
20 treatment facility, of his or her duty to register under this
21 Act.

22 The facility shall require the person to read and sign
23 such form as may be required by the Illinois ~~Department of~~
24 State Police stating that the duty to register and the
25 procedure for registration have been explained to him or her

1 and that he or she understands the duty to register and the
2 procedure for registration. The facility shall give one copy
3 of the form to the person, retain one copy for its records, and
4 forward the original to the Illinois ~~Department of~~ State
5 Police. The facility shall obtain information about where the
6 person expects to reside, work, and attend school upon his or
7 her discharge, parole, or release and shall report the
8 information to the Illinois ~~Department of~~ State Police within
9 3 days. The facility or institution shall also inform any
10 person who must register that if he or she establishes a
11 residence outside of the State of Illinois, is employed
12 outside of the State of Illinois, or attends school outside of
13 the State of Illinois, he or she must register in the new state
14 within 5 days after establishing the residence, beginning
15 school, or beginning employment. The Illinois ~~Department of~~
16 State Police shall notify the law enforcement agencies having
17 jurisdiction where the person expects to reside, work, and
18 attend school upon his or her release.

19 (Source: P.A. 94-945, eff. 6-27-06.)

20 (730 ILCS 154/30)

21 Sec. 30. Duty to report; change of address, school, or
22 employment; duty to inform. Any violent offender against
23 youth who is required to register under this Act shall report
24 in person to the appropriate law enforcement agency with whom
25 he or she last registered within one year from the date of last

1 registration and every year thereafter and at such other times
2 at the request of the law enforcement agency not to exceed 4
3 times a year. If any person required to register under this Act
4 lacks a fixed residence or temporary domicile, he or she must
5 notify, in person, the agency of jurisdiction of his or her
6 last known address within 5 days after ceasing to have a fixed
7 residence and if the offender leaves the last jurisdiction of
8 residence, he or she must, within 48 hours after leaving,
9 register in person with the new agency of jurisdiction. If any
10 other person required to register under this Act changes his
11 or her residence address, place of employment, or school, he
12 or she shall report in person to the law enforcement agency
13 with whom he or she last registered of his or her new address,
14 change in employment, or school and register, in person, with
15 the appropriate law enforcement agency within the time period
16 specified in Section 10. The law enforcement agency shall,
17 within 3 days of the reporting in person by the person required
18 to register under this Act, notify the Illinois ~~Department of~~
19 State Police of the new place of residence, change in
20 employment, or school.

21 If any person required to register under this Act intends
22 to establish a residence or employment outside of the State of
23 Illinois, at least 10 days before establishing that residence
24 or employment, he or she shall report in person to the law
25 enforcement agency with which he or she last registered of his
26 or her out-of-state intended residence or employment. The law

1 enforcement agency with which such person last registered
2 shall, within 3 days after the reporting in person of the
3 person required to register under this Act of an address or
4 employment change, notify the Illinois ~~Department of~~ State
5 Police. The Illinois ~~Department of~~ State Police shall forward
6 such information to the out-of-state law enforcement agency
7 having jurisdiction in the form and manner prescribed by the
8 Illinois ~~Department of~~ State Police.

9 (Source: P.A. 94-945, eff. 6-27-06.)

10 (730 ILCS 154/40)

11 Sec. 40. Duration of registration. A person who becomes
12 subject to registration under this Article who has previously
13 been subject to registration under this Article or under the
14 Sex Offender Registration Act or similar registration
15 requirements of other jurisdictions shall register for the
16 period of his or her natural life if not confined to a penal
17 institution, hospital, or other institution or facility, and
18 if confined, for the period of his or her natural life after
19 parole, discharge, or release from any such facility. Any
20 other person who is required to register under this Act shall
21 be required to register for a period of 10 years after
22 conviction or adjudication if not confined to a penal
23 institution, hospital or any other institution or facility,
24 and if confined, for a period of 10 years after parole,
25 discharge or release from any such facility. A violent

1 offender against youth who is allowed to leave a county,
2 State, or federal facility for the purposes of work release,
3 education, or overnight visitations shall be required to
4 register within 5 days of beginning such a program. Liability
5 for registration terminates at the expiration of 10 years from
6 the date of conviction or adjudication if not confined to a
7 penal institution, hospital or any other institution or
8 facility and if confined, at the expiration of 10 years from
9 the date of parole, discharge or release from any such
10 facility, providing such person does not, during that period,
11 again become liable to register under the provisions of this
12 Act. Reconfinement due to a violation of parole or other
13 circumstances that relates to the original conviction or
14 adjudication shall extend the period of registration to 10
15 years after final parole, discharge, or release. The Director
16 of the Illinois State Police, consistent with administrative
17 rules, shall extend for 10 years the registration period of
18 any violent offender against youth who fails to comply with
19 the provisions of this Act. The registration period for any
20 violent offender against youth who fails to comply with any
21 provision of the Act shall extend the period of registration
22 by 10 years beginning from the first date of registration
23 after the violation. If the registration period is extended,
24 the Illinois ~~Department~~ of State Police shall send a
25 registered letter to the law enforcement agency where the
26 violent offender against youth resides within 3 days after the

1 extension of the registration period. The violent offender
2 against youth shall report to that law enforcement agency and
3 sign for that letter. One copy of that letter shall be kept on
4 file with the law enforcement agency of the jurisdiction where
5 the violent offender against youth resides and one copy shall
6 be returned to the Illinois ~~Department of~~ State Police.

7 (Source: P.A. 94-945, eff. 6-27-06; 95-169, eff. 8-14-07.)

8 (730 ILCS 154/45)

9 Sec. 45. Registration requirements. Registration as
10 required by this Act shall consist of a statement in writing
11 signed by the person giving the information that is required
12 by the Illinois ~~Department of~~ State Police, which may include
13 the fingerprints and must include a current photograph of the
14 person, to be updated annually. The registration information
15 must include whether the person is a violent offender against
16 youth. Within 3 days, the registering law enforcement agency
17 shall forward any required information to the Illinois
18 ~~Department of~~ State Police. The registering law enforcement
19 agency shall enter the information into the Law Enforcement
20 Agencies Data System (LEADS) as provided in Sections 6 and 7 of
21 the Intergovernmental Missing Child Recovery Act of 1984.

22 (Source: P.A. 94-945, eff. 6-27-06.)

23 (730 ILCS 154/46)

24 Sec. 46. Notification of case information from the office

1 of the State's Attorney. The office of the State's Attorney
2 shall provide the Illinois ~~Department of~~ State Police
3 Registration Unit all relevant case information that
4 determines a registrant's place on the registry, including,
5 but not limited to, the date of the offense, the name of the
6 offender, the date of birth of the offender, the nature of the
7 crime, and the date of birth of the victim in order to
8 facilitate proper registry placement and to prevent the
9 necessity for future Requests for Review of a registrant's
10 information.

11 (Source: P.A. 100-946, eff. 1-1-19.)

12 (730 ILCS 154/50)

13 Sec. 50. Verification requirements.

14 (a) The agency having jurisdiction shall verify the
15 address of violent offenders against youth required to
16 register with their agency at least once per year. The
17 verification must be documented in LEADS in the form and
18 manner required by the Illinois ~~Department of~~ State Police.

19 (b) The supervising officer or aftercare specialist,
20 shall, within 15 days of sentencing to probation or release
21 from an Illinois Department of Corrections facility or other
22 penal institution, contact the law enforcement agency in the
23 jurisdiction which the violent offender against youth
24 designated as his or her intended residence and verify
25 compliance with the requirements of this Act. Revocation

1 proceedings shall be immediately commenced against a violent
2 offender against youth on probation, parole, aftercare
3 release, or mandatory supervised release who fails to comply
4 with the requirements of this Act.

5 (Source: P.A. 98-558, eff. 1-1-14.)

6 (730 ILCS 154/85)

7 Sec. 85. Murderer and Violent Offender Against Youth
8 Database.

9 (a) The Illinois ~~Department of~~ State Police shall
10 establish and maintain a Statewide Murderer and Violent
11 Offender Against Youth Database for the purpose of identifying
12 violent offenders against youth and making that information
13 available to the persons specified in Section 95. The Database
14 shall be created from the Law Enforcement Agencies Data System
15 (LEADS) established under Section 6 of the Intergovernmental
16 Missing Child Recovery Act of 1984. The Illinois ~~Department of~~
17 State Police shall examine its LEADS database for persons
18 registered as violent offenders against youth under this Act
19 and shall identify those who are violent offenders against
20 youth and shall add all the information, including photographs
21 if available, on those violent offenders against youth to the
22 Statewide Murderer and Violent Offender Against Youth
23 Database.

24 (b) The Illinois ~~Department of~~ State Police must make the
25 information contained in the Statewide Murderer and Violent

1 Offender Against Youth Database accessible on the Internet by
2 means of a hyperlink labeled "Murderer and Violent Offender
3 Against Youth Information" on the Department's World Wide Web
4 home page. The Illinois ~~Department of~~ State Police must update
5 that information as it deems necessary.

6 The Illinois ~~Department of~~ State Police may require that a
7 person who seeks access to the violent offender against youth
8 information submit biographical information about himself or
9 herself before permitting access to the violent offender
10 against youth information. The Illinois ~~Department of~~ State
11 Police must promulgate rules in accordance with the Illinois
12 Administrative Procedure Act to implement this subsection (b)
13 and those rules must include procedures to ensure that the
14 information in the database is accurate.

15 (c) The Illinois ~~Department of~~ State Police must develop
16 and conduct training to educate all those entities involved in
17 the Murderer and Violent Offender Against Youth Registration
18 Program.

19 (d) The Illinois ~~Department of~~ State Police shall commence
20 the duties prescribed in the Murderer and Violent Offender
21 Against Youth Registration Act within 12 months after the
22 effective date of this Act.

23 (e) The Illinois ~~Department of~~ State Police shall collect
24 and annually report, on or before December 31 of each year, the
25 following information, making it publicly accessible on the
26 Illinois ~~Department of~~ State Police website:

- 1 (1) the number of registrants;
- 2 (2) the number of registrants currently registered for
3 each offense requiring registration; and
- 4 (3) biographical data, such as age of the registrant,
5 race of the registrant, and age of the victim.
- 6 (Source: P.A. 100-946, eff. 1-1-19.)

7 (730 ILCS 154/90)

8 Sec. 90. List of violent offenders against youth; list of
9 facilities, schools, and institutions of higher education. The
10 Illinois Department of State Police shall promulgate rules to
11 develop a list of violent offenders against youth covered by
12 this Act and a list of child care facilities, schools, and
13 institutions of higher education eligible to receive notice
14 under this Act, so that the list can be disseminated in a
15 timely manner to law enforcement agencies having jurisdiction.
16 (Source: P.A. 94-945, eff. 6-27-06.)

17 (730 ILCS 154/95)

18 Sec. 95. Community notification of violent offenders
19 against youth.

20 (a) The sheriff of the county, except Cook County, shall
21 disclose to the following the name, address, date of birth,
22 place of employment, school attended, and offense or
23 adjudication of all violent offenders against youth required
24 to register under Section 10 of this Act:

1 (1) The boards of institutions of higher education or
2 other appropriate administrative offices of each
3 non-public institution of higher education located in the
4 county where the violent offender against youth is
5 required to register, resides, is employed, or is
6 attending an institution of higher education; and

7 (2) School boards of public school districts and the
8 principal or other appropriate administrative officer of
9 each nonpublic school located in the county where the
10 violent offender against youth is required to register or
11 is employed; and

12 (3) Child care facilities located in the county where
13 the violent offender against youth is required to register
14 or is employed; and

15 (4) Libraries located in the county where the violent
16 offender against youth is required to register or is
17 employed.

18 (a-2) The sheriff of Cook County shall disclose to the
19 following the name, address, date of birth, place of
20 employment, school attended, and offense or adjudication of
21 all violent offenders against youth required to register under
22 Section 10 of this Act:

23 (1) School boards of public school districts and the
24 principal or other appropriate administrative officer of
25 each nonpublic school located within the region of Cook
26 County, as those public school districts and nonpublic

1 schools are identified in LEADS, other than the City of
2 Chicago, where the violent offender against youth is
3 required to register or is employed; and

4 (2) Child care facilities located within the region of
5 Cook County, as those child care facilities are identified
6 in LEADS, other than the City of Chicago, where the
7 violent offender against youth is required to register or
8 is employed; and

9 (3) The boards of institutions of higher education or
10 other appropriate administrative offices of each
11 non-public institution of higher education located in the
12 county, other than the City of Chicago, where the violent
13 offender against youth is required to register, resides,
14 is employed, or attending an institution of higher
15 education; and

16 (4) Libraries located in the county, other than the
17 City of Chicago, where the violent offender against youth
18 is required to register, resides, is employed, or is
19 attending an institution of higher education.

20 (a-3) The Chicago Police Department shall disclose to the
21 following the name, address, date of birth, place of
22 employment, school attended, and offense or adjudication of
23 all violent offenders against youth required to register under
24 Section 10 of this Act:

25 (1) School boards of public school districts and the
26 principal or other appropriate administrative officer of

1 each nonpublic school located in the police district where
2 the violent offender against youth is required to register
3 or is employed if the offender is required to register or
4 is employed in the City of Chicago; and

5 (2) Child care facilities located in the police
6 district where the violent offender against youth is
7 required to register or is employed if the offender is
8 required to register or is employed in the City of
9 Chicago; and

10 (3) The boards of institutions of higher education or
11 other appropriate administrative offices of each
12 non-public institution of higher education located in the
13 police district where the violent offender against youth
14 is required to register, resides, is employed, or
15 attending an institution of higher education in the City
16 of Chicago; and

17 (4) Libraries located in the police district where the
18 violent offender against youth is required to register or
19 is employed if the offender is required to register or is
20 employed in the City of Chicago.

21 (a-4) The Illinois ~~Department of~~ State Police shall
22 provide a list of violent offenders against youth required to
23 register to the Illinois Department of Children and Family
24 Services.

25 (b) The Illinois ~~Department of~~ State Police and any law
26 enforcement agency may disclose, in the Department's or

1 agency's discretion, the following information to any person
2 likely to encounter a violent offender against youth:

3 (1) The offender's name, address, and date of birth.

4 (2) The offense for which the offender was convicted.

5 (3) The offender's photograph or other such
6 information that will help identify the violent offender
7 against youth.

8 (4) Offender employment information, to protect public
9 safety.

10 (c) The name, address, date of birth, and offense or
11 adjudication for violent offenders against youth required to
12 register under Section 10 of this Act shall be open to
13 inspection by the public as provided in this Section. Every
14 municipal police department shall make available at its
15 headquarters the information on all violent offenders against
16 youth who are required to register in the municipality under
17 this Act. The sheriff shall also make available at his or her
18 headquarters the information on all violent offenders against
19 youth who are required to register under this Act and who live
20 in unincorporated areas of the county. Violent offender
21 against youth information must be made available for public
22 inspection to any person, no later than 72 hours or 3 business
23 days from the date of the request. The request must be made in
24 person, in writing, or by telephone. Availability must include
25 giving the inquirer access to a facility where the information
26 may be copied. A department or sheriff may charge a fee, but

1 the fee may not exceed the actual costs of copying the
2 information. An inquirer must be allowed to copy this
3 information in his or her own handwriting. A department or
4 sheriff must allow access to the information during normal
5 public working hours. The sheriff or a municipal police
6 department may publish the photographs of violent offenders
7 against youth where any victim was 13 years of age or younger
8 and who are required to register in the municipality or county
9 under this Act in a newspaper or magazine of general
10 circulation in the municipality or county or may disseminate
11 the photographs of those violent offenders against youth on
12 the Internet or on television. The law enforcement agency may
13 make available the information on all violent offenders
14 against youth residing within any county.

15 (d) The Illinois ~~Department of~~ State Police and any law
16 enforcement agency having jurisdiction may, in the
17 Department's or agency's discretion, place the information
18 specified in subsection (b) on the Internet or in other media.

19 (Source: P.A. 94-945, eff. 6-27-06; 95-278, eff. 8-17-07.)

20 (730 ILCS 154/100)

21 Sec. 100. Notification regarding juvenile offenders.

22 (a) The Illinois ~~Department of~~ State Police and any law
23 enforcement agency having jurisdiction may, in the
24 Department's or agency's discretion, only provide the
25 information specified in subsection (b) of Section 95, with

1 respect to an adjudicated juvenile delinquent, to any person
2 when that person's safety may be compromised for some reason
3 related to the juvenile violent offender against youth.

4 (b) The local law enforcement agency having jurisdiction
5 to register the juvenile violent offender against youth shall
6 ascertain from the juvenile violent offender against youth
7 whether the juvenile violent offender against youth is
8 enrolled in school; and if so, shall provide a copy of the
9 violent offender against youth registration form only to the
10 principal or chief administrative officer of the school and
11 any guidance counselor designated by him or her. The
12 registration form shall be kept separately from any and all
13 school records maintained on behalf of the juvenile violent
14 offender against youth.

15 (Source: P.A. 94-945, eff. 6-27-06.)

16 Section 1085. The Methamphetamine Manufacturer Registry
17 Act is amended by changing Sections 10 and 15 as follows:

18 (730 ILCS 180/10)

19 Sec. 10. Methamphetamine Manufacturer Database.

20 (a) The Illinois ~~Department of~~ State Police shall
21 establish and maintain a Methamphetamine Manufacturer Database
22 for the purpose of identifying methamphetamine manufacturers
23 and making that information available to law enforcement and
24 the general public. For every person convicted of a violation

1 of Section 15 of the Methamphetamine Control and Community
2 Protection Act on or after the effective date of this Act, the
3 methamphetamine manufacturer database shall contain
4 information relating to each methamphetamine manufacturer. The
5 information shall include the methamphetamine manufacturer's
6 name, date of birth, offense or offenses requiring inclusion
7 in the Methamphetamine Manufacturer Database, the conviction
8 date and county of each such offense, and such other
9 identifying information as the Illinois ~~Department of~~ State
10 Police deems necessary to identify the methamphetamine
11 manufacturer, but shall not include the social security number
12 of the methamphetamine manufacturer.

13 (b) The Illinois ~~Department of~~ State Police must make the
14 information contained in the Statewide Methamphetamine
15 Manufacturer Database accessible on the Internet by means of a
16 hyperlink labeled "Methamphetamine Manufacturer Information"
17 on the Department's World Wide Web home page. The Illinois
18 ~~Department of~~ State Police must update that information as it
19 deems necessary.

20 (c) The Illinois ~~Department of~~ State Police must
21 promulgate rules in accordance with the Illinois
22 Administrative Procedure Act to implement this Section and
23 those rules must include procedures to ensure that the
24 information in the database is accurate, and that the
25 information in the database reflects any changes based on the
26 reversal of a conviction for an offense requiring inclusion in

1 the Methamphetamine Manufacturer Database, or a court order
2 requiring the sealing or expungement of records relating to
3 the offense. A certified copy of such an order shall be deemed
4 prima facie true and correct and shall be sufficient to
5 require the immediate amendment or removal of any person's
6 information from the Methamphetamine Manufacturer Database by
7 the Illinois ~~Department of~~ State Police.

8 (Source: P.A. 94-831, eff. 6-5-06.)

9 (730 ILCS 180/15)

10 Sec. 15. Conviction Information.

11 (a) Within 60 days after the effective date of this Act,
12 each circuit clerk shall forward monthly to the Illinois
13 ~~Department of~~ State Police a copy of the judgment for each and
14 all persons convicted of an offense within the definition of
15 methamphetamine manufacturer, as defined in Section 5 of this
16 Act, during the previous month.

17 (b) Within 120 days after the effective date of this Act,
18 the Director of Corrections shall forward to the Illinois
19 ~~Department of~~ State Police a list of all persons incarcerated
20 or on mandatory supervised release, who have been convicted of
21 an offense within the definition of methamphetamine
22 manufacturer, as defined in Section 5 of this Act.

23 (Source: P.A. 94-831, eff. 6-5-06.)

24 Section 1090. The Department of Juvenile Justice Mortality

1 Review Team Act is amended by changing Section 15 as follows:

2 (730 ILCS 195/15)

3 Sec. 15. Mortality review teams; establishment.

4 (a) Upon the occurrence of the death of any youth in the
5 Department's custody, the Director shall appoint members and a
6 chairperson to a mortality review team. The Director shall
7 make the appointments within 30 days after the youth's death.

8 (b) Each mortality review team shall consist of at least
9 one member from each of the following categories:

10 (1) Pediatrician or other physician.

11 (2) Representative of the Department.

12 (3) State's Attorney or State's Attorney
13 representative.

14 (4) Representative of a local law enforcement agency.

15 (5) Psychologist or psychiatrist.

16 (6) Representative of a local health department.

17 (7) Designee of the Board of Education of the
18 Department of Juvenile Justice School District created
19 under Section 13-40 of the School Code.

20 (8) Coroner or forensic pathologist.

21 (9) Representative of a juvenile justice advocacy
22 organization.

23 (10) Representative of a local hospital, trauma
24 center, or provider of emergency medical services.

25 (11) Representative of the Illinois ~~Department of~~

1 State Police.

2 (12) Representative of the Office of the Governor's
3 Executive Inspector General.

4 A mortality review team may make recommendations to the
5 Director concerning additional appointments.

6 (c) Each mortality review team member must have
7 demonstrated experience or an interest in the welfare of youth
8 in State custody.

9 (d) The mortality review teams shall be funded in the
10 Department's annual budget to provide for the travel expenses
11 of team members and professional services engaged by the team.

12 (e) If a death of a youth in the Department's custody
13 occurs while a prior youth death is under review by a team
14 pursuant to this Act, the Director may request that the team
15 review the subsequent death.

16 (f) Upon the conclusion of all reporting required under
17 Sections 20, 25, and 30 with respect to a death reviewed by a
18 team, all appointments to the team shall expire.

19 (Source: P.A. 96-1378, eff. 7-29-10.)

20 Section 1095. The Code of Civil Procedure is amended by
21 changing Sections 2-202, 2-702, 21-101, 21-102, 21-102.5, and
22 21-103 as follows:

23 (735 ILCS 5/2-202) (from Ch. 110, par. 2-202)

24 Sec. 2-202. Persons authorized to serve process; place of

1 service; failure to make return.

2 (a) Process shall be served by a sheriff, or if the sheriff
3 is disqualified, by a coroner of some county of the State. In
4 matters where the county or State is an interested party,
5 process may be served by a special investigator appointed by
6 the State's Attorney of the county, as defined in Section
7 3-9005 of the Counties Code. A sheriff of a county with a
8 population of less than 2,000,000 may employ civilian
9 personnel to serve process. In counties with a population of
10 less than 2,000,000, process may be served, without special
11 appointment, by a person who is licensed or registered as a
12 private detective under the Private Detective, Private Alarm,
13 Private Security, Fingerprint Vendor, and Locksmith Act of
14 2004 or by a registered employee of a private detective agency
15 certified under that Act as defined in Section (a-5). A
16 private detective or licensed employee must supply the sheriff
17 of any county in which he serves process with a copy of his
18 license or certificate; however, the failure of a person to
19 supply the copy shall not in any way impair the validity of
20 process served by the person. The court may, in its discretion
21 upon motion, order service to be made by a private person over
22 18 years of age and not a party to the action. It is not
23 necessary that service be made by a sheriff or coroner of the
24 county in which service is made. If served or sought to be
25 served by a sheriff or coroner, he or she shall endorse his or
26 her return thereon, and if by a private person the return shall

1 be by affidavit.

2 (a-5) Upon motion and in its discretion, the court may
3 appoint as a special process server a private detective agency
4 certified under the Private Detective, Private Alarm, Private
5 Security, Fingerprint Vendor, and Locksmith Act of 2004. Under
6 the appointment, any employee of the private detective agency
7 who is registered under that Act may serve the process. The
8 motion and the order of appointment must contain the number of
9 the certificate issued to the private detective agency by the
10 Department of Professional Regulation under the Private
11 Detective, Private Alarm, Private Security, Fingerprint
12 Vendor, and Locksmith Act of 2004. A private detective or
13 private detective agency shall send, one time only, a copy of
14 his, her, or its individual private detective license or
15 private detective agency certificate to the county sheriff in
16 each county in which the detective or detective agency or his,
17 her, or its employees serve process, regardless of the size of
18 the population of the county. As long as the license or
19 certificate is valid and meets the requirements of the
20 Department of Financial and Professional Regulation, a new
21 copy of the current license or certificate need not be sent to
22 the sheriff. A private detective agency shall maintain a list
23 of its registered employees. Registered employees shall
24 consist of:

25 (1) an employee who works for the agency holding a
26 valid Permanent Employee Registration Card;

1 (2) a person who has applied for a Permanent Employee
2 Registration Card, has had his or her fingerprints
3 processed and cleared by the Illinois ~~Department of~~ State
4 Police and the FBI, and as to whom the Department of
5 Financial and Professional Regulation website shows that
6 the person's application for a Permanent Employee
7 Registration Card is pending;

8 (3) a person employed by a private detective agency
9 who is exempt from a Permanent Employee Registration Card
10 requirement because the person is a current peace officer;
11 and

12 (4) a private detective who works for a private
13 detective agency as an employee.

14 A detective agency shall maintain this list and forward it to
15 any sheriff's department that requests this list within 5
16 business days after the receipt of the request.

17 (b) Summons may be served upon the defendants wherever
18 they may be found in the State, by any person authorized to
19 serve process. An officer may serve summons in his or her
20 official capacity outside his or her county, but fees for
21 mileage outside the county of the officer cannot be taxed as
22 costs. The person serving the process in a foreign county may
23 make return by mail.

24 (c) If any sheriff, coroner, or other person to whom any
25 process is delivered, neglects or refuses to make return of
26 the same, the plaintiff may petition the court to enter a rule

1 requiring the sheriff, coroner, or other person, to make
2 return of the process on a day to be fixed by the court, or to
3 show cause on that day why that person should not be attached
4 for contempt of the court. The plaintiff shall then cause a
5 written notice of the rule to be served on the sheriff,
6 coroner, or other person. If good and sufficient cause be not
7 shown to excuse the officer or other person, the court shall
8 adjudge him or her guilty of a contempt, and shall impose
9 punishment as in other cases of contempt.

10 (d) If process is served by a sheriff, coroner, or special
11 investigator appointed by the State's Attorney, the court may
12 tax the fee of the sheriff, coroner, or State's Attorney's
13 special investigator as costs in the proceeding. If process is
14 served by a private person or entity, the court may establish a
15 fee therefor and tax such fee as costs in the proceedings.

16 (e) In addition to the powers stated in Section 8.1a of the
17 Housing Authorities Act, in counties with a population of
18 3,000,000 or more inhabitants, members of a housing authority
19 police force may serve process for eviction actions commenced
20 by that housing authority and may execute eviction orders for
21 that housing authority.

22 (f) In counties with a population of 3,000,000 or more,
23 process may be served, with special appointment by the court,
24 by a private process server or a law enforcement agency other
25 than the county sheriff in proceedings instituted under
26 Article IX of this Code as a result of a lessor or lessor's

1 assignee declaring a lease void pursuant to Section 11 of the
2 Controlled Substance and Cannabis Nuisance Act.

3 (Source: P.A. 99-169, eff. 7-28-15; 100-173, eff. 1-1-18.)

4 (735 ILCS 5/2-702)

5 Sec. 2-702. Petition for a certificate of innocence that
6 the petitioner was innocent of all offenses for which he or she
7 was incarcerated.

8 (a) The General Assembly finds and declares that innocent
9 persons who have been wrongly convicted of crimes in Illinois
10 and subsequently imprisoned have been frustrated in seeking
11 legal redress due to a variety of substantive and technical
12 obstacles in the law and that such persons should have an
13 available avenue to obtain a finding of innocence so that they
14 may obtain relief through a petition in the Court of Claims.
15 The General Assembly further finds misleading the current
16 legal nomenclature which compels an innocent person to seek a
17 pardon for being wrongfully incarcerated. It is the intent of
18 the General Assembly that the court, in exercising its
19 discretion as permitted by law regarding the weight and
20 admissibility of evidence submitted pursuant to this Section,
21 shall, in the interest of justice, give due consideration to
22 difficulties of proof caused by the passage of time, the death
23 or unavailability of witnesses, the destruction of evidence or
24 other factors not caused by such persons or those acting on
25 their behalf.

1 (b) Any person convicted and subsequently imprisoned for
2 one or more felonies by the State of Illinois which he or she
3 did not commit may, under the conditions hereinafter provided,
4 file a petition for certificate of innocence in the circuit
5 court of the county in which the person was convicted. The
6 petition shall request a certificate of innocence finding that
7 the petitioner was innocent of all offenses for which he or she
8 was incarcerated.

9 (c) In order to present the claim for certificate of
10 innocence of an unjust conviction and imprisonment, the
11 petitioner must attach to his or her petition documentation
12 demonstrating that:

13 (1) he or she has been convicted of one or more
14 felonies by the State of Illinois and subsequently
15 sentenced to a term of imprisonment, and has served all or
16 any part of the sentence; and

17 (2) his or her judgment of conviction was reversed or
18 vacated, and the indictment or information dismissed or,
19 if a new trial was ordered, either he or she was found not
20 guilty at the new trial or he or she was not retried and
21 the indictment or information dismissed; or the statute,
22 or application thereof, on which the indictment or
23 information was based violated the Constitution of the
24 United States or the State of Illinois; and

25 (3) his or her claim is not time barred by the
26 provisions of subsection (i) of this Section.

1 (d) The petition shall state facts in sufficient detail to
2 permit the court to find that the petitioner is likely to
3 succeed at trial in proving that the petitioner is innocent of
4 the offenses charged in the indictment or information or his
5 or her acts or omissions charged in the indictment or
6 information did not constitute a felony or misdemeanor against
7 the State of Illinois, and the petitioner did not by his or her
8 own conduct voluntarily cause or bring about his or her
9 conviction. The petition shall be verified by the petitioner.

10 (e) A copy of the petition shall be served on the Attorney
11 General and the State's Attorney of the county where the
12 conviction was had. The Attorney General and the State's
13 Attorney of the county where the conviction was had shall have
14 the right to intervene as parties.

15 (f) In any hearing seeking a certificate of innocence, the
16 court may take judicial notice of prior sworn testimony or
17 evidence admitted in the criminal proceedings related to the
18 convictions which resulted in the alleged wrongful
19 incarceration, if the petitioner was either represented by
20 counsel at such prior proceedings or the right to counsel was
21 knowingly waived.

22 (g) In order to obtain a certificate of innocence the
23 petitioner must prove by a preponderance of evidence that:

24 (1) the petitioner was convicted of one or more
25 felonies by the State of Illinois and subsequently
26 sentenced to a term of imprisonment, and has served all or

1 any part of the sentence;

2 (2) (A) the judgment of conviction was reversed or
3 vacated, and the indictment or information dismissed or,
4 if a new trial was ordered, either the petitioner was
5 found not guilty at the new trial or the petitioner was not
6 retried and the indictment or information dismissed; or
7 (B) the statute, or application thereof, on which the
8 indictment or information was based violated the
9 Constitution of the United States or the State of
10 Illinois;

11 (3) the petitioner is innocent of the offenses charged
12 in the indictment or information or his or her acts or
13 omissions charged in the indictment or information did not
14 constitute a felony or misdemeanor against the State; and

15 (4) the petitioner did not by his or her own conduct
16 voluntarily cause or bring about his or her conviction.

17 (h) If the court finds that the petitioner is entitled to a
18 judgment, it shall enter a certificate of innocence finding
19 that the petitioner was innocent of all offenses for which he
20 or she was incarcerated. Upon entry of the certificate of
21 innocence or pardon from the Governor stating that such pardon
22 was issued on the ground of innocence of the crime for which he
23 or she was imprisoned, (1) the clerk of the court shall
24 transmit a copy of the certificate of innocence to the clerk of
25 the Court of Claims, together with the claimant's current
26 address; and (2) the court shall enter an order expunging the

1 record of arrest from the official records of the arresting
2 authority and order that the records of the clerk of the
3 circuit court and the Illinois ~~Department of~~ State Police be
4 sealed until further order of the court upon good cause shown
5 or as otherwise provided herein, and the name of the defendant
6 obliterated from the official index requested to be kept by
7 the circuit court clerk under Section 16 of the Clerks of
8 Courts Act in connection with the arrest and conviction for
9 the offense but the order shall not affect any index issued by
10 the circuit court clerk before the entry of the order. The
11 court shall enter the expungement order regardless of whether
12 the petitioner has prior criminal convictions.

13 All records sealed by the Illinois ~~Department of~~ State
14 Police may be disseminated by the Department only as required
15 by law or to the arresting authority, the State's Attorney,
16 the court upon a later arrest for the same or similar offense,
17 or for the purpose of sentencing for any subsequent felony.
18 Upon conviction for any subsequent offense, the Department of
19 Corrections shall have access to all sealed records of the
20 Department pertaining to that individual.

21 Upon entry of the order of expungement, the clerk of the
22 circuit court shall promptly mail a copy of the order to the
23 person whose records were expunged and sealed.

24 (i) Any person seeking a certificate of innocence under
25 this Section based on the dismissal of an indictment or
26 information or acquittal that occurred before the effective

1 date of this amendatory Act of the 95th General Assembly shall
2 file his or her petition within 2 years after the effective
3 date of this amendatory Act of the 95th General Assembly. Any
4 person seeking a certificate of innocence under this Section
5 based on the dismissal of an indictment or information or
6 acquittal that occurred on or after the effective date of this
7 amendatory Act of the 95th General Assembly shall file his or
8 her petition within 2 years after the dismissal.

9 (j) The decision to grant or deny a certificate of
10 innocence shall be binding only with respect to claims filed
11 in the Court of Claims and shall not have a res judicata effect
12 on any other proceedings.

13 (Source: P.A. 98-133, eff. 1-1-14.)

14 (735 ILCS 5/21-101) (from Ch. 110, par. 21-101)

15 Sec. 21-101. Proceedings; parties.

16 (a) If any person who is a resident of this State and has
17 resided in this State for 6 months desires to change his or her
18 name and to assume another name by which to be afterwards
19 called and known, the person may file a petition in the circuit
20 court of the county wherein he or she resides praying for that
21 relief.

22 (b) The filing of a petition in accordance with this
23 Section shall be the sole and exclusive means by which any
24 person committed under the laws of this State to a penal
25 institution may change his or her name and assume another

1 name. However, any person convicted of a felony in this State
2 or any other state who has not been pardoned may not file a
3 petition for a name change until 10 years have passed since
4 completion and discharge from his or her sentence. A person
5 who has been convicted of identity theft, aggravated identity
6 theft, felony or misdemeanor criminal sexual abuse when the
7 victim of the offense at the time of its commission is under 18
8 years of age, felony or misdemeanor sexual exploitation of a
9 child, felony or misdemeanor indecent solicitation of a child,
10 or felony or misdemeanor indecent solicitation of an adult, or
11 any other offense for which a person is required to register
12 under the Sex Offender Registration Act in this State or any
13 other state who has not been pardoned shall not be permitted to
14 file a petition for a name change in the courts of Illinois.

15 (c) A petitioner may include his or her spouse and adult
16 unmarried children, with their consent, and his or her minor
17 children where it appears to the court that it is for their
18 best interest, in the petition and prayer, and the court's
19 order shall then include the spouse and children. Whenever any
20 minor has resided in the family of any person for the space of
21 3 years and has been recognized and known as an adopted child
22 in the family of that person, the application herein provided
23 for may be made by the person having that minor in his or her
24 family.

25 An order shall be entered as to a minor only if the court
26 finds by clear and convincing evidence that the change is

1 necessary to serve the best interest of the child. In
2 determining the best interest of a minor child under this
3 Section, the court shall consider all relevant factors,
4 including:

5 (1) The wishes of the child's parents and any person
6 acting as a parent who has physical custody of the child.

7 (2) The wishes of the child and the reasons for those
8 wishes. The court may interview the child in chambers to
9 ascertain the child's wishes with respect to the change of
10 name. Counsel shall be present at the interview unless
11 otherwise agreed upon by the parties. The court shall
12 cause a court reporter to be present who shall make a
13 complete record of the interview instantaneously to be
14 part of the record in the case.

15 (3) The interaction and interrelationship of the child
16 with his or her parents or persons acting as parents who
17 have physical custody of the child, step-parents,
18 siblings, step-siblings, or any other person who may
19 significantly affect the child's best interest.

20 (4) The child's adjustment to his or her home, school,
21 and community.

22 (d) If it appears to the court that the conditions and
23 requirements under this Article have been complied with and
24 that there is no reason why the prayer should not be granted,
25 the court, by an order to be entered of record, may direct and
26 provide that the name of that person be changed in accordance

1 with the prayer in the petition. If the circuit court orders
2 that a name change be granted to a person who has been
3 adjudicated or convicted of a felony or misdemeanor offense
4 under the laws of this State or any other state for which a
5 pardon has not been granted, or has an arrest for which a
6 charge has not been filed or a pending charge on a felony or
7 misdemeanor offense, a copy of the order, including a copy of
8 each applicable access and review response, shall be forwarded
9 to the Illinois ~~Department of~~ State Police. The Illinois
10 ~~Department of~~ State Police shall update any criminal history
11 transcript or offender registration of each person 18 years of
12 age or older in the order to include the change of name as well
13 as his or her former name.

14 (Source: P.A. 100-370, eff. 1-1-18.)

15 (735 ILCS 5/21-102) (from Ch. 110, par. 21-102)

16 Sec. 21-102. Petition; update criminal history transcript.

17 (a) The petition shall set forth the name then held, the
18 name sought to be assumed, the residence of the petitioner,
19 the length of time the petitioner has resided in this State,
20 and the state or country of the petitioner's nativity or
21 supposed nativity. The petition shall include a statement,
22 verified under oath as provided under Section 1-109 of this
23 Code, whether or not the petitioner or any other person 18
24 years of age or older who will be subject to a change of name
25 under the petition if granted: (1) has been adjudicated or

1 convicted of a felony or misdemeanor offense under the laws of
2 this State or any other state for which a pardon has not been
3 granted; or (2) has an arrest for which a charge has not been
4 filed or a pending charge on a felony or misdemeanor offense.
5 The petition shall be signed by the person petitioning or, in
6 case of minors, by the parent or guardian having the legal
7 custody of the minor. The petition shall be verified by the
8 affidavit of some credible person.

9 (b) If the statement provided under subsection (a) of this
10 Section indicates the petitioner or any other person 18 years
11 of age or older who will be subject to a change of name under
12 the petition, if granted, has been adjudicated or convicted of
13 a felony or misdemeanor offense under the laws of this State or
14 any other state for which a pardon has not been granted, or has
15 an arrest for which a charge has not been filed or a pending
16 charge on a felony or misdemeanor offense, the State's
17 Attorney may request the court to or the court may on its own
18 motion, require the person, prior to a hearing on the
19 petition, to initiate an update of his or her criminal history
20 transcript with the Illinois ~~Department of~~ State Police. The
21 Department shall allow a person to use the Access and Review
22 process, established by rule in the Department, for this
23 purpose. Upon completion of the update of the criminal history
24 transcript, the petitioner shall file confirmation of each
25 update with the court, which shall seal the records from
26 disclosure outside of court proceedings on the petition.

1 (Source: P.A. 100-370, eff. 1-1-18.)

2 (735 ILCS 5/21-102.5)

3 Sec. 21-102.5. Notice; objection.

4 (a) The circuit court clerk shall promptly serve a copy of
5 the petition on the State's Attorney and the Illinois
6 ~~Department of~~ State Police.

7 (b) The State's Attorney may file an objection to the
8 petition. All objections shall be in writing, shall be filed
9 with the circuit court clerk, and shall state with specificity
10 the basis of the objection. Objections to a petition must be
11 filed within 30 days of the date of service of the petition
12 upon the State's Attorney.

13 (Source: P.A. 100-370, eff. 1-1-18.)

14 (735 ILCS 5/21-103) (from Ch. 110, par. 21-103)

15 Sec. 21-103. Notice by publication.

16 (a) Previous notice shall be given of the intended
17 application by publishing a notice thereof in some newspaper
18 published in the municipality in which the person resides if
19 the municipality is in a county with a population under
20 2,000,000, or if the person does not reside in a municipality
21 in a county with a population under 2,000,000, or if no
22 newspaper is published in the municipality or if the person
23 resides in a county with a population of 2,000,000 or more,
24 then in some newspaper published in the county where the

1 person resides, or if no newspaper is published in that
2 county, then in some convenient newspaper published in this
3 State. The notice shall be inserted for 3 consecutive weeks
4 after filing, the first insertion to be at least 6 weeks before
5 the return day upon which the petition is to be heard, and
6 shall be signed by the petitioner or, in case of a minor, the
7 minor's parent or guardian, and shall set forth the return day
8 of court on which the petition is to be heard and the name
9 sought to be assumed.

10 (b) The publication requirement of subsection (a) shall
11 not be required in any application for a change of name
12 involving a minor if, before making judgment under this
13 Article, reasonable notice and opportunity to be heard is
14 given to any parent whose parental rights have not been
15 previously terminated and to any person who has physical
16 custody of the child. If any of these persons are outside this
17 State, notice and opportunity to be heard shall be given under
18 Section 21-104.

19 (b-3) The publication requirement of subsection (a) shall
20 not be required in any application for a change of name
21 involving a person who has received a judgment for dissolution
22 of marriage or declaration of invalidity of marriage and
23 wishes to change his or her name to resume the use of his or
24 her former or maiden name.

25 (b-5) Upon motion, the court may issue an order directing
26 that the notice and publication requirement be waived for a

1 change of name involving a person who files with the court a
2 written declaration that the person believes that publishing
3 notice of the name change would put the person at risk of
4 physical harm or discrimination. The person must provide
5 evidence to support the claim that publishing notice of the
6 name change would put the person at risk of physical harm or
7 discrimination.

8 (c) The Director of the Illinois State Police or his or her
9 designee may apply to the circuit court for an order directing
10 that the notice and publication requirements of this Section
11 be waived if the Director or his or her designee certifies that
12 the name change being sought is intended to protect a witness
13 during and following a criminal investigation or proceeding.

14 (c-1) The court may enter a written order waiving the
15 publication requirement of subsection (a) if:

16 (i) the petitioner is 18 years of age or older; and

17 (ii) concurrent with the petition, the petitioner
18 files with the court a statement, verified under oath as
19 provided under Section 1-109 of this Code, attesting that
20 the petitioner is or has been a person protected under the
21 Illinois Domestic Violence Act of 1986, the Stalking No
22 Contact Order Act, the Civil No Contact Order Act, Article
23 112A of the Code of Criminal Procedure of 1963, a
24 condition of bail under subsections (b) through (d) of
25 Section 110-10 of the Code of Criminal Procedure of 1963,
26 or a similar provision of a law in another state or

1 jurisdiction.

2 The petitioner may attach to the statement any supporting
3 documents, including relevant court orders.

4 (c-2) If the petitioner files a statement attesting that
5 disclosure of the petitioner's address would put the
6 petitioner or any member of the petitioner's family or
7 household at risk or reveal the confidential address of a
8 shelter for domestic violence victims, that address may be
9 omitted from all documents filed with the court, and the
10 petitioner may designate an alternative address for service.

11 (c-3) Court administrators may allow domestic abuse
12 advocates, rape crisis advocates, and victim advocates to
13 assist petitioners in the preparation of name changes under
14 subsection (c-1).

15 (c-4) If the publication requirements of subsection (a)
16 have been waived, the circuit court shall enter an order
17 impounding the case.

18 (d) The maximum rate charged for publication of a notice
19 under this Section may not exceed the lowest classified rate
20 paid by commercial users for comparable space in the newspaper
21 in which the notice appears and shall include all cash
22 discounts, multiple insertion discounts, and similar benefits
23 extended to the newspaper's regular customers.

24 (Source: P.A. 100-520, eff. 1-1-18 (see Section 5 of P.A.
25 100-565 for the effective date of P.A. 100-520); 100-788, eff.
26 1-1-19; 100-966, eff. 1-1-19; 101-81, eff. 7-12-19; 101-203,

1 eff. 1-1-20.)

2 Section 1100. The Stalking No Contact Order Act is amended
3 by changing Sections 80, 115, and 135 as follows:

4 (740 ILCS 21/80)

5 Sec. 80. Stalking no contact orders; remedies.

6 (a) If the court finds that the petitioner has been a
7 victim of stalking, a stalking no contact order shall issue;
8 provided that the petitioner must also satisfy the
9 requirements of Section 95 on emergency orders or Section 100
10 on plenary orders. The petitioner shall not be denied a
11 stalking no contact order because the petitioner or the
12 respondent is a minor. The court, when determining whether or
13 not to issue a stalking no contact order, may not require
14 physical injury on the person of the petitioner. Modification
15 and extension of prior stalking no contact orders shall be in
16 accordance with this Act.

17 (b) A stalking no contact order shall order one or more of
18 the following:

19 (1) prohibit the respondent from threatening to commit
20 or committing stalking;

21 (2) order the respondent not to have any contact with
22 the petitioner or a third person specifically named by the
23 court;

24 (3) prohibit the respondent from knowingly coming

1 within, or knowingly remaining within a specified distance
2 of the petitioner or the petitioner's residence, school,
3 daycare, or place of employment, or any specified place
4 frequented by the petitioner; however, the court may order
5 the respondent to stay away from the respondent's own
6 residence, school, or place of employment only if the
7 respondent has been provided actual notice of the
8 opportunity to appear and be heard on the petition;

9 (4) prohibit the respondent from possessing a Firearm
10 Owners Identification Card, or possessing or buying
11 firearms; and

12 (5) order other injunctive relief the court determines
13 to be necessary to protect the petitioner or third party
14 specifically named by the court.

15 (b-5) When the petitioner and the respondent attend the
16 same public, private, or non-public elementary, middle, or
17 high school, the court when issuing a stalking no contact
18 order and providing relief shall consider the severity of the
19 act, any continuing physical danger or emotional distress to
20 the petitioner, the educational rights guaranteed to the
21 petitioner and respondent under federal and State law, the
22 availability of a transfer of the respondent to another
23 school, a change of placement or a change of program of the
24 respondent, the expense, difficulty, and educational
25 disruption that would be caused by a transfer of the
26 respondent to another school, and any other relevant facts of

1 the case. The court may order that the respondent not attend
2 the public, private, or non-public elementary, middle, or high
3 school attended by the petitioner, order that the respondent
4 accept a change of placement or program, as determined by the
5 school district or private or non-public school, or place
6 restrictions on the respondent's movements within the school
7 attended by the petitioner. The respondent bears the burden of
8 proving by a preponderance of the evidence that a transfer,
9 change of placement, or change of program of the respondent is
10 not available. The respondent also bears the burden of
11 production with respect to the expense, difficulty, and
12 educational disruption that would be caused by a transfer of
13 the respondent to another school. A transfer, change of
14 placement, or change of program is not unavailable to the
15 respondent solely on the ground that the respondent does not
16 agree with the school district's or private or non-public
17 school's transfer, change of placement, or change of program
18 or solely on the ground that the respondent fails or refuses to
19 consent to or otherwise does not take an action required to
20 effectuate a transfer, change of placement, or change of
21 program. When a court orders a respondent to stay away from the
22 public, private, or non-public school attended by the
23 petitioner and the respondent requests a transfer to another
24 attendance center within the respondent's school district or
25 private or non-public school, the school district or private
26 or non-public school shall have sole discretion to determine

1 the attendance center to which the respondent is transferred.
2 In the event the court order results in a transfer of the minor
3 respondent to another attendance center, a change in the
4 respondent's placement, or a change of the respondent's
5 program, the parents, guardian, or legal custodian of the
6 respondent is responsible for transportation and other costs
7 associated with the transfer or change.

8 (b-6) The court may order the parents, guardian, or legal
9 custodian of a minor respondent to take certain actions or to
10 refrain from taking certain actions to ensure that the
11 respondent complies with the order. In the event the court
12 orders a transfer of the respondent to another school, the
13 parents, guardian, or legal custodian of the respondent are
14 responsible for transportation and other costs associated with
15 the change of school by the respondent.

16 (b-7) The court shall not hold a school district or
17 private or non-public school or any of its employees in civil
18 or criminal contempt unless the school district or private or
19 non-public school has been allowed to intervene.

20 (b-8) The court may hold the parents, guardian, or legal
21 custodian of a minor respondent in civil or criminal contempt
22 for a violation of any provision of any order entered under
23 this Act for conduct of the minor respondent in violation of
24 this Act if the parents, guardian, or legal custodian
25 directed, encouraged, or assisted the respondent minor in such
26 conduct.

1 (c) The court may award the petitioner costs and attorneys
2 fees if a stalking no contact order is granted.

3 (d) Monetary damages are not recoverable as a remedy.

4 (e) If the stalking no contact order prohibits the
5 respondent from possessing a Firearm Owner's Identification
6 Card, or possessing or buying firearms; the court shall
7 confiscate the respondent's Firearm Owner's Identification
8 Card and immediately return the card to the Illinois
9 ~~Department of~~ State Police Firearm Owner's Identification Card
10 Office.

11 (Source: P.A. 96-246, eff. 1-1-10; 97-294, eff. 1-1-12;
12 97-1131, eff. 1-1-13.)

13 (740 ILCS 21/115)

14 Sec. 115. Notice of orders.

15 (a) Upon issuance of any stalking no contact order, the
16 clerk shall immediately:

17 (1) enter the order on the record and file it in
18 accordance with the circuit court procedures; and

19 (2) provide a file stamped copy of the order to the
20 respondent, if present, and to the petitioner.

21 (b) The clerk of the issuing judge shall, or the
22 petitioner may, on the same day that a stalking no contact
23 order is issued, file a certified copy of that order with the
24 sheriff or other law enforcement officials charged with
25 maintaining Illinois ~~Department of~~ State Police records or

1 charged with serving the order upon the respondent. If the
2 respondent, at the time of the issuance of the order, is
3 committed to the custody of the Illinois Department of
4 Corrections or Illinois Department of Juvenile Justice or is
5 on parole, aftercare release, or mandatory supervised release,
6 the sheriff or other law enforcement officials charged with
7 maintaining Illinois Department of State Police records shall
8 notify the Department of Corrections or Department of Juvenile
9 Justice within 48 hours of receipt of a copy of the stalking no
10 contact order from the clerk of the issuing judge or the
11 petitioner. Such notice shall include the name of the
12 respondent, the respondent's IDOC inmate number or IDJJ youth
13 identification number, the respondent's date of birth, and the
14 LEADS Record Index Number.

15 (c) Unless the respondent was present in court when the
16 order was issued, the sheriff, other law enforcement official,
17 or special process server shall promptly serve that order upon
18 the respondent and file proof of such service in the manner
19 provided for service of process in civil proceedings. Instead
20 of serving the order upon the respondent, however, the
21 sheriff, other law enforcement official, special process
22 server, or other persons defined in Section 117 may serve the
23 respondent with a short form notification as provided in
24 Section 117. If process has not yet been served upon the
25 respondent, it shall be served with the order or short form
26 notification if such service is made by the sheriff, other law

1 enforcement official, or special process server.

2 (d) If the person against whom the stalking no contact
3 order is issued is arrested and the written order is issued in
4 accordance with subsection (c) of Section 95 and received by
5 the custodial law enforcement agency before the respondent or
6 arrestee is released from custody, the custodial law
7 enforcement agent shall promptly serve the order upon the
8 respondent or arrestee before the respondent or arrestee is
9 released from custody. In no event shall detention of the
10 respondent or arrestee be extended for hearing on the petition
11 for stalking no contact order or receipt of the order issued
12 under Section 95 of this Act.

13 (e) Any order extending, modifying, or revoking any
14 stalking no contact order shall be promptly recorded, issued,
15 and served as provided in this Section.

16 (f) Upon the request of the petitioner, within 24 hours of
17 the issuance of a stalking no contact order, the clerk of the
18 issuing judge shall send written notice of the order along
19 with a certified copy of the order to any school, daycare,
20 college, or university at which the petitioner is enrolled.

21 (Source: P.A. 101-508, eff. 1-1-20.)

22 (740 ILCS 21/135)

23 Sec. 135. Data maintenance by law enforcement agencies.

24 (a) All sheriffs shall furnish to the Illinois Department
25 ~~of~~ State Police, on the same day as received, in the form and

1 detail the Department requires, copies of any recorded
2 emergency or plenary stalking no contact orders issued by the
3 court and transmitted to the sheriff by the clerk of the court
4 in accordance with subsection (b) of Section 115 of this Act.
5 Each stalking no contact order shall be entered in the Law
6 Enforcement Agencies Data System on the same day it is issued
7 by the court. If an emergency stalking no contact order was
8 issued in accordance with subsection (c) of Section 100, the
9 order shall be entered in the Law Enforcement Agencies Data
10 System as soon as possible after receipt from the clerk of the
11 court.

12 (b) The Illinois ~~Department of~~ State Police shall maintain
13 a complete and systematic record and index of all valid and
14 recorded stalking no contact orders issued under this Act. The
15 data shall be used to inform all dispatchers and law
16 enforcement officers at the scene of an alleged incident of
17 stalking or violation of a stalking no contact order of any
18 recorded prior incident of stalking involving the petitioner
19 and the effective dates and terms of any recorded stalking no
20 contact order.

21 (Source: P.A. 96-246, eff. 1-1-10.)

22 Section 1105. The Civil No Contact Order Act is amended by
23 changing Sections 218 and 302 as follows:

24 (740 ILCS 22/218)

1 Sec. 218. Notice of orders.

2 (a) Upon issuance of any civil no contact order, the clerk
3 shall immediately:

4 (1) enter the order on the record and file it in
5 accordance with the circuit court procedures; and

6 (2) provide a file stamped copy of the order to the
7 respondent, if present, and to the petitioner.

8 (b) The clerk of the issuing judge shall, or the
9 petitioner may, on the same day that a civil no contact order
10 is issued, file a certified copy of that order with the sheriff
11 or other law enforcement officials charged with maintaining
12 Illinois Department of State Police records or charged with
13 serving the order upon the respondent. If the respondent, at
14 the time of the issuance of the order, is committed to the
15 custody of the Illinois Department of Corrections or Illinois
16 Department of Juvenile Justice, or is on parole, aftercare
17 release, or mandatory supervised release, the sheriff or other
18 law enforcement officials charged with maintaining Illinois
19 ~~Department~~ of State Police records shall notify the Department
20 of Corrections or Department of Juvenile Justice within 48
21 hours of receipt of a copy of the civil no contact order from
22 the clerk of the issuing judge or the petitioner. Such notice
23 shall include the name of the respondent, the respondent's
24 IDOC inmate number or IDJJ youth identification number, the
25 respondent's date of birth, and the LEADS Record Index Number.

26 (c) Unless the respondent was present in court when the

1 order was issued, the sheriff, other law enforcement official,
2 or special process server shall promptly serve that order upon
3 the respondent and file proof of such service in the manner
4 provided for service of process in civil proceedings. Instead
5 of serving the order upon the respondent, however, the
6 sheriff, other law enforcement official, special process
7 server, or other persons defined in Section 218.1 may serve
8 the respondent with a short form notification as provided in
9 Section 218.1. If process has not yet been served upon the
10 respondent, it shall be served with the order or short form
11 notification if such service is made by the sheriff, other law
12 enforcement official, or special process server.

13 (d) If the person against whom the civil no contact order
14 is issued is arrested and the written order is issued in
15 accordance with subsection (c) of Section 214 and received by
16 the custodial law enforcement agency before the respondent or
17 arrestee is released from custody, the custodial law
18 enforcement agent shall promptly serve the order upon the
19 respondent or arrestee before the respondent or arrestee is
20 released from custody. In no event shall detention of the
21 respondent or arrestee be extended for hearing on the petition
22 for civil no contact order or receipt of the order issued under
23 Section 214 of this Act.

24 (e) Any order extending, modifying, or revoking any civil
25 no contact order shall be promptly recorded, issued, and
26 served as provided in this Section.

1 (f) Upon the request of the petitioner, within 24 hours of
2 the issuance of a civil no contact order, the clerk of the
3 issuing judge shall send written notice of the order along
4 with a certified copy of the order to any school, college, or
5 university at which the petitioner is enrolled.

6 (Source: P.A. 101-508, eff. 1-1-20.)

7 (740 ILCS 22/302)

8 Sec. 302. Data maintenance by law enforcement agencies.

9 (a) All sheriffs shall furnish to the Illinois ~~Department~~
10 ~~of~~ State Police, on the same day as received, in the form and
11 detail the Department requires, copies of any recorded
12 emergency or plenary civil no contact orders issued by the
13 court and transmitted to the sheriff by the clerk of the court
14 in accordance with subsection (b) of Section 218 of this Act.
15 Each civil no contact order shall be entered in the Law
16 Enforcement Agencies Data System on the same day it is issued
17 by the court. If an emergency civil no contact order was issued
18 in accordance with subsection (c) of Section 214, the order
19 shall be entered in the Law Enforcement Agencies Data System
20 as soon as possible after receipt from the clerk of the court.

21 (b) The Illinois ~~Department of~~ State Police shall maintain
22 a complete and systematic record and index of all valid and
23 recorded civil no contact orders issued under this Act. The
24 data shall be used to inform all dispatchers and law
25 enforcement officers at the scene of an alleged incident of

1 non-consensual sexual conduct or non-consensual sexual
2 penetration or violation of a civil no contact order of any
3 recorded prior incident of non-consensual sexual conduct or
4 non-consensual sexual penetration involving the victim and the
5 effective dates and terms of any recorded civil no contact
6 order.

7 (Source: P.A. 93-236, eff. 1-1-04.)

8 Section 1110. The Controlled Substance and Cannabis
9 Nuisance Act is amended by changing Sections 1, 3, and 7 as
10 follows:

11 (740 ILCS 40/1) (from Ch. 100 1/2, par. 14)

12 Sec. 1. As used in this Act unless the context otherwise
13 requires:

14 ~~"Department" means the Department of State Police of the~~
15 ~~State of Illinois.~~

16 "Controlled Substances" means any substance as defined and
17 included in the Schedules of Article II of the "Illinois
18 Controlled Substances Act," and cannabis as defined in the
19 "Cannabis Control Act" enacted by the 77th General Assembly.

20 "Place" means any store, shop, warehouse, dwelling house,
21 building, apartment or any place whatever.

22 "Nuisance" means any place at which or in which controlled
23 substances are unlawfully sold, possessed, served, stored,
24 delivered, manufactured, cultivated, given away or used more

1 than once within a period of one year.

2 "Person" means any corporation, association, partner, or
3 one or more individuals.

4 (Source: P.A. 87-765.)

5 (740 ILCS 40/3) (from Ch. 100 1/2, par. 16)

6 Sec. 3. (a) The Illinois State Police Department or the
7 State's Attorney or any citizen of the county in which a
8 nuisance exists may file a complaint in the name of the People
9 of the State of Illinois to enjoin all persons from
10 maintaining or permitting such nuisance, to abate the same and
11 to enjoin the use of any such place for the period of one year.

12 (b) Upon the filing of a complaint by the State's Attorney
13 or the Illinois State Police Department in which the complaint
14 states that irreparable injury, loss or damage will result to
15 the People of the State of Illinois, the court shall enter a
16 temporary restraining order without notice enjoining the
17 maintenance of such nuisance, upon testimony under oath,
18 affidavit, or verified complaint containing facts sufficient,
19 if sustained, to justify the court in entering a preliminary
20 injunction upon a hearing after notice. Every such temporary
21 restraining order entered without notice shall be endorsed
22 with the date and hour of entry of the order, shall be filed of
23 record, and shall expire by its terms within such time after
24 entry, not to exceed 10 days as fixed by the court, unless the
25 temporary restraining order, for good cause, is extended for a

1 like period or unless the party against whom the order is
2 directed consents that it may be extended for a longer period.
3 The reason for extension shall be shown in the order. In case a
4 temporary restraining order is entered without notice, the
5 motion for a permanent injunction shall be set down for
6 hearing at the earliest possible time and takes precedence
7 over all matters except older matters of the same character,
8 and when the motion comes on for hearing, the Illinois State
9 Police Department or State's Attorney, as the case may be,
10 shall proceed with the application for a permanent injunction,
11 and, if he does not do so, the court shall dissolve the
12 temporary restraining order. On 2 days' notice to the Illinois
13 State Police Department or State's Attorney, as the case may
14 be, the defendant may appear and move the dissolution or
15 modification of such temporary restraining order and in that
16 event the court shall proceed to hear and determine such
17 motion as expeditiously as the ends of justice require.

18 (c) Upon the filing of the complaint by a citizen or the
19 Illinois State Police Department or the State's Attorney (in
20 cases in which the Illinois State Police Department or State's
21 Attorney does not request injunctive relief without notice) in
22 the circuit court, the court, if satisfied that the nuisance
23 complained of exists, shall allow a temporary restraining
24 order, with bond unless the application is filed by the
25 Illinois State Police Department or State's Attorney, in such
26 amount as the court may determine, enjoining the defendant

1 from maintaining any such nuisance within the jurisdiction of
2 the court granting the injunctive relief. However, no such
3 injunctive relief shall be granted, except on behalf of an
4 owner or agent, unless it be made to appear to the satisfaction
5 of the court that the owner or agent of such place knew or had
6 been personally served with a notice signed by the plaintiff
7 and that such notice has been served upon such owner or such
8 agent of such place at least 5 days prior thereto, that such
9 place, specifically describing the same, was being so used,
10 naming the date or dates of its being so used, and that such
11 owner or agent had failed to abate such nuisance, or that upon
12 diligent inquiry such owner or agent could not be found for the
13 service of such preliminary notice. The lessee, if any, of
14 such place shall be made a party defendant to such petition. If
15 the property owner is a corporation and the Illinois State
16 Police Department or the State's Attorney sends the
17 preliminary notice to the corporate address registered with
18 the Secretary of State, such action shall create a rebuttable
19 presumption that the parties have acted with due diligence and
20 the court may grant injunctive relief.

21 (d) In all cases in which the complaint is filed by a
22 citizen, such complaint shall be verified.

23 (Source: P.A. 99-78, eff. 7-20-15.)

24 (740 ILCS 40/7) (from Ch. 100 1/2, par. 20)

25 Sec. 7. The proceeds of the sale of the movable property

1 shall be applied in payment of the costs of the proceeding, and
2 the balance, if any, shall be forwarded by the clerk of the
3 circuit court to the State Treasurer for deposit into the Drug
4 Treatment Fund, which is established as a special fund within
5 the State Treasury. The Department of Human Services may make
6 grants to persons licensed under Section 15-10 of the
7 Substance Use Disorder Act or to municipalities or counties
8 from funds appropriated to the Illinois State Police
9 ~~Department~~ from the Drug Treatment Fund for the treatment of
10 persons addicted to alcohol, cannabis, or controlled
11 substances. The Illinois State Police ~~Department~~ may adopt any
12 rules it deems appropriate for the administration of these
13 grants. The Illinois State Police ~~Department~~ shall ensure that
14 the moneys collected in each county be returned
15 proportionately to the counties through grants to licensees
16 located within the county in which the assessment was
17 collected. Moneys in the Fund shall not supplant other local,
18 state or federal funds.

19 (Source: P.A. 100-759, eff. 1-1-19.)

20 Section 1115. The Mental Health and Developmental
21 Disabilities Confidentiality Act is amended by changing
22 Sections 12 and 12.2 as follows:

23 (740 ILCS 110/12) (from Ch. 91 1/2, par. 812)

24 Sec. 12. (a) If the United States Secret Service or the

1 Illinois Department of State Police requests information from
2 a mental health or developmental disability facility, as
3 defined in Section 1-107 and 1-114 of the Mental Health and
4 Developmental Disabilities Code, relating to a specific
5 recipient and the facility director determines that disclosure
6 of such information may be necessary to protect the life of, or
7 to prevent the infliction of great bodily harm to, a public
8 official, or a person under the protection of the United
9 States Secret Service, only the following information may be
10 disclosed: the recipient's name, address, and age and the date
11 of any admission to or discharge from a facility; and any
12 information which would indicate whether or not the recipient
13 has a history of violence or presents a danger of violence to
14 the person under protection. Any information so disclosed
15 shall be used for investigative purposes only and shall not be
16 publicly disseminated. Any person participating in good faith
17 in the disclosure of such information in accordance with this
18 provision shall have immunity from any liability, civil,
19 criminal or otherwise, if such information is disclosed
20 relying upon the representation of an officer of the United
21 States Secret Service or the Illinois Department of State
22 Police that a person is under the protection of the United
23 States Secret Service or is a public official.

24 For the purpose of this subsection (a), the term "public
25 official" means the Governor, Lieutenant Governor, Attorney
26 General, Secretary of State, State Comptroller, State

1 Treasurer, member of the General Assembly, member of the
2 United States Congress, Judge of the United States as defined
3 in 28 U.S.C. 451, Justice of the United States as defined in 28
4 U.S.C. 451, United States Magistrate Judge as defined in 28
5 U.S.C. 639, Bankruptcy Judge appointed under 28 U.S.C. 152, or
6 Supreme, Appellate, Circuit, or Associate Judge of the State
7 of Illinois. The term shall also include the spouse, child or
8 children of a public official.

9 (b) The Department of Human Services (acting as successor
10 to the Department of Mental Health and Developmental
11 Disabilities) and all public or private hospitals and mental
12 health facilities are required, as hereafter described in this
13 subsection, to furnish the Illinois ~~Department of~~ State Police
14 only such information as may be required for the sole purpose
15 of determining whether an individual who may be or may have
16 been a patient is disqualified because of that status from
17 receiving or retaining a Firearm Owner's Identification Card
18 or falls within the federal prohibitors under subsection (e),
19 (f), (g), (r), (s), or (t) of Section 8 of the Firearm Owners
20 Identification Card Act, or falls within the federal
21 prohibitors in 18 U.S.C. 922(g) and (n). All physicians,
22 clinical psychologists, or qualified examiners at public or
23 private mental health facilities or parts thereof as defined
24 in this subsection shall, in the form and manner required by
25 the Department, provide notice directly to the Department of
26 Human Services, or to his or her employer who shall then report

1 to the Department, within 24 hours after determining that a
2 person poses a clear and present danger to himself, herself,
3 or others, or within 7 days after a person 14 years or older is
4 determined to be a person with a developmental disability by a
5 physician, clinical psychologist, or qualified examiner as
6 described in Section 1.1 of the Firearm Owners Identification
7 Card Act. If a person is a patient as described in clause (1)
8 of the definition of "patient" in Section 1.1 of the Firearm
9 Owners Identification Card Act, this information shall be
10 furnished within 7 days after admission to a public or private
11 hospital or mental health facility or the provision of
12 services. Any such information disclosed under this subsection
13 shall remain privileged and confidential, and shall not be
14 redisclosed, except as required by subsection (e) of Section
15 3.1 of the Firearm Owners Identification Card Act, nor
16 utilized for any other purpose. The method of requiring the
17 providing of such information shall guarantee that no
18 information is released beyond what is necessary for this
19 purpose. In addition, the information disclosed shall be
20 provided by the Department within the time period established
21 by Section 24-3 of the Criminal Code of 2012 regarding the
22 delivery of firearms. The method used shall be sufficient to
23 provide the necessary information within the prescribed time
24 period, which may include periodically providing lists to the
25 Department of Human Services or any public or private hospital
26 or mental health facility of Firearm Owner's Identification

1 Card applicants on which the Department or hospital shall
2 indicate the identities of those individuals who are to its
3 knowledge disqualified from having a Firearm Owner's
4 Identification Card for reasons described herein. The
5 Department may provide for a centralized source of information
6 for the State on this subject under its jurisdiction. The
7 identity of the person reporting under this subsection shall
8 not be disclosed to the subject of the report. For the purposes
9 of this subsection, the physician, clinical psychologist, or
10 qualified examiner making the determination and his or her
11 employer shall not be held criminally, civilly, or
12 professionally liable for making or not making the
13 notification required under this subsection, except for
14 willful or wanton misconduct.

15 Any person, institution, or agency, under this Act,
16 participating in good faith in the reporting or disclosure of
17 records and communications otherwise in accordance with this
18 provision or with rules, regulations or guidelines issued by
19 the Department shall have immunity from any liability, civil,
20 criminal or otherwise, that might result by reason of the
21 action. For the purpose of any proceeding, civil or criminal,
22 arising out of a report or disclosure in accordance with this
23 provision, the good faith of any person, institution, or
24 agency so reporting or disclosing shall be presumed. The full
25 extent of the immunity provided in this subsection (b) shall
26 apply to any person, institution or agency that fails to make a

1 report or disclosure in the good faith belief that the report
2 or disclosure would violate federal regulations governing the
3 confidentiality of alcohol and drug abuse patient records
4 implementing 42 U.S.C. 290dd-3 and 290ee-3.

5 For purposes of this subsection (b) only, the following
6 terms shall have the meaning prescribed:

7 (1) (Blank).

8 (1.3) "Clear and present danger" has the meaning as
9 defined in Section 1.1 of the Firearm Owners
10 Identification Card Act.

11 (1.5) "Person with a developmental disability" has the
12 meaning as defined in Section 1.1 of the Firearm Owners
13 Identification Card Act.

14 (2) "Patient" has the meaning as defined in Section
15 1.1 of the Firearm Owners Identification Card Act.

16 (3) "Mental health facility" has the meaning as
17 defined in Section 1.1 of the Firearm Owners
18 Identification Card Act.

19 (c) Upon the request of a peace officer who takes a person
20 into custody and transports such person to a mental health or
21 developmental disability facility pursuant to Section 3-606 or
22 4-404 of the Mental Health and Developmental Disabilities Code
23 or who transports a person from such facility, a facility
24 director shall furnish said peace officer the name, address,
25 age and name of the nearest relative of the person transported
26 to or from the mental health or developmental disability

1 facility. In no case shall the facility director disclose to
2 the peace officer any information relating to the diagnosis,
3 treatment or evaluation of the person's mental or physical
4 health.

5 For the purposes of this subsection (c), the terms "mental
6 health or developmental disability facility", "peace officer"
7 and "facility director" shall have the meanings ascribed to
8 them in the Mental Health and Developmental Disabilities Code.

9 (d) Upon the request of a peace officer or prosecuting
10 authority who is conducting a bona fide investigation of a
11 criminal offense, or attempting to apprehend a fugitive from
12 justice, a facility director may disclose whether a person is
13 present at the facility. Upon request of a peace officer or
14 prosecuting authority who has a valid forcible felony warrant
15 issued, a facility director shall disclose: (1) whether the
16 person who is the subject of the warrant is present at the
17 facility and (2) the date of that person's discharge or future
18 discharge from the facility. The requesting peace officer or
19 prosecuting authority must furnish a case number and the
20 purpose of the investigation or an outstanding arrest warrant
21 at the time of the request. Any person, institution, or agency
22 participating in good faith in disclosing such information in
23 accordance with this subsection (d) is immune from any
24 liability, civil, criminal or otherwise, that might result by
25 reason of the action.

26 (Source: P.A. 98-63, eff. 7-9-13; 99-29, eff. 7-10-15; 99-143,

1 eff. 7-27-15; 99-642, eff. 7-28-16.)

2 (740 ILCS 110/12.2) (from Ch. 91 1/2, par. 812.2)

3 Sec. 12.2. (a) When a recipient who has been judicially or
4 involuntarily admitted, or is a forensic recipient admitted to
5 a developmental disability or mental health facility, as
6 defined in Section 1-107 or 1-114 of the Mental Health and
7 Developmental Disabilities Code, is on an unauthorized absence
8 or otherwise has left the custody of the Department of Human
9 Services without being discharged or being free to do so, the
10 facility director shall immediately furnish and disclose to
11 the appropriate local law enforcement agency identifying
12 information, as defined in this Section, and all further
13 information unrelated to the diagnosis, treatment or
14 evaluation of the recipient's mental or physical health that
15 would aid the law enforcement agency in recovering the
16 recipient and returning him or her to custody. When a forensic
17 recipient is on an unauthorized absence or otherwise has left
18 the custody of the Department without being discharged or
19 being free to do so, the facility director, or designee, of a
20 mental health facility or developmental facility operated by
21 the Department shall also immediately notify, in like manner,
22 the Illinois Department of State Police.

23 (b) If a law enforcement agency requests information from
24 a developmental disability or mental health facility, as
25 defined in Section 1-107 or 1-114 of the Mental Health and

1 Developmental Disabilities Code, relating to a recipient who
2 has been admitted to the facility and for whom a missing person
3 report has been filed with a law enforcement agency, the
4 facility director shall, except in the case of a voluntary
5 recipient wherein the recipient's permission in writing must
6 first be obtained, furnish and disclose to the law enforcement
7 agency identifying information as is necessary to confirm or
8 deny whether that person is, or has been since the missing
9 person report was filed, a resident of that facility. The
10 facility director shall notify the law enforcement agency if
11 the missing person is admitted after the request. Any person
12 participating in good faith in the disclosure of information
13 in accordance with this provision shall have immunity from any
14 liability, civil, criminal, or otherwise, if the information
15 is disclosed relying upon the representation of an officer of
16 a law enforcement agency that a missing person report has been
17 filed.

18 (c) Upon the request of a law enforcement agency in
19 connection with the investigation of a particular felony or
20 sex offense, when the investigation case file number is
21 furnished by the law enforcement agency, a facility director
22 shall immediately disclose to that law enforcement agency
23 identifying information on any forensic recipient who is
24 admitted to a developmental disability or mental health
25 facility, as defined in Section 1-107 or 1-114 of the Mental
26 Health and Developmental Disabilities Code, who was or may

1 have been away from the facility at or about the time of the
2 commission of a particular felony or sex offense, and: (1)
3 whose description, clothing, or both reasonably match the
4 physical description of any person allegedly involved in that
5 particular felony or sex offense; or (2) whose past modus
6 operandi matches the modus operandi of that particular felony
7 or sex offense.

8 (d) For the purposes of this Section and Section 12.1,
9 "law enforcement agency" means an agency of the State or unit
10 of local government that is vested by law or ordinance with the
11 duty to maintain public order and to enforce criminal laws or
12 ordinances, the Federal Bureau of Investigation, the Central
13 Intelligence Agency, and the United States Secret Service.

14 (e) For the purpose of this Section, "identifying
15 information" means the name, address, age, and a physical
16 description, including clothing, of the recipient of services,
17 the names and addresses of the recipient's nearest known
18 relatives, where the recipient was known to have been during
19 any past unauthorized absences from a facility, whether the
20 recipient may be suicidal, and the condition of the
21 recipient's physical health as it relates to exposure to the
22 weather. Except as provided in Section 11, in no case shall the
23 facility director disclose to the law enforcement agency any
24 information relating to the diagnosis, treatment, or
25 evaluation of the recipient's mental or physical health,
26 unless the disclosure is deemed necessary by the facility

1 director to insure the safety of the investigating officers or
2 general public.

3 (f) For the purpose of this Section, "forensic recipient"
4 means a recipient who is placed in a developmental disability
5 facility or mental health facility, as defined in Section
6 1-107 or 1-114 of the Mental Health and Developmental
7 Disabilities Code, pursuant to Article 104 of the Code of
8 Criminal Procedure of 1963 or Sections 3-8-5, 3-10-5 or 5-2-4
9 of the Unified Code of Corrections.

10 (Source: P.A. 98-756, eff. 7-16-14; 99-216, eff. 7-31-15.)

11 Section 1120. The Illinois False Claims Act is amended by
12 changing Sections 2, 4, and 8 as follows:

13 (740 ILCS 175/2) (from Ch. 127, par. 4102)

14 Sec. 2. Definitions. As used in this Act:

15 (a) "State" means the State of Illinois; any agency of
16 State government; the system of State colleges and
17 universities, any school district, community college district,
18 county, municipality, municipal corporation, unit of local
19 government, and any combination of the above under an
20 intergovernmental agreement that includes provisions for a
21 governing body of the agency created by the agreement.

22 (b) "Guard" means the Illinois National Guard.

23 (c) "Investigation" means any inquiry conducted by any
24 investigator for the purpose of ascertaining whether any

1 person is or has been engaged in any violation of this Act.

2 (d) "Investigator" means a person who is charged by the
3 Attorney General or the Illinois ~~Department of~~ State Police
4 with the duty of conducting any investigation under this Act,
5 or any officer or employee of the State acting under the
6 direction and supervision of the Attorney General or the
7 Illinois ~~Department of~~ State Police, ~~through the Division of~~
8 ~~Operations or the Division of Internal Investigation~~, in the
9 course of an investigation.

10 (e) "Documentary material" includes the original or any
11 copy of any book, record, report, memorandum, paper,
12 communication, tabulation, chart, or other document, or data
13 compilations stored in or accessible through computer or other
14 information retrieval systems, together with instructions and
15 all other materials necessary to use or interpret such data
16 compilations, and any product of discovery.

17 (f) "Custodian" means the custodian, or any deputy
18 custodian, designated by the Attorney General under subsection
19 (i) (1) of Section 6.

20 (g) "Product of discovery" includes:

21 (1) the original or duplicate of any deposition,
22 interrogatory, document, thing, result of the inspection
23 of land or other property, examination, or admission,
24 which is obtained by any method of discovery in any
25 judicial or administrative proceeding of an adversarial
26 nature;

1 (2) any digest, analysis, selection, compilation, or
2 derivation of any item listed in paragraph (1); and

3 (3) any index or other manner of access to any item
4 listed in paragraph (1).

5 (Source: P.A. 95-128, eff. 1-1-08; 96-1304, eff. 7-27-10.)

6 (740 ILCS 175/4) (from Ch. 127, par. 4104)

7 Sec. 4. Civil actions for false claims.

8 (a) Responsibilities of the Attorney General and the
9 Illinois ~~Department of~~ State Police. The Attorney General or
10 the Illinois ~~Department of~~ State Police shall diligently
11 investigate a civil violation under Section 3. If the Attorney
12 General finds that a person violated or is violating Section
13 3, the Attorney General may bring a civil action under this
14 Section against the person.

15 The State shall receive an amount for reasonable expenses
16 that the court finds to have been necessarily incurred by the
17 Attorney General, including reasonable attorneys' fees and
18 costs. All such expenses, fees, and costs shall be awarded
19 against the defendant. The court may award amounts from the
20 proceeds of an action or settlement that it considers
21 appropriate to any governmental entity or program that has
22 been adversely affected by a defendant. The Attorney General,
23 if necessary, shall direct the State Treasurer to make a
24 disbursement of funds as provided in court orders or
25 settlement agreements.

1 (b) Actions by private persons.

2 (1) A person may bring a civil action for a violation
3 of Section 3 for the person and for the State. The action
4 shall be brought in the name of the State. The action may
5 be dismissed only if the court and the Attorney General
6 give written consent to the dismissal and their reasons
7 for consenting.

8 (2) A copy of the complaint and written disclosure of
9 substantially all material evidence and information the
10 person possesses shall be served on the State. The
11 complaint shall be filed in camera, shall remain under
12 seal for at least 60 days, and shall not be served on the
13 defendant until the court so orders. The State may elect
14 to intervene and proceed with the action within 60 days
15 after it receives both the complaint and the material
16 evidence and information.

17 (3) The State may, for good cause shown, move the
18 court for extensions of the time during which the
19 complaint remains under seal under paragraph (2). Any such
20 motions may be supported by affidavits or other
21 submissions in camera. The defendant shall not be required
22 to respond to any complaint filed under this Section until
23 20 days after the complaint is unsealed and served upon
24 the defendant.

25 (4) Before the expiration of the 60-day period or any
26 extensions obtained under paragraph (3), the State shall:

1 (A) proceed with the action, in which case the
2 action shall be conducted by the State; or

3 (B) notify the court that it declines to take over
4 the action, in which case the person bringing the
5 action shall have the right to conduct the action.

6 (5) When a person brings an action under this
7 subsection (b), no person other than the State may
8 intervene or bring a related action based on the facts
9 underlying the pending action.

10 (c) Rights of the parties to Qui Tam actions.

11 (1) If the State proceeds with the action, it shall
12 have the primary responsibility for prosecuting the
13 action, and shall not be bound by an act of the person
14 bringing the action. Such person shall have the right to
15 continue as a party to the action, subject to the
16 limitations set forth in paragraph (2).

17 (2) (A) The State may dismiss the action
18 notwithstanding the objections of the person initiating
19 the action if the person has been notified by the State of
20 the filing of the motion and the court has provided the
21 person with an opportunity for a hearing on the motion.

22 (B) The State may settle the action with the defendant
23 notwithstanding the objections of the person initiating
24 the action if the court determines, after a hearing, that
25 the proposed settlement is fair, adequate, and reasonable
26 under all the circumstances. Upon a showing of good cause,

1 such hearing may be held in camera.

2 (C) Upon a showing by the State that unrestricted
3 participation during the course of the litigation by the
4 person initiating the action would interfere with or
5 unduly delay the State's prosecution of the case, or would
6 be repetitious, irrelevant, or for purposes of harassment,
7 the court may, in its discretion, impose limitations on
8 the person's participation, such as:

9 (i) limiting the number of witnesses the person
10 may call:

11 (ii) limiting the length of the testimony of such
12 witnesses;

13 (iii) limiting the person's cross-examination of
14 witnesses; or

15 (iv) otherwise limiting the participation by the
16 person in the litigation.

17 (D) Upon a showing by the defendant that unrestricted
18 participation during the course of the litigation by the
19 person initiating the action would be for purposes of
20 harassment or would cause the defendant undue burden or
21 unnecessary expense, the court may limit the participation
22 by the person in the litigation.

23 (3) If the State elects not to proceed with the
24 action, the person who initiated the action shall have the
25 right to conduct the action. If the State so requests, it
26 shall be served with copies of all pleadings filed in the

1 action and shall be supplied with copies of all deposition
2 transcripts (at the State's expense). When a person
3 proceeds with the action, the court, without limiting the
4 status and rights of the person initiating the action, may
5 nevertheless permit the State to intervene at a later date
6 upon a showing of good cause.

7 (4) Whether or not the State proceeds with the action,
8 upon a showing by the State that certain actions of
9 discovery by the person initiating the action would
10 interfere with the State's investigation or prosecution of
11 a criminal or civil matter arising out of the same facts,
12 the court may stay such discovery for a period of not more
13 than 60 days. Such a showing shall be conducted in camera.
14 The court may extend the 60-day period upon a further
15 showing in camera that the State has pursued the criminal
16 or civil investigation or proceedings with reasonable
17 diligence and any proposed discovery in the civil action
18 will interfere with the ongoing criminal or civil
19 investigation or proceedings.

20 (5) Notwithstanding subsection (b), the State may
21 elect to pursue its claim through any alternate remedy
22 available to the State, including any administrative
23 proceeding to determine a civil money penalty. If any such
24 alternate remedy is pursued in another proceeding, the
25 person initiating the action shall have the same rights in
26 such proceeding as such person would have had if the

1 action had continued under this Section. Any finding of
2 fact or conclusion of law made in such other proceeding
3 that has become final shall be conclusive on all parties
4 to an action under this Section. For purposes of the
5 preceding sentence, a finding or conclusion is final if it
6 has been finally determined on appeal to the appropriate
7 court, if all time for filing such an appeal with respect
8 to the finding or conclusion has expired, or if the
9 finding or conclusion is not subject to judicial review.

10 (d) Award to Qui Tam plaintiff.

11 (1) If the State proceeds with an action brought by a
12 person under subsection (b), such person shall, subject to
13 the second sentence of this paragraph, receive at least
14 15% but not more than 25% of the proceeds of the action or
15 settlement of the claim, depending upon the extent to
16 which the person substantially contributed to the
17 prosecution of the action. Where the action is one which
18 the court finds to be based primarily on disclosures of
19 specific information (other than information provided by
20 the person bringing the action) relating to allegations or
21 transactions in a criminal, civil, or administrative
22 hearing, in a legislative, administrative, or Auditor
23 General's report, hearing, audit, or investigation, or
24 from the news media, the court may award such sums as it
25 considers appropriate, but in no case more than 10% of the
26 proceeds, taking into account the significance of the

1 information and the role of the person bringing the action
2 in advancing the case to litigation. Any payment to a
3 person under the first or second sentence of this
4 paragraph (1) shall be made from the proceeds. Any such
5 person shall also receive an amount for reasonable
6 expenses which the court finds to have been necessarily
7 incurred, plus reasonable attorneys' fees and costs. The
8 State shall also receive an amount for reasonable expenses
9 which the court finds to have been necessarily incurred by
10 the Attorney General, including reasonable attorneys' fees
11 and costs. All such expenses, fees, and costs shall be
12 awarded against the defendant. The court may award amounts
13 from the proceeds of an action or settlement that it
14 considers appropriate to any governmental entity or
15 program that has been adversely affected by a defendant.
16 The Attorney General, if necessary, shall direct the State
17 Treasurer to make a disbursement of funds as provided in
18 court orders or settlement agreements.

19 (2) If the State does not proceed with an action under
20 this Section, the person bringing the action or settling
21 the claim shall receive an amount which the court decides
22 is reasonable for collecting the civil penalty and
23 damages. The amount shall be not less than 25% and not more
24 than 30% of the proceeds of the action or settlement and
25 shall be paid out of such proceeds. Such person shall also
26 receive an amount for reasonable expenses which the court

1 finds to have been necessarily incurred, plus reasonable
2 attorneys' fees and costs. All such expenses, fees, and
3 costs shall be awarded against the defendant. The court
4 may award amounts from the proceeds of an action or
5 settlement that it considers appropriate to any
6 governmental entity or program that has been adversely
7 affected by a defendant. The Attorney General, if
8 necessary, shall direct the State Treasurer to make a
9 disbursement of funds as provided in court orders or
10 settlement agreements.

11 (3) Whether or not the State proceeds with the action,
12 if the court finds that the action was brought by a person
13 who planned and initiated the violation of Section 3 upon
14 which the action was brought, then the court may, to the
15 extent the court considers appropriate, reduce the share
16 of the proceeds of the action which the person would
17 otherwise receive under paragraph (1) or (2) of this
18 subsection (d), taking into account the role of that
19 person in advancing the case to litigation and any
20 relevant circumstances pertaining to the violation. If the
21 person bringing the action is convicted of criminal
22 conduct arising from his or her role in the violation of
23 Section 3, that person shall be dismissed from the civil
24 action and shall not receive any share of the proceeds of
25 the action. Such dismissal shall not prejudice the right
26 of the State to continue the action, represented by the

1 Attorney General.

2 (4) If the State does not proceed with the action and
3 the person bringing the action conducts the action, the
4 court may award to the defendant its reasonable attorneys'
5 fees and expenses if the defendant prevails in the action
6 and the court finds that the claim of the person bringing
7 the action was clearly frivolous, clearly vexatious, or
8 brought primarily for purposes of harassment.

9 (e) Certain actions barred.

10 (1) No court shall have jurisdiction over an action
11 brought by a former or present member of the Guard under
12 subsection (b) of this Section against a member of the
13 Guard arising out of such person's service in the Guard.

14 (2) (A) No court shall have jurisdiction over an action
15 brought under subsection (b) against a member of the
16 General Assembly, a member of the judiciary, or an exempt
17 official if the action is based on evidence or information
18 known to the State when the action was brought.

19 (B) For purposes of this paragraph (2), "exempt
20 official" means any of the following officials in State
21 service: directors of departments established under the
22 Civil Administrative Code of Illinois, the Adjutant
23 General, the Assistant Adjutant General, the Director of
24 the State Emergency Services and Disaster Agency, members
25 of the boards and commissions, and all other positions
26 appointed by the Governor by and with the consent of the

1 Senate.

2 (3) In no event may a person bring an action under
3 subsection (b) which is based upon allegations or
4 transactions which are the subject of a civil suit or an
5 administrative civil money penalty proceeding in which the
6 State is already a party.

7 (4) (A) The court shall dismiss an action or claim
8 under this Section, unless opposed by the State, if
9 substantially the same allegations or transactions as
10 alleged in the action or claim were publicly disclosed:

11 (i) in a criminal, civil, or administrative
12 hearing in which the State or its agent is a party;

13 (ii) in a State legislative, State Auditor
14 General, or other State report, hearing, audit, or
15 investigation; or

16 (iii) from the news media,

17 unless the action is brought by the Attorney General or
18 the person bringing the action is an original source of
19 the information.

20 (B) For purposes of this paragraph (4), "original
21 source" means an individual who either (i) prior to a
22 public disclosure under subparagraph (A) of this paragraph
23 (4), has voluntarily disclosed to the State the
24 information on which allegations or transactions in a
25 claim are based, or (ii) has knowledge that is independent
26 of and materially adds to the publicly disclosed

1 allegations or transactions, and who has voluntarily
2 provided the information to the State before filing an
3 action under this Section.

4 (f) State not liable for certain expenses. The State is
5 not liable for expenses which a person incurs in bringing an
6 action under this Section.

7 (g) Relief from retaliatory actions.

8 (1) In general, any employee, contractor, or agent
9 shall be entitled to all relief necessary to make that
10 employee, contractor, or agent whole, if that employee,
11 contractor, or agent is discharged, demoted, suspended,
12 threatened, harassed, or in any other manner discriminated
13 against in the terms and conditions of employment because
14 of lawful acts done by the employee, contractor, agent, or
15 associated others in furtherance of an action under this
16 Section or other efforts to stop one or more violations of
17 this Act.

18 (2) Relief under paragraph (1) shall include
19 reinstatement with the same seniority status that the
20 employee, contractor, or agent would have had but for the
21 discrimination, 2 times the amount of back pay, interest
22 on the back pay, and compensation for any special damages
23 sustained as a result of the discrimination, including
24 litigation costs and reasonable attorneys' fees. An action
25 under this subsection (g) may be brought in the
26 appropriate circuit court for the relief provided in this

1 subsection (g).

2 (3) A civil action under this subsection may not be
3 brought more than 3 years after the date when the
4 retaliation occurred.

5 (Source: P.A. 96-1304, eff. 7-27-10; 97-978, eff. 8-17-12.)

6 (740 ILCS 175/8) (from Ch. 127, par. 4108)

7 Sec. 8. Funds; Grants.

8 (a) There is hereby created the State Whistleblower Reward
9 and Protection Fund to be held outside of the State Treasury
10 with the State Treasurer as custodian. All proceeds of an
11 action or settlement of a claim brought under this Act shall be
12 deposited in the Fund. Any attorneys' fees, expenses, and
13 costs paid by or awarded against any defendant pursuant to
14 Section 4 of this Act shall not be considered part of the
15 proceeds to be deposited in the Fund.

16 (b) Monies in the Fund shall be allocated as follows:
17 One-sixth of the monies shall be paid to the Attorney General
18 Whistleblower Reward and Protection Fund, which is hereby
19 created as a special fund in the State Treasury, and one-sixth
20 of the monies shall be paid to the State Police Whistleblower
21 Reward and Protection Fund, which is hereby created as a
22 special fund in the State Treasury, for State law enforcement
23 purposes. The remaining two-thirds of the monies in the Fund
24 shall be used for payment of awards to Qui Tam plaintiffs and
25 as otherwise specified in this Act, with any remainder to the

1 General Revenue Fund. The Attorney General shall direct the
2 State Treasurer to make disbursement of funds.

3 (Source: P.A. 101-148, eff. 7-26-19.)

4 Section 1125. The Illinois Marriage and Dissolution of
5 Marriage Act is amended by changing Section 607.5 as follows:

6 (750 ILCS 5/607.5)

7 Sec. 607.5. Abuse of allocated parenting time.

8 (a) The court shall provide an expedited procedure for the
9 enforcement of allocated parenting time.

10 (b) An action for the enforcement of allocated parenting
11 time may be commenced by a parent or a person appointed under
12 Section 506 by filing a petition setting forth: (i) the
13 petitioner's name and residence address or mailing address,
14 except that if the petition states that disclosure of
15 petitioner's address would risk abuse of petitioner or any
16 member of petitioner's family or household or reveal the
17 confidential address of a shelter for domestic violence
18 victims, that address may be omitted from the petition; (ii)
19 the respondent's name and place of residence, place of
20 employment, or mailing address; (iii) the terms of the
21 parenting plan or allocation judgment then in effect; (iv) the
22 nature of the violation of the allocation of parenting time,
23 giving dates and other relevant information; and (v) that a
24 reasonable attempt was made to resolve the dispute.

1 (c) If the court finds by a preponderance of the evidence
2 that a parent has not complied with allocated parenting time
3 according to an approved parenting plan or a court order, the
4 court, in the child's best interests, shall issue an order
5 that may include one or more of the following:

6 (1) an imposition of additional terms and conditions
7 consistent with the court's previous allocation of
8 parenting time or other order;

9 (2) a requirement that either or both of the parties
10 attend a parental education program at the expense of the
11 non-complying parent;

12 (3) upon consideration of all relevant factors,
13 particularly a history or possibility of domestic
14 violence, a requirement that the parties participate in
15 family or individual counseling, the expense of which
16 shall be allocated by the court; if counseling is ordered,
17 all counseling sessions shall be confidential, and the
18 communications in counseling shall not be used in any
19 manner in litigation nor relied upon by an expert
20 appointed by the court or retained by any party;

21 (4) a requirement that the non-complying parent post a
22 cash bond or other security to ensure future compliance,
23 including a provision that the bond or other security may
24 be forfeited to the other parent for payment of expenses
25 on behalf of the child as the court shall direct;

26 (5) a requirement that makeup parenting time be

1 provided for the aggrieved parent or child under the
2 following conditions:

3 (A) that the parenting time is of the same type and
4 duration as the parenting time that was denied,
5 including but not limited to parenting time during
6 weekends, on holidays, and on weekdays and during
7 times when the child is not in school;

8 (B) that the parenting time is made up within 6
9 months after the noncompliance occurs, unless the
10 period of time or holiday cannot be made up within 6
11 months, in which case the parenting time shall be made
12 up within one year after the noncompliance occurs;

13 (6) a finding that the non-complying parent is in
14 contempt of court;

15 (7) an imposition on the non-complying parent of an
16 appropriate civil fine per incident of denied parenting
17 time;

18 (8) a requirement that the non-complying parent
19 reimburse the other parent for all reasonable expenses
20 incurred as a result of the violation of the parenting
21 plan or court order; and

22 (9) any other provision that may promote the child's
23 best interests.

24 (d) In addition to any other order entered under
25 subsection (c), except for good cause shown, the court shall
26 order a parent who has failed to provide allocated parenting

1 time or to exercise allocated parenting time to pay the
2 aggrieved party his or her reasonable attorney's fees, court
3 costs, and expenses associated with an action brought under
4 this Section. If the court finds that the respondent in an
5 action brought under this Section has not violated the
6 allocated parenting time, the court may order the petitioner
7 to pay the respondent's reasonable attorney's fees, court
8 costs, and expenses incurred in the action.

9 (e) Nothing in this Section precludes a party from
10 maintaining any other action as provided by law.

11 (f) When the court issues an order holding a party in
12 contempt for violation of a parenting time order and finds
13 that the party engaged in parenting time abuse, the court may
14 order one or more of the following:

15 (1) Suspension of a party's Illinois driving
16 privileges pursuant to Section 7-703 of the Illinois
17 Vehicle Code until the court determines that the party is
18 in compliance with the parenting time order. The court may
19 also order that a party be issued a family financial
20 responsibility driving permit that would allow limited
21 driving privileges for employment, for medical purposes,
22 and to transport a child to or from scheduled parenting
23 time in order to comply with a parenting time order in
24 accordance with subsection (a-1) of Section 7-702.1 of the
25 Illinois Vehicle Code.

26 (2) Placement of a party on probation with such

1 conditions of probation as the court deems advisable.

2 (3) Sentencing of a party to periodic imprisonment for
3 a period not to exceed 6 months; provided, that the court
4 may permit the party to be released for periods of time
5 during the day or night to:

6 (A) work; or

7 (B) conduct a business or other self-employed
8 occupation.

9 (4) Find that a party in engaging in parenting time
10 abuse is guilty of a petty offense and should be fined an
11 amount of no more than \$500 for each finding of parenting
12 time abuse.

13 (g) When the court issues an order holding a party in
14 contempt of court for violation of a parenting order, the
15 clerk shall transmit a copy of the contempt order to the
16 sheriff of the county. The sheriff shall furnish a copy of each
17 contempt order to the Illinois ~~Department of~~ State Police on a
18 daily basis in the form and manner required by the Department.
19 The Department shall maintain a complete record and index of
20 the contempt orders and make this data available to all local
21 law enforcement agencies.

22 (h) Nothing contained in this Section shall be construed
23 to limit the court's contempt power.

24 (Source: P.A. 99-90, eff. 1-1-16; 99-763, eff. 1-1-17.)

25 Section 1130. The Adoption Act is amended by changing

1 Sections 6 and 12.3 as follows:

2 (750 ILCS 50/6) (from Ch. 40, par. 1508)

3 Sec. 6. A. Investigation; all cases. Within 10 days after
4 the filing of a petition for the adoption or standby adoption
5 of a child other than a related child, the court shall appoint
6 a child welfare agency approved by the Department of Children
7 and Family Services, or a person deemed competent by the
8 court, or in Cook County the Court Services Division of the
9 Cook County Department of Public Aid, or the Department of
10 Children and Family Services if the court determines that no
11 child welfare agency is available or that the petitioner is
12 financially unable to pay for the investigation, to
13 investigate accurately, fully and promptly, the allegations
14 contained in the petition; the character, reputation, health
15 and general standing in the community of the petitioners; the
16 religious faith of the petitioners and, if ascertainable, of
17 the child sought to be adopted; and whether the petitioners
18 are proper persons to adopt the child and whether the child is
19 a proper subject of adoption. The investigation required under
20 this Section shall include a fingerprint based criminal
21 background check with a review of fingerprints by the Illinois
22 State Police and Federal Bureau of Investigation. Each
23 petitioner subject to this investigation, shall submit his or
24 her fingerprints to the Illinois ~~Department of~~ State Police in
25 the form and manner prescribed by the Illinois ~~Department of~~

1 State Police. These fingerprints shall be checked against the
2 fingerprint records now and hereafter filed in the Illinois
3 ~~Department of~~ State Police and Federal Bureau of Investigation
4 criminal history records databases. The Illinois ~~Department of~~
5 State Police shall charge a fee for conducting the criminal
6 history records check, which shall be deposited in the State
7 Police Services Fund and shall not exceed the actual cost of
8 the records check. The criminal background check required by
9 this Section shall include a listing of when, where and by whom
10 the criminal background check was prepared. The criminal
11 background check required by this Section shall not be more
12 than two years old.

13 Neither a clerk of the circuit court nor a judge may
14 require that a criminal background check or fingerprint review
15 be filed with, or at the same time as, an initial petition for
16 adoption.

17 B. Investigation; foreign-born child. In the case of a
18 child born outside the United States or a territory thereof,
19 in addition to the investigation required under subsection (A)
20 of this Section, a post-placement investigation shall be
21 conducted in accordance with the requirements of the Child
22 Care Act of 1969, the Interstate Compact on the Placement of
23 Children, and the Intercountry Adoption Act of 2000.

24 The requirements of a post-placement investigation shall
25 be deemed to have been satisfied if a valid final order or
26 judgment of adoption has been entered by a court of competent

1 jurisdiction in a country other than the United States or a
2 territory thereof with respect to such child and the
3 petitioners.

4 C. Report of investigation. The court shall determine
5 whether the costs of the investigation shall be charged to the
6 petitioners. The information obtained as a result of such
7 investigation shall be presented to the court in a written
8 report. The results of the criminal background check required
9 under subsection (A) shall be provided to the court for its
10 review. The court may, in its discretion, weigh the
11 significance of the results of the criminal background check
12 against the entirety of the background of the petitioners. The
13 Court, in its discretion, may accept the report of the
14 investigation previously made by a licensed child welfare
15 agency, if made within one year prior to the entry of the
16 judgment. Such report shall be treated as confidential and
17 withheld from inspection unless findings adverse to the
18 petitioners or to the child sought to be adopted are contained
19 therein, and in that event the court shall inform the
20 petitioners of the relevant portions pertaining to the adverse
21 findings. In no event shall any facts set forth in the report
22 be considered at the hearing of the proceeding, unless
23 established by competent evidence. The report shall be filed
24 with the record of the proceeding. If the file relating to the
25 proceeding is not impounded, the report shall be impounded by
26 the clerk of the court and shall be made available for

1 inspection only upon order of the court.

2 D. Related adoption. Such investigation shall not be made
3 when the petition seeks to adopt a related child or an adult
4 unless the court, in its discretion, shall so order. In such an
5 event the court may appoint a person deemed competent by the
6 court.

7 (Source: P.A. 98-455, eff. 1-1-14.)

8 (750 ILCS 50/12.3)

9 Sec. 12.3. Additional requirements in private adoptions.
10 In cases of adoptions in which an Illinois licensed child
11 welfare agency is not providing adoption services and the
12 child who is the subject of the adoption is not a related child
13 of the prospective adoptive parent and not under the custody
14 or guardianship of the Department of Children and Family
15 Services under the Juvenile Court Act of 1987, the following
16 requirements shall apply in addition to any other applicable
17 requirements set forth in Section 6 or other provisions of
18 this Act:

19 (1) Within 10 days of filing a petition for adoption
20 pursuant to Section 5 of this Act, the prospective
21 adoptive parents and anyone 18 years of age or older who
22 resides in the adoptive home must initiate requests for
23 background checks from the following: the State police and
24 child abuse registry from every state of residence for the
25 5 years preceding the filing date of the petition, the

1 FBI, the National Sex Offender Registry, and, if Illinois
2 residents, from the Illinois State Police and Child Abuse
3 and Neglect Tracking System. The background checks must be
4 fingerprint-based, if available. The Child Abuse and
5 Neglect Tracking System background check must also be
6 requested for each person 13 to 17 years of age living in
7 the adoptive home.

8 (2) Within 30 days of filing a petition for adoption,
9 the results of the background checks set forth in
10 paragraph (1) of this Section shall be provided to the
11 guardian ad litem of the child appointed by the court or,
12 should there not be a guardian ad litem, to the
13 investigator appointed by the court pursuant to subsection
14 A of Section 6 of this Act.

15 (3) An initial assessment, including a home visit,
16 must be made by the guardian ad litem or the investigator
17 appointed by the court pursuant to subsection A of Section
18 6 of this Act no later than 30 days of said appointment;

19 (4) As part of the investigation, the guardian ad
20 litem or the investigator appointed by the court pursuant
21 to subsection A of Section 6 of this Act must provide the
22 prospective adoptive parents with the Adoptive Parent
23 Rights and Responsibilities-Private Form set forth in
24 Section 12.2 of this Act. The prospective adoptive parent
25 or parents must sign the form acknowledging receipt of the
26 form, and the original form must be filed with the court at

1 the time of the issuance of the interim order, and a copy
2 must be provided to the prospective parent or parents;

3 (5) The attorney for the prospective adoptive parent
4 or parents or the birth parent or parents shall provide
5 the prospective adoptive parent or parents with the Birth
6 Parent Medical form or forms if completed by the birth
7 parent or parents as set forth in subsection A-2 of
8 Section 10 of this Act, as soon as practicable but no later
9 than the time of entry of the interim order;

10 (6) The guardian ad litem, or the court-appointed
11 investigator appointed pursuant to subsection A of Section
12 6 of this Act, shall provide a report of investigation to
13 the Court within 6 months after appointment, or earlier if
14 so ordered by the court.

15 (7) The birth parent shall have the right to request
16 to receive counseling before and after signing a Final and
17 Irrevocable Consent to Adoption form, a Final and
18 Irrevocable Consent to Adoption by a Specified Person or
19 Persons: Non-DCFS Case form, or a Consent to Adoption of
20 Unborn Child form. The prospective adoptive parent or
21 parents may agree to pay for the cost of counseling in a
22 manner consistent with Illinois law, but the prospective
23 adoptive parent or parents are not required to do so.

24 (Source: P.A. 99-833, eff. 1-1-17.)

25 Section 1135. The Illinois Domestic Violence Act of 1986

1 is amended by changing Sections 214, 217, 220, 222, 222.5, and
2 302 as follows:

3 (750 ILCS 60/214) (from Ch. 40, par. 2312-14)

4 Sec. 214. Order of protection; remedies.

5 (a) Issuance of order. If the court finds that petitioner
6 has been abused by a family or household member or that
7 petitioner is a high-risk adult who has been abused,
8 neglected, or exploited, as defined in this Act, an order of
9 protection prohibiting the abuse, neglect, or exploitation
10 shall issue; provided that petitioner must also satisfy the
11 requirements of one of the following Sections, as appropriate:
12 Section 217 on emergency orders, Section 218 on interim
13 orders, or Section 219 on plenary orders. Petitioner shall not
14 be denied an order of protection because petitioner or
15 respondent is a minor. The court, when determining whether or
16 not to issue an order of protection, shall not require
17 physical manifestations of abuse on the person of the victim.
18 Modification and extension of prior orders of protection shall
19 be in accordance with this Act.

20 (b) Remedies and standards. The remedies to be included in
21 an order of protection shall be determined in accordance with
22 this Section and one of the following Sections, as
23 appropriate: Section 217 on emergency orders, Section 218 on
24 interim orders, and Section 219 on plenary orders. The
25 remedies listed in this subsection shall be in addition to

1 other civil or criminal remedies available to petitioner.

2 (1) Prohibition of abuse, neglect, or exploitation.
3 Prohibit respondent's harassment, interference with
4 personal liberty, intimidation of a dependent, physical
5 abuse, or willful deprivation, neglect or exploitation, as
6 defined in this Act, or stalking of the petitioner, as
7 defined in Section 12-7.3 of the Criminal Code of 2012, if
8 such abuse, neglect, exploitation, or stalking has
9 occurred or otherwise appears likely to occur if not
10 prohibited.

11 (2) Grant of exclusive possession of residence.
12 Prohibit respondent from entering or remaining in any
13 residence, household, or premises of the petitioner,
14 including one owned or leased by respondent, if petitioner
15 has a right to occupancy thereof. The grant of exclusive
16 possession of the residence, household, or premises shall
17 not affect title to real property, nor shall the court be
18 limited by the standard set forth in subsection (c-2) of
19 Section 501 of the Illinois Marriage and Dissolution of
20 Marriage Act.

21 (A) Right to occupancy. A party has a right to
22 occupancy of a residence or household if it is solely
23 or jointly owned or leased by that party, that party's
24 spouse, a person with a legal duty to support that
25 party or a minor child in that party's care, or by any
26 person or entity other than the opposing party that

1 authorizes that party's occupancy (e.g., a domestic
2 violence shelter). Standards set forth in subparagraph
3 (B) shall not preclude equitable relief.

4 (B) Presumption of hardships. If petitioner and
5 respondent each has the right to occupancy of a
6 residence or household, the court shall balance (i)
7 the hardships to respondent and any minor child or
8 dependent adult in respondent's care resulting from
9 entry of this remedy with (ii) the hardships to
10 petitioner and any minor child or dependent adult in
11 petitioner's care resulting from continued exposure to
12 the risk of abuse (should petitioner remain at the
13 residence or household) or from loss of possession of
14 the residence or household (should petitioner leave to
15 avoid the risk of abuse). When determining the balance
16 of hardships, the court shall also take into account
17 the accessibility of the residence or household.
18 Hardships need not be balanced if respondent does not
19 have a right to occupancy.

20 The balance of hardships is presumed to favor
21 possession by petitioner unless the presumption is
22 rebutted by a preponderance of the evidence, showing
23 that the hardships to respondent substantially
24 outweigh the hardships to petitioner and any minor
25 child or dependent adult in petitioner's care. The
26 court, on the request of petitioner or on its own

1 motion, may order respondent to provide suitable,
2 accessible, alternate housing for petitioner instead
3 of excluding respondent from a mutual residence or
4 household.

5 (3) Stay away order and additional prohibitions. Order
6 respondent to stay away from petitioner or any other
7 person protected by the order of protection, or prohibit
8 respondent from entering or remaining present at
9 petitioner's school, place of employment, or other
10 specified places at times when petitioner is present, or
11 both, if reasonable, given the balance of hardships.
12 Hardships need not be balanced for the court to enter a
13 stay away order or prohibit entry if respondent has no
14 right to enter the premises.

15 (A) If an order of protection grants petitioner
16 exclusive possession of the residence, or prohibits
17 respondent from entering the residence, or orders
18 respondent to stay away from petitioner or other
19 protected persons, then the court may allow respondent
20 access to the residence to remove items of clothing
21 and personal adornment used exclusively by respondent,
22 medications, and other items as the court directs. The
23 right to access shall be exercised on only one
24 occasion as the court directs and in the presence of an
25 agreed-upon adult third party or law enforcement
26 officer.

1 (B) When the petitioner and the respondent attend
2 the same public, private, or non-public elementary,
3 middle, or high school, the court when issuing an
4 order of protection and providing relief shall
5 consider the severity of the act, any continuing
6 physical danger or emotional distress to the
7 petitioner, the educational rights guaranteed to the
8 petitioner and respondent under federal and State law,
9 the availability of a transfer of the respondent to
10 another school, a change of placement or a change of
11 program of the respondent, the expense, difficulty,
12 and educational disruption that would be caused by a
13 transfer of the respondent to another school, and any
14 other relevant facts of the case. The court may order
15 that the respondent not attend the public, private, or
16 non-public elementary, middle, or high school attended
17 by the petitioner, order that the respondent accept a
18 change of placement or change of program, as
19 determined by the school district or private or
20 non-public school, or place restrictions on the
21 respondent's movements within the school attended by
22 the petitioner. The respondent bears the burden of
23 proving by a preponderance of the evidence that a
24 transfer, change of placement, or change of program of
25 the respondent is not available. The respondent also
26 bears the burden of production with respect to the

1 expense, difficulty, and educational disruption that
2 would be caused by a transfer of the respondent to
3 another school. A transfer, change of placement, or
4 change of program is not unavailable to the respondent
5 solely on the ground that the respondent does not
6 agree with the school district's or private or
7 non-public school's transfer, change of placement, or
8 change of program or solely on the ground that the
9 respondent fails or refuses to consent or otherwise
10 does not take an action required to effectuate a
11 transfer, change of placement, or change of program.
12 When a court orders a respondent to stay away from the
13 public, private, or non-public school attended by the
14 petitioner and the respondent requests a transfer to
15 another attendance center within the respondent's
16 school district or private or non-public school, the
17 school district or private or non-public school shall
18 have sole discretion to determine the attendance
19 center to which the respondent is transferred. In the
20 event the court order results in a transfer of the
21 minor respondent to another attendance center, a
22 change in the respondent's placement, or a change of
23 the respondent's program, the parents, guardian, or
24 legal custodian of the respondent is responsible for
25 transportation and other costs associated with the
26 transfer or change.

1 (C) The court may order the parents, guardian, or
2 legal custodian of a minor respondent to take certain
3 actions or to refrain from taking certain actions to
4 ensure that the respondent complies with the order. In
5 the event the court orders a transfer of the
6 respondent to another school, the parents, guardian,
7 or legal custodian of the respondent is responsible
8 for transportation and other costs associated with the
9 change of school by the respondent.

10 (4) Counseling. Require or recommend the respondent to
11 undergo counseling for a specified duration with a social
12 worker, psychologist, clinical psychologist,
13 psychiatrist, family service agency, alcohol or substance
14 abuse program, mental health center guidance counselor,
15 agency providing services to elders, program designed for
16 domestic violence abusers or any other guidance service
17 the court deems appropriate. The Court may order the
18 respondent in any intimate partner relationship to report
19 to an Illinois Department of Human Services protocol
20 approved partner abuse intervention program for an
21 assessment and to follow all recommended treatment.

22 (5) Physical care and possession of the minor child.
23 In order to protect the minor child from abuse, neglect,
24 or unwarranted separation from the person who has been the
25 minor child's primary caretaker, or to otherwise protect
26 the well-being of the minor child, the court may do either

1 or both of the following: (i) grant petitioner physical
2 care or possession of the minor child, or both, or (ii)
3 order respondent to return a minor child to, or not remove
4 a minor child from, the physical care of a parent or person
5 in loco parentis.

6 If a court finds, after a hearing, that respondent has
7 committed abuse (as defined in Section 103) of a minor
8 child, there shall be a rebuttable presumption that
9 awarding physical care to respondent would not be in the
10 minor child's best interest.

11 (6) Temporary allocation of parental responsibilities:
12 significant decision-making. Award temporary
13 decision-making responsibility to petitioner in accordance
14 with this Section, the Illinois Marriage and Dissolution
15 of Marriage Act, the Illinois Parentage Act of 2015, and
16 this State's Uniform Child-Custody Jurisdiction and
17 Enforcement Act.

18 If a court finds, after a hearing, that respondent has
19 committed abuse (as defined in Section 103) of a minor
20 child, there shall be a rebuttable presumption that
21 awarding temporary significant decision-making
22 responsibility to respondent would not be in the child's
23 best interest.

24 (7) Parenting time. Determine the parenting time, if
25 any, of respondent in any case in which the court awards
26 physical care or allocates temporary significant

1 decision-making responsibility of a minor child to
2 petitioner. The court shall restrict or deny respondent's
3 parenting time with a minor child if the court finds that
4 respondent has done or is likely to do any of the
5 following: (i) abuse or endanger the minor child during
6 parenting time; (ii) use the parenting time as an
7 opportunity to abuse or harass petitioner or petitioner's
8 family or household members; (iii) improperly conceal or
9 detain the minor child; or (iv) otherwise act in a manner
10 that is not in the best interests of the minor child. The
11 court shall not be limited by the standards set forth in
12 Section 603.10 of the Illinois Marriage and Dissolution of
13 Marriage Act. If the court grants parenting time, the
14 order shall specify dates and times for the parenting time
15 to take place or other specific parameters or conditions
16 that are appropriate. No order for parenting time shall
17 refer merely to the term "reasonable parenting time".

18 Petitioner may deny respondent access to the minor
19 child if, when respondent arrives for parenting time,
20 respondent is under the influence of drugs or alcohol and
21 constitutes a threat to the safety and well-being of
22 petitioner or petitioner's minor children or is behaving
23 in a violent or abusive manner.

24 If necessary to protect any member of petitioner's
25 family or household from future abuse, respondent shall be
26 prohibited from coming to petitioner's residence to meet

1 the minor child for parenting time, and the parties shall
2 submit to the court their recommendations for reasonable
3 alternative arrangements for parenting time. A person may
4 be approved to supervise parenting time only after filing
5 an affidavit accepting that responsibility and
6 acknowledging accountability to the court.

7 (8) Removal or concealment of minor child. Prohibit
8 respondent from removing a minor child from the State or
9 concealing the child within the State.

10 (9) Order to appear. Order the respondent to appear in
11 court, alone or with a minor child, to prevent abuse,
12 neglect, removal or concealment of the child, to return
13 the child to the custody or care of the petitioner or to
14 permit any court-ordered interview or examination of the
15 child or the respondent.

16 (10) Possession of personal property. Grant petitioner
17 exclusive possession of personal property and, if
18 respondent has possession or control, direct respondent to
19 promptly make it available to petitioner, if:

20 (i) petitioner, but not respondent, owns the
21 property; or

22 (ii) the parties own the property jointly; sharing
23 it would risk abuse of petitioner by respondent or is
24 impracticable; and the balance of hardships favors
25 temporary possession by petitioner.

26 If petitioner's sole claim to ownership of the

1 property is that it is marital property, the court may
2 award petitioner temporary possession thereof under the
3 standards of subparagraph (ii) of this paragraph only if a
4 proper proceeding has been filed under the Illinois
5 Marriage and Dissolution of Marriage Act, as now or
6 hereafter amended.

7 No order under this provision shall affect title to
8 property.

9 (11) Protection of property. Forbid the respondent
10 from taking, transferring, encumbering, concealing,
11 damaging or otherwise disposing of any real or personal
12 property, except as explicitly authorized by the court,
13 if:

14 (i) petitioner, but not respondent, owns the
15 property; or

16 (ii) the parties own the property jointly, and the
17 balance of hardships favors granting this remedy.

18 If petitioner's sole claim to ownership of the
19 property is that it is marital property, the court may
20 grant petitioner relief under subparagraph (ii) of this
21 paragraph only if a proper proceeding has been filed under
22 the Illinois Marriage and Dissolution of Marriage Act, as
23 now or hereafter amended.

24 The court may further prohibit respondent from
25 improperly using the financial or other resources of an
26 aged member of the family or household for the profit or

1 advantage of respondent or of any other person.

2 (11.5) Protection of animals. Grant the petitioner the
3 exclusive care, custody, or control of any animal owned,
4 possessed, leased, kept, or held by either the petitioner
5 or the respondent or a minor child residing in the
6 residence or household of either the petitioner or the
7 respondent and order the respondent to stay away from the
8 animal and forbid the respondent from taking,
9 transferring, encumbering, concealing, harming, or
10 otherwise disposing of the animal.

11 (12) Order for payment of support. Order respondent to
12 pay temporary support for the petitioner or any child in
13 the petitioner's care or over whom the petitioner has been
14 allocated parental responsibility, when the respondent has
15 a legal obligation to support that person, in accordance
16 with the Illinois Marriage and Dissolution of Marriage
17 Act, which shall govern, among other matters, the amount
18 of support, payment through the clerk and withholding of
19 income to secure payment. An order for child support may
20 be granted to a petitioner with lawful physical care of a
21 child, or an order or agreement for physical care of a
22 child, prior to entry of an order allocating significant
23 decision-making responsibility. Such a support order shall
24 expire upon entry of a valid order allocating parental
25 responsibility differently and vacating the petitioner's
26 significant decision-making authority, unless otherwise

1 provided in the order.

2 (13) Order for payment of losses. Order respondent to
3 pay petitioner for losses suffered as a direct result of
4 the abuse, neglect, or exploitation. Such losses shall
5 include, but not be limited to, medical expenses, lost
6 earnings or other support, repair or replacement of
7 property damaged or taken, reasonable attorney's fees,
8 court costs and moving or other travel expenses, including
9 additional reasonable expenses for temporary shelter and
10 restaurant meals.

11 (i) Losses affecting family needs. If a party is
12 entitled to seek maintenance, child support or
13 property distribution from the other party under the
14 Illinois Marriage and Dissolution of Marriage Act, as
15 now or hereafter amended, the court may order
16 respondent to reimburse petitioner's actual losses, to
17 the extent that such reimbursement would be
18 "appropriate temporary relief", as authorized by
19 subsection (a) (3) of Section 501 of that Act.

20 (ii) Recovery of expenses. In the case of an
21 improper concealment or removal of a minor child, the
22 court may order respondent to pay the reasonable
23 expenses incurred or to be incurred in the search for
24 and recovery of the minor child, including but not
25 limited to legal fees, court costs, private
26 investigator fees, and travel costs.

1 (14) Prohibition of entry. Prohibit the respondent
2 from entering or remaining in the residence or household
3 while the respondent is under the influence of alcohol or
4 drugs and constitutes a threat to the safety and
5 well-being of the petitioner or the petitioner's children.

6 (14.5) Prohibition of firearm possession.

7 (a) Prohibit a respondent against whom an order of
8 protection was issued from possessing any firearms
9 during the duration of the order if the order:

10 (1) was issued after a hearing of which such
11 person received actual notice, and at which such
12 person had an opportunity to participate;

13 (2) restrains such person from harassing,
14 stalking, or threatening an intimate partner of
15 such person or child of such intimate partner or
16 person, or engaging in other conduct that would
17 place an intimate partner in reasonable fear of
18 bodily injury to the partner or child; and

19 (3) (i) includes a finding that such person
20 represents a credible threat to the physical
21 safety of such intimate partner or child; or (ii)
22 by its terms explicitly prohibits the use,
23 attempted use, or threatened use of physical force
24 against such intimate partner or child that would
25 reasonably be expected to cause bodily injury.

26 Any Firearm Owner's Identification Card in the

1 possession of the respondent, except as provided in
2 subsection (b), shall be ordered by the court to be
3 turned over to the local law enforcement agency. The
4 local law enforcement agency shall immediately mail
5 the card to the Illinois ~~Department of~~ State Police
6 Firearm Owner's Identification Card Office for
7 safekeeping. The court shall issue a warrant for
8 seizure of any firearm in the possession of the
9 respondent, to be kept by the local law enforcement
10 agency for safekeeping, except as provided in
11 subsection (b). The period of safekeeping shall be for
12 the duration of the order of protection. The firearm
13 or firearms and Firearm Owner's Identification Card,
14 if unexpired, shall at the respondent's request, be
15 returned to the respondent at the end of the order of
16 protection. It is the respondent's responsibility to
17 notify the Illinois ~~Department of~~ State Police Firearm
18 Owner's Identification Card Office.

19 (b) If the respondent is a peace officer as
20 defined in Section 2-13 of the Criminal Code of 2012,
21 the court shall order that any firearms used by the
22 respondent in the performance of his or her duties as a
23 peace officer be surrendered to the chief law
24 enforcement executive of the agency in which the
25 respondent is employed, who shall retain the firearms
26 for safekeeping for the duration of the order of

1 protection.

2 (c) Upon expiration of the period of safekeeping,
3 if the firearms or Firearm Owner's Identification Card
4 cannot be returned to respondent because respondent
5 cannot be located, fails to respond to requests to
6 retrieve the firearms, or is not lawfully eligible to
7 possess a firearm, upon petition from the local law
8 enforcement agency, the court may order the local law
9 enforcement agency to destroy the firearms, use the
10 firearms for training purposes, or for any other
11 application as deemed appropriate by the local law
12 enforcement agency; or that the firearms be turned
13 over to a third party who is lawfully eligible to
14 possess firearms, and who does not reside with
15 respondent.

16 (15) Prohibition of access to records. If an order of
17 protection prohibits respondent from having contact with
18 the minor child, or if petitioner's address is omitted
19 under subsection (b) of Section 203, or if necessary to
20 prevent abuse or wrongful removal or concealment of a
21 minor child, the order shall deny respondent access to,
22 and prohibit respondent from inspecting, obtaining, or
23 attempting to inspect or obtain, school or any other
24 records of the minor child who is in the care of
25 petitioner.

26 (16) Order for payment of shelter services. Order

1 respondent to reimburse a shelter providing temporary
2 housing and counseling services to the petitioner for the
3 cost of the services, as certified by the shelter and
4 deemed reasonable by the court.

5 (17) Order for injunctive relief. Enter injunctive
6 relief necessary or appropriate to prevent further abuse
7 of a family or household member or further abuse, neglect,
8 or exploitation of a high-risk adult with disabilities or
9 to effectuate one of the granted remedies, if supported by
10 the balance of hardships. If the harm to be prevented by
11 the injunction is abuse or any other harm that one of the
12 remedies listed in paragraphs (1) through (16) of this
13 subsection is designed to prevent, no further evidence is
14 necessary that the harm is an irreparable injury.

15 (18) Telephone services.

16 (A) Unless a condition described in subparagraph
17 (B) of this paragraph exists, the court may, upon
18 request by the petitioner, order a wireless telephone
19 service provider to transfer to the petitioner the
20 right to continue to use a telephone number or numbers
21 indicated by the petitioner and the financial
22 responsibility associated with the number or numbers,
23 as set forth in subparagraph (C) of this paragraph.
24 For purposes of this paragraph (18), the term
25 "wireless telephone service provider" means a provider
26 of commercial mobile service as defined in 47 U.S.C.

1 332. The petitioner may request the transfer of each
2 telephone number that the petitioner, or a minor child
3 in his or her custody, uses. The clerk of the court
4 shall serve the order on the wireless telephone
5 service provider's agent for service of process
6 provided to the Illinois Commerce Commission. The
7 order shall contain all of the following:

8 (i) The name and billing telephone number of
9 the account holder including the name of the
10 wireless telephone service provider that serves
11 the account.

12 (ii) Each telephone number that will be
13 transferred.

14 (iii) A statement that the provider transfers
15 to the petitioner all financial responsibility for
16 and right to the use of any telephone number
17 transferred under this paragraph.

18 (B) A wireless telephone service provider shall
19 terminate the respondent's use of, and shall transfer
20 to the petitioner use of, the telephone number or
21 numbers indicated in subparagraph (A) of this
22 paragraph unless it notifies the petitioner, within 72
23 hours after it receives the order, that one of the
24 following applies:

25 (i) The account holder named in the order has
26 terminated the account.

1 (ii) A difference in network technology would
2 prevent or impair the functionality of a device on
3 a network if the transfer occurs.

4 (iii) The transfer would cause a geographic or
5 other limitation on network or service provision
6 to the petitioner.

7 (iv) Another technological or operational
8 issue would prevent or impair the use of the
9 telephone number if the transfer occurs.

10 (C) The petitioner assumes all financial
11 responsibility for and right to the use of any
12 telephone number transferred under this paragraph. In
13 this paragraph, "financial responsibility" includes
14 monthly service costs and costs associated with any
15 mobile device associated with the number.

16 (D) A wireless telephone service provider may
17 apply to the petitioner its routine and customary
18 requirements for establishing an account or
19 transferring a number, including requiring the
20 petitioner to provide proof of identification,
21 financial information, and customer preferences.

22 (E) Except for willful or wanton misconduct, a
23 wireless telephone service provider is immune from
24 civil liability for its actions taken in compliance
25 with a court order issued under this paragraph.

26 (F) All wireless service providers that provide

1 services to residential customers shall provide to the
2 Illinois Commerce Commission the name and address of
3 an agent for service of orders entered under this
4 paragraph (18). Any change in status of the registered
5 agent must be reported to the Illinois Commerce
6 Commission within 30 days of such change.

7 (G) The Illinois Commerce Commission shall
8 maintain the list of registered agents for service for
9 each wireless telephone service provider on the
10 Commission's website. The Commission may consult with
11 wireless telephone service providers and the Circuit
12 Court Clerks on the manner in which this information
13 is provided and displayed.

14 (c) Relevant factors; findings.

15 (1) In determining whether to grant a specific remedy,
16 other than payment of support, the court shall consider
17 relevant factors, including but not limited to the
18 following:

19 (i) the nature, frequency, severity, pattern and
20 consequences of the respondent's past abuse, neglect
21 or exploitation of the petitioner or any family or
22 household member, including the concealment of his or
23 her location in order to evade service of process or
24 notice, and the likelihood of danger of future abuse,
25 neglect, or exploitation to petitioner or any member
26 of petitioner's or respondent's family or household;

1 and

2 (ii) the danger that any minor child will be
3 abused or neglected or improperly relocated from the
4 jurisdiction, improperly concealed within the State or
5 improperly separated from the child's primary
6 caretaker.

7 (2) In comparing relative hardships resulting to the
8 parties from loss of possession of the family home, the
9 court shall consider relevant factors, including but not
10 limited to the following:

11 (i) availability, accessibility, cost, safety,
12 adequacy, location and other characteristics of
13 alternate housing for each party and any minor child
14 or dependent adult in the party's care;

15 (ii) the effect on the party's employment; and

16 (iii) the effect on the relationship of the party,
17 and any minor child or dependent adult in the party's
18 care, to family, school, church and community.

19 (3) Subject to the exceptions set forth in paragraph
20 (4) of this subsection, the court shall make its findings
21 in an official record or in writing, and shall at a minimum
22 set forth the following:

23 (i) That the court has considered the applicable
24 relevant factors described in paragraphs (1) and (2)
25 of this subsection.

26 (ii) Whether the conduct or actions of respondent,

1 unless prohibited, will likely cause irreparable harm
2 or continued abuse.

3 (iii) Whether it is necessary to grant the
4 requested relief in order to protect petitioner or
5 other alleged abused persons.

6 (4) For purposes of issuing an ex parte emergency
7 order of protection, the court, as an alternative to or as
8 a supplement to making the findings described in
9 paragraphs (c)(3)(i) through (c)(3)(iii) of this
10 subsection, may use the following procedure:

11 When a verified petition for an emergency order of
12 protection in accordance with the requirements of Sections
13 203 and 217 is presented to the court, the court shall
14 examine petitioner on oath or affirmation. An emergency
15 order of protection shall be issued by the court if it
16 appears from the contents of the petition and the
17 examination of petitioner that the averments are
18 sufficient to indicate abuse by respondent and to support
19 the granting of relief under the issuance of the emergency
20 order of protection.

21 (5) Never married parties. No rights or
22 responsibilities for a minor child born outside of
23 marriage attach to a putative father until a father and
24 child relationship has been established under the Illinois
25 Parentage Act of 1984, the Illinois Parentage Act of 2015,
26 the Illinois Public Aid Code, Section 12 of the Vital

1 Records Act, the Juvenile Court Act of 1987, the Probate
2 Act of 1975, the Revised Uniform Reciprocal Enforcement of
3 Support Act, the Uniform Interstate Family Support Act,
4 the Expedited Child Support Act of 1990, any judicial,
5 administrative, or other act of another state or
6 territory, any other Illinois statute, or by any foreign
7 nation establishing the father and child relationship, any
8 other proceeding substantially in conformity with the
9 Personal Responsibility and Work Opportunity
10 Reconciliation Act of 1996 (Pub. L. 104-193), or where
11 both parties appeared in open court or at an
12 administrative hearing acknowledging under oath or
13 admitting by affirmation the existence of a father and
14 child relationship. Absent such an adjudication, finding,
15 or acknowledgment, no putative father shall be granted
16 temporary allocation of parental responsibilities,
17 including parenting time with the minor child, or physical
18 care and possession of the minor child, nor shall an order
19 of payment for support of the minor child be entered.

20 (d) Balance of hardships; findings. If the court finds
21 that the balance of hardships does not support the granting of
22 a remedy governed by paragraph (2), (3), (10), (11), or (16) of
23 subsection (b) of this Section, which may require such
24 balancing, the court's findings shall so indicate and shall
25 include a finding as to whether granting the remedy will
26 result in hardship to respondent that would substantially

1 outweigh the hardship to petitioner from denial of the remedy.
2 The findings shall be an official record or in writing.

3 (e) Denial of remedies. Denial of any remedy shall not be
4 based, in whole or in part, on evidence that:

5 (1) Respondent has cause for any use of force, unless
6 that cause satisfies the standards for justifiable use of
7 force provided by Article 7 of the Criminal Code of 2012;

8 (2) Respondent was voluntarily intoxicated;

9 (3) Petitioner acted in self-defense or defense of
10 another, provided that, if petitioner utilized force, such
11 force was justifiable under Article 7 of the Criminal Code
12 of 2012;

13 (4) Petitioner did not act in self-defense or defense
14 of another;

15 (5) Petitioner left the residence or household to
16 avoid further abuse, neglect, or exploitation by
17 respondent;

18 (6) Petitioner did not leave the residence or
19 household to avoid further abuse, neglect, or exploitation
20 by respondent;

21 (7) Conduct by any family or household member excused
22 the abuse, neglect, or exploitation by respondent, unless
23 that same conduct would have excused such abuse, neglect,
24 or exploitation if the parties had not been family or
25 household members.

26 (Source: P.A. 99-85, eff. 1-1-16; 99-90, eff. 1-1-16; 99-642,

1 eff. 7-28-16; 100-388, eff. 1-1-18; 100-863, eff. 8-14-18;
2 100-923, eff. 1-1-19.)

3 (750 ILCS 60/217) (from Ch. 40, par. 2312-17)

4 Sec. 217. Emergency order of protection.

5 (a) Prerequisites. An emergency order of protection shall
6 issue if petitioner satisfies the requirements of this
7 subsection for one or more of the requested remedies. For each
8 remedy requested, petitioner shall establish that:

9 (1) The court has jurisdiction under Section 208;

10 (2) The requirements of Section 214 are satisfied; and

11 (3) There is good cause to grant the remedy,
12 regardless of prior service of process or of notice upon
13 the respondent, because:

14 (i) For the remedies of "prohibition of abuse"
15 described in Section 214(b)(1), "stay away order and
16 additional prohibitions" described in Section
17 214(b)(3), "removal or concealment of minor child"
18 described in Section 214(b)(8), "order to appear"
19 described in Section 214(b)(9), "physical care and
20 possession of the minor child" described in Section
21 214(b)(5), "protection of property" described in
22 Section 214(b)(11), "prohibition of entry" described
23 in Section 214(b)(14), "prohibition of firearm
24 possession" described in Section 214(b)(14.5),
25 "prohibition of access to records" described in

1 Section 214(b)(15), and "injunctive relief" described
2 in Section 214(b)(16), the harm which that remedy is
3 intended to prevent would be likely to occur if the
4 respondent were given any prior notice, or greater
5 notice than was actually given, of the petitioner's
6 efforts to obtain judicial relief;

7 (ii) For the remedy of "grant of exclusive
8 possession of residence" described in Section
9 214(b)(2), the immediate danger of further abuse of
10 petitioner by respondent, if petitioner chooses or had
11 chosen to remain in the residence or household while
12 respondent was given any prior notice or greater
13 notice than was actually given of petitioner's efforts
14 to obtain judicial relief, outweighs the hardships to
15 respondent of an emergency order granting petitioner
16 exclusive possession of the residence or household.
17 This remedy shall not be denied because petitioner has
18 or could obtain temporary shelter elsewhere while
19 prior notice is given to respondent, unless the
20 hardships to respondent from exclusion from the home
21 substantially outweigh those to petitioner;

22 (iii) For the remedy of "possession of personal
23 property" described in Section 214(b)(10), improper
24 disposition of the personal property would be likely
25 to occur if respondent were given any prior notice, or
26 greater notice than was actually given, of

1 petitioner's efforts to obtain judicial relief, or
2 petitioner has an immediate and pressing need for
3 possession of that property.

4 An emergency order may not include the counseling, legal
5 custody, payment of support or monetary compensation remedies.

6 (a-5) When a petition for an emergency order of protection
7 is granted, the order shall not be publicly available until
8 the order is served on the respondent.

9 (b) Appearance by respondent. If respondent appears in
10 court for this hearing for an emergency order, he or she may
11 elect to file a general appearance and testify. Any resulting
12 order may be an emergency order, governed by this Section.
13 Notwithstanding the requirements of this Section, if all
14 requirements of Section 218 have been met, the court may issue
15 a 30-day interim order.

16 (c) Emergency orders: court holidays and evenings.

17 (1) Prerequisites. When the court is unavailable at
18 the close of business, the petitioner may file a petition
19 for a 21-day emergency order before any available circuit
20 judge or associate judge who may grant relief under this
21 Act. If the judge finds that there is an immediate and
22 present danger of abuse to petitioner and that petitioner
23 has satisfied the prerequisites set forth in subsection
24 (a) of Section 217, that judge may issue an emergency
25 order of protection.

26 (1.5) Issuance of order. The chief judge of the

1 circuit court may designate for each county in the circuit
2 at least one judge to be reasonably available to issue
3 orally, by telephone, by facsimile, or otherwise, an
4 emergency order of protection at all times, whether or not
5 the court is in session.

6 (2) Certification and transfer. The judge who issued
7 the order under this Section shall promptly communicate or
8 convey the order to the sheriff to facilitate the entry of
9 the order into the Law Enforcement Agencies Data System by
10 the Illinois ~~Department~~ of State Police pursuant to
11 Section 302. Any order issued under this Section and any
12 documentation in support thereof shall be certified on the
13 next court day to the appropriate court. The clerk of that
14 court shall immediately assign a case number, file the
15 petition, order and other documents with the court, and
16 enter the order of record and file it with the sheriff for
17 service, in accordance with Section 222. Filing the
18 petition shall commence proceedings for further relief
19 under Section 202. Failure to comply with the requirements
20 of this subsection shall not affect the validity of the
21 order.

22 (Source: P.A. 101-255, eff. 1-1-20.)

23 (750 ILCS 60/220) (from Ch. 40, par. 2312-20)

24 Sec. 220. Duration and extension of orders.

25 (a) Duration of emergency and interim orders. Unless

1 re-opened or extended or voided by entry of an order of greater
2 duration:

3 (1) Emergency orders issued under Section 217 shall be
4 effective for not less than 14 nor more than 21 days;

5 (2) Interim orders shall be effective for up to 30
6 days.

7 (b) Duration of plenary orders.

8 (0.05) A plenary order of protection entered under
9 this Act shall be valid for a fixed period of time, not to
10 exceed two years.

11 (1) A plenary order of protection entered in
12 conjunction with another civil proceeding shall remain in
13 effect as follows:

14 (i) if entered as preliminary relief in that other
15 proceeding, until entry of final judgment in that
16 other proceeding;

17 (ii) if incorporated into the final judgment in
18 that other proceeding, until the order of protection
19 is vacated or modified; or

20 (iii) if incorporated in an order for involuntary
21 commitment, until termination of both the involuntary
22 commitment and any voluntary commitment, or for a
23 fixed period of time not exceeding 2 years.

24 (2) Duration of an order of protection entered in
25 conjunction with a criminal prosecution or delinquency
26 petition shall remain in effect as provided in Section

1 112A-20 of the Code of Criminal Procedure of 1963.

2 (c) Computation of time. The duration of an order of
3 protection shall not be reduced by the duration of any prior
4 order of protection.

5 (d) Law enforcement records. When a plenary order of
6 protection expires upon the occurrence of a specified event,
7 rather than upon a specified date as provided in subsection
8 (b), no expiration date shall be entered in Illinois
9 ~~Department of~~ State Police records. To remove the plenary
10 order from those records, either party shall request the clerk
11 of the court to file a certified copy of an order stating that
12 the specified event has occurred or that the plenary order has
13 been vacated or modified with the Sheriff, and the Sheriff
14 shall direct that law enforcement records shall be promptly
15 corrected in accordance with the filed order.

16 (e) Extension of orders. Any emergency, interim or plenary
17 order may be extended one or more times, as required, provided
18 that the requirements of Section 217, 218 or 219, as
19 appropriate, are satisfied. If the motion for extension is
20 uncontested and petitioner seeks no modification of the order,
21 the order may be extended on the basis of petitioner's motion
22 or affidavit stating that there has been no material change in
23 relevant circumstances since entry of the order and stating
24 the reason for the requested extension. An extension of a
25 plenary order of protection may be granted, upon good cause
26 shown, to remain in effect until the order of protection is

1 vacated or modified. Extensions may be granted only in open
2 court and not under the provisions of subsection (c) of
3 Section 217, which applies only when the court is unavailable
4 at the close of business or on a court holiday.

5 (f) Termination date. Any order of protection which would
6 expire on a court holiday shall instead expire at the close of
7 the next court business day.

8 (g) Statement of purpose. The practice of dismissing or
9 suspending a criminal prosecution in exchange for the issuance
10 of an order of protection undermines the purposes of this Act.
11 This Section shall not be construed as encouraging that
12 practice.

13 (Source: P.A. 100-199, eff. 1-1-18.)

14 (750 ILCS 60/222) (from Ch. 40, par. 2312-22)

15 Sec. 222. Notice of orders.

16 (a) Entry and issuance. Upon issuance of any order of
17 protection, the clerk shall immediately (i) enter the order on
18 the record and file it in accordance with the circuit court
19 procedures and (ii) provide a file stamped copy of the order to
20 respondent, if present, and to petitioner.

21 (b) Filing with sheriff. The clerk of the issuing judge
22 shall, or the petitioner may, on the same day that an order of
23 protection is issued, file a certified copy of that order with
24 the sheriff or other law enforcement officials charged with
25 maintaining Illinois ~~Department of~~ State Police records or

1 charged with serving the order upon respondent. If the
2 respondent, at the time of the issuance of the order, is
3 committed to the custody of the Illinois Department of
4 Corrections or Illinois Department of Juvenile Justice or is
5 on parole, aftercare release, or mandatory supervised release,
6 the sheriff or other law enforcement officials charged with
7 maintaining Illinois Department of State Police records shall
8 notify the Department of Corrections or Department of Juvenile
9 Justice within 48 hours of receipt of a copy of the order of
10 protection from the clerk of the issuing judge or the
11 petitioner. Such notice shall include the name of the
12 respondent, the respondent's IDOC inmate number or IDJJ youth
13 identification number, the respondent's date of birth, and the
14 LEADS Record Index Number.

15 (c) Service by sheriff. Unless respondent was present in
16 court when the order was issued, the sheriff, other law
17 enforcement official or special process server shall promptly
18 serve that order upon respondent and file proof of such
19 service, in the manner provided for service of process in
20 civil proceedings. Instead of serving the order upon the
21 respondent, however, the sheriff, other law enforcement
22 official, special process server, or other persons defined in
23 Section 222.10 may serve the respondent with a short form
24 notification as provided in Section 222.10. If process has not
25 yet been served upon the respondent, it shall be served with
26 the order or short form notification if such service is made by

1 the sheriff, other law enforcement official, or special
2 process server. A single fee may be charged for service of an
3 order obtained in civil court, or for service of such an order
4 together with process, unless waived or deferred under Section
5 210.

6 (c-5) If the person against whom the order of protection
7 is issued is arrested and the written order is issued in
8 accordance with subsection (c) of Section 217 and received by
9 the custodial law enforcement agency before the respondent or
10 arrestee is released from custody, the custodial law
11 enforcement agent shall promptly serve the order upon the
12 respondent or arrestee before the respondent or arrestee is
13 released from custody. In no event shall detention of the
14 respondent or arrestee be extended for hearing on the petition
15 for order of protection or receipt of the order issued under
16 Section 217 of this Act.

17 (d) Extensions, modifications and revocations. Any order
18 extending, modifying or revoking any order of protection shall
19 be promptly recorded, issued and served as provided in this
20 Section.

21 (e) Notice to schools. Upon the request of the petitioner,
22 within 24 hours of the issuance of an order of protection, the
23 clerk of the issuing judge shall send a certified copy of the
24 order of protection to the day-care facility, pre-school or
25 pre-kindergarten, or private school or the principal office of
26 the public school district or any college or university in

1 which any child who is a protected person under the order of
2 protection or any child of the petitioner is enrolled as
3 requested by the petitioner at the mailing address provided by
4 the petitioner. If the child transfers enrollment to another
5 day-care facility, pre-school, pre-kindergarten, private
6 school, public school, college, or university, the petitioner
7 may, within 24 hours of the transfer, send to the clerk written
8 notice of the transfer, including the name and address of the
9 institution to which the child is transferring. Within 24
10 hours of receipt of notice from the petitioner that a child is
11 transferring to another day-care facility, pre-school,
12 pre-kindergarten, private school, public school, college, or
13 university, the clerk shall send a certified copy of the order
14 to the institution to which the child is transferring.

15 (f) Disclosure by schools. After receiving a certified
16 copy of an order of protection that prohibits a respondent's
17 access to records, neither a day-care facility, pre-school,
18 pre-kindergarten, public or private school, college, or
19 university nor its employees shall allow a respondent access
20 to a protected child's records or release information in those
21 records to the respondent. The school shall file the copy of
22 the order of protection in the records of a child who is a
23 protected person under the order of protection. When a child
24 who is a protected person under the order of protection
25 transfers to another day-care facility, pre-school,
26 pre-kindergarten, public or private school, college, or

1 university, the institution from which the child is
2 transferring may, at the request of the petitioner, provide,
3 within 24 hours of the transfer, written notice of the order of
4 protection, along with a certified copy of the order, to the
5 institution to which the child is transferring.

6 (g) Notice to health care facilities and health care
7 practitioners. Upon the request of the petitioner, the clerk
8 of the circuit court shall send a certified copy of the order
9 of protection to any specified health care facility or health
10 care practitioner requested by the petitioner at the mailing
11 address provided by the petitioner.

12 (h) Disclosure by health care facilities and health care
13 practitioners. After receiving a certified copy of an order of
14 protection that prohibits a respondent's access to records, no
15 health care facility or health care practitioner shall allow a
16 respondent access to the records of any child who is a
17 protected person under the order of protection, or release
18 information in those records to the respondent, unless the
19 order has expired or the respondent shows a certified copy of
20 the court order vacating the corresponding order of protection
21 that was sent to the health care facility or practitioner.
22 Nothing in this Section shall be construed to require health
23 care facilities or health care practitioners to alter
24 procedures related to billing and payment. The health care
25 facility or health care practitioner may file the copy of the
26 order of protection in the records of a child who is a

1 protected person under the order of protection, or may employ
2 any other method to identify the records to which a respondent
3 is prohibited access. No health care facility or health care
4 practitioner shall be civilly or professionally liable for
5 reliance on a copy of an order of protection, except for
6 willful and wanton misconduct.

7 (Source: P.A. 101-508, eff. 1-1-20.)

8 (750 ILCS 60/222.5)

9 Sec. 222.5. Filing of an order of protection issued in
10 another state.

11 (a) A person entitled to protection under an order of
12 protection issued by the court of another state, tribe, or
13 United States territory may file a certified copy of the order
14 of protection with the clerk of the court in a judicial circuit
15 in which the person believes that enforcement may be
16 necessary.

17 (b) The clerk shall:

18 (1) treat the foreign order of protection in the same
19 manner as a judgment of the circuit court for any county of
20 this State in accordance with the provisions of the
21 Uniform Enforcement of Foreign Judgments Act, except that
22 the clerk shall not mail notice of the filing of the
23 foreign order to the respondent named in the order; and

24 (2) on the same day that a foreign order of protection
25 is filed, file a certified copy of that order with the

1 sheriff or other law enforcement officials charged with
2 maintaining Illinois ~~Department of~~ State Police records as
3 set forth in Section 222 of this Act.

4 (c) Neither residence in this State nor filing of a
5 foreign order of protection shall be required for enforcement
6 of the order by this State. Failure to file the foreign order
7 shall not be an impediment to its treatment in all respects as
8 an Illinois order of protection.

9 (d) The clerk shall not charge a fee to file a foreign
10 order of protection under this Section.

11 (e) The sheriff shall inform the Illinois ~~Department of~~
12 State Police as set forth in Section 302 of this Act.

13 (Source: P.A. 91-903, eff. 1-1-01.)

14 (750 ILCS 60/302) (from Ch. 40, par. 2313-2)

15 Sec. 302. Data maintenance by law enforcement agencies.

16 (a) All sheriffs shall furnish to the Illinois ~~Department~~
17 ~~of~~ State Police, on the same day as received, in the form and
18 detail the Department requires, copies of any recorded
19 emergency, interim, or plenary orders of protection issued by
20 the court, and any foreign orders of protection filed by the
21 clerk of the court, and transmitted to the sheriff by the clerk
22 of the court pursuant to subsection (b) of Section 222 of this
23 Act. Each order of protection shall be entered in the Law
24 Enforcement Agencies Data System on the same day it is issued
25 by the court. If an emergency order of protection was issued in

1 accordance with subsection (c) of Section 217, the order shall
2 be entered in the Law Enforcement Agencies Data System as soon
3 as possible after receipt from the clerk.

4 (b) The Illinois ~~Department of~~ State Police shall maintain
5 a complete and systematic record and index of all valid and
6 recorded orders of protection issued pursuant to this Act. The
7 data shall be used to inform all dispatchers and law
8 enforcement officers at the scene of an alleged incident of
9 abuse, neglect, or exploitation or violation of an order of
10 protection of any recorded prior incident of abuse, neglect,
11 or exploitation involving the abused, neglected, or exploited
12 party and the effective dates and terms of any recorded order
13 of protection.

14 (c) The data, records and transmittals required under this
15 Section shall pertain to any valid emergency, interim or
16 plenary order of protection, whether issued in a civil or
17 criminal proceeding or authorized under the laws of another
18 state, tribe, or United States territory.

19 (Source: P.A. 95-331, eff. 8-21-07.)

20 Section 1140. The Probate Act of 1975 is amended by
21 changing Sections 2-6.6 and 11a-24 as follows:

22 (755 ILCS 5/2-6.6)

23 Sec. 2-6.6. Person convicted of or found civilly liable
24 for certain offenses against the elderly or a person with a

1 disability.

2 (a) A person who is convicted of a violation of Section
3 12-19, 12-21, 16-1.3, or 17-56, or subsection (a) or (b) of
4 Section 12-4.4a, of the Criminal Code of 1961 or the Criminal
5 Code of 2012 or a person who has been found by a preponderance
6 of the evidence to be civilly liable for financial
7 exploitation, as defined in subsection (a) of Section 2-6.2 of
8 this Act, may not receive any property, benefit, or other
9 interest by reason of the death of the victim of that offense,
10 whether as heir, legatee, beneficiary, joint tenant, tenant by
11 the entirety, survivor, appointee, or in any other capacity
12 and whether the property, benefit, or other interest passes
13 pursuant to any form of title registration, testamentary or
14 nontestamentary instrument, intestacy, renunciation, or any
15 other circumstance. Except as provided in subsection (f) of
16 this Section, the property, benefit, or other interest shall
17 pass as if the person convicted of a violation of Section
18 12-19, 12-21, 16-1.3, or 17-56, or subsection (a) or (b) of
19 Section 12-4.4a, of the Criminal Code of 1961 or the Criminal
20 Code of 2012 or the person found by a preponderance of the
21 evidence to be civilly liable for financial exploitation, as
22 defined in subsection (a) of Section 2-6.2 of this Act, died
23 before the decedent; provided that with respect to joint
24 tenancy property or property held in tenancy by the entirety,
25 the interest possessed prior to the death by the person
26 convicted or found civilly liable may not be diminished by the

1 application of this Section. Notwithstanding the foregoing, a
2 person convicted of a violation of Section 12-19, 12-21,
3 16-1.3, or 17-56, or subsection (a) or (b) of Section 12-4.4a,
4 of the Criminal Code of 1961 or the Criminal Code of 2012 or a
5 person who has been found by a preponderance of the evidence to
6 be civilly liable for financial exploitation, as defined in
7 subsection (a) of Section 2-6.2 of this Act, shall be entitled
8 to receive property, a benefit, or an interest in any capacity
9 and under any circumstances described in this Section if it is
10 demonstrated by clear and convincing evidence that the victim
11 of that offense knew of the conviction or finding of civil
12 liability and subsequent to the conviction or finding of civil
13 liability expressed or ratified his or her intent to transfer
14 the property, benefit, or interest to the person convicted of
15 a violation of Section 12-19, 12-21, 16-1.3, or 17-56, or
16 subsection (a) or (b) of Section 12-4.4a, of the Criminal Code
17 of 1961 or the Criminal Code of 2012 or the person found by a
18 preponderance of the evidence to be civilly liable for
19 financial exploitation, as defined in subsection (a) of
20 Section 2-6.2 of this Act, in any manner contemplated by this
21 Section.

22 (b) The holder of any property subject to the provisions
23 of this Section is not liable for distributing or releasing
24 the property to the person convicted of violating Section
25 12-19, 12-21, 16-1.3, or 17-56, or subsection (a) or (b) of
26 Section 12-4.4a, of the Criminal Code of 1961 or the Criminal

1 Code of 2012 or to the person found by a preponderance of the
2 evidence to be civilly liable for financial exploitation as
3 defined in subsection (a) of Section 2-6.2 of this Act.

4 (c) If the holder is a financial institution, trust
5 company, trustee, or similar entity or person, the holder
6 shall not be liable for any distribution or release of the
7 property, benefit, or other interest to the person convicted
8 of a violation of Section 12-19, 12-21, 16-1.3, or 17-56, or
9 subsection (a) or (b) of Section 12-4.4a, of the Criminal Code
10 of 1961 or the Criminal Code of 2012 or person found by a
11 preponderance of the evidence to be civilly liable for
12 financial exploitation, as defined in subsection (a) of
13 Section 2-6.2 of this Act, unless the holder knowingly
14 distributes or releases the property, benefit, or other
15 interest to the person so convicted or found civilly liable
16 after first having received actual written notice of the
17 conviction or finding of civil liability in sufficient time to
18 act upon the notice.

19 (d) The Illinois ~~Department of~~ State Police shall have
20 access to State of Illinois databases containing information
21 that may help in the identification or location of persons
22 convicted of or found civilly liable for the offenses
23 enumerated in this Section. Interagency agreements shall be
24 implemented, consistent with security and procedures
25 established by the State agency and consistent with the laws
26 governing the confidentiality of the information in the

1 databases. Information shall be used only for administration
2 of this Section.

3 (e) A civil action against a person for financial
4 exploitation, as defined in subsection (a) of Section 2-6.2 of
5 this Act, may be brought by an interested person, pursuant to
6 this Section, after the death of the victim or during the
7 lifetime of the victim if the victim is adjudicated a person
8 with a disability. A guardian is under no duty to bring a civil
9 action under this subsection during the ward's lifetime, but
10 may do so if the guardian believes it is in the best interests
11 of the ward.

12 (f) The court may, in its discretion, consider such facts
13 and circumstances as it deems appropriate to allow the person
14 convicted or found civilly liable for financial exploitation,
15 as defined in subsection (a) of Section 2-6.2 of this Act, to
16 receive a reduction in interest or benefit rather than no
17 interest or benefit as stated under subsection (a) of this
18 Section.

19 (Source: P.A. 98-833, eff. 8-1-14; 99-143, eff. 7-27-15.)

20 (755 ILCS 5/11a-24)

21 Sec. 11a-24. Notification; Illinois ~~Department of~~ State
22 Police. When a court adjudges a respondent to be a person with
23 a disability under this Article, the court shall direct the
24 circuit court clerk to notify the Illinois ~~Department of~~ State
25 Police, Firearm Owner's Identification (FOID) Office, in a

1 form and manner prescribed by the Illinois ~~Department of~~ State
2 Police, and shall forward a copy of the court order to the
3 Department no later than 7 days after the entry of the order.
4 Upon receipt of the order, the Illinois ~~Department of~~ State
5 Police shall provide notification to the National Instant
6 Criminal Background Check System.

7 (Source: P.A. 98-63, eff. 7-9-13; 99-143, eff. 7-27-15.)

8 Section 1145. The Charitable Trust Act is amended by
9 changing Section 16.5 as follows:

10 (760 ILCS 55/16.5)

11 Sec. 16.5. Terrorist acts.

12 (a) Any person or organization subject to registration
13 under this Act, who knowingly acts to further, directly or
14 indirectly, or knowingly uses charitable assets to conduct or
15 further, directly or indirectly, an act or actions as set
16 forth in Article 29D of the Criminal Code of 2012, is thereby
17 engaged in an act or actions contrary to public policy and
18 antithetical to charity, and all of the funds, assets, and
19 records of the person or organization shall be subject to
20 temporary and permanent injunction from use or expenditure and
21 the appointment of a temporary and permanent receiver to take
22 possession of all of the assets and related records.

23 (b) An ex parte action may be commenced by the Attorney
24 General, and, upon a showing of probable cause of a violation

1 of this Section or Article 29D of the Criminal Code of 2012, an
2 immediate seizure of books and records by the Attorney General
3 by and through his or her assistants or investigators or the
4 Illinois ~~Department of~~ State Police and freezing of all assets
5 shall be made by order of a court to protect the public,
6 protect the assets, and allow a full review of the records.

7 (c) Upon a finding by a court after a hearing that a person
8 or organization has acted or is in violation of this Section,
9 the person or organization shall be permanently enjoined from
10 soliciting funds from the public, holding charitable funds, or
11 acting as a trustee or fiduciary within Illinois. Upon a
12 finding of violation all assets and funds held by the person or
13 organization shall be forfeited to the People of the State of
14 Illinois or otherwise ordered by the court to be accounted for
15 and marshaled and then delivered to charitable causes and uses
16 within the State of Illinois by court order.

17 (d) A determination under this Section may be made by any
18 court separate and apart from any criminal proceedings and the
19 standard of proof shall be that for civil proceedings.

20 (e) Any knowing use of charitable assets to conduct or
21 further, directly or indirectly, an act or actions set forth
22 in Article 29D of the Criminal Code of 2012 shall be a misuse
23 of charitable assets and breach of fiduciary duty relative to
24 all other Sections of this Act.

25 (Source: P.A. 97-1150, eff. 1-25-13.)

1 Section 1150. The Revised Uniform Unclaimed Property Act
2 is amended by changing Section 15-705 as follows:

3 (765 ILCS 1026/15-705)

4 Sec. 15-705. Exceptions to the sale of tangible property.
5 The administrator shall dispose of tangible property
6 identified by this Section in accordance with this Section.

7 (a) Military medals or decorations. The administrator may
8 not sell a medal or decoration awarded for military service in
9 the armed forces of the United States. Instead, the
10 administrator, with the consent of the respective organization
11 under paragraph (1), agency under paragraph (2), or entity
12 under paragraph (3), may deliver a medal or decoration to be
13 held in custody for the owner, to:

14 (1) a military veterans organization qualified under
15 Section 501(c)(19) of the Internal Revenue Code;

16 (2) the agency that awarded the medal or decoration;
17 or

18 (3) a governmental entity.

19 After delivery, the administrator is not responsible for
20 the safekeeping of the medal or decoration.

21 (b) Property with historical value. Property that the
22 administrator reasonably believes may have historical value
23 may be, at his or her discretion, loaned to an accredited
24 museum in the United States where it will be kept until such
25 time as the administrator orders it to be returned to his or

1 her custody.

2 (c) Human remains. If human remains are delivered to the
3 administrator under this Act, the administrator shall deliver
4 those human remains to the coroner of the county in which the
5 human remains were abandoned for disposition under Section
6 3-3034 of the Counties Code. The only human remains that may be
7 delivered to the administrator under this Act and that the
8 administrator may receive are those that are reported and
9 delivered as contents of a safe deposit box.

10 (d) Evidence in a criminal investigation. Property that
11 may have been used in the commission of a crime or that may
12 assist in the investigation of a crime, as determined after
13 consulting with the Illinois Department of State Police, shall
14 be delivered to the Illinois Department of State Police or
15 other appropriate law enforcement authority to allow law
16 enforcement to determine whether a criminal investigation
17 should take place. Any such property delivered to a law
18 enforcement authority shall be held in accordance with
19 existing statutes and rules related to the gathering,
20 retention, and release of evidence.

21 (e) Firearms.

22 (1) The administrator, in cooperation with the
23 Illinois Department of State Police, shall develop a
24 procedure to determine whether a firearm delivered to the
25 administrator under this Act has been stolen or used in
26 the commission of a crime. The Illinois Department of

1 State Police shall determine the appropriate disposition
2 of a firearm that has been stolen or used in the commission
3 of a crime. The administrator shall attempt to return a
4 firearm that has not been stolen or used in the commission
5 of a crime to the rightful owner if the Illinois
6 ~~Department of~~ State Police determines that the owner may
7 lawfully possess the firearm.

8 (2) If the administrator is unable to return a firearm
9 to its owner, the administrator shall transfer custody of
10 the firearm to the Illinois ~~Department of~~ State Police.
11 Legal title to a firearm transferred to the Illinois
12 ~~Department of~~ State Police under this subsection (e) is
13 vested in the Illinois ~~Department of~~ State Police by
14 operation of law if:

15 (i) the administrator cannot locate the owner of
16 the firearm;

17 (ii) the owner of the firearm may not lawfully
18 possess the firearm;

19 (iii) the apparent owner does not respond to
20 notice published under Section 15-503 of this Act; or

21 (iv) the apparent owner responds to notice
22 published under Section 15-502 and states that he or
23 she no longer claims an interest in the firearm.

24 (3) With respect to a firearm whose title is
25 transferred to the Illinois ~~Department of~~ State Police
26 under this subsection (e), the Illinois ~~Department of~~

1 State Police may:

2 (i) retain the firearm for use by the crime
3 laboratory system, for training purposes, or for any
4 other application as deemed appropriate by the
5 Department;

6 (ii) transfer the firearm to the Illinois State
7 Museum if the firearm has historical value; or

8 (iii) destroy the firearm if it is not retained
9 pursuant to subparagraph (i) or transferred pursuant
10 to subparagraph (ii).

11 As used in this subsection, "firearm" has the meaning
12 provided in the Firearm Owners Identification Card Act.

13 (Source: P.A. 100-22, eff. 1-1-18.)

14 Section 1155. The Law Enforcement Disposition of Property
15 Act is amended by changing Section 2 as follows:

16 (765 ILCS 1030/2) (from Ch. 141, par. 142)

17 Sec. 2. (a) Such property believed to be abandoned, lost
18 or stolen or otherwise illegally possessed shall be retained
19 in custody by the sheriff, chief of police or other principal
20 official of the law enforcement agency, which shall make
21 reasonable inquiry and efforts to identify and notify the
22 owner or other person entitled to possession thereof, and
23 shall return the property after such person provides
24 reasonable and satisfactory proof of his ownership or right to

1 possession and reimburses the agency for all reasonable
2 expenses of such custody.

3 (b) Weapons that have been confiscated as a result of
4 having been abandoned or illegally possessed may be
5 transferred to the Illinois ~~Department of~~ State Police for use
6 by the crime laboratory system, for training purposes, or for
7 any other application as deemed appropriate by the Department,
8 if no legitimate claim is made for the confiscated weapon
9 within 6 months of the date of confiscation, or within 6 months
10 of final court disposition if such confiscated weapon was used
11 for evidentiary purposes.

12 (Source: P.A. 85-632.)

13 Section 1160. The Illinois Human Rights Act is amended by
14 changing Section 2-103 as follows:

15 (775 ILCS 5/2-103) (from Ch. 68, par. 2-103)

16 Sec. 2-103. Arrest record.

17 (A) Unless otherwise authorized by law, it is a civil
18 rights violation for any employer, employment agency or labor
19 organization to inquire into or to use an arrest record, as
20 defined under subsection (B-5) of Section 1-103, as a basis to
21 refuse to hire, to segregate, or to act with respect to
22 recruitment, hiring, promotion, renewal of employment,
23 selection for training or apprenticeship, discharge,
24 discipline, tenure or terms, privileges or conditions of

1 employment. This Section does not prohibit a State agency,
2 unit of local government or school district, or private
3 organization from requesting or utilizing sealed felony
4 conviction information obtained from the Illinois Department
5 ~~of~~ State Police under the provisions of Section 3 of the
6 Criminal Identification Act or under other State or federal
7 laws or regulations that require criminal background checks in
8 evaluating the qualifications and character of an employee or
9 a prospective employee.

10 (B) The prohibition against the use of an arrest record,
11 as defined under paragraph (1) of subsection (B-5) of Section
12 1-103, contained in this Act shall not be construed to
13 prohibit an employer, employment agency, or labor organization
14 from obtaining or using other information which indicates that
15 a person actually engaged in the conduct for which he or she
16 was arrested.

17 (Source: P.A. 101-565, eff. 1-1-20.)

18 Section 1165. The Illinois Torture Inquiry and Relief
19 Commission Act is amended by changing Section 60 as follows:

20 (775 ILCS 40/60)

21 Sec. 60. Report. Beginning January 1, 2010, and annually
22 thereafter, the Illinois Torture Inquiry and Relief Commission
23 shall report on its activities to the General Assembly and the
24 Governor. The report may contain recommendations of any needed

1 legislative changes related to the activities of the
2 Commission. The report shall recommend the funding needed by
3 the Commission, the State's Attorneys, and the Illinois
4 ~~Department~~ of State Police in order to meet their
5 responsibilities under this Act. Recommendations concerning
6 the State's Attorneys or the Illinois ~~Department~~ of State
7 Police shall only be made after consultations with the
8 Illinois State's Attorneys Association, the Illinois
9 ~~Department~~ of State Police, and the Attorney General.

10 (Source: P.A. 96-223, eff. 8-10-09.)

11 Section 1170. The Assumed Business Name Act is amended by
12 changing Section 5 as follows:

13 (805 ILCS 405/5) (from Ch. 96, par. 8)

14 Sec. 5. Any person or persons carrying on, conducting or
15 transacting business as aforesaid, who shall fail to comply
16 with the provisions of this Act, shall be guilty of a Class C
17 misdemeanor, and each day any person or persons conducts
18 business in violation of this Act shall be deemed a separate
19 offense.

20 A person shall be exempt from prosecution for a violation
21 of this Act if he is a peace officer who uses a false or
22 fictitious business name in the enforcement of the criminal
23 laws; provided such use is approved in writing by one of the
24 following:

- 1 (a) In all counties, the respective State's Attorney;
- 2 (b) The Director of the Illinois State Police under
3 Section 2605-200 of the Illinois ~~Department of~~ State Police
4 Law ~~(20 ILCS 2605/2605-200)~~; or
- 5 (c) In cities over 1,000,000, the Superintendent of
6 Police.
- 7 (Source: P.A. 91-239, eff. 1-1-00.)

8 Section 1175. The Recyclable Metal Purchase Registration
9 Law is amended by changing Section 6.5 as follows:

10 (815 ILCS 325/6.5)

11 Sec. 6.5. Recyclable Metal Theft Task Force.

12 (a) The Recyclable Metal Theft Task Force is created
13 within the Office of the Secretary of State. The Office of the
14 Secretary of State shall provide administrative support for
15 the Task Force. The Task Force shall consist of the members
16 designated in subsections (b) and (c).

17 (b) Members of the Task Force representing the State shall
18 be appointed as follows:

19 (1) Two members of the Senate appointed one each by
20 the President of the Senate and by the Minority Leader of
21 the Senate;

22 (2) Two members of the House of Representatives
23 appointed one each by the Speaker of the House of
24 Representatives and by the Minority Leader of the House of

1 Representatives;

2 (3) One member representing the Office of the
3 Secretary of State appointed by the Secretary of State;
4 and

5 (4) Two members representing the Illinois Department
6 ~~of~~ State Police appointed by the Director of the Illinois
7 State Police, one of whom must represent the State Police
8 Academy.

9 (c) The members appointed under subsection (b) shall
10 select from their membership a chairperson. The chairperson
11 shall appoint the public members of the Task Force as follows:

12 (1) One member representing municipalities in this
13 State with consideration given to persons recommended by
14 an organization representing municipalities in this State;

15 (2) Five chiefs of police from various geographical
16 areas of the State with consideration given to persons
17 recommended by an organization representing chiefs of
18 police in this State;

19 (3) One representative of a public utility
20 headquartered in Illinois;

21 (4) One representative of recyclable metal dealers in
22 Illinois;

23 (5) One representative of scrap metal suppliers in
24 Illinois;

25 (6) One representative of insurance companies offering
26 homeowners insurance in this State;

1 (7) One representative of rural electric cooperatives
2 in Illinois; and

3 (8) One representative of a local exchange carrier
4 doing business in Illinois.

5 (d) The Task Force shall endeavor to establish a
6 collaborative effort to combat recyclable metal theft
7 throughout the State and assist in developing regional task
8 forces, as determined necessary, to combat recyclable metal
9 theft. The Task Force shall consider and develop long-term
10 solutions, both legislative and enforcement-driven, for the
11 rising problem of recyclable metal thefts in this State.

12 (e) Each year, the Task Force shall review the
13 effectiveness of its efforts in deterring and investigating
14 the problem of recyclable metal theft and in assisting in the
15 prosecution of persons engaged in recyclable metal theft. The
16 Task Force shall by October 31 of each year report its findings
17 and recommendations to the General Assembly and the Governor.

18 (Source: P.A. 99-52, eff. 1-1-16; 99-760, eff. 1-1-17.)

19 Section 1180. The Consumer Fraud and Deceptive Business
20 Practices Act is amended by changing Section 2L as follows:

21 (815 ILCS 505/2L)

22 Sec. 2L. Used motor vehicles; modification or disclaimer
23 of implied warranty of merchantability limited.

24 (a) Any retail sale of a used motor vehicle made after July

1 1, 2017 (the effective date of Public Act 99-768) to a consumer
2 by a licensed vehicle dealer within the meaning of Chapter 5 of
3 the Illinois Vehicle Code or by an auction company at an
4 auction that is open to the general public is made subject to
5 this Section.

6 (b) This Section does not apply to any of the following:

7 (1) a vehicle with more than 150,000 miles at the time
8 of sale;

9 (2) a vehicle with a title that has been branded
10 "rebuilt" or "flood";

11 (3) a vehicle with a gross vehicle weight rating of
12 8,000 pounds or more; or

13 (4) a vehicle that is an antique vehicle, as defined
14 in the Illinois Vehicle Code, or that is a collector motor
15 vehicle.

16 (b-5) This Section does not apply to the sale of any
17 vehicle for which the dealer offers an express warranty that
18 provides coverage that is equal to or greater than the limited
19 implied warranty of merchantability required under this
20 Section 2L.

21 (b-6) This Section does not apply to forfeited vehicles
22 sold at auction by or on behalf of the Illinois ~~Department of~~
23 State Police.

24 (c) Except as otherwise provided in this Section 2L, any
25 sale of a used motor vehicle as described in subsection (a) may
26 not exclude, modify, or disclaim the implied warranty of

1 merchantability created under this Section 2L or limit the
2 remedies for a breach of the warranty hereunder before
3 midnight of the 15th calendar day after delivery of a used
4 motor vehicle or until a used motor vehicle is driven 500 miles
5 after delivery, whichever is earlier. In calculating time
6 under this Section, a day on which the warranty is breached and
7 all subsequent days in which the used motor vehicle fails to
8 conform with the implied warranty of merchantability are
9 excluded. In calculating distance under this Section, the
10 miles driven to obtain or in connection with the repair,
11 servicing, or testing of a used motor vehicle that fails to
12 conform with the implied warranty of merchantability are
13 excluded. An attempt to exclude, modify, or disclaim the
14 implied warranty of merchantability or to limit the remedies
15 for a breach of the warranty in violation of this Section
16 renders a purchase agreement voidable at the option of the
17 purchaser.

18 (d) An implied warranty of merchantability is met if a
19 used motor vehicle functions for the purpose of ordinary
20 transportation on the public highway and substantially free of
21 a defect in a power train component. As used in this Section,
22 "power train component" means the engine block, head, all
23 internal engine parts, oil pan and gaskets, water pump, intake
24 manifold, transmission, and all internal transmission parts,
25 torque converter, drive shaft, universal joints, rear axle and
26 all rear axle internal parts, and rear wheel bearings.

1 (e) The implied warranty of merchantability expires at
2 midnight of the 15th calendar day after delivery of a used
3 motor vehicle or when a used motor vehicle is driven 500 miles
4 after delivery, whichever is earlier. In calculating time, a
5 day on which the implied warranty of merchantability is
6 breached is excluded and all subsequent days in which the used
7 motor vehicle fails to conform with the warranty are also
8 excluded. In calculating distance, the miles driven to or by
9 the seller to obtain or in connection with the repair,
10 servicing, or testing of a used motor vehicle that fails to
11 conform with the implied warranty of merchantability are
12 excluded. An implied warranty of merchantability does not
13 extend to damage that occurs after the sale of the used motor
14 vehicle that results from:

15 (1) off-road use;

16 (2) racing;

17 (3) towing;

18 (4) abuse;

19 (5) misuse;

20 (6) neglect;

21 (7) failure to perform regular maintenance; and

22 (8) failure to maintain adequate oil, coolant, and
23 other required fluids or lubricants.

24 (f) If the implied warranty of merchantability described
25 in this Section is breached, the consumer shall give
26 reasonable notice to the seller no later than 2 business days

1 after the end of the statutory warranty period. Before the
2 consumer exercises another remedy pursuant to Article 2 of the
3 Uniform Commercial Code, the seller shall have a reasonable
4 opportunity to repair the used motor vehicle. The consumer
5 shall pay one-half of the cost of the first 2 repairs necessary
6 to bring the used motor vehicle into compliance with the
7 warranty. The payments by the consumer are limited to a
8 maximum payment of \$100 for each repair; however, the consumer
9 shall only be responsible for a maximum payment of \$100 if the
10 consumer brings in the vehicle for a second repair for the same
11 defect. Reasonable notice as defined in this Section shall
12 include, but not be limited to:

13 (1) text, provided the seller has provided the
14 consumer with a cell phone number;

15 (2) phone call or message to the seller's business
16 phone number provided on the seller's bill of sale for the
17 purchase of the motor vehicle;

18 (3) in writing to the seller's address provided on the
19 seller's bill of sale for the purchase of the motor
20 vehicle;

21 (4) in person at the seller's address provided on the
22 seller's bill of sale for the purchase of the motor
23 vehicle.

24 (g) The maximum liability of a seller for repairs pursuant
25 to this Section is limited to the purchase price paid for the
26 used motor vehicle, to be refunded to the consumer or lender,

1 as applicable, in exchange for return of the vehicle.

2 (h) An agreement for the sale of a used motor vehicle
3 subject to this Section is voidable at the option of the
4 consumer, unless it contains on its face or in a separate
5 document the following conspicuous statement printed in
6 boldface 10-point or larger type set off from the body of the
7 agreement:

8 "Illinois law requires that this vehicle will be free of a
9 defect in a power train component for 15 days or 500 miles
10 after delivery, whichever is earlier, except with regard to
11 particular defects disclosed on the first page of this
12 agreement. "Power train component" means the engine block,
13 head, all internal engine parts, oil pan and gaskets, water
14 pump, intake manifold, transmission, and all internal
15 transmission parts, torque converter, drive shaft, universal
16 joints, rear axle and all rear axle internal parts, and rear
17 wheel bearings. You (the consumer) will have to pay up to \$100
18 for each of the first 2 repairs if the warranty is violated."

19 (i) The inclusion in the agreement of the statement
20 prescribed in subsection (h) of this Section does not create
21 an express warranty.

22 (j) A consumer of a used motor vehicle may waive the
23 implied warranty of merchantability only for a particular
24 defect in the vehicle, including, but not limited to, a
25 rebuilt or flood-branded title and only if all of the
26 following conditions are satisfied:

1 (1) the seller subject to this Section fully and
2 accurately discloses to the consumer that because of
3 circumstances unusual to the business, the used motor
4 vehicle has a particular defect;

5 (2) the consumer agrees to buy the used motor vehicle
6 after disclosure of the defect; and

7 (3) before the sale, the consumer indicates agreement
8 to the waiver by signing and dating the following
9 conspicuous statement that is printed on the first page of
10 the sales agreement or on a separate document in boldface
11 10-point or larger type and that is written in the
12 language in which the presentation was made:

13 "Attention consumer: sign here only if the seller has
14 told you that this vehicle has the following problem or
15 problems and you agree to buy the vehicle on those terms:

- 16 1.
- 17 2.
- 18 3. "

19 (k) It shall be an affirmative defense to any claim under
20 this Section that:

21 (1) an alleged nonconformity does not substantially
22 impair the use and market value of the motor vehicle;

23 (2) a nonconformity is the result of abuse, neglect,
24 or unauthorized modifications or alterations of the motor
25 vehicle;

26 (3) a claim by a consumer was not filed in good faith;

1 or

2 (4) any other affirmative defense allowed by law.

3 (1) Other than the 15-day, 500-mile implied warranty of
4 merchantability identified herein, a seller subject to this
5 Section is not required to provide any further express or
6 implied warranties to a purchasing consumer unless:

7 (1) the seller is required by federal or State law to
8 provide a further express or implied warranty; or

9 (2) the seller fails to fully inform and disclose to
10 the consumer that the vehicle is being sold without any
11 further express or implied warranties, other than the 15
12 day, 500 mile implied warranty of merchantability
13 identified in this Section.

14 (m) Any person who violates this Section commits an
15 unlawful practice within the meaning of this Act.

16 (Source: P.A. 99-768, eff. 7-1-17; 100-4, eff. 7-1-17;
17 100-512, eff. 7-1-18; 100-863, eff. 8-14-18.)

18 Section 1185. The Employee Credit Privacy Act is amended
19 by changing Section 5 as follows:

20 (820 ILCS 70/5)

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

22 "Credit history" means an individual's past borrowing and
23 repaying behavior, including paying bills on time and managing
24 debt and other financial obligations.

1 "Credit report" means any written or other communication
2 of any information by a consumer reporting agency that bears
3 on a consumer's creditworthiness, credit standing, credit
4 capacity, or credit history.

5 "Employee" means an individual who receives compensation
6 for performing services for an employer under an express or
7 implied contract of hire.

8 "Employer" means an individual or entity that permits one
9 or more individuals to work or that accepts applications for
10 employment or is an agent of an employer. "Employer" does not,
11 however, include:

12 (1) Any bank holding company, financial holding
13 company, bank, savings bank, savings and loan association,
14 credit union, or trust company, or any subsidiary or
15 affiliate thereof, that is authorized to do business under
16 the laws of this State or of the United States.

17 (2) Any company authorized to engage in any kind of
18 insurance or surety business pursuant to the Illinois
19 Insurance Code, including any employee, agent, or employee
20 of an agent acting on behalf of a company engaged in the
21 insurance or surety business.

22 (3) Any State law enforcement or investigative unit,
23 including, without limitation, any such unit within the
24 Office of any Executive Inspector General, the Illinois
25 ~~Department of State Police~~, the Department of Corrections,
26 the Department of Juvenile Justice, or the Department of

1 Natural Resources.

2 (4) Any State or local government agency which
3 otherwise requires use of the employee's or applicant's
4 credit history or credit report.

5 (5) Any entity that is defined as a debt collector
6 under federal or State statute.

7 "Financial information" means non-public information on
8 the overall financial direction of an organization, including,
9 but not limited to, company taxes or profit and loss reports.

10 "Marketable assets" means company property that is
11 specially safeguarded from the public and to which access is
12 only entrusted to managers and select other employees. For the
13 purposes of this Act, marketable assets do not include the
14 fixtures, furnishings, or equipment of an employer.

15 "Personal or confidential information" means sensitive
16 information that a customer or client of the employing
17 organization gives explicit authorization for the organization
18 to obtain, process, and keep; that the employer entrusts only
19 to managers and a select few employees; or that is stored in
20 secure repositories not accessible by the public or low-level
21 employees.

22 "State or national security information" means information
23 only offered to select employees because it may jeopardize the
24 security of the State or the nation if it were entrusted to the
25 general public.

26 "Trade secrets" means sensitive information regarding a

1 company's overall strategy or business plans. This does not
2 include general proprietary company information such as
3 handbooks, policies, or low-level strategies.

4 (Source: P.A. 96-1426, eff. 1-1-11.)

5 Section 1190. The Unemployment Insurance Act is amended by
6 changing Section 1900 as follows:

7 (820 ILCS 405/1900) (from Ch. 48, par. 640)

8 Sec. 1900. Disclosure of information.

9 A. Except as provided in this Section, information
10 obtained from any individual or employing unit during the
11 administration of this Act shall:

12 1. be confidential,

13 2. not be published or open to public inspection,

14 3. not be used in any court in any pending action or
15 proceeding,

16 4. not be admissible in evidence in any action or
17 proceeding other than one arising out of this Act.

18 B. No finding, determination, decision, ruling or order
19 (including any finding of fact, statement or conclusion made
20 therein) issued pursuant to this Act shall be admissible or
21 used in evidence in any action other than one arising out of
22 this Act, nor shall it be binding or conclusive except as
23 provided in this Act, nor shall it constitute res judicata,
24 regardless of whether the actions were between the same or

1 related parties or involved the same facts.

2 C. Any officer or employee of this State, any officer or
3 employee of any entity authorized to obtain information
4 pursuant to this Section, and any agent of this State or of
5 such entity who, except with authority of the Director under
6 this Section, shall disclose information shall be guilty of a
7 Class B misdemeanor and shall be disqualified from holding any
8 appointment or employment by the State.

9 D. An individual or his duly authorized agent may be
10 supplied with information from records only to the extent
11 necessary for the proper presentation of his claim for
12 benefits or with his existing or prospective rights to
13 benefits. Discretion to disclose this information belongs
14 solely to the Director and is not subject to a release or
15 waiver by the individual. Notwithstanding any other provision
16 to the contrary, an individual or his or her duly authorized
17 agent may be supplied with a statement of the amount of
18 benefits paid to the individual during the 18 months preceding
19 the date of his or her request.

20 E. An employing unit may be furnished with information,
21 only if deemed by the Director as necessary to enable it to
22 fully discharge its obligations or safeguard its rights under
23 the Act. Discretion to disclose this information belongs
24 solely to the Director and is not subject to a release or
25 waiver by the employing unit.

26 F. The Director may furnish any information that he may

1 deem proper to any public officer or public agency of this or
2 any other State or of the federal government dealing with:

- 3 1. the administration of relief,
- 4 2. public assistance,
- 5 3. unemployment compensation,
- 6 4. a system of public employment offices,
- 7 5. wages and hours of employment, or
- 8 6. a public works program.

9 The Director may make available to the Illinois Workers'
10 Compensation Commission information regarding employers for
11 the purpose of verifying the insurance coverage required under
12 the Workers' Compensation Act and Workers' Occupational
13 Diseases Act.

14 G. The Director may disclose information submitted by the
15 State or any of its political subdivisions, municipal
16 corporations, instrumentalities, or school or community
17 college districts, except for information which specifically
18 identifies an individual claimant.

19 H. The Director shall disclose only that information
20 required to be disclosed under Section 303 of the Social
21 Security Act, as amended, including:

- 22 1. any information required to be given the United
23 States Department of Labor under Section 303(a)(6); and
- 24 2. the making available upon request to any agency of
25 the United States charged with the administration of
26 public works or assistance through public employment, the

1 name, address, ordinary occupation and employment status
2 of each recipient of unemployment compensation, and a
3 statement of such recipient's right to further
4 compensation under such law as required by Section
5 303(a) (7); and

6 3. records to make available to the Railroad
7 Retirement Board as required by Section 303(c) (1); and

8 4. information that will assure reasonable cooperation
9 with every agency of the United States charged with the
10 administration of any unemployment compensation law as
11 required by Section 303(c) (2); and

12 5. information upon request and on a reimbursable
13 basis to the United States Department of Agriculture and
14 to any State food stamp agency concerning any information
15 required to be furnished by Section 303(d); and

16 6. any wage information upon request and on a
17 reimbursable basis to any State or local child support
18 enforcement agency required by Section 303(e); and

19 7. any information required under the income
20 eligibility and verification system as required by Section
21 303(f); and

22 8. information that might be useful in locating an
23 absent parent or that parent's employer, establishing
24 paternity or establishing, modifying, or enforcing child
25 support orders for the purpose of a child support
26 enforcement program under Title IV of the Social Security

1 Act upon the request of and on a reimbursable basis to the
2 public agency administering the Federal Parent Locator
3 Service as required by Section 303(h); and

4 9. information, upon request, to representatives of
5 any federal, State or local governmental public housing
6 agency with respect to individuals who have signed the
7 appropriate consent form approved by the Secretary of
8 Housing and Urban Development and who are applying for or
9 participating in any housing assistance program
10 administered by the United States Department of Housing
11 and Urban Development as required by Section 303(i).

12 I. The Director, upon the request of a public agency of
13 Illinois, of the federal government or of any other state
14 charged with the investigation or enforcement of Section 10-5
15 of the Criminal Code of 2012 (or a similar federal law or
16 similar law of another State), may furnish the public agency
17 information regarding the individual specified in the request
18 as to:

19 1. the current or most recent home address of the
20 individual, and

21 2. the names and addresses of the individual's
22 employers.

23 J. Nothing in this Section shall be deemed to interfere
24 with the disclosure of certain records as provided for in
25 Section 1706 or with the right to make available to the
26 Internal Revenue Service of the United States Department of

1 the Treasury, or the Department of Revenue of the State of
2 Illinois, information obtained under this Act.

3 K. The Department shall make available to the Illinois
4 Student Assistance Commission, upon request, information in
5 the possession of the Department that may be necessary or
6 useful to the Commission in the collection of defaulted or
7 delinquent student loans which the Commission administers.

8 L. The Department shall make available to the State
9 Employees' Retirement System, the State Universities
10 Retirement System, the Teachers' Retirement System of the
11 State of Illinois, and the Department of Central Management
12 Services, Risk Management Division, upon request, information
13 in the possession of the Department that may be necessary or
14 useful to the System or the Risk Management Division for the
15 purpose of determining whether any recipient of a disability
16 benefit from the System or a workers' compensation benefit
17 from the Risk Management Division is gainfully employed.

18 M. This Section shall be applicable to the information
19 obtained in the administration of the State employment
20 service, except that the Director may publish or release
21 general labor market information and may furnish information
22 that he may deem proper to an individual, public officer or
23 public agency of this or any other State or the federal
24 government (in addition to those public officers or public
25 agencies specified in this Section) as he prescribes by Rule.

26 N. The Director may require such safeguards as he deems

1 proper to insure that information disclosed pursuant to this
2 Section is used only for the purposes set forth in this
3 Section.

4 O. Nothing in this Section prohibits communication with an
5 individual or entity through unencrypted e-mail or other
6 unencrypted electronic means as long as the communication does
7 not contain the individual's or entity's name in combination
8 with any one or more of the individual's or entity's social
9 security number; driver's license or State identification
10 number; credit or debit card number; or any required security
11 code, access code, or password that would permit access to
12 further information pertaining to the individual or entity.

13 P. (Blank).

14 Q. The Director shall make available to an elected federal
15 official the name and address of an individual or entity that
16 is located within the jurisdiction from which the official was
17 elected and that, for the most recently completed calendar
18 year, has reported to the Department as paying wages to
19 workers, where the information will be used in connection with
20 the official duties of the official and the official requests
21 the information in writing, specifying the purposes for which
22 it will be used. For purposes of this subsection, the use of
23 information in connection with the official duties of an
24 official does not include use of the information in connection
25 with the solicitation of contributions or expenditures, in
26 money or in kind, to or on behalf of a candidate for public or

1 political office or a political party or with respect to a
2 public question, as defined in Section 1-3 of the Election
3 Code, or in connection with any commercial solicitation. Any
4 elected federal official who, in submitting a request for
5 information covered by this subsection, knowingly makes a
6 false statement or fails to disclose a material fact, with the
7 intent to obtain the information for a purpose not authorized
8 by this subsection, shall be guilty of a Class B misdemeanor.

9 R. The Director may provide to any State or local child
10 support agency, upon request and on a reimbursable basis,
11 information that might be useful in locating an absent parent
12 or that parent's employer, establishing paternity, or
13 establishing, modifying, or enforcing child support orders.

14 S. The Department shall make available to a State's
15 Attorney of this State or a State's Attorney's investigator,
16 upon request, the current address or, if the current address
17 is unavailable, current employer information, if available, of
18 a victim of a felony or a witness to a felony or a person
19 against whom an arrest warrant is outstanding.

20 T. The Director shall make available to the Illinois
21 ~~Department of~~ State Police, a county sheriff's office, or a
22 municipal police department, upon request, any information
23 concerning the current address and place of employment or
24 former places of employment of a person who is required to
25 register as a sex offender under the Sex Offender Registration
26 Act that may be useful in enforcing the registration

1 provisions of that Act.

2 U. The Director shall make information available to the
3 Department of Healthcare and Family Services and the
4 Department of Human Services for the purpose of determining
5 eligibility for public benefit programs authorized under the
6 Illinois Public Aid Code and related statutes administered by
7 those departments, for verifying sources and amounts of
8 income, and for other purposes directly connected with the
9 administration of those programs.

10 V. The Director shall make information available to the
11 State Board of Elections as may be required by an agreement the
12 State Board of Elections has entered into with a multi-state
13 voter registration list maintenance system.

14 W. The Director shall make information available to the
15 State Treasurer's office and the Department of Revenue for the
16 purpose of facilitating compliance with the Illinois Secure
17 Choice Savings Program Act, including employer contact
18 information for employers with 25 or more employees and any
19 other information the Director deems appropriate that is
20 directly related to the administration of this program.

21 X. The Director shall make information available, upon
22 request, to the Illinois Student Assistance Commission for the
23 purpose of determining eligibility for the adult vocational
24 community college scholarship program under Section 65.105 of
25 the Higher Education Student Assistance Act.

26 (Source: P.A. 100-484, eff. 9-8-17; 101-315, eff. 1-1-20.)

1 Section 9995. No acceleration or delay. Where this Act
2 makes changes in a statute that is represented in this Act by
3 text that is not yet or no longer in effect (for example, a
4 Section represented by multiple versions), the use of that
5 text does not accelerate or delay the taking effect of (i) the
6 changes made by this Act or (ii) provisions derived from any
7 other Public Act.

8 Section 9999. Effective date. This Act takes effect upon
9 becoming law.

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