



## 103RD GENERAL ASSEMBLY

### State of Illinois

### 2023 and 2024

#### HB2824

Introduced 2/16/2023, by Rep. Maurice A. West, II

#### SYNOPSIS AS INTRODUCED:

5 ILCS 430/20-5	
10 ILCS 5/29-15	from Ch. 46, par. 29-15
20 ILCS 505/5d	
20 ILCS 3960/4	from Ch. 111 1/2, par. 1154
60 ILCS 1/55-6	
65 ILCS 5/3.1-10-5	from Ch. 24, par. 3.1-10-5
65 ILCS 5/6-3-9	from Ch. 24, par. 6-3-9
65 ILCS 5/10-1-1	from Ch. 24, par. 10-1-1
75 ILCS 16/30-20	
105 ILCS 5/10-3	from Ch. 122, par. 10-3
105 ILCS 5/34-2.1	from Ch. 122, par. 34-2.1
225 ILCS 51/25	
230 ILCS 5/6	from Ch. 8, par. 37-6
230 ILCS 10/5	from Ch. 120, par. 2405
235 ILCS 5/3-6	from Ch. 43, par. 102
720 ILCS 5/11-9.3	
720 ILCS 5/33-7	

Amends the State Officials and Employees Ethics Act, the Election Code, the Children and Family Services Act, the Illinois Health Facilities Planning Act, the Township Code, the Illinois Municipal Code, the Public Library District Act of 1991, the School Code, the Home Medical Equipment and Services Provider License Act, the Illinois Horse Racing Act of 1975, the Illinois Gambling Act, the Liquor Control Act of 1934, and the Criminal Code of 2012. Makes changes in these Acts to provisions concerning whether a conviction for certain criminal offenses disqualifies an individual from serving in one of the specified public offices or on one of the specified boards and commissions. Makes conforming changes.

LRB103 29485 DTM 55880 b

1 AN ACT concerning criminal law.

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

4 Section 5. The State Officials and Employees Ethics Act is  
5 amended by changing Section 20-5 as follows:

6 (5 ILCS 430/20-5)

7 Sec. 20-5. Executive Ethics Commission.

8 (a) The Executive Ethics Commission is created.

9 (b) The Executive Ethics Commission shall consist of 9  
10 commissioners. The Governor shall appoint 5 commissioners, and  
11 the Attorney General, Secretary of State, Comptroller, and  
12 Treasurer shall each appoint one commissioner. Appointments  
13 shall be made by and with the advice and consent of the Senate  
14 by three-fifths of the elected members concurring by record  
15 vote. Any nomination not acted upon by the Senate within 60  
16 session days of the receipt thereof shall be deemed to have  
17 received the advice and consent of the Senate. If, during a  
18 recess of the Senate, there is a vacancy in an office of  
19 commissioner, the appointing authority shall make a temporary  
20 appointment until the next meeting of the Senate when the  
21 appointing authority shall make a nomination to fill that  
22 office. No person rejected for an office of commissioner  
23 shall, except by the Senate's request, be nominated again for

1 that office at the same session of the Senate or be appointed  
2 to that office during a recess of that Senate. No more than 5  
3 commissioners may be of the same political party.

4 The terms of the initial commissioners shall commence upon  
5 qualification. Four initial appointees of the Governor, as  
6 designated by the Governor, shall serve terms running through  
7 June 30, 2007. One initial appointee of the Governor, as  
8 designated by the Governor, and the initial appointees of the  
9 Attorney General, Secretary of State, Comptroller, and  
10 Treasurer shall serve terms running through June 30, 2008. The  
11 initial appointments shall be made within 60 days after the  
12 effective date of this Act.

13 After the initial terms, commissioners shall serve for  
14 4-year terms commencing on July 1 of the year of appointment  
15 and running through June 30 of the fourth following year.  
16 Commissioners may be reappointed to one or more subsequent  
17 terms.

18 Vacancies occurring other than at the end of a term shall  
19 be filled by the appointing authority only for the balance of  
20 the term of the commissioner whose office is vacant.

21 Terms shall run regardless of whether the position is  
22 filled.

23 (c) The appointing authorities shall appoint commissioners  
24 who have experience holding governmental office or employment  
25 and shall appoint commissioners from the general public. A  
26 person is not eligible to serve as a commissioner if that

1 person (i) ~~has been convicted of a felony or a crime of~~  
2 ~~dishonesty or moral turpitude,~~ (ii) is, or was within the  
3 preceding 12 months, engaged in activities that require  
4 registration under the Lobbyist Registration Act, (ii) ~~(iii)~~  
5 is related to the appointing authority, or (iii) ~~(iv)~~ is a  
6 State officer or employee. Appointing authorities shall  
7 require potential nominees to disclose any convictions under  
8 Article 33 of the Criminal Code of 2012 in the preceding 5  
9 years, and any such disclosure shall be shared with members of  
10 the Senate upon nomination.

11 (d) The Executive Ethics Commission shall have  
12 jurisdiction over all officers and employees of State agencies  
13 other than the General Assembly, the Senate, the House of  
14 Representatives, the President and Minority Leader of the  
15 Senate, the Speaker and Minority Leader of the House of  
16 Representatives, the Senate Operations Commission, the  
17 legislative support services agencies, and the Office of the  
18 Auditor General. The Executive Ethics Commission shall have  
19 jurisdiction over all board members and employees of Regional  
20 Transit Boards. The jurisdiction of the Commission is limited  
21 to matters arising under this Act, except as provided in  
22 subsection (d-5).

23 A member or legislative branch State employee serving on  
24 an executive branch board or commission remains subject to the  
25 jurisdiction of the Legislative Ethics Commission and is not  
26 subject to the jurisdiction of the Executive Ethics

1 Commission.

2 (d-5) The Executive Ethics Commission shall have  
3 jurisdiction over all chief procurement officers and  
4 procurement compliance monitors and their respective staffs.  
5 The Executive Ethics Commission shall have jurisdiction over  
6 any matters arising under the Illinois Procurement Code if the  
7 Commission is given explicit authority in that Code.

8 (d-6) (1) The Executive Ethics Commission shall have  
9 jurisdiction over the Illinois Power Agency and its staff. The  
10 Director of the Agency shall be appointed by a majority of the  
11 commissioners of the Executive Ethics Commission, subject to  
12 Senate confirmation, for a term of 2 years. The Director is  
13 removable for cause by a majority of the Commission upon a  
14 finding of neglect, malfeasance, absence, or incompetence.

15 (2) In case of a vacancy in the office of Director of the  
16 Illinois Power Agency during a recess of the Senate, the  
17 Executive Ethics Commission may make a temporary appointment  
18 until the next meeting of the Senate, at which time the  
19 Executive Ethics Commission shall nominate some person to fill  
20 the office, and any person so nominated who is confirmed by the  
21 Senate shall hold office during the remainder of the term and  
22 until his or her successor is appointed and qualified. Nothing  
23 in this subsection shall prohibit the Executive Ethics  
24 Commission from removing a temporary appointee or from  
25 appointing a temporary appointee as the Director of the  
26 Illinois Power Agency.

1           (3) Prior to June 1, 2012, the Executive Ethics Commission  
2 may, until the Director of the Illinois Power Agency is  
3 appointed and qualified or a temporary appointment is made  
4 pursuant to paragraph (2) of this subsection, designate some  
5 person as an acting Director to execute the powers and  
6 discharge the duties vested by law in that Director. An acting  
7 Director shall serve no later than 60 calendar days, or upon  
8 the making of an appointment pursuant to paragraph (1) or (2)  
9 of this subsection, whichever is earlier. Nothing in this  
10 subsection shall prohibit the Executive Ethics Commission from  
11 removing an acting Director or from appointing an acting  
12 Director as the Director of the Illinois Power Agency.

13           (4) No person rejected by the Senate for the office of  
14 Director of the Illinois Power Agency shall, except at the  
15 Senate's request, be nominated again for that office at the  
16 same session or be appointed to that office during a recess of  
17 that Senate.

18           (d-7) The Executive Ethics Commission shall have  
19 jurisdiction over complainants and respondents in violation of  
20 subsection (d) of Section 20-90.

21           (e) The Executive Ethics Commission must meet, either in  
22 person or by other technological means, at least monthly and  
23 as often as necessary. At the first meeting of the Executive  
24 Ethics Commission, the commissioners shall choose from their  
25 number a chairperson and other officers that they deem  
26 appropriate. The terms of officers shall be for 2 years

1 commencing July 1 and running through June 30 of the second  
2 following year. Meetings shall be held at the call of the  
3 chairperson or any 3 commissioners. Official action by the  
4 Commission shall require the affirmative vote of 5  
5 commissioners, and a quorum shall consist of 5 commissioners.  
6 Commissioners shall receive compensation in an amount equal to  
7 the compensation of members of the State Board of Elections  
8 and may be reimbursed for their reasonable expenses actually  
9 incurred in the performance of their duties.

10 (f) No commissioner or employee of the Executive Ethics  
11 Commission may during his or her term of appointment or  
12 employment:

13 (1) become a candidate for any elective office;

14 (2) hold any other elected or appointed public office  
15 except for appointments on governmental advisory boards or  
16 study commissions or as otherwise expressly authorized by  
17 law;

18 (3) be actively involved in the affairs of any  
19 political party or political organization; or

20 (4) advocate for the appointment of another person to  
21 an appointed or elected office or position or actively  
22 participate in any campaign for any elective office.

23 (g) An appointing authority may remove a commissioner only  
24 for cause.

25 (h) The Executive Ethics Commission shall appoint an  
26 Executive Director. The compensation of the Executive Director

1 shall be as determined by the Commission. The Executive  
2 Director of the Executive Ethics Commission may employ and  
3 determine the compensation of staff, as appropriations permit.

4 (i) The Executive Ethics Commission shall appoint, by a  
5 majority of the members appointed to the Commission, chief  
6 procurement officers and may appoint procurement compliance  
7 monitors in accordance with the provisions of the Illinois  
8 Procurement Code. The compensation of a chief procurement  
9 officer and procurement compliance monitor shall be determined  
10 by the Commission.

11 (Source: P.A. 100-43, eff. 8-9-17; 101-221, eff. 8-9-19;  
12 101-617, eff. 12-20-19.)

13 Section 10. The Election Code is amended by changing  
14 Section 29-15 as follows:

15 (10 ILCS 5/29-15) (from Ch. 46, par. 29-15)

16 Sec. 29-15. Official Misconduct and Election Code  
17 Convictions ~~Conviction deemed infamous~~. Any person convicted  
18 of an offense under this Code or Article 33 of the Criminal  
19 Code of 2012 ~~an infamous crime as such term is defined in~~  
20 ~~Section 124-1 of the Code of Criminal Procedure of 1963, as~~  
21 ~~amended,~~ shall ~~thereafter~~ be prohibited from holding any  
22 office of honor, trust, or profit, for a period of 5 years  
23 after the date of such conviction unless such person is again  
24 restored to such rights by the terms of a pardon for the



1 offense, has received a restoration of rights by the Governor,  
2 or otherwise according to law. Any time after a judgment of  
3 conviction is rendered, a person convicted ~~of an infamous~~  
4 ~~crime~~ may petition the Governor for a restoration of rights.

5 The changes made to this Section by this amendatory Act of  
6 the 102nd General Assembly are declarative of existing law.

7 (Source: P.A. 102-15, eff. 6-17-21.)

8 Section 15. The Children and Family Services Act is  
9 amended by changing Section 5d as follows:

10 (20 ILCS 505/5d)

11 Sec. 5d. The Direct Child Welfare Service Employee License  
12 Board.

13 (a) For purposes of this Section:

14 (1) "Board" means the Direct Child Welfare Service  
15 Employee License Board.

16 (2) "Director" means the Director of Children and  
17 Family Services.

18 (b) The Direct Child Welfare Service Employee License  
19 Board is created within the Department of Children and Family  
20 Services and shall consist of 9 members appointed by the  
21 Director. The Director shall annually designate a chairperson  
22 and vice-chairperson of the Board. The membership of the Board  
23 must be composed as follows: (i) 5 licensed professionals from  
24 the field of human services with a human services, juris

1 doctor, medical, public administration, or other relevant  
2 human services degree and who are in good standing within  
3 their profession, at least 2 of which must be employed in the  
4 private not-for-profit sector and at least one of which in the  
5 public sector; (ii) 2 faculty members of an accredited  
6 university who have child welfare experience and are in good  
7 standing within their profession and (iii) 2 members of the  
8 general public who are not licensed under this Act or a similar  
9 rule and will represent consumer interests.

10 In making the first appointments, the Director shall  
11 appoint 3 members to serve for a term of one year, 3 members to  
12 serve for a term of 2 years, and 3 members to serve for a term  
13 of 3 years, or until their successors are appointed and  
14 qualified. Their successors shall be appointed to serve 3-year  
15 terms, or until their successors are appointed and qualified.  
16 Appointments to fill unexpired vacancies shall be made in the  
17 same manner as original appointments. No member may be  
18 reappointed if a reappointment would cause that member to  
19 serve on the Board for longer than 6 consecutive years. Board  
20 membership must have reasonable representation from different  
21 geographic areas of Illinois, and all members must be  
22 residents of this State.

23 The Director may terminate the appointment of any member  
24 for good cause, including but not limited to (i) unjustified  
25 absences from Board meetings or other failure to meet Board  
26 responsibilities, (ii) failure to recuse himself or herself

1 when required by subsection (c) of this Section or Department  
2 rule, or (iii) failure to maintain the professional position  
3 required by Department rule. No member of the Board may have a  
4 pending or indicated report of child abuse or neglect. The  
5 Director shall require any potential member to disclose ~~or a~~  
6 ~~pending complaint or~~ criminal conviction of any of the  
7 offenses set forth in paragraph (b) of Section 4.2 of the Child  
8 Care Act of 1969 within the preceding 5 years.

9 The members of the Board shall receive no compensation for  
10 the performance of their duties as members, but each member  
11 shall be reimbursed for his or her reasonable and necessary  
12 expenses incurred in attending the meetings of the Board.

13 (c) The Board shall make recommendations to the Director  
14 regarding licensure rules. Board members must recuse  
15 themselves from sitting on any matter involving an employee of  
16 a child welfare agency at which the Board member is an employee  
17 or contractual employee. The Board shall make a final  
18 determination concerning revocation, suspension, or  
19 reinstatement of an employee's direct child welfare service  
20 license after a hearing conducted under the Department's  
21 rules. Upon notification of the manner of the vote to all the  
22 members, votes on a final determination may be cast in person,  
23 by telephonic or electronic means, or by mail at the  
24 discretion of the chairperson. A simple majority of the  
25 members appointed and serving is required when Board members  
26 vote by mail or by telephonic or electronic means. A majority

1 of the currently appointed and serving Board members  
2 constitutes a quorum. A majority of a quorum is required when a  
3 recommendation is voted on during a Board meeting. A vacancy  
4 in the membership of the Board shall not impair the right of a  
5 quorum to perform all the duties of the Board. Board members  
6 are not personally liable in any action based upon a  
7 disciplinary proceeding or otherwise for any action taken in  
8 good faith as a member of the Board.

9 (d) The Director may assign Department employees to  
10 provide staffing services to the Board. The Department must  
11 promulgate any rules necessary to implement and administer the  
12 requirements of this Section.

13 (Source: P.A. 102-45, eff. 1-1-22.)

14 Section 20. The Illinois Health Facilities Planning Act is  
15 amended by changing Section 4 as follows:

16 (20 ILCS 3960/4) (from Ch. 111 1/2, par. 1154)

17 (Section scheduled to be repealed on December 31, 2029)

18 Sec. 4. Health Facilities and Services Review Board;  
19 membership; appointment; term; compensation; quorum.

20 (a) There is created the Health Facilities and Services  
21 Review Board, which shall perform the functions described in  
22 this Act. The Department shall provide operational support to  
23 the Board as necessary, including the provision of office  
24 space, supplies, and clerical, financial, and accounting

1 services. The Board may contract for functions or operational  
2 support as needed. The Board may also contract with experts  
3 related to specific health services or facilities and create  
4 technical advisory panels to assist in the development of  
5 criteria, standards, and procedures used in the evaluation of  
6 applications for permit and exemption.

7 (b) The State Board shall consist of 11 voting members.  
8 All members shall be residents of Illinois and at least 4 shall  
9 reside outside the Chicago Metropolitan Statistical Area.  
10 Consideration shall be given to potential appointees who  
11 reflect the ethnic and cultural diversity of the State.  
12 ~~Neither Board members nor Board staff shall be convicted~~  
13 ~~felons or have pled guilty to a felony.~~

14 Each member shall have a reasonable knowledge of the  
15 practice, procedures and principles of the health care  
16 delivery system in Illinois, including at least 5 members who  
17 shall be knowledgeable about health care delivery systems,  
18 health systems planning, finance, or the management of health  
19 care facilities currently regulated under the Act. One member  
20 shall be a representative of a non-profit health care consumer  
21 advocacy organization. One member shall be a representative  
22 from the community with experience on the effects of  
23 discontinuing health care services or the closure of health  
24 care facilities on the surrounding community; provided,  
25 however, that all other members of the Board shall be  
26 appointed before this member shall be appointed. A spouse,

1 parent, sibling, or child of a Board member cannot be an  
2 employee, agent, or under contract with services or facilities  
3 subject to the Act. Prior to appointment and in the course of  
4 service on the Board, members of the Board shall disclose the  
5 employment or other financial interest of any other relative  
6 of the member, if known, in service or facilities subject to  
7 the Act. Members of the Board shall declare any conflict of  
8 interest that may exist with respect to the status of those  
9 relatives and recuse themselves from voting on any issue for  
10 which a conflict of interest is declared. No person shall be  
11 appointed or continue to serve as a member of the State Board  
12 who is, or whose spouse, parent, sibling, or child is, a member  
13 of the Board of Directors of, has a financial interest in, or  
14 has a business relationship with a health care facility.

15 Notwithstanding any provision of this Section to the  
16 contrary, the term of office of each member of the State Board  
17 serving on the day before the effective date of this  
18 amendatory Act of the 96th General Assembly is abolished on  
19 the date upon which members of the Board, as established by  
20 this amendatory Act of the 96th General Assembly, have been  
21 appointed and can begin to take action as a Board.

22 (c) The State Board shall be appointed by the Governor,  
23 with the advice and consent of the Senate. Not more than 6 of  
24 the appointments shall be of the same political party at the  
25 time of the appointment.

26 The Secretary of Human Services, the Director of

1 Healthcare and Family Services, and the Director of Public  
2 Health, or their designated representatives, shall serve as  
3 ex-officio, non-voting members of the State Board.

4 (d) Of those members initially appointed by the Governor  
5 following the effective date of this amendatory Act of the  
6 96th General Assembly, 3 shall serve for terms expiring July  
7 1, 2011, 3 shall serve for terms expiring July 1, 2012, and 3  
8 shall serve for terms expiring July 1, 2013. Thereafter, each  
9 appointed member shall hold office for a term of 3 years,  
10 provided that any member appointed to fill a vacancy occurring  
11 prior to the expiration of the term for which his or her  
12 predecessor was appointed shall be appointed for the remainder  
13 of such term and the term of office of each successor shall  
14 commence on July 1 of the year in which his predecessor's term  
15 expires. Each member shall hold office until his or her  
16 successor is appointed and qualified. The Governor may  
17 reappoint a member for additional terms, but no member shall  
18 serve more than 3 terms, subject to review and re-approval  
19 every 3 years.

20 (e) State Board members, while serving on business of the  
21 State Board, shall receive actual and necessary travel and  
22 subsistence expenses while so serving away from their places  
23 of residence. Until March 1, 2010, a member of the State Board  
24 who experiences a significant financial hardship due to the  
25 loss of income on days of attendance at meetings or while  
26 otherwise engaged in the business of the State Board may be

1 paid a hardship allowance, as determined by and subject to the  
2 approval of the Governor's Travel Control Board.

3 (f) The Governor shall designate one of the members to  
4 serve as the Chairman of the Board, who shall be a person with  
5 expertise in health care delivery system planning, finance or  
6 management of health care facilities that are regulated under  
7 the Act. The Chairman shall annually review Board member  
8 performance and shall report the attendance record of each  
9 Board member to the General Assembly.

10 (g) The State Board, through the Chairman, shall prepare a  
11 separate and distinct budget approved by the General Assembly  
12 and shall hire and supervise its own professional staff  
13 responsible for carrying out the responsibilities of the  
14 Board.

15 (h) The State Board shall meet at least every 45 days, or  
16 as often as the Chairman of the State Board deems necessary, or  
17 upon the request of a majority of the members.

18 (i) Six members of the State Board shall constitute a  
19 quorum. The affirmative vote of 6 of the members of the State  
20 Board shall be necessary for any action requiring a vote to be  
21 taken by the State Board. A vacancy in the membership of the  
22 State Board shall not impair the right of a quorum to exercise  
23 all the rights and perform all the duties of the State Board as  
24 provided by this Act.

25 (j) A State Board member shall disqualify himself or  
26 herself from the consideration of any application for a permit



1 or exemption in which the State Board member or the State Board  
2 member's spouse, parent, sibling, or child: (i) has an  
3 economic interest in the matter; or (ii) is employed by,  
4 serves as a consultant for, or is a member of the governing  
5 board of the applicant or a party opposing the application.

6 (k) The Chairman, Board members, and Board staff must  
7 comply with the Illinois Governmental Ethics Act.

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

9 Section 25. The Township Code is amended by changing  
10 Section 55-6 as follows:

11 (60 ILCS 1/55-6)

12 Sec. 55-6. Criminal conviction. A person is not eligible  
13 to hold any office if that person, at the time required for  
14 taking the oath of office, has been convicted of an offense  
15 under Article 33 of the Criminal Code of 2012 within the  
16 preceding 5 years ~~in any court located in the United States of~~  
17 ~~any infamous crime, bribery, perjury, or other felony.~~

18 (Source: P.A. 99-546, eff. 7-15-16.)

19 Section 30. The Illinois Municipal Code is amended by  
20 changing Sections 3.1-10-5, 6-3-9, and 10-1-1 as follows:

21 (65 ILCS 5/3.1-10-5) (from Ch. 24, par. 3.1-10-5)

22 Sec. 3.1-10-5. Qualifications; elective office.

1 (a) A person is not eligible for an elective municipal  
2 office unless that person is a qualified elector of the  
3 municipality and has resided in the municipality at least one  
4 year next preceding the election or appointment, except as  
5 provided in Section 3.1-20-25, subsection (b) of Section  
6 3.1-25-75, Section 5-2-2, or Section 5-2-11.

7 (b) A person is not eligible to take the oath of office for  
8 a municipal office if that person is, at the time required for  
9 taking the oath of office, in arrears in the payment of a tax  
10 or other indebtedness due to the municipality or has been  
11 convicted of an offense under Article 33 of the Criminal Code  
12 of 2012 in the preceding 5 years ~~in any court located in the~~  
13 ~~United States of any infamous crime, bribery, perjury, or~~  
14 ~~other felony~~, unless such person is again restored to his or  
15 her rights of citizenship that may have been forfeited under  
16 Illinois law as a result of a conviction, which includes  
17 eligibility to hold elected municipal office, by the terms of  
18 a pardon for the offense, has received a restoration of rights  
19 by the Governor, or otherwise according to law. Any time after  
20 a judgment of conviction is rendered, a person convicted ~~of an~~  
21 ~~infamous crime, bribery, perjury, or other felony~~ may petition  
22 the Governor for a restoration of rights.

23 The changes made to this subsection by this amendatory Act  
24 of the 102nd General Assembly are declarative of existing law  
25 and apply to all persons elected at the April 4, 2017  
26 consolidated election and to persons elected or appointed

1 thereafter.

2 (b-5) (Blank).

3 (c) A person is not eligible for the office of alderperson  
4 of a ward unless that person has resided in the ward that the  
5 person seeks to represent, and a person is not eligible for the  
6 office of trustee of a district unless that person has resided  
7 in the municipality, at least one year next preceding the  
8 election or appointment, except as provided in Section  
9 3.1-20-25, subsection (b) of Section 3.1-25-75, Section 5-2-2,  
10 or Section 5-2-11.

11 (d) If a person (i) is a resident of a municipality  
12 immediately prior to the active duty military service of that  
13 person or that person's spouse, (ii) resides anywhere outside  
14 of the municipality during that active duty military service,  
15 and (iii) immediately upon completion of that active duty  
16 military service is again a resident of the municipality, then  
17 the time during which the person resides outside the  
18 municipality during the active duty military service is deemed  
19 to be time during which the person is a resident of the  
20 municipality for purposes of determining the residency  
21 requirement under subsection (a).

22 (Source: P.A. 102-15, eff. 6-17-21.)

23 (65 ILCS 5/6-3-9) (from Ch. 24, par. 6-3-9)

24 Sec. 6-3-9. Qualifications of mayor, city clerk, city  
25 treasurer and alderpersons - eligibility for other office. No

1 person shall be eligible to the office of mayor, city clerk,  
2 city treasurer or alderperson:

3 (1) Unless he is a qualified elector of the  
4 municipality and has resided therein at least one year  
5 next preceding his election or appointment; or

6 (2) Unless, in the case of alderpersons, he resides  
7 within the ward for which he is elected; or

8 (3) If he is in arrears in the payment of any tax or  
9 other indebtedness due to the city; or

10 (4) If he has been convicted of an offense under  
11 Article 33 of the Criminal Code of 2012 in the preceding 5  
12 years in Illinois state courts or in courts of the United  
13 States of malfeasance in office, bribery, or other  
14 infamous crime.

15 No alderperson shall be eligible to any office, except  
16 that of acting mayor or mayor pro tem, the salary of which is  
17 payable out of the city treasury, if at the time of his  
18 appointment he is a member of the city council.

19 (Source: P.A. 102-15, eff. 6-17-21.)

20 (65 ILCS 5/10-1-1) (from Ch. 24, par. 10-1-1)

21 Sec. 10-1-1. The mayor of each municipality which adopts  
22 this Division 1 as hereinafter provided shall, not less than  
23 40 nor more than 90 days after the taking effect of this  
24 Division 1 in such municipality, appoint 3 persons, who shall  
25 constitute and be known as the civil service commissioners of

1 such municipality, one for 3 years, one for 2 years and one for  
2 one year from the time of appointment and until their  
3 respective successors are appointed and qualified. In every  
4 year thereafter the mayor shall, in like manner, appoint one  
5 person as the successor of the commissioner whose term shall  
6 expire in that year to serve as such commissioner for 3 years  
7 and until his successor is appointed and qualified. Two  
8 commissioners shall constitute a quorum. All appointments to  
9 the commission, both original and to fill vacancies, shall be  
10 so made that not more than 2 members shall, at the time of  
11 appointment, be members of the same political party. The  
12 commissioners shall hold no other lucrative office or  
13 employment under the United States, the State of Illinois, or  
14 any municipal corporation or political division thereof. ~~No~~  
15 ~~person shall be appointed a commissioner who has been~~  
16 ~~convicted of a felony under the laws of this State or~~  
17 ~~comparable laws of any other state or the United States.~~ Each  
18 commissioner, before entering upon the duties of his office,  
19 shall take the oath prescribed by the constitution of this  
20 state.

21 However, in any municipality having the commission form of  
22 municipal government, the appointment of civil service  
23 commissioners shall be made by the corporate authorities, and  
24 the corporate authorities may, by ordinance, provide that 5  
25 commissioners shall be so appointed, one for one year, 2 for 2  
26 years and 2 for 3 years. The corporate authorities shall

1 appoint, in a like manner, the successors of the commissioners  
2 whose terms expire in that year to serve as commissioners for 3  
3 years and until their successors are appointed and qualified.  
4 Three members shall constitute a quorum, and no more than 3 of  
5 the commissioners shall be of the same political party. If  
6 such municipality has adopted this Division 1 prior to the  
7 effective date of this amendatory Act of 1965, and  
8 subsequently provides, by ordinance, for 5 commissioners, 2  
9 additional commissioners shall be so appointed, one for 2  
10 years and one for 3 years, and successors shall be appointed in  
11 a like manner as commissions established after such effective  
12 date.

13 (Source: P.A. 87-423.)

14 Section 35. The Public Library District Act of 1991 is  
15 amended by changing Section 30-20 as follows:

16 (75 ILCS 16/30-20)

17 Sec. 30-20. Nomination of candidates; ballot.

18 (a) Nomination of candidates for election as trustees  
19 shall be by petition, signed by a number of qualified voters  
20 equivalent to at least 2% of the votes cast at the last  
21 election for library trustees, or 50, whichever is less,  
22 residing within the district, and filed with the secretary of  
23 the district within the time provided by the Election Code. No  
24 party name or affiliation may appear on the petition.

1 (b) The names of all candidates for the office of trustee  
2 shall be certified by the secretary to the proper election  
3 authority, who shall conduct the election in accordance with  
4 the Election Code.

5 (c) The ballot for election of trustees shall not  
6 designate any political party, platform, or political  
7 principle.

8 (d) A person is not eligible to serve as a library trustee  
9 unless he or she is a qualified elector of the library district  
10 and has resided in the library district at least one year at  
11 the time he or she files nomination papers or a declaration of  
12 intent to become a write-in candidate or is presented for  
13 appointment.

14 (e) A person is not eligible to serve as a library trustee  
15 who, at the time of his or her appointment or filing of  
16 nomination papers or a declaration of intent to become a  
17 write-in candidate, is in arrears in the payment of a tax or  
18 other indebtedness due to the library district or has been  
19 convicted of an offense under Article 33 of the Criminal Code  
20 of 2012 in the preceding 5 years ~~in any court in the United~~  
21 ~~States of any infamous crime, bribery, perjury, or other~~  
22 ~~felony.~~

23 (f) The changes made by this amendatory Act of the 100th  
24 General Assembly apply only to candidates by petition or  
25 write-in candidates in the consolidated election of 2019 and  
26 thereafter and to all appointees appointed after the effective

1 date of this amendatory Act of the 100th General Assembly.

2 (Source: P.A. 100-746, eff. 8-10-18.)

3 Section 40. The School Code is amended by changing  
4 Sections 10-3 and 34-2.1 as follows:

5 (105 ILCS 5/10-3) (from Ch. 122, par. 10-3)

6 Sec. 10-3. Eligibility of directors. Any person who, on  
7 the date of his or her election, is a citizen of the United  
8 States, of the age of 18 years or over, is a resident of the  
9 State and of the territory of the district for at least one  
10 year immediately preceding his or her election, is a  
11 registered voter as provided in the general election law, is  
12 not a school trustee or a school treasurer, and has not been  
13 convicted of a "sex offense" as set forth in paragraph (2) of  
14 subsection (d) of ~~is not a child sex offender as defined in~~  
15 Section 11-9.3 of the Criminal Code of 2012 within the  
16 preceding 10 years shall be eligible to the office of school  
17 director.

18 (Source: P.A. 97-1150, eff. 1-25-13.)

19 (105 ILCS 5/34-2.1) (from Ch. 122, par. 34-2.1)

20 Sec. 34-2.1. Local school councils; composition; voter  
21 eligibility; elections; terms.

22 (a) Beginning with the first local school council election  
23 that occurs after December 3, 2021 (the effective date of



1 Public Act 102-677), a local school council shall be  
2 established for each attendance center within the school  
3 district, including public small schools within the district.  
4 Each local school council shall consist of the following 12  
5 voting members: the principal of the attendance center, 2  
6 teachers employed and assigned to perform the majority of  
7 their employment duties at the attendance center, 6 parents of  
8 students currently enrolled at the attendance center, one  
9 employee of the school district employed and assigned to  
10 perform the majority of his or her employment duties at the  
11 attendance center who is not a teacher, and 2 community  
12 residents. Neither the parents nor the community residents who  
13 serve as members of the local school council shall be  
14 employees of the Board of Education. In each secondary  
15 attendance center, the local school council shall consist of  
16 13 voting members through the 2020-2021 school year, the 12  
17 voting members described above and one full-time student  
18 member, and 15 voting members beginning with the 2021-2022  
19 school year, the 12 voting members described above and 3  
20 full-time student members, appointed as provided in subsection  
21 (m) below. In each attendance center enrolling students in 7th  
22 and 8th grade, one full-time student member shall be appointed  
23 as provided in subsection (m) of this Section. In the event  
24 that the chief executive officer of the Chicago School Reform  
25 Board of Trustees determines that a local school council is  
26 not carrying out its financial duties effectively, the chief

1 executive officer is authorized to appoint a representative of  
2 the business community with experience in finance and  
3 management to serve as an advisor to the local school council  
4 for the purpose of providing advice and assistance to the  
5 local school council on fiscal matters. The advisor shall have  
6 access to relevant financial records of the local school  
7 council. The advisor may attend executive sessions. The chief  
8 executive officer shall issue a written policy defining the  
9 circumstances under which a local school council is not  
10 carrying out its financial duties effectively.

11 (b) Within 7 days of January 11, 1991, the Mayor shall  
12 appoint the members and officers (a Chairperson who shall be a  
13 parent member and a Secretary) of each local school council  
14 who shall hold their offices until their successors shall be  
15 elected and qualified. Members so appointed shall have all the  
16 powers and duties of local school councils as set forth in  
17 Public Act 86-1477. The Mayor's appointments shall not require  
18 approval by the City Council.

19 The membership of each local school council shall be  
20 encouraged to be reflective of the racial and ethnic  
21 composition of the student population of the attendance center  
22 served by the local school council.

23 (c) Beginning with the 1995-1996 school year and in every  
24 even-numbered year thereafter, the Board shall set second  
25 semester Parent Report Card Pick-up Day for Local School  
26 Council elections and may schedule elections at year-round

1 schools for the same dates as the remainder of the school  
2 system. Elections shall be conducted as provided herein by the  
3 Board of Education in consultation with the local school  
4 council at each attendance center.

5 (c-5) Notwithstanding subsection (c), for the local school  
6 council election set for the 2019-2020 school year, the Board  
7 may hold the election on the first semester Parent Report Card  
8 Pick-up Day of the 2020-2021 school year, making any necessary  
9 modifications to the election process or date to comply with  
10 guidance from the Department of Public Health and the federal  
11 Centers for Disease Control and Prevention. The terms of  
12 office of all local school council members eligible to serve  
13 and seated on or after March 23, 2020 through January 10, 2021  
14 are extended through January 10, 2021, provided that the  
15 members continue to meet eligibility requirements for local  
16 school council membership.

17 (d) Beginning with the 1995-96 school year, the following  
18 procedures shall apply to the election of local school council  
19 members at each attendance center:

20 (i) The elected members of each local school council  
21 shall consist of the 6 parent members and the 2 community  
22 resident members.

23 (ii) Each elected member shall be elected by the  
24 eligible voters of that attendance center to serve for a  
25 two-year term commencing on July 1 immediately following  
26 the election described in subsection (c), except that the

1 terms of members elected to a local school council under  
2 subsection (c-5) shall commence on January 11, 2021 and  
3 end on July 1, 2022. Eligible voters for each attendance  
4 center shall consist of the parents and community  
5 residents for that attendance center.

6 (iii) Each eligible voter shall be entitled to cast  
7 one vote for up to a total of 5 candidates, irrespective of  
8 whether such candidates are parent or community resident  
9 candidates.

10 (iv) Each parent voter shall be entitled to vote in  
11 the local school council election at each attendance  
12 center in which he or she has a child currently enrolled.  
13 Each community resident voter shall be entitled to vote in  
14 the local school council election at each attendance  
15 center for which he or she resides in the applicable  
16 attendance area or voting district, as the case may be.

17 (v) Each eligible voter shall be entitled to vote  
18 once, but not more than once, in the local school council  
19 election at each attendance center at which the voter is  
20 eligible to vote.

21 (vi) The 2 teacher members and the non-teacher  
22 employee member of each local school council shall be  
23 appointed as provided in subsection (l) below each to  
24 serve for a two-year term coinciding with that of the  
25 elected parent and community resident members. From March  
26 23, 2020 through January 10, 2021, the chief executive

1 officer or his or her designee may make accommodations to  
2 fill the vacancy of a teacher or non-teacher employee  
3 member of a local school council.

4 (vii) At secondary attendance centers and attendance  
5 centers enrolling students in 7th and 8th grade, the  
6 voting student members shall be appointed as provided in  
7 subsection (m) below to serve for a one-year term  
8 coinciding with the beginning of the terms of the elected  
9 parent and community members of the local school council.  
10 For the 2020-2021 school year, the chief executive officer  
11 or his or her designee may make accommodations to fill the  
12 vacancy of a student member of a local school council.

13 (e) The Council shall publicize the date and place of the  
14 election by posting notices at the attendance center, in  
15 public places within the attendance boundaries of the  
16 attendance center and by distributing notices to the pupils at  
17 the attendance center, and shall utilize such other means as  
18 it deems necessary to maximize the involvement of all eligible  
19 voters.

20 (f) Nomination. The Council shall publicize the opening of  
21 nominations by posting notices at the attendance center, in  
22 public places within the attendance boundaries of the  
23 attendance center and by distributing notices to the pupils at  
24 the attendance center, and shall utilize such other means as  
25 it deems necessary to maximize the involvement of all eligible  
26 voters. Not less than 2 weeks before the election date,

1 persons eligible to run for the Council shall submit their  
2 name, date of birth, social security number, if available, and  
3 some evidence of eligibility to the Council. The Council shall  
4 encourage nomination of candidates reflecting the  
5 racial/ethnic population of the students at the attendance  
6 center. Each person nominated who runs as a candidate shall  
7 disclose, in a manner determined by the Board, any economic  
8 interest held by such person, by such person's spouse or  
9 children, or by each business entity in which such person has  
10 an ownership interest, in any contract with the Board, any  
11 local school council or any public school in the school  
12 district. Each person nominated who runs as a candidate shall  
13 also disclose, in a manner determined by the Board, if he or  
14 she ever has been convicted of any of the offenses specified in  
15 subsection (c) of Section 34-18.5 within the preceding 5  
16 years; provided that neither this provision nor any other  
17 provision of this Section shall be deemed to require the  
18 disclosure of any information that is contained in any law  
19 enforcement record or juvenile court record that is  
20 confidential or whose accessibility or disclosure is  
21 restricted or prohibited under Section 5-901 or 5-905 of the  
22 Juvenile Court Act of 1987. Failure to make such disclosure  
23 shall render a person ineligible for election or to serve on  
24 the local school council. The same disclosure shall be  
25 required of persons under consideration for appointment to the  
26 Council pursuant to subsections (l) and (m) of this Section.

1 (f-5) Notwithstanding disclosure, a person who has been  
2 convicted of those offenses defined as a "sex offense" under  
3 paragraph 2 of subsection (d) of Section 11-9.3 of the  
4 Criminal Code of 2012 ~~any of the following offenses~~ at any time  
5 shall be ineligible for election or appointment to a local  
6 school council and ineligible for appointment to a local  
7 school council pursuant to subsections (l) and (m) of this  
8 Section: ~~(i) those defined in Section 11-1.20, 11-1.30,~~  
9 ~~11-1.40, 11-1.50, 11-1.60, 11-6, 11-9.1, 11-14.4, 11-16,~~  
10 ~~11-17.1, 11-19, 11-19.1, 11-19.2, 11-20.1, 11-20.1B, 11-20.3,~~  
11 ~~12-13, 12-14, 12-14.1, 12-15, or 12-16, or subdivision (a)(2)~~  
12 ~~of Section 11-14.3, of the Criminal Code of 1961 or the~~  
13 ~~Criminal Code of 2012, or (ii) any offense committed or~~  
14 ~~attempted in any other state or against the laws of the United~~  
15 ~~States, which, if committed or attempted in this State, would~~  
16 ~~have been punishable as one or more of the foregoing offenses.~~  
17 ~~Notwithstanding disclosure, a person who has been convicted of~~  
18 ~~any of the following offenses within the 10 years previous to~~  
19 ~~the date of nomination or appointment shall be ineligible for~~  
20 ~~election or appointment to a local school council: (i) those~~  
21 ~~defined in Section 401.1, 405.1, or 405.2 of the Illinois~~  
22 ~~Controlled Substances Act or (ii) any offense committed or~~  
23 ~~attempted in any other state or against the laws of the United~~  
24 ~~States, which, if committed or attempted in this State, would~~  
25 ~~have been punishable as one or more of the foregoing offenses.~~

26 Immediately upon election or appointment, incoming local

1 school council members shall be required to undergo a criminal  
2 background investigation, to be completed prior to the member  
3 taking office, in order to identify any criminal convictions  
4 under the offenses enumerated in Section 34-18.5. The  
5 investigation shall be conducted by the Illinois State Police  
6 in the same manner as provided for in Section 34-18.5.  
7 However, notwithstanding Section 34-18.5, the social security  
8 number shall be provided only if available. If it is  
9 determined at any time that a local school council member or  
10 member-elect has been convicted of any of the offenses  
11 enumerated in this Section in the preceding 10 years or failed  
12 to disclose a conviction in the preceding 5 years of any of the  
13 offenses enumerated in Section 34-18.5, the general  
14 superintendent shall notify the local school council member or  
15 member-elect of such determination and the local school  
16 council member or member-elect shall be removed from the local  
17 school council by the Board, subject to a hearing, convened  
18 pursuant to Board rule, prior to removal.

19 (g) At least one week before the election date, the  
20 Council shall publicize, in the manner provided in subsection  
21 (e), the names of persons nominated for election.

22 (h) Voting shall be in person by secret ballot at the  
23 attendance center between the hours of 6:00 a.m. and 7:00 p.m.

24 (i) Candidates receiving the highest number of votes shall  
25 be declared elected by the Council. In cases of a tie, the  
26 Council shall determine the winner by lottery.



1           (j) The Council shall certify the results of the election  
2 and shall publish the results in the minutes of the Council.

3           (k) The general superintendent shall resolve any disputes  
4 concerning election procedure or results and shall ensure  
5 that, except as provided in subsections (e) and (g), no  
6 resources of any attendance center shall be used to endorse or  
7 promote any candidate.

8           (l) Beginning with the first local school council election  
9 that occurs after December 3, 2021 (the effective date of  
10 Public Act 102-677), in every even numbered year, the Board  
11 shall appoint 2 teacher members to each local school council.  
12 These appointments shall be made in the following manner:

13           (i) The Board shall appoint 2 teachers who are  
14 employed and assigned to perform the majority of their  
15 employment duties at the attendance center to serve on the  
16 local school council of the attendance center for a  
17 two-year term coinciding with the terms of the elected  
18 parent and community members of that local school council.  
19 These appointments shall be made from among those teachers  
20 who are nominated in accordance with subsection (f).

21           (ii) A non-binding, advisory poll to ascertain the  
22 preferences of the school staff regarding appointments of  
23 teachers to the local school council for that attendance  
24 center shall be conducted in accordance with the  
25 procedures used to elect parent and community Council  
26 representatives. At such poll, each member of the school

1 staff shall be entitled to indicate his or her preference  
2 for up to 2 candidates from among those who submitted  
3 statements of candidacy as described above. These  
4 preferences shall be advisory only and the Board shall  
5 maintain absolute discretion to appoint teacher members to  
6 local school councils, irrespective of the preferences  
7 expressed in any such poll. Prior to the appointment of  
8 staff members to local school councils, the Board shall  
9 make public the vetting process of staff member  
10 candidates. Any staff member seeking candidacy shall be  
11 allowed to make an inquiry to the Board to determine if the  
12 Board may deny the appointment of the staff member. An  
13 inquiry made to the Board shall be made in writing in  
14 accordance with Board procedure.

15 (iii) In the event that a teacher representative is  
16 unable to perform his or her employment duties at the  
17 school due to illness, disability, leave of absence,  
18 disciplinary action, or any other reason, the Board shall  
19 declare a temporary vacancy and appoint a replacement  
20 teacher representative to serve on the local school  
21 council until such time as the teacher member originally  
22 appointed pursuant to this subsection (1) resumes service  
23 at the attendance center or for the remainder of the term.  
24 The replacement teacher representative shall be appointed  
25 in the same manner and by the same procedures as teacher  
26 representatives are appointed in subdivisions (i) and (ii)

1 of this subsection (l).

2 (m) Beginning with the 1995-1996 school year through the  
3 2020-2021 school year, the Board shall appoint one student  
4 member to each secondary attendance center. Beginning with the  
5 2021-2022 school year and for every school year thereafter,  
6 the Board shall appoint 3 student members to the local school  
7 council of each secondary attendance center and one student  
8 member to the local school council of each attendance center  
9 enrolling students in 7th and 8th grade. Students enrolled in  
10 grade 6 or above are eligible to be candidates for a local  
11 school council. No attendance center enrolling students in 7th  
12 and 8th grade may have more than one student member, unless the  
13 attendance center enrolls students in grades 7 through 12, in  
14 which case the attendance center may have a total of 3 student  
15 members on the local school council. The Board may establish  
16 criteria for students to be considered eligible to serve as a  
17 student member. These appointments shall be made in the  
18 following manner:

19 (i) Appointments shall be made from among those  
20 students who submit statements of candidacy to the  
21 principal of the attendance center, such statements to be  
22 submitted commencing on the first day of the twentieth  
23 week of school and continuing for 2 weeks thereafter. The  
24 form and manner of such candidacy statements shall be  
25 determined by the Board.

26 (ii) During the twenty-second week of school in every

1 year, the principal of each attendance center shall  
2 conduct a binding election to ascertain the preferences of  
3 the school students regarding the appointment of students  
4 to the local school council for that attendance center. At  
5 such election, each student shall be entitled to indicate  
6 his or her preference for up to one candidate from among  
7 those who submitted statements of candidacy as described  
8 above. The Board shall promulgate rules to ensure that  
9 these elections are conducted in a fair and equitable  
10 manner and maximize the involvement of all school  
11 students. In the case of a tie vote, the local school  
12 council shall determine the winner by lottery. The  
13 preferences expressed in these elections shall be  
14 transmitted by the principal to the Board. These  
15 preferences shall be binding on the Board.

16 (iii) (Blank).

17 (n) The Board may promulgate such other rules and  
18 regulations for election procedures as may be deemed necessary  
19 to ensure fair elections.

20 (o) In the event that a vacancy occurs during a member's  
21 term, the Council shall appoint a person eligible to serve on  
22 the Council to fill the unexpired term created by the vacancy,  
23 except that any teacher or non-teacher staff vacancy shall be  
24 filled by the Board after considering the preferences of the  
25 school staff as ascertained through a non-binding advisory  
26 poll of school staff. In the case of a student vacancy, the

1 vacancy shall be filled by the preferences of an election poll  
2 of students.

3 (p) If less than the specified number of persons is  
4 elected within each candidate category, the newly elected  
5 local school council shall appoint eligible persons to serve  
6 as members of the Council for 2-year terms, as provided in  
7 subsection (c-5) of Section 34-2.2 of this Code.

8 (q) The Board shall promulgate rules regarding conflicts  
9 of interest and disclosure of economic interests which shall  
10 apply to local school council members and which shall require  
11 reports or statements to be filed by Council members at  
12 regular intervals with the Secretary of the Board. Failure to  
13 comply with such rules or intentionally falsifying such  
14 reports shall be grounds for disqualification from local  
15 school council membership. A vacancy on the Council for  
16 disqualification may be so declared by the Secretary of the  
17 Board. Rules regarding conflicts of interest and disclosure of  
18 economic interests promulgated by the Board shall apply to  
19 local school council members. No less than 45 days prior to the  
20 deadline, the general superintendent shall provide notice, by  
21 mail, to each local school council member of all requirements  
22 and forms for compliance with economic interest statements.

23 (r) (1) If a parent member of a local school council ceases  
24 to have any child enrolled in the attendance center governed  
25 by the Local School Council due to the graduation or voluntary  
26 transfer of a child or children from the attendance center,

1 the parent's membership on the Local School Council and all  
2 voting rights are terminated immediately as of the date of the  
3 child's graduation or voluntary transfer. If the child of a  
4 parent member of a local school council dies during the  
5 member's term in office, the member may continue to serve on  
6 the local school council for the balance of his or her term.  
7 Further, a local school council member may be removed from the  
8 Council by a majority vote of the Council as provided in  
9 subsection (c) of Section 34-2.2 if the Council member has  
10 missed 3 consecutive regular meetings, not including committee  
11 meetings, or 5 regular meetings in a 12-month period, not  
12 including committee meetings. If a parent member of a local  
13 school council ceases to be eligible to serve on the Council  
14 for any other reason, he or she shall be removed by the Board  
15 subject to a hearing, convened pursuant to Board rule, prior  
16 to removal. A vote to remove a Council member by the local  
17 school council shall only be valid if the Council member has  
18 been notified personally or by certified mail, mailed to the  
19 person's last known address, of the Council's intent to vote  
20 on the Council member's removal at least 7 days prior to the  
21 vote. The Council member in question shall have the right to  
22 explain his or her actions and shall be eligible to vote on the  
23 question of his or her removal from the Council. The  
24 provisions of this subsection shall be contained within the  
25 petitions used to nominate Council candidates.

26 (2) A person may continue to serve as a community resident

1 member of a local school council as long as he or she resides  
2 in the attendance area served by the school and is not employed  
3 by the Board nor is a parent of a student enrolled at the  
4 school. If a community resident member ceases to be eligible  
5 to serve on the Council, he or she shall be removed by the  
6 Board subject to a hearing, convened pursuant to Board rule,  
7 prior to removal.

8 (3) A person may continue to serve as a staff member of a  
9 local school council as long as he or she is employed and  
10 assigned to perform a majority of his or her duties at the  
11 school, provided that if the staff representative resigns from  
12 employment with the Board or voluntarily transfers to another  
13 school, the staff member's membership on the local school  
14 council and all voting rights are terminated immediately as of  
15 the date of the staff member's resignation or upon the date of  
16 the staff member's voluntary transfer to another school. If a  
17 staff member of a local school council ceases to be eligible to  
18 serve on a local school council for any other reason, that  
19 member shall be removed by the Board subject to a hearing,  
20 convened pursuant to Board rule, prior to removal.

21 (s) As used in this Section only, "community resident"  
22 means a person, 17 years of age or older, residing within an  
23 attendance area served by a school, excluding any person who  
24 is a parent of a student enrolled in that school; provided that  
25 with respect to any multi-area school, community resident  
26 means any person, 17 years of age or older, residing within the

1 voting district established for that school pursuant to  
2 Section 34-2.1c, excluding any person who is a parent of a  
3 student enrolled in that school. This definition does not  
4 apply to any provisions concerning school boards.

5 (Source: P.A. 101-643, eff. 6-18-20; 102-194, eff. 7-30-21;  
6 102-538, eff. 8-20-21; 102-677, eff. 12-3-21; 102-813, eff.  
7 5-13-22.)

8 Section 45. The Home Medical Equipment and Services  
9 Provider License Act is amended by changing Section 25 as  
10 follows:

11 (225 ILCS 51/25)

12 (Section scheduled to be repealed on January 1, 2028)

13 Sec. 25. Home Medical Equipment and Services Board. The  
14 Secretary shall appoint a Home Medical Equipment and Services  
15 Board, in consultation with a state association representing  
16 the home medical equipment and services industry, to serve in  
17 an advisory capacity to the Secretary. The Board shall consist  
18 of 7 members. Four members shall be home medical equipment and  
19 services provider representatives, at least one of whom shall  
20 be a pharmacy-based provider. The 3 remaining members shall  
21 include one home care clinical specialist, one respiratory  
22 care practitioner, and one public member. The public member  
23 shall not be engaged in any way, directly or indirectly, as a  
24 provider of health care.



1 Members shall serve 4-year terms and until their  
2 successors are appointed and qualified. No member shall be  
3 reappointed to the Board for a term that would cause  
4 continuous service on the Board to exceed 8 years.  
5 Appointments to fill vacancies shall be made in the same  
6 manner as original appointments, for the unexpired portion of  
7 the vacated term.

8 The home medical equipment and services provider  
9 representatives appointed to the Board shall have engaged in  
10 the provision of home medical equipment and services or  
11 related home care services for at least 3 years prior to their  
12 appointment, shall be currently engaged in providing home  
13 medical equipment and services in the State of Illinois.  
14 Prospective appointees shall disclose to the Secretary any ~~τ~~  
15 ~~and must have no record of~~ convictions directly related to  
16 home medical equipment and services or related home care  
17 services within the preceding 5 years ~~fraud or abuse under~~  
18 ~~either State or federal law.~~

19 The membership of the Board should reasonably reflect  
20 representation from the geographic areas in this State.

21 The Board shall annually elect one of its members as  
22 chairperson and vice chairperson.

23 Each Board member shall be paid his or her necessary  
24 expenses while engaged in the performance of his or her  
25 duties.

26 The Secretary may terminate the appointment of any member

1 for cause which in the opinion of the Secretary reasonably  
2 justifies the termination. The Secretary shall be the sole  
3 arbiter of whether the cause reasonably justifies termination.

4 Members of the Board shall be immune from suit in an action  
5 based upon any disciplinary proceedings or other activities  
6 performed in good faith as members of the Board.

7 A majority of Board members currently appointed shall  
8 constitute a quorum. A vacancy in the membership of the Board  
9 shall not impair the rights of a quorum to exercise the rights  
10 and perform all of the duties of the Board.

11 (Source: P.A. 100-525, eff. 9-22-17.)

12 Section 50. The Illinois Horse Racing Act of 1975 is  
13 amended by changing Section 6 as follows:

14 (230 ILCS 5/6) (from Ch. 8, par. 37-6)

15 Sec. 6. Restrictions on Board members.

16 (a) No person shall be appointed a member of the Board or  
17 continue to be a member of the Board if the person or any  
18 member of their immediate family is a member of the Board of  
19 Directors, employee, or financially interested in any of the  
20 following: (i) any licensee or other person who has applied  
21 for racing dates to the Board, or the operations thereof  
22 including, but not limited to, concessions, data processing,  
23 track maintenance, track security, and pari-mutuel operations,  
24 located, scheduled or doing business within the State of

1 Illinois, (ii) any race horse competing at a meeting under the  
2 Board's jurisdiction, or (iii) any licensee under the Illinois  
3 Gambling Act.

4 (b) No person shall be a member of the Board who is not of  
5 good moral character ~~or who has been convicted of, or is under~~  
6 ~~indictment for, a felony under the laws of Illinois or any~~  
7 ~~other state, or the United States.~~

8 (c) No member of the Board or employee shall engage in any  
9 political activity.

10 For the purposes of this subsection (c):

11 "Political" means any activity in support of or in  
12 connection with any campaign for State or local elective  
13 office or any political organization, but does not include  
14 activities (i) relating to the support or opposition of any  
15 executive, legislative, or administrative action (as those  
16 terms are defined in Section 2 of the Lobbyist Registration  
17 Act), (ii) relating to collective bargaining, or (iii) that  
18 are otherwise in furtherance of the person's official State  
19 duties or governmental and public service functions.

20 "Political organization" means a party, committee,  
21 association, fund, or other organization (whether or not  
22 incorporated) that is required to file a statement of  
23 organization with the State Board of Elections or county clerk  
24 under Section 9-3 of the Election Code, but only with regard to  
25 those activities that require filing with the State Board of  
26 Elections or county clerk.

1 (d) Board members and employees may not engage in  
2 communications or any activity that may cause or have the  
3 appearance of causing a conflict of interest. A conflict of  
4 interest exists if a situation influences or creates the  
5 appearance that it may influence judgment or performance of  
6 regulatory duties and responsibilities. This prohibition shall  
7 extend to any act identified by Board action that, in the  
8 judgment of the Board, could represent the potential for or  
9 the appearance of a conflict of interest.

10 (e) Board members and employees may not accept any gift,  
11 gratuity, service, compensation, travel, lodging, or thing of  
12 value, with the exception of unsolicited items of an  
13 incidental nature, from any person, corporation, limited  
14 liability company, or entity doing business with the Board.

15 (f) A Board member or employee shall not use or attempt to  
16 use his or her official position to secure, or attempt to  
17 secure, any privilege, advantage, favor, or influence for  
18 himself or herself or others. No Board member or employee,  
19 within a period of one year immediately preceding nomination  
20 by the Governor or employment, shall have been employed or  
21 received compensation or fees for services from a person or  
22 entity, or its parent or affiliate, that has engaged in  
23 business with the Board, a licensee or a licensee under the  
24 Illinois Gambling Act. In addition, all Board members and  
25 employees are subject to the restrictions set forth in Section  
26 5-45 of the State Officials and Employees Ethics Act.

1 (Source: P.A. 101-31, eff. 6-28-19.)

2 Section 55. The Illinois Gambling Act is amended by  
3 changing Section 5 as follows:

4 (230 ILCS 10/5) (from Ch. 120, par. 2405)

5 Sec. 5. Gaming Board.

6 (a) (1) There is hereby established the Illinois Gaming  
7 Board, which shall have the powers and duties specified in  
8 this Act, and all other powers necessary and proper to fully  
9 and effectively execute this Act for the purpose of  
10 administering, regulating, and enforcing the system of  
11 riverboat and casino gambling established by this Act and  
12 gaming pursuant to an organization gaming license issued under  
13 this Act. Its jurisdiction shall extend under this Act to  
14 every person, association, corporation, partnership and trust  
15 involved in riverboat and casino gambling operations and  
16 gaming pursuant to an organization gaming license issued under  
17 this Act in the State of Illinois.

18 (2) The Board shall consist of 5 members to be appointed by  
19 the Governor with the advice and consent of the Senate, one of  
20 whom shall be designated by the Governor to be chairperson.  
21 Each member shall have a reasonable knowledge of the practice,  
22 procedure and principles of gambling operations. Each member  
23 shall either be a resident of Illinois or shall certify that he  
24 or she will become a resident of Illinois before taking

1 office.

2 On and after the effective date of this amendatory Act of  
3 the 101st General Assembly, new appointees to the Board must  
4 include the following:

5 (A) One member who has received, at a minimum, a  
6 bachelor's degree from an accredited school and at least  
7 10 years of verifiable experience in the fields of  
8 investigation and law enforcement.

9 (B) One member who is a certified public accountant  
10 with experience in auditing and with knowledge of complex  
11 corporate structures and transactions.

12 (C) One member who has 5 years' experience as a  
13 principal, senior officer, or director of a company or  
14 business with either material responsibility for the daily  
15 operations and management of the overall company or  
16 business or material responsibility for the policy making  
17 of the company or business.

18 (D) One member who is an attorney licensed to practice  
19 law in Illinois for at least 5 years.

20 Notwithstanding any provision of this subsection (a), the  
21 requirements of subparagraphs (A) through (D) of this  
22 paragraph (2) shall not apply to any person reappointed  
23 pursuant to paragraph (3).

24 No more than 3 members of the Board may be from the same  
25 political party. No Board member shall, within a period of one  
26 year immediately preceding nomination, have been employed or

1 received compensation or fees for services from a person or  
2 entity, or its parent or affiliate, that has engaged in  
3 business with the Board, a licensee, or a licensee under the  
4 Illinois Horse Racing Act of 1975. Board members must publicly  
5 disclose all prior affiliations with gaming interests,  
6 including any compensation, fees, bonuses, salaries, and other  
7 reimbursement received from a person or entity, or its parent  
8 or affiliate, that has engaged in business with the Board, a  
9 licensee, or a licensee under the Illinois Horse Racing Act of  
10 1975. This disclosure must be made within 30 days after  
11 nomination but prior to confirmation by the Senate and must be  
12 made available to the members of the Senate.

13 (3) The terms of office of the Board members shall be 3  
14 years, except that the terms of office of the initial Board  
15 members appointed pursuant to this Act will commence from the  
16 effective date of this Act and run as follows: one for a term  
17 ending July 1, 1991, 2 for a term ending July 1, 1992, and 2  
18 for a term ending July 1, 1993. Upon the expiration of the  
19 foregoing terms, the successors of such members shall serve a  
20 term for 3 years and until their successors are appointed and  
21 qualified for like terms. Vacancies in the Board shall be  
22 filled for the unexpired term in like manner as original  
23 appointments. Each member of the Board shall be eligible for  
24 reappointment at the discretion of the Governor with the  
25 advice and consent of the Senate.

26 (4) Each member of the Board shall receive \$300 for each

1 day the Board meets and for each day the member conducts any  
2 hearing pursuant to this Act. Each member of the Board shall  
3 also be reimbursed for all actual and necessary expenses and  
4 disbursements incurred in the execution of official duties.

5 (5) No person shall be appointed a member of the Board or  
6 continue to be a member of the Board who is, or whose spouse,  
7 child or parent is, a member of the board of directors of, or a  
8 person financially interested in, any gambling operation  
9 subject to the jurisdiction of this Board, or any race track,  
10 race meeting, racing association or the operations thereof  
11 subject to the jurisdiction of the Illinois Racing Board. No  
12 Board member shall hold any other public office. No person  
13 shall be a member of the Board who is not of good moral  
14 character ~~or who has been convicted of, or is under indictment~~  
15 ~~for, a felony under the laws of Illinois or any other state, or~~  
16 ~~the United States.~~

17 (5.5) No member of the Board shall engage in any political  
18 activity. For the purposes of this Section, "political" means  
19 any activity in support of or in connection with any campaign  
20 for federal, State, or local elective office or any political  
21 organization, but does not include activities (i) relating to  
22 the support or opposition of any executive, legislative, or  
23 administrative action (as those terms are defined in Section 2  
24 of the Lobbyist Registration Act), (ii) relating to collective  
25 bargaining, or (iii) that are otherwise in furtherance of the  
26 person's official State duties or governmental and public



1 service functions.

2 (6) Any member of the Board may be removed by the Governor  
3 for neglect of duty, misfeasance, malfeasance, or nonfeasance  
4 in office or for engaging in any political activity.

5 (7) Before entering upon the discharge of the duties of  
6 his office, each member of the Board shall take an oath that he  
7 will faithfully execute the duties of his office according to  
8 the laws of the State and the rules and regulations adopted  
9 therewith and shall give bond to the State of Illinois,  
10 approved by the Governor, in the sum of \$25,000. Every such  
11 bond, when duly executed and approved, shall be recorded in  
12 the office of the Secretary of State. Whenever the Governor  
13 determines that the bond of any member of the Board has become  
14 or is likely to become invalid or insufficient, he shall  
15 require such member forthwith to renew his bond, which is to be  
16 approved by the Governor. Any member of the Board who fails to  
17 take oath and give bond within 30 days from the date of his  
18 appointment, or who fails to renew his bond within 30 days  
19 after it is demanded by the Governor, shall be guilty of  
20 neglect of duty and may be removed by the Governor. The cost of  
21 any bond given by any member of the Board under this Section  
22 shall be taken to be a part of the necessary expenses of the  
23 Board.

24 (7.5) For the examination of all mechanical,  
25 electromechanical, or electronic table games, slot machines,  
26 slot accounting systems, sports wagering systems, and other

1 electronic gaming equipment, and the field inspection of such  
2 systems, games, and machines, for compliance with this Act,  
3 the Board shall utilize the services of independent outside  
4 testing laboratories that have been accredited in accordance  
5 with ISO/IEC 17025 by an accreditation body that is a  
6 signatory to the International Laboratory Accreditation  
7 Cooperation Mutual Recognition Agreement signifying they are  
8 qualified to perform such examinations. Notwithstanding any  
9 law to the contrary, the Board shall consider the licensing of  
10 independent outside testing laboratory applicants in  
11 accordance with procedures established by the Board by rule.  
12 The Board shall not withhold its approval of an independent  
13 outside testing laboratory license applicant that has been  
14 accredited as required under this paragraph (7.5) and is  
15 licensed in gaming jurisdictions comparable to Illinois. Upon  
16 the finalization of required rules, the Board shall license  
17 independent testing laboratories and accept the test reports  
18 of any licensed testing laboratory of the system's, game's, or  
19 machine manufacturer's choice, notwithstanding the existence  
20 of contracts between the Board and any independent testing  
21 laboratory.

22 (8) The Board shall employ such personnel as may be  
23 necessary to carry out its functions and shall determine the  
24 salaries of all personnel, except those personnel whose  
25 salaries are determined under the terms of a collective  
26 bargaining agreement. No person shall be employed to serve the

1 Board who is, or whose spouse, parent or child is, an official  
2 of, or has a financial interest in or financial relation with,  
3 any operator engaged in gambling operations within this State  
4 or any organization engaged in conducting horse racing within  
5 this State. For the one year immediately preceding employment,  
6 an employee shall not have been employed or received  
7 compensation or fees for services from a person or entity, or  
8 its parent or affiliate, that has engaged in business with the  
9 Board, a licensee, or a licensee under the Illinois Horse  
10 Racing Act of 1975. Any employee violating these prohibitions  
11 shall be subject to termination of employment.

12 (9) An Administrator shall perform any and all duties that  
13 the Board shall assign him. The salary of the Administrator  
14 shall be determined by the Board and, in addition, he shall be  
15 reimbursed for all actual and necessary expenses incurred by  
16 him in discharge of his official duties. The Administrator  
17 shall keep records of all proceedings of the Board and shall  
18 preserve all records, books, documents and other papers  
19 belonging to the Board or entrusted to its care. The  
20 Administrator shall devote his full time to the duties of the  
21 office and shall not hold any other office or employment.

22 (b) The Board shall have general responsibility for the  
23 implementation of this Act. Its duties include, without  
24 limitation, the following:

25 (1) To decide promptly and in reasonable order all  
26 license applications. Any party aggrieved by an action of

1 the Board denying, suspending, revoking, restricting or  
2 refusing to renew a license may request a hearing before  
3 the Board. A request for a hearing must be made to the  
4 Board in writing within 5 days after service of notice of  
5 the action of the Board. Notice of the action of the Board  
6 shall be served either by personal delivery or by  
7 certified mail, postage prepaid, to the aggrieved party.  
8 Notice served by certified mail shall be deemed complete  
9 on the business day following the date of such mailing.  
10 The Board shall conduct any such hearings promptly and in  
11 reasonable order;

12 (2) To conduct all hearings pertaining to civil  
13 violations of this Act or rules and regulations  
14 promulgated hereunder;

15 (3) To promulgate such rules and regulations as in its  
16 judgment may be necessary to protect or enhance the  
17 credibility and integrity of gambling operations  
18 authorized by this Act and the regulatory process  
19 hereunder;

20 (4) To provide for the establishment and collection of  
21 all license and registration fees and taxes imposed by  
22 this Act and the rules and regulations issued pursuant  
23 hereto. All such fees and taxes shall be deposited into  
24 the State Gaming Fund;

25 (5) To provide for the levy and collection of  
26 penalties and fines for the violation of provisions of

1           this Act and the rules and regulations promulgated  
2           hereunder. All such fines and penalties shall be deposited  
3           into the Education Assistance Fund, created by Public Act  
4           86-0018, of the State of Illinois;

5           (6) To be present through its inspectors and agents  
6           any time gambling operations are conducted on any  
7           riverboat, in any casino, or at any organization gaming  
8           facility for the purpose of certifying the revenue  
9           thereof, receiving complaints from the public, and  
10          conducting such other investigations into the conduct of  
11          the gambling games and the maintenance of the equipment as  
12          from time to time the Board may deem necessary and proper;

13          (7) To review and rule upon any complaint by a  
14          licensee regarding any investigative procedures of the  
15          State which are unnecessarily disruptive of gambling  
16          operations. The need to inspect and investigate shall be  
17          presumed at all times. The disruption of a licensee's  
18          operations shall be proved by clear and convincing  
19          evidence, and establish that: (A) the procedures had no  
20          reasonable law enforcement purposes, and (B) the  
21          procedures were so disruptive as to unreasonably inhibit  
22          gambling operations;

23          (8) To hold at least one meeting each quarter of the  
24          fiscal year. In addition, special meetings may be called  
25          by the Chairman or any 2 Board members upon 72 hours  
26          written notice to each member. All Board meetings shall be

1 subject to the Open Meetings Act. Three members of the  
2 Board shall constitute a quorum, and 3 votes shall be  
3 required for any final determination by the Board. The  
4 Board shall keep a complete and accurate record of all its  
5 meetings. A majority of the members of the Board shall  
6 constitute a quorum for the transaction of any business,  
7 for the performance of any duty, or for the exercise of any  
8 power which this Act requires the Board members to  
9 transact, perform or exercise en banc, except that, upon  
10 order of the Board, one of the Board members or an  
11 administrative law judge designated by the Board may  
12 conduct any hearing provided for under this Act or by  
13 Board rule and may recommend findings and decisions to the  
14 Board. The Board member or administrative law judge  
15 conducting such hearing shall have all powers and rights  
16 granted to the Board in this Act. The record made at the  
17 time of the hearing shall be reviewed by the Board, or a  
18 majority thereof, and the findings and decision of the  
19 majority of the Board shall constitute the order of the  
20 Board in such case;

21 (9) To maintain records which are separate and  
22 distinct from the records of any other State board or  
23 commission. Such records shall be available for public  
24 inspection and shall accurately reflect all Board  
25 proceedings;

26 (10) To file a written annual report with the Governor

1 on or before July 1 each year and such additional reports  
2 as the Governor may request. The annual report shall  
3 include a statement of receipts and disbursements by the  
4 Board, actions taken by the Board, and any additional  
5 information and recommendations which the Board may deem  
6 valuable or which the Governor may request;

7 (11) (Blank);

8 (12) (Blank);

9 (13) To assume responsibility for administration and  
10 enforcement of the Video Gaming Act;

11 (13.1) To assume responsibility for the administration  
12 and enforcement of operations at organization gaming  
13 facilities pursuant to this Act and the Illinois Horse  
14 Racing Act of 1975;

15 (13.2) To assume responsibility for the administration  
16 and enforcement of the Sports Wagering Act; and

17 (14) To adopt, by rule, a code of conduct governing  
18 Board members and employees that ensure, to the maximum  
19 extent possible, that persons subject to this Code avoid  
20 situations, relationships, or associations that may  
21 represent or lead to a conflict of interest.

22 Internal controls and changes submitted by licensees must  
23 be reviewed and either approved or denied with cause within 90  
24 days after receipt of submission is deemed final by the  
25 Illinois Gaming Board. In the event an internal control  
26 submission or change does not meet the standards set by the

1 Board, staff of the Board must provide technical assistance to  
2 the licensee to rectify such deficiencies within 90 days after  
3 the initial submission and the revised submission must be  
4 reviewed and approved or denied with cause within 90 days  
5 after the date the revised submission is deemed final by the  
6 Board. For the purposes of this paragraph, "with cause" means  
7 that the approval of the submission would jeopardize the  
8 integrity of gaming. In the event the Board staff has not acted  
9 within the timeframe, the submission shall be deemed approved.

10 (c) The Board shall have jurisdiction over and shall  
11 supervise all gambling operations governed by this Act. The  
12 Board shall have all powers necessary and proper to fully and  
13 effectively execute the provisions of this Act, including, but  
14 not limited to, the following:

15 (1) To investigate applicants and determine the  
16 eligibility of applicants for licenses and to select among  
17 competing applicants the applicants which best serve the  
18 interests of the citizens of Illinois.

19 (2) To have jurisdiction and supervision over all  
20 riverboat gambling operations authorized under this Act  
21 and all persons in places where gambling operations are  
22 conducted.

23 (3) To promulgate rules and regulations for the  
24 purpose of administering the provisions of this Act and to  
25 prescribe rules, regulations and conditions under which  
26 all gambling operations subject to this Act shall be



1 conducted. Such rules and regulations are to provide for  
2 the prevention of practices detrimental to the public  
3 interest and for the best interests of riverboat gambling,  
4 including rules and regulations regarding the inspection  
5 of organization gaming facilities, casinos, and  
6 riverboats, and the review of any permits or licenses  
7 necessary to operate a riverboat, casino, or organization  
8 gaming facility under any laws or regulations applicable  
9 to riverboats, casinos, or organization gaming facilities  
10 and to impose penalties for violations thereof.

11 (4) To enter the office, riverboats, casinos,  
12 organization gaming facilities, and other facilities, or  
13 other places of business of a licensee, where evidence of  
14 the compliance or noncompliance with the provisions of  
15 this Act is likely to be found.

16 (5) To investigate alleged violations of this Act or  
17 the rules of the Board and to take appropriate  
18 disciplinary action against a licensee or a holder of an  
19 occupational license for a violation, or institute  
20 appropriate legal action for enforcement, or both.

21 (6) To adopt standards for the licensing of all  
22 persons and entities under this Act, as well as for  
23 electronic or mechanical gambling games, and to establish  
24 fees for such licenses.

25 (7) To adopt appropriate standards for all  
26 organization gaming facilities, riverboats, casinos, and

1 other facilities authorized under this Act.

2 (8) To require that the records, including financial  
3 or other statements of any licensee under this Act, shall  
4 be kept in such manner as prescribed by the Board and that  
5 any such licensee involved in the ownership or management  
6 of gambling operations submit to the Board an annual  
7 balance sheet and profit and loss statement, list of the  
8 stockholders or other persons having a 1% or greater  
9 beneficial interest in the gambling activities of each  
10 licensee, and any other information the Board deems  
11 necessary in order to effectively administer this Act and  
12 all rules, regulations, orders and final decisions  
13 promulgated under this Act.

14 (9) To conduct hearings, issue subpoenas for the  
15 attendance of witnesses and subpoenas duces tecum for the  
16 production of books, records and other pertinent documents  
17 in accordance with the Illinois Administrative Procedure  
18 Act, and to administer oaths and affirmations to the  
19 witnesses, when, in the judgment of the Board, it is  
20 necessary to administer or enforce this Act or the Board  
21 rules.

22 (10) To prescribe a form to be used by any licensee  
23 involved in the ownership or management of gambling  
24 operations as an application for employment for their  
25 employees.

26 (11) To revoke or suspend licenses, as the Board may

1 see fit and in compliance with applicable laws of the  
2 State regarding administrative procedures, and to review  
3 applications for the renewal of licenses. The Board may  
4 suspend an owners license or an organization gaming  
5 license without notice or hearing upon a determination  
6 that the safety or health of patrons or employees is  
7 jeopardized by continuing a gambling operation conducted  
8 under that license. The suspension may remain in effect  
9 until the Board determines that the cause for suspension  
10 has been abated. The Board may revoke an owners license or  
11 organization gaming license upon a determination that the  
12 licensee has not made satisfactory progress toward abating  
13 the hazard.

14 (12) To eject or exclude or authorize the ejection or  
15 exclusion of, any person from gambling facilities where  
16 that person is in violation of this Act, rules and  
17 regulations thereunder, or final orders of the Board, or  
18 where such person's conduct or reputation is such that his  
19 or her presence within the gambling facilities may, in the  
20 opinion of the Board, call into question the honesty and  
21 integrity of the gambling operations or interfere with the  
22 orderly conduct thereof; provided that the propriety of  
23 such ejection or exclusion is subject to subsequent  
24 hearing by the Board.

25 (13) To require all licensees of gambling operations  
26 to utilize a cashless wagering system whereby all players'

1 money is converted to tokens, electronic cards, or chips  
2 which shall be used only for wagering in the gambling  
3 establishment.

4 (14) (Blank).

5 (15) To suspend, revoke or restrict licenses, to  
6 require the removal of a licensee or an employee of a  
7 licensee for a violation of this Act or a Board rule or for  
8 engaging in a fraudulent practice, and to impose civil  
9 penalties of up to \$5,000 against individuals and up to  
10 \$10,000 or an amount equal to the daily gross receipts,  
11 whichever is larger, against licensees for each violation  
12 of any provision of the Act, any rules adopted by the  
13 Board, any order of the Board or any other action which, in  
14 the Board's discretion, is a detriment or impediment to  
15 gambling operations.

16 (16) To hire employees to gather information, conduct  
17 investigations and carry out any other tasks contemplated  
18 under this Act.

19 (17) To establish minimum levels of insurance to be  
20 maintained by licensees.

21 (18) To authorize a licensee to sell or serve  
22 alcoholic liquors, wine or beer as defined in the Liquor  
23 Control Act of 1934 on board a riverboat or in a casino and  
24 to have exclusive authority to establish the hours for  
25 sale and consumption of alcoholic liquor on board a  
26 riverboat or in a casino, notwithstanding any provision of

1 the Liquor Control Act of 1934 or any local ordinance, and  
2 regardless of whether the riverboat makes excursions. The  
3 establishment of the hours for sale and consumption of  
4 alcoholic liquor on board a riverboat or in a casino is an  
5 exclusive power and function of the State. A home rule  
6 unit may not establish the hours for sale and consumption  
7 of alcoholic liquor on board a riverboat or in a casino.  
8 This subdivision (18) is a denial and limitation of home  
9 rule powers and functions under subsection (h) of Section  
10 6 of Article VII of the Illinois Constitution.

11 (19) After consultation with the U.S. Army Corps of  
12 Engineers, to establish binding emergency orders upon the  
13 concurrence of a majority of the members of the Board  
14 regarding the navigability of water, relative to  
15 excursions, in the event of extreme weather conditions,  
16 acts of God or other extreme circumstances.

17 (20) To delegate the execution of any of its powers  
18 under this Act for the purpose of administering and  
19 enforcing this Act and the rules adopted by the Board.

20 (20.5) To approve any contract entered into on its  
21 behalf.

22 (20.6) To appoint investigators to conduct  
23 investigations, searches, seizures, arrests, and other  
24 duties imposed under this Act, as deemed necessary by the  
25 Board. These investigators have and may exercise all of  
26 the rights and powers of peace officers, provided that

1           these powers shall be limited to offenses or violations  
2           occurring or committed in a casino, in an organization  
3           gaming facility, or on a riverboat or dock, as defined in  
4           subsections (d) and (f) of Section 4, or as otherwise  
5           provided by this Act or any other law.

6           (20.7) To contract with the Illinois State Police for  
7           the use of trained and qualified State police officers and  
8           with the Department of Revenue for the use of trained and  
9           qualified Department of Revenue investigators to conduct  
10          investigations, searches, seizures, arrests, and other  
11          duties imposed under this Act and to exercise all of the  
12          rights and powers of peace officers, provided that the  
13          powers of Department of Revenue investigators under this  
14          subdivision (20.7) shall be limited to offenses or  
15          violations occurring or committed in a casino, in an  
16          organization gaming facility, or on a riverboat or dock,  
17          as defined in subsections (d) and (f) of Section 4, or as  
18          otherwise provided by this Act or any other law. In the  
19          event the Illinois State Police or the Department of  
20          Revenue is unable to fill contracted police or  
21          investigative positions, the Board may appoint  
22          investigators to fill those positions pursuant to  
23          subdivision (20.6).

24          (21) To adopt rules concerning the conduct of gaming  
25          pursuant to an organization gaming license issued under  
26          this Act.

1           (22) To have the same jurisdiction and supervision  
2 over casinos and organization gaming facilities as the  
3 Board has over riverboats, including, but not limited to,  
4 the power to (i) investigate, review, and approve  
5 contracts as that power is applied to riverboats, (ii)  
6 adopt rules for administering the provisions of this Act,  
7 (iii) adopt standards for the licensing of all persons  
8 involved with a casino or organization gaming facility,  
9 (iv) investigate alleged violations of this Act by any  
10 person involved with a casino or organization gaming  
11 facility, and (v) require that records, including  
12 financial or other statements of any casino or  
13 organization gaming facility, shall be kept in such manner  
14 as prescribed by the Board.

15           (23) To take any other action as may be reasonable or  
16 appropriate to enforce this Act and the rules adopted by  
17 the Board.

18           (d) The Board may seek and shall receive the cooperation  
19 of the Illinois State Police in conducting background  
20 investigations of applicants and in fulfilling its  
21 responsibilities under this Section. Costs incurred by the  
22 Illinois State Police as a result of such cooperation shall be  
23 paid by the Board in conformance with the requirements of  
24 Section 2605-400 of the Illinois State Police Law.

25           (e) The Board must authorize to each investigator and to  
26 any other employee of the Board exercising the powers of a

1 peace officer a distinct badge that, on its face, (i) clearly  
2 states that the badge is authorized by the Board and (ii)  
3 contains a unique identifying number. No other badge shall be  
4 authorized by the Board.

5 (Source: P.A. 101-31, eff. 6-28-19; 102-538, eff. 8-20-21.)

6 Section 60. The Liquor Control Act of 1934 is amended by  
7 changing Section 3-6 as follows:

8 (235 ILCS 5/3-6) (from Ch. 43, par. 102)

9 Sec. 3-6. No person shall be appointed a commissioner,  
10 secretary, Executive Director, or inspector for the commission  
11 who is not a citizen of the United States. Unless they have  
12 disclosed to the appointing authority such conviction or  
13 violation, no ~~no~~ commissioner, secretary, Executive Director,  
14 inspector, or other employee shall be appointed who has been  
15 convicted within the preceding 5 years of any violation of any  
16 Federal or State law concerning the manufacture or sale of  
17 alcoholic liquor ~~prior or subsequent to the passage of this~~  
18 ~~Act~~ or who has paid a fine or penalty in settlement of any  
19 prosecution against him or her for any violation of such laws  
20 within the preceding 5 years or shall have forfeited his or her  
21 bond to appear in court to answer charges for any such  
22 violation within the preceding 5 years ~~, nor shall any person~~  
23 ~~be appointed who has been convicted of a felony.~~ No  
24 commissioner, Executive Director, inspector, or other



1 employee, may, directly or indirectly, individually or as a  
2 member of a partnership, or as a shareholder of a corporation,  
3 have any interest whatsoever in the manufacture, sale or  
4 distribution of alcoholic liquor, nor receive any compensation  
5 or profit therefrom, nor have any interest whatsoever in the  
6 purchases or sales made by the persons authorized by this Act,  
7 or to purchase or to sell alcoholic liquor. No provision of  
8 this section shall prevent any such commissioner, secretary,  
9 Executive Director, inspector, or other employee from  
10 purchasing and keeping in his or her possession for the use of  
11 himself or herself or members of his or her family or guests  
12 any alcoholic liquor which may be purchased or kept by any  
13 person by virtue of this Act.

14 (Source: P.A. 100-1050, eff. 7-1-19.)

15 Section 65. The Criminal Code of 2012 is amended by  
16 changing Sections 11-9.3 and 33-7 as follows:

17 (720 ILCS 5/11-9.3)

18 Sec. 11-9.3. Presence within school zone by child sex  
19 offenders prohibited; approaching, contacting, residing with,  
20 or communicating with a child within certain places by child  
21 sex offenders prohibited.

22 (a) It is unlawful for a child sex offender to knowingly be  
23 present in any school building, on real property comprising  
24 any school, or in any conveyance owned, leased, or contracted

1 by a school to transport students to or from school or a school  
2 related activity when persons under the age of 18 are present  
3 in the building, on the grounds or in the conveyance, unless  
4 (1) the offender is a parent or guardian of a student attending  
5 the school and the parent or guardian is: (i) attending a  
6 conference at the school with school personnel to discuss the  
7 progress of his or her child academically or socially, (ii)  
8 participating in child review conferences in which evaluation  
9 and placement decisions may be made with respect to his or her  
10 child regarding special education services, or (iii) attending  
11 conferences to discuss other student issues concerning his or  
12 her child such as retention and promotion and notifies the  
13 principal of the school of his or her presence at the school or  
14 unless the offender has permission to be present from the  
15 superintendent or the school board or in the case of a private  
16 school from the principal or (2) the offender is attending a  
17 meeting of the local school council or school board of which  
18 they are a member. In the case of a public school, if  
19 permission is granted, the superintendent or school board  
20 president must inform the principal of the school where the  
21 sex offender will be present. Notification includes the nature  
22 of the sex offender's visit and the hours in which the sex  
23 offender will be present in the school. The sex offender is  
24 responsible for notifying the principal's office when he or  
25 she arrives on school property and when he or she departs from  
26 school property. If the sex offender is to be present in the

1 vicinity of children, the sex offender has the duty to remain  
2 under the direct supervision of a school official.

3 (a-5) It is unlawful for a child sex offender to knowingly  
4 be present within 100 feet of a site posted as a pick-up or  
5 discharge stop for a conveyance owned, leased, or contracted  
6 by a school to transport students to or from school or a school  
7 related activity when one or more persons under the age of 18  
8 are present at the site.

9 (a-10) It is unlawful for a child sex offender to  
10 knowingly be present in any public park building, a playground  
11 or recreation area within any publicly accessible privately  
12 owned building, or on real property comprising any public park  
13 when persons under the age of 18 are present in the building or  
14 on the grounds and to approach, contact, or communicate with a  
15 child under 18 years of age, unless the offender is a parent or  
16 guardian of a person under 18 years of age present in the  
17 building or on the grounds.

18 (b) It is unlawful for a child sex offender to knowingly  
19 loiter within 500 feet of a school building or real property  
20 comprising any school while persons under the age of 18 are  
21 present in the building or on the grounds, unless the offender  
22 is a parent or guardian of a student attending the school and  
23 the parent or guardian is: (i) attending a conference at the  
24 school with school personnel to discuss the progress of his or  
25 her child academically or socially, (ii) participating in  
26 child review conferences in which evaluation and placement

1 decisions may be made with respect to his or her child  
2 regarding special education services, or (iii) attending  
3 conferences to discuss other student issues concerning his or  
4 her child such as retention and promotion and notifies the  
5 principal of the school of his or her presence at the school or  
6 has permission to be present from the superintendent or the  
7 school board or in the case of a private school from the  
8 principal. In the case of a public school, if permission is  
9 granted, the superintendent or school board president must  
10 inform the principal of the school where the sex offender will  
11 be present. Notification includes the nature of the sex  
12 offender's visit and the hours in which the sex offender will  
13 be present in the school. The sex offender is responsible for  
14 notifying the principal's office when he or she arrives on  
15 school property and when he or she departs from school  
16 property. If the sex offender is to be present in the vicinity  
17 of children, the sex offender has the duty to remain under the  
18 direct supervision of a school official.

19 (b-2) It is unlawful for a child sex offender to knowingly  
20 loiter on a public way within 500 feet of a public park  
21 building or real property comprising any public park while  
22 persons under the age of 18 are present in the building or on  
23 the grounds and to approach, contact, or communicate with a  
24 child under 18 years of age, unless the offender is a parent or  
25 guardian of a person under 18 years of age present in the  
26 building or on the grounds.

1 (b-5) It is unlawful for a child sex offender to knowingly  
2 reside within 500 feet of a school building or the real  
3 property comprising any school that persons under the age of  
4 18 attend. Nothing in this subsection (b-5) prohibits a child  
5 sex offender from residing within 500 feet of a school  
6 building or the real property comprising any school that  
7 persons under 18 attend if the property is owned by the child  
8 sex offender and was purchased before July 7, 2000 (the  
9 effective date of Public Act 91-911).

10 (b-10) It is unlawful for a child sex offender to  
11 knowingly reside within 500 feet of a playground, child care  
12 institution, day care center, part day child care facility,  
13 day care home, group day care home, or a facility providing  
14 programs or services exclusively directed toward persons under  
15 18 years of age. Nothing in this subsection (b-10) prohibits a  
16 child sex offender from residing within 500 feet of a  
17 playground or a facility providing programs or services  
18 exclusively directed toward persons under 18 years of age if  
19 the property is owned by the child sex offender and was  
20 purchased before July 7, 2000. Nothing in this subsection  
21 (b-10) prohibits a child sex offender from residing within 500  
22 feet of a child care institution, day care center, or part day  
23 child care facility if the property is owned by the child sex  
24 offender and was purchased before June 26, 2006. Nothing in  
25 this subsection (b-10) prohibits a child sex offender from  
26 residing within 500 feet of a day care home or group day care

1 home if the property is owned by the child sex offender and was  
2 purchased before August 14, 2008 (the effective date of Public  
3 Act 95-821).

4 (b-15) It is unlawful for a child sex offender to  
5 knowingly reside within 500 feet of the victim of the sex  
6 offense. Nothing in this subsection (b-15) prohibits a child  
7 sex offender from residing within 500 feet of the victim if the  
8 property in which the child sex offender resides is owned by  
9 the child sex offender and was purchased before August 22,  
10 2002.

11 This subsection (b-15) does not apply if the victim of the  
12 sex offense is 21 years of age or older.

13 (b-20) It is unlawful for a child sex offender to  
14 knowingly communicate, other than for a lawful purpose under  
15 Illinois law, using the Internet or any other digital media,  
16 with a person under 18 years of age or with a person whom he or  
17 she believes to be a person under 18 years of age, unless the  
18 offender is a parent or guardian of the person under 18 years  
19 of age.

20 (c) It is unlawful for a child sex offender to knowingly  
21 operate, manage, be employed by, volunteer at, be associated  
22 with, or knowingly be present at any: (i) facility providing  
23 programs or services exclusively directed toward persons under  
24 the age of 18; (ii) day care center; (iii) part day child care  
25 facility; (iv) child care institution; (v) school providing  
26 before and after school programs for children under 18 years

1 of age; (vi) day care home; or (vii) group day care home. This  
2 does not prohibit a child sex offender from owning the real  
3 property upon which the programs or services are offered or  
4 upon which the day care center, part day child care facility,  
5 child care institution, or school providing before and after  
6 school programs for children under 18 years of age is located,  
7 provided the child sex offender refrains from being present on  
8 the premises for the hours during which: (1) the programs or  
9 services are being offered or (2) the day care center, part day  
10 child care facility, child care institution, or school  
11 providing before and after school programs for children under  
12 18 years of age, day care home, or group day care home is  
13 operated.

14 (c-2) It is unlawful for a child sex offender to  
15 participate in a holiday event involving children under 18  
16 years of age, including but not limited to distributing candy  
17 or other items to children on Halloween, wearing a Santa Claus  
18 costume on or preceding Christmas, being employed as a  
19 department store Santa Claus, or wearing an Easter Bunny  
20 costume on or preceding Easter. For the purposes of this  
21 subsection, child sex offender has the meaning as defined in  
22 this Section, but does not include as a sex offense under  
23 paragraph (2) of subsection (d) of this Section, the offense  
24 under subsection (c) of Section 11-1.50 of this Code. This  
25 subsection does not apply to a child sex offender who is a  
26 parent or guardian of children under 18 years of age that are

1 present in the home and other non-familial minors are not  
2 present.

3 (c-5) It is unlawful for a child sex offender to knowingly  
4 operate, manage, be employed by, or be associated with any  
5 carnival, amusement enterprise, or county or State fair when  
6 persons under the age of 18 are present.

7 (c-6) It is unlawful for a child sex offender who owns and  
8 resides at residential real estate to knowingly rent any  
9 residential unit within the same building in which he or she  
10 resides to a person who is the parent or guardian of a child or  
11 children under 18 years of age. This subsection shall apply  
12 only to leases or other rental arrangements entered into after  
13 January 1, 2009 (the effective date of Public Act 95-820).

14 (c-7) It is unlawful for a child sex offender to knowingly  
15 offer or provide any programs or services to persons under 18  
16 years of age in his or her residence or the residence of  
17 another or in any facility for the purpose of offering or  
18 providing such programs or services, whether such programs or  
19 services are offered or provided by contract, agreement,  
20 arrangement, or on a volunteer basis.

21 (c-8) It is unlawful for a child sex offender to knowingly  
22 operate, whether authorized to do so or not, any of the  
23 following vehicles: (1) a vehicle which is specifically  
24 designed, constructed or modified and equipped to be used for  
25 the retail sale of food or beverages, including but not  
26 limited to an ice cream truck; (2) an authorized emergency



1 vehicle; or (3) a rescue vehicle.

2 (d) Definitions. In this Section:

3 (1) "Child sex offender" means any person who:

4 (i) has been charged under Illinois law, or any  
5 substantially similar federal law or law of another  
6 state, with a sex offense set forth in paragraph (2) of  
7 this subsection (d) or the attempt to commit an  
8 included sex offense, and the victim is a person under  
9 18 years of age at the time of the offense; and:

10 (A) is convicted of such offense or an attempt  
11 to commit such offense; or

12 (B) is found not guilty by reason of insanity  
13 of such offense or an attempt to commit such  
14 offense; or

15 (C) is found not guilty by reason of insanity  
16 pursuant to subsection (c) of Section 104-25 of  
17 the Code of Criminal Procedure of 1963 of such  
18 offense or an attempt to commit such offense; or

19 (D) is the subject of a finding not resulting  
20 in an acquittal at a hearing conducted pursuant to  
21 subsection (a) of Section 104-25 of the Code of  
22 Criminal Procedure of 1963 for the alleged  
23 commission or attempted commission of such  
24 offense; or

25 (E) is found not guilty by reason of insanity  
26 following a hearing conducted pursuant to a

1 federal law or the law of another state  
2 substantially similar to subsection (c) of Section  
3 104-25 of the Code of Criminal Procedure of 1963  
4 of such offense or of the attempted commission of  
5 such offense; or

6 (F) is the subject of a finding not resulting  
7 in an acquittal at a hearing conducted pursuant to  
8 a federal law or the law of another state  
9 substantially similar to subsection (a) of Section  
10 104-25 of the Code of Criminal Procedure of 1963  
11 for the alleged violation or attempted commission  
12 of such offense; or

13 (ii) is certified as a sexually dangerous person  
14 pursuant to the Illinois Sexually Dangerous Persons  
15 Act, or any substantially similar federal law or the  
16 law of another state, when any conduct giving rise to  
17 such certification is committed or attempted against a  
18 person less than 18 years of age; or

19 (iii) is subject to the provisions of Section 2 of  
20 the Interstate Agreements on Sexually Dangerous  
21 Persons Act.

22 Convictions that result from or are connected with the  
23 same act, or result from offenses committed at the same  
24 time, shall be counted for the purpose of this Section as  
25 one conviction. Any conviction set aside pursuant to law  
26 is not a conviction for purposes of this Section.

1           (2) Except as otherwise provided in paragraph (2.5),  
2           "sex offense" means:

3                   (i) A violation of any of the following Sections  
4                   of the Criminal Code of 1961 or the Criminal Code of  
5                   2012: 10-4 (forcible detention), 10-7 (aiding or  
6                   abetting child abduction under Section 10-5(b)(10)),  
7                   10-5(b)(10) (child luring), 11-1.40 (predatory  
8                   criminal sexual assault of a child), 11-6 (indecent  
9                   solicitation of a child), 11-6.5 (indecent  
10                  solicitation of an adult), 11-9.1 (sexual exploitation  
11                  of a child), 11-9.2 (custodial sexual misconduct),  
12                  11-9.5 (sexual misconduct with a person with a  
13                  disability), 11-11 (sexual relations within families),  
14                  11-14.3(a)(1) (promoting prostitution by advancing  
15                  prostitution), 11-14.3(a)(2)(A) (promoting  
16                  prostitution by profiting from prostitution by  
17                  compelling a person to be a prostitute),  
18                  11-14.3(a)(2)(C) (promoting prostitution by profiting  
19                  from prostitution by means other than as described in  
20                  subparagraphs (A) and (B) of paragraph (2) of  
21                  subsection (a) of Section 11-14.3), 11-14.4 (promoting  
22                  juvenile prostitution), 11-18.1 (patronizing a  
23                  juvenile prostitute), 11-20.1 (child pornography),  
24                  11-20.1B (aggravated child pornography), 11-21  
25                  (harmful material), 11-25 (grooming), 11-26 (traveling  
26                  to meet a minor or traveling to meet a child), 12-33

1 (ritualized abuse of a child), 11-20 (obscenity) (when  
2 that offense was committed in any school, on real  
3 property comprising any school, in any conveyance  
4 owned, leased, or contracted by a school to transport  
5 students to or from school or a school related  
6 activity, or in a public park), 11-30 (public  
7 indecency) (when committed in a school, on real  
8 property comprising a school, in any conveyance owned,  
9 leased, or contracted by a school to transport  
10 students to or from school or a school related  
11 activity, or in a public park). An attempt to commit  
12 any of these offenses.

13 (ii) A violation of any of the following Sections  
14 of the Criminal Code of 1961 or the Criminal Code of  
15 2012, when the victim is a person under 18 years of  
16 age: 11-1.20 (criminal sexual assault), 11-1.30  
17 (aggravated criminal sexual assault), 11-1.50  
18 (criminal sexual abuse), 11-1.60 (aggravated criminal  
19 sexual abuse). An attempt to commit any of these  
20 offenses.

21 (iii) A violation of any of the following Sections  
22 of the Criminal Code of 1961 or the Criminal Code of  
23 2012, when the victim is a person under 18 years of age  
24 and the defendant is not a parent of the victim:

25 10-1 (kidnapping),

26 10-2 (aggravated kidnapping),

1           10-3 (unlawful restraint),  
2           10-3.1 (aggravated unlawful restraint),  
3           11-9.1(A) (permitting sexual abuse of a child).

4           An attempt to commit any of these offenses.

5           (iv) A violation of any former law of this State  
6           substantially equivalent to any offense listed in  
7           clause (2)(i) or (2)(ii) of subsection (d) of this  
8           Section.

9           (2.5) For the purposes of subsections (b-5) and (b-10)  
10          only, a sex offense means:

11           (i) A violation of any of the following Sections  
12           of the Criminal Code of 1961 or the Criminal Code of  
13           2012:

14           10-5(b)(10) (child luring), 10-7 (aiding or  
15           abetting child abduction under Section 10-5(b)(10)),  
16           11-1.40 (predatory criminal sexual assault of a  
17           child), 11-6 (indecent solicitation of a child),  
18           11-6.5 (indecent solicitation of an adult), 11-9.2  
19           (custodial sexual misconduct), 11-9.5 (sexual  
20           misconduct with a person with a disability), 11-11  
21           (sexual relations within families), 11-14.3(a)(1)  
22           (promoting prostitution by advancing prostitution),  
23           11-14.3(a)(2)(A) (promoting prostitution by profiting  
24           from prostitution by compelling a person to be a  
25           prostitute), 11-14.3(a)(2)(C) (promoting prostitution  
26           by profiting from prostitution by means other than as

1 described in subparagraphs (A) and (B) of paragraph  
2 (2) of subsection (a) of Section 11-14.3), 11-14.4  
3 (promoting juvenile prostitution), 11-18.1  
4 (patronizing a juvenile prostitute), 11-20.1 (child  
5 pornography), 11-20.1B (aggravated child pornography),  
6 11-25 (grooming), 11-26 (traveling to meet a minor or  
7 traveling to meet a child), or 12-33 (ritualized abuse  
8 of a child). An attempt to commit any of these  
9 offenses.

10 (ii) A violation of any of the following Sections  
11 of the Criminal Code of 1961 or the Criminal Code of  
12 2012, when the victim is a person under 18 years of  
13 age: 11-1.20 (criminal sexual assault), 11-1.30  
14 (aggravated criminal sexual assault), 11-1.60  
15 (aggravated criminal sexual abuse), and subsection (a)  
16 of Section 11-1.50 (criminal sexual abuse). An attempt  
17 to commit any of these offenses.

18 (iii) A violation of any of the following Sections  
19 of the Criminal Code of 1961 or the Criminal Code of  
20 2012, when the victim is a person under 18 years of age  
21 and the defendant is not a parent of the victim:

22 10-1 (kidnapping),  
23 10-2 (aggravated kidnapping),  
24 10-3 (unlawful restraint),  
25 10-3.1 (aggravated unlawful restraint),  
26 11-9.1(A) (permitting sexual abuse of a child).

1           An attempt to commit any of these offenses.

2           (iv) A violation of any former law of this State  
3           substantially equivalent to any offense listed in this  
4           paragraph (2.5) of this subsection.

5           (3) A conviction for an offense of federal law or the  
6           law of another state that is substantially equivalent to  
7           any offense listed in paragraph (2) of subsection (d) of  
8           this Section shall constitute a conviction for the purpose  
9           of this Section. A finding or adjudication as a sexually  
10          dangerous person under any federal law or law of another  
11          state that is substantially equivalent to the Sexually  
12          Dangerous Persons Act shall constitute an adjudication for  
13          the purposes of this Section.

14          (4) "Authorized emergency vehicle", "rescue vehicle",  
15          and "vehicle" have the meanings ascribed to them in  
16          Sections 1-105, 1-171.8 and 1-217, respectively, of the  
17          Illinois Vehicle Code.

18          (5) "Child care institution" has the meaning ascribed  
19          to it in Section 2.06 of the Child Care Act of 1969.

20          (6) "Day care center" has the meaning ascribed to it  
21          in Section 2.09 of the Child Care Act of 1969.

22          (7) "Day care home" has the meaning ascribed to it in  
23          Section 2.18 of the Child Care Act of 1969.

24          (8) "Facility providing programs or services directed  
25          towards persons under the age of 18" means any facility  
26          providing programs or services exclusively directed

1 towards persons under the age of 18.

2 (9) "Group day care home" has the meaning ascribed to  
3 it in Section 2.20 of the Child Care Act of 1969.

4 (10) "Internet" has the meaning set forth in Section  
5 16-0.1 of this Code.

6 (11) "Loiter" means:

7 (i) Standing, sitting idly, whether or not the  
8 person is in a vehicle, or remaining in or around  
9 school or public park property.

10 (ii) Standing, sitting idly, whether or not the  
11 person is in a vehicle, or remaining in or around  
12 school or public park property, for the purpose of  
13 committing or attempting to commit a sex offense.

14 (iii) Entering or remaining in a building in or  
15 around school property, other than the offender's  
16 residence.

17 (12) "Part day child care facility" has the meaning  
18 ascribed to it in Section 2.10 of the Child Care Act of  
19 1969.

20 (13) "Playground" means a piece of land owned or  
21 controlled by a unit of local government that is  
22 designated by the unit of local government for use solely  
23 or primarily for children's recreation.

24 (14) "Public park" includes a park, forest preserve,  
25 bikeway, trail, or conservation area under the  
26 jurisdiction of the State or a unit of local government.



1           (15) "School" means a public or private preschool or  
2 elementary or secondary school.

3           (16) "School official" means the principal, a teacher,  
4 or any other certified employee of the school, the  
5 superintendent of schools or a member of the school board.

6           (e) For the purposes of this Section, the 500 feet  
7 distance shall be measured from: (1) the edge of the property  
8 of the school building or the real property comprising the  
9 school that is closest to the edge of the property of the child  
10 sex offender's residence or where he or she is loitering, and  
11 (2) the edge of the property comprising the public park  
12 building or the real property comprising the public park,  
13 playground, child care institution, day care center, part day  
14 child care facility, or facility providing programs or  
15 services exclusively directed toward persons under 18 years of  
16 age, or a victim of the sex offense who is under 21 years of  
17 age, to the edge of the child sex offender's place of residence  
18 or place where he or she is loitering.

19           (f) Sentence. A person who violates this Section is guilty  
20 of a Class 4 felony.

21           (Source: P.A. 102-997, eff. 1-1-23.)

22           (720 ILCS 5/33-7)

23           Sec. 33-7. Public contractor misconduct.

24           (a) A public contractor; a person seeking a public  
25 contract on behalf of himself, herself, or another; an

1 employee of a public contractor; or a person seeking a public  
2 contract on behalf of himself, herself, or another commits  
3 public contractor misconduct when, in the performance of, or  
4 in connection with, a contract with the State, a unit of local  
5 government, or a school district or in obtaining or seeking to  
6 obtain such a contract he or she commits any of the following  
7 acts:

8 (1) intentionally or knowingly makes, uses, or causes  
9 to be made or used a false record or statement to conceal,  
10 avoid, or decrease an obligation to pay or transmit money  
11 or property;

12 (2) knowingly performs an act that he or she knows he  
13 or she is forbidden by law to perform;

14 (3) with intent to obtain a personal advantage for  
15 himself, herself, or another, he or she performs an act in  
16 excess of his or her contractual responsibility;

17 (4) solicits or knowingly accepts for the performance  
18 of any act a fee or reward that he or she knows is not  
19 authorized by law; or

20 (5) knowingly or intentionally seeks or receives  
21 compensation or reimbursement for goods and services he or  
22 she purported to deliver or render, but failed to do so  
23 pursuant to the terms of the contract, to the unit of State  
24 or local government or school district.

25 (b) Sentence. Any person who violates this Section commits  
26 a Class 3 felony. Any person convicted of this offense or a

1 similar offense in any state of the United States which  
2 contains the same elements of this offense shall be barred for  
3 10 years from the date of conviction from contracting with or,  
4 employment by, ~~or holding public office~~ with the State or any  
5 unit of local government or school district. Any person  
6 convicted of this offense or a similar offense in any state of  
7 the United States which contains the same elements of this  
8 offense shall be barred for 5 years from the date of conviction  
9 from holding public office with the State or any unit of local  
10 government or school district. No corporation shall be barred  
11 as a result of a conviction under this Section of any employee  
12 or agent of such corporation if the employee so convicted is no  
13 longer employed by the corporation and (1) it has been finally  
14 adjudicated not guilty or (2) it demonstrates to the  
15 government entity with which it seeks to contract, and that  
16 entity finds, that the commission of the offense was neither  
17 authorized, requested, commanded, nor performed by a director,  
18 officer or high managerial agent on behalf of the corporation  
19 as provided in paragraph (2) of subsection (a) of Section 5-4  
20 of this Code.

21 (c) The Attorney General or the State's Attorney in the  
22 county where the principal office of the unit of local  
23 government or school district is located may bring a civil  
24 action on behalf of any unit of State or local government to  
25 recover a civil penalty from any person who knowingly engages  
26 in conduct which violates subsection (a) of this Section in

1 treble the amount of the monetary cost to the unit of State or  
2 local government or school district involved in the violation.  
3 The Attorney General or State's Attorney shall be entitled to  
4 recover reasonable attorney's fees as part of the costs  
5 assessed to the defendant. This subsection (c) shall in no way  
6 limit the ability of any unit of State or local government or  
7 school district to recover moneys or damages regarding public  
8 contracts under any other law or ordinance. A civil action  
9 shall be barred unless the action is commenced within 6 years  
10 after the later of (1) the date on which the conduct  
11 establishing the cause of action occurred or (2) the date on  
12 which the unit of State or local government or school district  
13 knew or should have known that the conduct establishing the  
14 cause of action occurred.

15 (d) This amendatory Act of the 96th General Assembly shall  
16 not be construed to create a private right of action.

17 (Source: P.A. 96-575, eff. 8-18-09.)