

1 AN ACT to revise the law by combining multiple enactments  
2 and making technical corrections.

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

5 Section 1. Nature of this Act.

6 (a) This Act may be cited as the First 2024 General  
7 Revisory Act.

8 (b) This Act is not intended to make any substantive  
9 change in the law. It reconciles conflicts that have arisen  
10 from multiple amendments and enactments and makes technical  
11 corrections and revisions in the law.

12 This Act revises and, where appropriate, renumbers certain  
13 Sections that have been added or amended by more than one  
14 Public Act. In certain cases in which a repealed Act or Section  
15 has been replaced with a successor law, this Act may  
16 incorporate amendments to the repealed Act or Section into the  
17 successor law. This Act also corrects errors, revises  
18 cross-references, and deletes obsolete text.

19 (c) In this Act, the reference at the end of each amended  
20 Section indicates the sources in the Session Laws of Illinois  
21 that were used in the preparation of the text of that Section.  
22 The text of the Section included in this Act is intended to  
23 include the different versions of the Section found in the  
24 Public Acts included in the list of sources, but may not

1 include other versions of the Section to be found in Public  
2 Acts not included in the list of sources. The list of sources  
3 is not a part of the text of the Section.

4 (d) Public Acts 102-1119 through 103-583 were considered  
5 in the preparation of the combining revisories included in  
6 this Act. Many of those combining revisories contain no  
7 striking or underscoring because no additional changes are  
8 being made in the material that is being combined.

9 Section 5. The Regulatory Sunset Act is amended by  
10 changing Section 4.39 as follows:

11 (5 ILCS 80/4.39)

12 Sec. 4.39. Acts and Section repealed on January 1, 2029  
13 and December 31, 2029.

14 (a) The following Acts and Section are repealed on January  
15 1, 2029:

16 The Electrologist Licensing Act.

17 The Environmental Health Practitioner Licensing Act.

18 The Illinois Occupation Therapy Practice Act.

19 The Crematory Regulation Act.

20 The Illinois Public Accounting Act.

21 The Private Detective, Private Alarm, Private  
22 Security, Fingerprint Vendor, and Locksmith Act of 2004.

23 Section 2.5 of the Illinois Plumbing License Law.

24 The Veterinary Medicine and Surgery Practice Act of

1 2004.

2 The Registered Surgical Assistant and Registered  
3 Surgical Technologist Title Protection Act.

4 (b) The following Act is repealed on December 31, 2029:

5 The Structural Pest Control Act.

6 (Source: P.A. 103-251, eff. 6-30-23; 103-253, eff. 6-30-23;  
7 103-309, eff. 7-28-23; 103-387, eff. 7-28-23; 103-505, eff.  
8 8-4-23; revised 8-28-23.)

9 Section 10. The Illinois Administrative Procedure Act is  
10 amended by setting forth, renumbering, and changing multiple  
11 versions of Sections 5-45.35 and 5-45.36 as follows:

12 (5 ILCS 100/5-45.35)

13 Sec. 5-45.35. (Repealed).

14 (Source: P.A. 102-1104, eff. 12-6-22. Repealed internally,  
15 eff. 12-6-23.)

16 (5 ILCS 100/5-45.36)

17 (Section scheduled to be repealed on June 7, 2024)

18 Sec. 5-45.36. Emergency rulemaking. To provide for the  
19 expeditious and timely implementation of Section 234 of the  
20 Illinois Income Tax Act, emergency rules implementing that  
21 Section may be adopted in accordance with Section 5-45 by the  
22 Department of Revenue. The adoption of emergency rules  
23 authorized by Section 5-45 and this Section is deemed to be

1 necessary for the public interest, safety, and welfare.

2 This Section is repealed on June 7, 2024 (one year after  
3 the effective date of Public Act 103-9) ~~this amendatory Act of~~  
4 ~~the 103rd General Assembly.~~

5 (Source: P.A. 103-9, eff. 6-7-23; revised 9-27-23.)

6 (5 ILCS 100/5-45.38)

7 (Section scheduled to be repealed on January 10, 2024)

8 Sec. 5-45.38 ~~5-45.35~~. Emergency rulemaking. To provide for  
9 the expeditious and timely implementation of Public Act  
10 102-1116 ~~this amendatory Act of the 102nd General Assembly,~~  
11 emergency rules implementing Public Act 102-1116 ~~this~~  
12 ~~amendatory Act of the 102nd General Assembly~~ may be adopted in  
13 accordance with Section 5-45 by the Illinois State Police. The  
14 adoption of emergency rules authorized by Section 5-45 and  
15 this Section is deemed to be necessary for the public  
16 interest, safety, and welfare.

17 This Section is repealed on January 10, 2024 (one year  
18 after the effective date of Public Act 102-1116) ~~this~~  
19 ~~amendatory Act of the 102nd General Assembly.~~

20 (Source: P.A. 102-1116, eff. 1-10-23; revised 3-13-23.)

21 (5 ILCS 100/5-45.39)

22 (Section scheduled to be repealed on January 13, 2024)

23 Sec. 5-45.39 ~~5-45.35~~. Emergency rulemaking; temporary  
24 licenses for health care. To provide for the expeditious and

1 timely implementation of Section 66 of the Medical Practice  
2 Act of 1987, Section 65-11.5 of the Nurse Practice Act, and  
3 Section 9.7 of the Physician Assistant Practice Act of 1987,  
4 emergency rules implementing the issuance of temporary permits  
5 to applicants who are licensed to practice as a physician,  
6 advanced practice registered nurse, or physician assistant in  
7 another state may be adopted in accordance with Section 5-45  
8 by the Department of Financial and Professional Regulation.  
9 The adoption of emergency rules authorized by Section 5-45 and  
10 this Section is deemed to be necessary for the public  
11 interest, safety, and welfare.

12 This Section is repealed on January 13, 2024 (one year  
13 after the effective date of Public Act 102-1117) ~~this~~  
14 ~~amendatory Act of the 102nd General Assembly.~~

15 (Source: P.A. 102-1117, eff. 1-13-23; revised 3-13-23.)

16 (5 ILCS 100/5-45.40)

17 (Section scheduled to be repealed on January 18, 2024)

18 Sec. 5-45.40 ~~5-45.35~~. Emergency rulemaking; rural  
19 emergency hospitals. To provide for the expeditious and timely  
20 implementation of Public Act 102-1118 ~~this amendatory Act of~~  
21 ~~the 102nd General Assembly~~, emergency rules implementing the  
22 inclusion of rural emergency hospitals in the definition of  
23 "hospital" in Section 3 of the Hospital Licensing Act may be  
24 adopted in accordance with Section 5-45 by the Department of  
25 Public Health. The adoption of emergency rules authorized by

1 Section 5-45 and this Section is deemed to be necessary for the  
2 public interest, safety, and welfare.

3 This Section is repealed on January 18, 2024 (one year  
4 after the effective date of Public Act 102-1118) ~~this~~  
5 ~~amendatory Act of the 102nd General Assembly.~~

6 (Source: P.A. 102-1118, eff. 1-18-23; revised 3-13-23.)

7 (5 ILCS 100/5-45.41)

8 (Section scheduled to be repealed on February 3, 2024)

9 Sec. 5-45.41 ~~5-45.35~~. Emergency rulemaking. To provide for  
10 the expeditious and timely implementation of the Invest in  
11 Illinois Act, emergency rules implementing the Invest in  
12 Illinois Act may be adopted in accordance with Section 5-45 by  
13 the Department of Commerce and Economic Opportunity. The  
14 adoption of emergency rules authorized by Section 5-45 and  
15 this Section is deemed to be necessary for the public  
16 interest, safety, and welfare.

17 This Section is repealed on February 3, 2024 (one year  
18 after the effective date of Public Act 102-1125) ~~this~~  
19 ~~amendatory Act of the 102nd General Assembly.~~

20 (Source: P.A. 102-1125, eff. 2-3-23; revised 3-13-23.)

21 (5 ILCS 100/5-45.45)

22 (Section scheduled to be repealed on June 16, 2024)

23 Sec. 5-45.45 ~~5-45.35~~. Emergency rulemaking; Substance Use  
24 Disorder Residential and Detox Rate Equity. To provide for the

1 expeditious and timely implementation of the Substance Use  
2 Disorder Residential and Detox Rate Equity Act, emergency  
3 rules implementing the Substance Use Disorder Residential and  
4 Detox Rate Equity Act may be adopted in accordance with  
5 Section 5-45 by the Department of Human Services and the  
6 Department of Healthcare and Family Services. The adoption of  
7 emergency rules authorized by Section 5-45 and this Section is  
8 deemed to be necessary for the public interest, safety, and  
9 welfare.

10 This Section is repealed on June 16, 2024 (one year after  
11 the effective date of Public Act 103-102) ~~this amendatory Act~~  
12 ~~of the 103rd General Assembly.~~

13 (Source: P.A. 103-102, eff. 6-16-23; revised 9-27-23.)

14 (5 ILCS 100/5-45.46)

15 (Section scheduled to be repealed on January 1, 2025)

16 Sec. 5-45.46 ~~5-45.35~~. Emergency rulemaking; Illinois Law  
17 Enforcement Training Standards Board. To provide for the  
18 expeditious and timely implementation of the changes made in  
19 Sections 8.1 and 8.2 of the Illinois Police Training Act,  
20 emergency rules implementing the waiver process under Sections  
21 8.1 and 8.2 of the Illinois Police Training Act may be adopted  
22 in accordance with Section 5-45 by the Illinois Law  
23 Enforcement Training Standards Board. The adoption of  
24 emergency rules authorized by Section 5-45 and this Section is  
25 deemed to be necessary for the public interest, safety, and

1 welfare.

2 This Section is repealed on January 1, 2025 (one year  
3 after the effective date of Public Act 103-389) ~~this~~  
4 ~~amendatory Act of the 103rd General Assembly.~~

5 (Source: P.A. 103-389, eff. 1-1-24; revised 9-7-23.)

6 (5 ILCS 100/5-45.47)

7 (Section scheduled to be repealed on August 4, 2024)

8 Sec. 5-45.47 ~~5-45.35~~. Emergency rulemaking; Department of  
9 Natural Resources. To provide for the expeditious and timely  
10 implementation of Section 13 of the Human Remains Protection  
11 Act, emergency rules implementing Section 13 of the Human  
12 Remains Protection Act may be adopted in accordance with  
13 Section 5-45 by the Department of Natural Resources. The  
14 adoption of emergency rules authorized by Section 5-45 and  
15 this Section is deemed to be necessary for the public  
16 interest, safety, and welfare.

17 This Section is repealed on August 4, 2024 (one year after  
18 the effective date of Public Act 103-446) ~~this amendatory Act~~  
19 ~~of the 103rd General Assembly.~~

20 (Source: P.A. 103-446, eff. 8-4-23; revised 9-27-23.)

21 (5 ILCS 100/5-45.48)

22 (Section scheduled to be repealed on January 1, 2025)

23 Sec. 5-45.48 ~~5-45.35~~. Emergency rulemaking; occupational  
24 licenses. To provide for the expeditious and timely



1 implementation of Public Act 103-550 ~~this amendatory Act of~~  
2 ~~the 103rd General Assembly~~, emergency rules implementing the  
3 changes made to Section 9 of the Illinois Gambling Act may be  
4 adopted in accordance with Section 5-45 by the Illinois Gaming  
5 Board. The adoption of emergency rules authorized by Section  
6 5-45 and this Section is deemed to be necessary for the public  
7 interest, safety, and welfare.

8 This Section is repealed on January 1, 2025 (one year  
9 after the effective date of Public Act 103-550) ~~this~~  
10 ~~amendatory Act of the 103rd General Assembly~~.

11 (Source: P.A. 103-550, eff. 1-1-24; revised 1-30-24.)

12 (5 ILCS 100/5-45.50)

13 Sec. 5-45.50 ~~5-45.35~~. (Repealed).

14 (Source: P.A. 102-1108, eff. 12-21-22. Repealed internally,  
15 eff. 12-21-23)

16 (5 ILCS 100/5-45.51)

17 (Section scheduled to be repealed on June 16, 2024)

18 Sec. 5-45.51 ~~5-45.36~~. Emergency rulemaking; Medicaid  
19 reimbursement rates for hospital inpatient and outpatient  
20 services. To provide for the expeditious and timely  
21 implementation of the changes made by Public Act 103-102 ~~this~~  
22 ~~amendatory Act of the 103rd General Assembly~~ to Sections  
23 5-5.05, 14-12, 14-12.5, and 14-12.7 of the Illinois Public Aid  
24 Code, emergency rules implementing the changes made by Public

1 ~~Act 103-102 this amendatory Act of the 103rd General Assembly~~  
2 to Sections 5-5.05, 14-12, 14-12.5, and 14-12.7 of the  
3 Illinois Public Aid Code may be adopted in accordance with  
4 Section 5-45 by the Department of Healthcare and Family  
5 Services. The adoption of emergency rules authorized by  
6 Section 5-45 and this Section is deemed to be necessary for the  
7 public interest, safety, and welfare.

8 This Section is repealed on June 16, 2024 (one year after  
9 the effective date of Public Act 103-102) ~~this amendatory Act~~  
10 ~~of the 103rd General Assembly.~~

11 (Source: P.A. 103-102, eff. 6-16-23; revised 9-27-23.)

12 (5 ILCS 100/5-45.52)

13 (Section scheduled to be repealed on December 8, 2024)

14 Sec. 5-45.52 ~~5-45.35~~. Emergency rulemaking; Public Act  
15 103-568 ~~this amendatory Act of the 103rd General Assembly~~. To  
16 provide for the expeditious and timely implementation of  
17 Public Act 103-568 ~~this amendatory Act of the 103rd General~~  
18 ~~Assembly~~, emergency rules implementing Public Act 103-568 ~~this~~  
19 ~~amendatory Act of the 103rd General Assembly~~ may be adopted in  
20 accordance with Section 5-45 by the Department of Financial  
21 and Professional Regulation. The adoption of emergency rules  
22 authorized by Section 5-45 and this Section is deemed to be  
23 necessary for the public interest, safety, and welfare.

24 This Section is repealed on December 8, 2024 (one year  
25 after the effective date of Public Act 103-568) ~~this~~

1 ~~amendatory Act of the 103rd General Assembly.~~

2 (Source: P.A. 103-568, eff. 12-8-23; revised 12-22-23.)

3 Section 15. The Freedom of Information Act is amended by  
4 changing Sections 7 and 7.5 as follows:

5 (5 ILCS 140/7)

6 Sec. 7. Exemptions.

7 (1) When a request is made to inspect or copy a public  
8 record that contains information that is exempt from  
9 disclosure under this Section, but also contains information  
10 that is not exempt from disclosure, the public body may elect  
11 to redact the information that is exempt. The public body  
12 shall make the remaining information available for inspection  
13 and copying. Subject to this requirement, the following shall  
14 be exempt from inspection and copying:

15 (a) Information specifically prohibited from  
16 disclosure by federal or State law or rules and  
17 regulations implementing federal or State law.

18 (b) Private information, unless disclosure is required  
19 by another provision of this Act, a State or federal law,  
20 or a court order.

21 (b-5) Files, documents, and other data or databases  
22 maintained by one or more law enforcement agencies and  
23 specifically designed to provide information to one or  
24 more law enforcement agencies regarding the physical or

1           mental status of one or more individual subjects.

2           (c) Personal information contained within public  
3 records, the disclosure of which would constitute a  
4 clearly unwarranted invasion of personal privacy, unless  
5 the disclosure is consented to in writing by the  
6 individual subjects of the information. "Unwarranted  
7 invasion of personal privacy" means the disclosure of  
8 information that is highly personal or objectionable to a  
9 reasonable person and in which the subject's right to  
10 privacy outweighs any legitimate public interest in  
11 obtaining the information. The disclosure of information  
12 that bears on the public duties of public employees and  
13 officials shall not be considered an invasion of personal  
14 privacy.

15           (d) Records in the possession of any public body  
16 created in the course of administrative enforcement  
17 proceedings, and any law enforcement or correctional  
18 agency for law enforcement purposes, but only to the  
19 extent that disclosure would:

20           (i) interfere with pending or actually and  
21 reasonably contemplated law enforcement proceedings  
22 conducted by any law enforcement or correctional  
23 agency that is the recipient of the request;

24           (ii) interfere with active administrative  
25 enforcement proceedings conducted by the public body  
26 that is the recipient of the request;

1           (iii) create a substantial likelihood that a  
2 person will be deprived of a fair trial or an impartial  
3 hearing;

4           (iv) unavoidably disclose the identity of a  
5 confidential source, confidential information  
6 furnished only by the confidential source, or persons  
7 who file complaints with or provide information to  
8 administrative, investigative, law enforcement, or  
9 penal agencies; except that the identities of  
10 witnesses to traffic crashes, traffic crash reports,  
11 and rescue reports shall be provided by agencies of  
12 local government, except when disclosure would  
13 interfere with an active criminal investigation  
14 conducted by the agency that is the recipient of the  
15 request;

16           (v) disclose unique or specialized investigative  
17 techniques other than those generally used and known  
18 or disclose internal documents of correctional  
19 agencies related to detection, observation, or  
20 investigation of incidents of crime or misconduct, and  
21 disclosure would result in demonstrable harm to the  
22 agency or public body that is the recipient of the  
23 request;

24           (vi) endanger the life or physical safety of law  
25 enforcement personnel or any other person; or

26           (vii) obstruct an ongoing criminal investigation

1 by the agency that is the recipient of the request.

2 (d-5) A law enforcement record created for law  
3 enforcement purposes and contained in a shared electronic  
4 record management system if the law enforcement agency  
5 that is the recipient of the request did not create the  
6 record, did not participate in or have a role in any of the  
7 events which are the subject of the record, and only has  
8 access to the record through the shared electronic record  
9 management system.

10 (d-6) Records contained in the Officer Professional  
11 Conduct Database under Section 9.2 of the Illinois Police  
12 Training Act, except to the extent authorized under that  
13 Section. This includes the documents supplied to the  
14 Illinois Law Enforcement Training Standards Board from the  
15 Illinois State Police and Illinois State Police Merit  
16 Board.

17 (d-7) Information gathered or records created from the  
18 use of automatic license plate readers in connection with  
19 Section 2-130 of the Illinois Vehicle Code.

20 (e) Records that relate to or affect the security of  
21 correctional institutions and detention facilities.

22 (e-5) Records requested by persons committed to the  
23 Department of Corrections, Department of Human Services  
24 Division of Mental Health, or a county jail if those  
25 materials are available in the library of the correctional  
26 institution or facility or jail where the inmate is

1 confined.

2 (e-6) Records requested by persons committed to the  
3 Department of Corrections, Department of Human Services  
4 Division of Mental Health, or a county jail if those  
5 materials include records from staff members' personnel  
6 files, staff rosters, or other staffing assignment  
7 information.

8 (e-7) Records requested by persons committed to the  
9 Department of Corrections or Department of Human Services  
10 Division of Mental Health if those materials are available  
11 through an administrative request to the Department of  
12 Corrections or Department of Human Services Division of  
13 Mental Health.

14 (e-8) Records requested by a person committed to the  
15 Department of Corrections, Department of Human Services  
16 Division of Mental Health, or a county jail, the  
17 disclosure of which would result in the risk of harm to any  
18 person or the risk of an escape from a jail or correctional  
19 institution or facility.

20 (e-9) Records requested by a person in a county jail  
21 or committed to the Department of Corrections or  
22 Department of Human Services Division of Mental Health,  
23 containing personal information pertaining to the person's  
24 victim or the victim's family, including, but not limited  
25 to, a victim's home address, home telephone number, work  
26 or school address, work telephone number, social security

1 number, or any other identifying information, except as  
2 may be relevant to a requester's current or potential case  
3 or claim.

4 (e-10) Law enforcement records of other persons  
5 requested by a person committed to the Department of  
6 Corrections, Department of Human Services Division of  
7 Mental Health, or a county jail, including, but not  
8 limited to, arrest and booking records, mug shots, and  
9 crime scene photographs, except as these records may be  
10 relevant to the requester's current or potential case or  
11 claim.

12 (f) Preliminary drafts, notes, recommendations,  
13 memoranda, and other records in which opinions are  
14 expressed, or policies or actions are formulated, except  
15 that a specific record or relevant portion of a record  
16 shall not be exempt when the record is publicly cited and  
17 identified by the head of the public body. The exemption  
18 provided in this paragraph (f) extends to all those  
19 records of officers and agencies of the General Assembly  
20 that pertain to the preparation of legislative documents.

21 (g) Trade secrets and commercial or financial  
22 information obtained from a person or business where the  
23 trade secrets or commercial or financial information are  
24 furnished under a claim that they are proprietary,  
25 privileged, or confidential, and that disclosure of the  
26 trade secrets or commercial or financial information would



1           cause competitive harm to the person or business, and only  
2           insofar as the claim directly applies to the records  
3           requested.

4           The information included under this exemption includes  
5           all trade secrets and commercial or financial information  
6           obtained by a public body, including a public pension  
7           fund, from a private equity fund or a privately held  
8           company within the investment portfolio of a private  
9           equity fund as a result of either investing or evaluating  
10          a potential investment of public funds in a private equity  
11          fund. The exemption contained in this item does not apply  
12          to the aggregate financial performance information of a  
13          private equity fund, nor to the identity of the fund's  
14          managers or general partners. The exemption contained in  
15          this item does not apply to the identity of a privately  
16          held company within the investment portfolio of a private  
17          equity fund, unless the disclosure of the identity of a  
18          privately held company may cause competitive harm.

19          Nothing contained in this paragraph (g) shall be  
20          construed to prevent a person or business from consenting  
21          to disclosure.

22          (h) Proposals and bids for any contract, grant, or  
23          agreement, including information which if it were  
24          disclosed would frustrate procurement or give an advantage  
25          to any person proposing to enter into a contractor  
26          agreement with the body, until an award or final selection

1 is made. Information prepared by or for the body in  
2 preparation of a bid solicitation shall be exempt until an  
3 award or final selection is made.

4 (i) Valuable formulae, computer geographic systems,  
5 designs, drawings, and research data obtained or produced  
6 by any public body when disclosure could reasonably be  
7 expected to produce private gain or public loss. The  
8 exemption for "computer geographic systems" provided in  
9 this paragraph (i) does not extend to requests made by  
10 news media as defined in Section 2 of this Act when the  
11 requested information is not otherwise exempt and the only  
12 purpose of the request is to access and disseminate  
13 information regarding the health, safety, welfare, or  
14 legal rights of the general public.

15 (j) The following information pertaining to  
16 educational matters:

17 (i) test questions, scoring keys, and other  
18 examination data used to administer an academic  
19 examination;

20 (ii) information received by a primary or  
21 secondary school, college, or university under its  
22 procedures for the evaluation of faculty members by  
23 their academic peers;

24 (iii) information concerning a school or  
25 university's adjudication of student disciplinary  
26 cases, but only to the extent that disclosure would

1           unavoidably reveal the identity of the student; and  
2                   (iv) course materials or research materials used  
3           by faculty members.

4           (k) Architects' plans, engineers' technical  
5           submissions, and other construction related technical  
6           documents for projects not constructed or developed in  
7           whole or in part with public funds and the same for  
8           projects constructed or developed with public funds,  
9           including, but not limited to, power generating and  
10          distribution stations and other transmission and  
11          distribution facilities, water treatment facilities,  
12          airport facilities, sport stadiums, convention centers,  
13          and all government owned, operated, or occupied buildings,  
14          but only to the extent that disclosure would compromise  
15          security.

16          (l) Minutes of meetings of public bodies closed to the  
17          public as provided in the Open Meetings Act until the  
18          public body makes the minutes available to the public  
19          under Section 2.06 of the Open Meetings Act.

20          (m) Communications between a public body and an  
21          attorney or auditor representing the public body that  
22          would not be subject to discovery in litigation, and  
23          materials prepared or compiled by or for a public body in  
24          anticipation of a criminal, civil, or administrative  
25          proceeding upon the request of an attorney advising the  
26          public body, and materials prepared or compiled with

1           respect to internal audits of public bodies.

2           (n) Records relating to a public body's adjudication  
3 of employee grievances or disciplinary cases; however,  
4 this exemption shall not extend to the final outcome of  
5 cases in which discipline is imposed.

6           (o) Administrative or technical information associated  
7 with automated data processing operations, including, but  
8 not limited to, software, operating protocols, computer  
9 program abstracts, file layouts, source listings, object  
10 modules, load modules, user guides, documentation  
11 pertaining to all logical and physical design of  
12 computerized systems, employee manuals, and any other  
13 information that, if disclosed, would jeopardize the  
14 security of the system or its data or the security of  
15 materials exempt under this Section.

16           (p) Records relating to collective negotiating matters  
17 between public bodies and their employees or  
18 representatives, except that any final contract or  
19 agreement shall be subject to inspection and copying.

20           (q) Test questions, scoring keys, and other  
21 examination data used to determine the qualifications of  
22 an applicant for a license or employment.

23           (r) The records, documents, and information relating  
24 to real estate purchase negotiations until those  
25 negotiations have been completed or otherwise terminated.  
26 With regard to a parcel involved in a pending or actually

1 and reasonably contemplated eminent domain proceeding  
2 under the Eminent Domain Act, records, documents, and  
3 information relating to that parcel shall be exempt except  
4 as may be allowed under discovery rules adopted by the  
5 Illinois Supreme Court. The records, documents, and  
6 information relating to a real estate sale shall be exempt  
7 until a sale is consummated.

8 (s) Any and all proprietary information and records  
9 related to the operation of an intergovernmental risk  
10 management association or self-insurance pool or jointly  
11 self-administered health and accident cooperative or pool.  
12 Insurance or self-insurance (including any  
13 intergovernmental risk management association or  
14 self-insurance pool) claims, loss or risk management  
15 information, records, data, advice, or communications.

16 (t) Information contained in or related to  
17 examination, operating, or condition reports prepared by,  
18 on behalf of, or for the use of a public body responsible  
19 for the regulation or supervision of financial  
20 institutions, insurance companies, or pharmacy benefit  
21 managers, unless disclosure is otherwise required by State  
22 law.

23 (u) Information that would disclose or might lead to  
24 the disclosure of secret or confidential information,  
25 codes, algorithms, programs, or private keys intended to  
26 be used to create electronic signatures under the Uniform

1 Electronic Transactions Act.

2 (v) Vulnerability assessments, security measures, and  
3 response policies or plans that are designed to identify,  
4 prevent, or respond to potential attacks upon a  
5 community's population or systems, facilities, or  
6 installations, but only to the extent that disclosure  
7 could reasonably be expected to expose the vulnerability  
8 or jeopardize the effectiveness of the measures, policies,  
9 or plans, or the safety of the personnel who implement  
10 them or the public. Information exempt under this item may  
11 include such things as details pertaining to the  
12 mobilization or deployment of personnel or equipment, to  
13 the operation of communication systems or protocols, to  
14 cybersecurity vulnerabilities, or to tactical operations.

15 (w) (Blank).

16 (x) Maps and other records regarding the location or  
17 security of generation, transmission, distribution,  
18 storage, gathering, treatment, or switching facilities  
19 owned by a utility, by a power generator, or by the  
20 Illinois Power Agency.

21 (y) Information contained in or related to proposals,  
22 bids, or negotiations related to electric power  
23 procurement under Section 1-75 of the Illinois Power  
24 Agency Act and Section 16-111.5 of the Public Utilities  
25 Act that is determined to be confidential and proprietary  
26 by the Illinois Power Agency or by the Illinois Commerce

1 Commission.

2 (z) Information about students exempted from  
3 disclosure under Section 10-20.38 or 34-18.29 of the  
4 School Code, and information about undergraduate students  
5 enrolled at an institution of higher education exempted  
6 from disclosure under Section 25 of the Illinois Credit  
7 Card Marketing Act of 2009.

8 (aa) Information the disclosure of which is exempted  
9 under the Viatical Settlements Act of 2009.

10 (bb) Records and information provided to a mortality  
11 review team and records maintained by a mortality review  
12 team appointed under the Department of Juvenile Justice  
13 Mortality Review Team Act.

14 (cc) Information regarding interments, entombments, or  
15 inurnments of human remains that are submitted to the  
16 Cemetery Oversight Database under the Cemetery Care Act or  
17 the Cemetery Oversight Act, whichever is applicable.

18 (dd) Correspondence and records (i) that may not be  
19 disclosed under Section 11-9 of the Illinois Public Aid  
20 Code or (ii) that pertain to appeals under Section 11-8 of  
21 the Illinois Public Aid Code.

22 (ee) The names, addresses, or other personal  
23 information of persons who are minors and are also  
24 participants and registrants in programs of park  
25 districts, forest preserve districts, conservation  
26 districts, recreation agencies, and special recreation

1 associations.

2 (ff) The names, addresses, or other personal  
3 information of participants and registrants in programs of  
4 park districts, forest preserve districts, conservation  
5 districts, recreation agencies, and special recreation  
6 associations where such programs are targeted primarily to  
7 minors.

8 (gg) Confidential information described in Section  
9 1-100 of the Illinois Independent Tax Tribunal Act of  
10 2012.

11 (hh) The report submitted to the State Board of  
12 Education by the School Security and Standards Task Force  
13 under item (8) of subsection (d) of Section 2-3.160 of the  
14 School Code and any information contained in that report.

15 (ii) Records requested by persons committed to or  
16 detained by the Department of Human Services under the  
17 Sexually Violent Persons Commitment Act or committed to  
18 the Department of Corrections under the Sexually Dangerous  
19 Persons Act if those materials: (i) are available in the  
20 library of the facility where the individual is confined;  
21 (ii) include records from staff members' personnel files,  
22 staff rosters, or other staffing assignment information;  
23 or (iii) are available through an administrative request  
24 to the Department of Human Services or the Department of  
25 Corrections.

26 (jj) Confidential information described in Section



1 5-535 of the Civil Administrative Code of Illinois.

2 (kk) The public body's credit card numbers, debit card  
3 numbers, bank account numbers, Federal Employer  
4 Identification Number, security code numbers, passwords,  
5 and similar account information, the disclosure of which  
6 could result in identity theft or impression or defrauding  
7 of a governmental entity or a person.

8 (ll) Records concerning the work of the threat  
9 assessment team of a school district, including, but not  
10 limited to, any threat assessment procedure under the  
11 School Safety Drill Act and any information contained in  
12 the procedure.

13 (mm) Information prohibited from being disclosed under  
14 subsections (a) and (b) of Section 15 of the Student  
15 Confidential Reporting Act.

16 (nn) Proprietary information submitted to the  
17 Environmental Protection Agency under the Drug Take-Back  
18 Act.

19 (oo) Records described in subsection (f) of Section  
20 3-5-1 of the Unified Code of Corrections.

21 (pp) Any and all information regarding burials,  
22 interments, or entombments of human remains as required to  
23 be reported to the Department of Natural Resources  
24 pursuant either to the Archaeological and Paleontological  
25 Resources Protection Act or the Human Remains Protection  
26 Act.

1           (qq) ~~(pp)~~ Reports described in subsection (e) of  
2           Section 16-15 of the Abortion Care Clinical Training  
3           Program Act.

4           (rr) ~~(pp)~~ Information obtained by a certified local  
5           health department under the Access to Public Health Data  
6           Act.

7           (ss) ~~(pp)~~ For a request directed to a public body that  
8           is also a HIPAA-covered entity, all information that is  
9           protected health information, including demographic  
10          information, that may be contained within or extracted  
11          from any record held by the public body in compliance with  
12          State and federal medical privacy laws and regulations,  
13          including, but not limited to, the Health Insurance  
14          Portability and Accountability Act and its regulations, 45  
15          CFR Parts 160 and 164. As used in this paragraph,  
16          "HIPAA-covered entity" has the meaning given to the term  
17          "covered entity" in 45 CFR 160.103 and "protected health  
18          information" has the meaning given to that term in 45 CFR  
19          160.103.

20          (1.5) Any information exempt from disclosure under the  
21          Judicial Privacy Act shall be redacted from public records  
22          prior to disclosure under this Act.

23          (2) A public record that is not in the possession of a  
24          public body but is in the possession of a party with whom the  
25          agency has contracted to perform a governmental function on  
26          behalf of the public body, and that directly relates to the

1 governmental function and is not otherwise exempt under this  
2 Act, shall be considered a public record of the public body,  
3 for purposes of this Act.

4 (3) This Section does not authorize withholding of  
5 information or limit the availability of records to the  
6 public, except as stated in this Section or otherwise provided  
7 in this Act.

8 (Source: P.A. 102-38, eff. 6-25-21; 102-558, eff. 8-20-21;  
9 102-694, eff. 1-7-22; 102-752, eff. 5-6-22; 102-753, eff.  
10 1-1-23; 102-776, eff. 1-1-23; 102-791, eff. 5-13-22; 102-982,  
11 eff. 7-1-23; 102-1055, eff. 6-10-22; 103-154, eff. 6-30-23;  
12 103-423, eff. 1-1-24; 103-446, eff. 8-4-23; 103-462, eff.  
13 8-4-23; 103-540, eff. 1-1-24; 103-554, eff. 1-1-24; revised  
14 9-7-23.)

15 (5 ILCS 140/7.5)

16 (Text of Section before amendment by P.A. 103-472)

17 Sec. 7.5. Statutory exemptions. To the extent provided for  
18 by the statutes referenced below, the following shall be  
19 exempt from inspection and copying:

20 (a) All information determined to be confidential  
21 under Section 4002 of the Technology Advancement and  
22 Development Act.

23 (b) Library circulation and order records identifying  
24 library users with specific materials under the Library  
25 Records Confidentiality Act.

1           (c) Applications, related documents, and medical  
2 records received by the Experimental Organ Transplantation  
3 Procedures Board and any and all documents or other  
4 records prepared by the Experimental Organ Transplantation  
5 Procedures Board or its staff relating to applications it  
6 has received.

7           (d) Information and records held by the Department of  
8 Public Health and its authorized representatives relating  
9 to known or suspected cases of sexually transmissible  
10 disease or any information the disclosure of which is  
11 restricted under the Illinois Sexually Transmissible  
12 Disease Control Act.

13           (e) Information the disclosure of which is exempted  
14 under Section 30 of the Radon Industry Licensing Act.

15           (f) Firm performance evaluations under Section 55 of  
16 the Architectural, Engineering, and Land Surveying  
17 Qualifications Based Selection Act.

18           (g) Information the disclosure of which is restricted  
19 and exempted under Section 50 of the Illinois Prepaid  
20 Tuition Act.

21           (h) Information the disclosure of which is exempted  
22 under the State Officials and Employees Ethics Act, and  
23 records of any lawfully created State or local inspector  
24 general's office that would be exempt if created or  
25 obtained by an Executive Inspector General's office under  
26 that Act.

1           (i) Information contained in a local emergency energy  
2 plan submitted to a municipality in accordance with a  
3 local emergency energy plan ordinance that is adopted  
4 under Section 11-21.5-5 of the Illinois Municipal Code.

5           (j) Information and data concerning the distribution  
6 of surcharge moneys collected and remitted by carriers  
7 under the Emergency Telephone System Act.

8           (k) Law enforcement officer identification information  
9 or driver identification information compiled by a law  
10 enforcement agency or the Department of Transportation  
11 under Section 11-212 of the Illinois Vehicle Code.

12           (l) Records and information provided to a residential  
13 health care facility resident sexual assault and death  
14 review team or the Executive Council under the Abuse  
15 Prevention Review Team Act.

16           (m) Information provided to the predatory lending  
17 database created pursuant to Article 3 of the Residential  
18 Real Property Disclosure Act, except to the extent  
19 authorized under that Article.

20           (n) Defense budgets and petitions for certification of  
21 compensation and expenses for court appointed trial  
22 counsel as provided under Sections 10 and 15 of the  
23 Capital Crimes Litigation Act (repealed). This subsection  
24 (n) shall apply until the conclusion of the trial of the  
25 case, even if the prosecution chooses not to pursue the  
26 death penalty prior to trial or sentencing.

1           (o) Information that is prohibited from being  
2 disclosed under Section 4 of the Illinois Health and  
3 Hazardous Substances Registry Act.

4           (p) Security portions of system safety program plans,  
5 investigation reports, surveys, schedules, lists, data, or  
6 information compiled, collected, or prepared by or for the  
7 Department of Transportation under Sections 2705-300 and  
8 2705-616 of the Department of Transportation Law of the  
9 Civil Administrative Code of Illinois, the Regional  
10 Transportation Authority under Section 2.11 of the  
11 Regional Transportation Authority Act, or the St. Clair  
12 County Transit District under the Bi-State Transit Safety  
13 Act (repealed).

14           (q) Information prohibited from being disclosed by the  
15 Personnel Record Review Act.

16           (r) Information prohibited from being disclosed by the  
17 Illinois School Student Records Act.

18           (s) Information the disclosure of which is restricted  
19 under Section 5-108 of the Public Utilities Act.

20           (t) (Blank).

21           (u) Records and information provided to an independent  
22 team of experts under the Developmental Disability and  
23 Mental Health Safety Act (also known as Brian's Law).

24           (v) Names and information of people who have applied  
25 for or received Firearm Owner's Identification Cards under  
26 the Firearm Owners Identification Card Act or applied for

1 or received a concealed carry license under the Firearm  
2 Concealed Carry Act, unless otherwise authorized by the  
3 Firearm Concealed Carry Act; and databases under the  
4 Firearm Concealed Carry Act, records of the Concealed  
5 Carry Licensing Review Board under the Firearm Concealed  
6 Carry Act, and law enforcement agency objections under the  
7 Firearm Concealed Carry Act.

8 (v-5) Records of the Firearm Owner's Identification  
9 Card Review Board that are exempted from disclosure under  
10 Section 10 of the Firearm Owners Identification Card Act.

11 (w) Personally identifiable information which is  
12 exempted from disclosure under subsection (g) of Section  
13 19.1 of the Toll Highway Act.

14 (x) Information which is exempted from disclosure  
15 under Section 5-1014.3 of the Counties Code or Section  
16 8-11-21 of the Illinois Municipal Code.

17 (y) Confidential information under the Adult  
18 Protective Services Act and its predecessor enabling  
19 statute, the Elder Abuse and Neglect Act, including  
20 information about the identity and administrative finding  
21 against any caregiver of a verified and substantiated  
22 decision of abuse, neglect, or financial exploitation of  
23 an eligible adult maintained in the Registry established  
24 under Section 7.5 of the Adult Protective Services Act.

25 (z) Records and information provided to a fatality  
26 review team or the Illinois Fatality Review Team Advisory

1 Council under Section 15 of the Adult Protective Services  
2 Act.

3 (aa) Information which is exempted from disclosure  
4 under Section 2.37 of the Wildlife Code.

5 (bb) Information which is or was prohibited from  
6 disclosure by the Juvenile Court Act of 1987.

7 (cc) Recordings made under the Law Enforcement  
8 Officer-Worn Body Camera Act, except to the extent  
9 authorized under that Act.

10 (dd) Information that is prohibited from being  
11 disclosed under Section 45 of the Condominium and Common  
12 Interest Community Ombudsperson Act.

13 (ee) Information that is exempted from disclosure  
14 under Section 30.1 of the Pharmacy Practice Act.

15 (ff) Information that is exempted from disclosure  
16 under the Revised Uniform Unclaimed Property Act.

17 (gg) Information that is prohibited from being  
18 disclosed under Section 7-603.5 of the Illinois Vehicle  
19 Code.

20 (hh) Records that are exempt from disclosure under  
21 Section 1A-16.7 of the Election Code.

22 (ii) Information which is exempted from disclosure  
23 under Section 2505-800 of the Department of Revenue Law of  
24 the Civil Administrative Code of Illinois.

25 (jj) Information and reports that are required to be  
26 submitted to the Department of Labor by registering day



1 and temporary labor service agencies but are exempt from  
2 disclosure under subsection (a-1) of Section 45 of the Day  
3 and Temporary Labor Services Act.

4 (kk) Information prohibited from disclosure under the  
5 Seizure and Forfeiture Reporting Act.

6 (ll) Information the disclosure of which is restricted  
7 and exempted under Section 5-30.8 of the Illinois Public  
8 Aid Code.

9 (mm) Records that are exempt from disclosure under  
10 Section 4.2 of the Crime Victims Compensation Act.

11 (nn) Information that is exempt from disclosure under  
12 Section 70 of the Higher Education Student Assistance Act.

13 (oo) Communications, notes, records, and reports  
14 arising out of a peer support counseling session  
15 prohibited from disclosure under the First Responders  
16 Suicide Prevention Act.

17 (pp) Names and all identifying information relating to  
18 an employee of an emergency services provider or law  
19 enforcement agency under the First Responders Suicide  
20 Prevention Act.

21 (qq) Information and records held by the Department of  
22 Public Health and its authorized representatives collected  
23 under the Reproductive Health Act.

24 (rr) Information that is exempt from disclosure under  
25 the Cannabis Regulation and Tax Act.

26 (ss) Data reported by an employer to the Department of

1 Human Rights pursuant to Section 2-108 of the Illinois  
2 Human Rights Act.

3 (tt) Recordings made under the Children's Advocacy  
4 Center Act, except to the extent authorized under that  
5 Act.

6 (uu) Information that is exempt from disclosure under  
7 Section 50 of the Sexual Assault Evidence Submission Act.

8 (vv) Information that is exempt from disclosure under  
9 subsections (f) and (j) of Section 5-36 of the Illinois  
10 Public Aid Code.

11 (ww) Information that is exempt from disclosure under  
12 Section 16.8 of the State Treasurer Act.

13 (xx) Information that is exempt from disclosure or  
14 information that shall not be made public under the  
15 Illinois Insurance Code.

16 (yy) Information prohibited from being disclosed under  
17 the Illinois Educational Labor Relations Act.

18 (zz) Information prohibited from being disclosed under  
19 the Illinois Public Labor Relations Act.

20 (aaa) Information prohibited from being disclosed  
21 under Section 1-167 of the Illinois Pension Code.

22 (bbb) Information that is prohibited from disclosure  
23 by the Illinois Police Training Act and the Illinois State  
24 Police Act.

25 (ccc) Records exempt from disclosure under Section  
26 2605-304 of the Illinois State Police Law of the Civil

1 Administrative Code of Illinois.

2 (ddd) Information prohibited from being disclosed  
3 under Section 35 of the Address Confidentiality for  
4 Victims of Domestic Violence, Sexual Assault, Human  
5 Trafficking, or Stalking Act.

6 (eee) Information prohibited from being disclosed  
7 under subsection (b) of Section 75 of the Domestic  
8 Violence Fatality Review Act.

9 (fff) Images from cameras under the Expressway Camera  
10 Act. This subsection (fff) is inoperative on and after  
11 July 1, 2025.

12 (ggg) Information prohibited from disclosure under  
13 paragraph (3) of subsection (a) of Section 14 of the Nurse  
14 Agency Licensing Act.

15 (hhh) Information submitted to the Illinois State  
16 Police in an affidavit or application for an assault  
17 weapon endorsement, assault weapon attachment endorsement,  
18 .50 caliber rifle endorsement, or .50 caliber cartridge  
19 endorsement under the Firearm Owners Identification Card  
20 Act.

21 (iii) Data exempt from disclosure under Section 50 of  
22 the School Safety Drill Act.

23 (jjj) ~~(hhh)~~ Information exempt from disclosure under  
24 Section 30 of the Insurance Data Security Law.

25 (kkk) ~~(iii)~~ Confidential business information  
26 prohibited from disclosure under Section 45 of the Paint

1 Stewardship Act.

2 (lll) (Reserved).

3 (mmm) ~~(iii)~~ Information prohibited from being  
4 disclosed under subsection (e) of Section 1-129 of the  
5 Illinois Power Agency Act.

6 (Source: P.A. 102-36, eff. 6-25-21; 102-237, eff. 1-1-22;  
7 102-292, eff. 1-1-22; 102-520, eff. 8-20-21; 102-559, eff.  
8 8-20-21; 102-813, eff. 5-13-22; 102-946, eff. 7-1-22;  
9 102-1042, eff. 6-3-22; 102-1116, eff. 1-10-23; 103-8, eff.  
10 6-7-23; 103-34, eff. 6-9-23; 103-142, eff. 1-1-24; 103-372,  
11 eff. 1-1-24; 103-508, eff. 8-4-23; 103-580, eff. 12-8-23;  
12 revised 1-2-24.)

13 (Text of Section after amendment by P.A. 103-472)

14 Sec. 7.5. Statutory exemptions. To the extent provided for  
15 by the statutes referenced below, the following shall be  
16 exempt from inspection and copying:

17 (a) All information determined to be confidential  
18 under Section 4002 of the Technology Advancement and  
19 Development Act.

20 (b) Library circulation and order records identifying  
21 library users with specific materials under the Library  
22 Records Confidentiality Act.

23 (c) Applications, related documents, and medical  
24 records received by the Experimental Organ Transplantation  
25 Procedures Board and any and all documents or other

1 records prepared by the Experimental Organ Transplantation  
2 Procedures Board or its staff relating to applications it  
3 has received.

4 (d) Information and records held by the Department of  
5 Public Health and its authorized representatives relating  
6 to known or suspected cases of sexually transmissible  
7 disease or any information the disclosure of which is  
8 restricted under the Illinois Sexually Transmissible  
9 Disease Control Act.

10 (e) Information the disclosure of which is exempted  
11 under Section 30 of the Radon Industry Licensing Act.

12 (f) Firm performance evaluations under Section 55 of  
13 the Architectural, Engineering, and Land Surveying  
14 Qualifications Based Selection Act.

15 (g) Information the disclosure of which is restricted  
16 and exempted under Section 50 of the Illinois Prepaid  
17 Tuition Act.

18 (h) Information the disclosure of which is exempted  
19 under the State Officials and Employees Ethics Act, and  
20 records of any lawfully created State or local inspector  
21 general's office that would be exempt if created or  
22 obtained by an Executive Inspector General's office under  
23 that Act.

24 (i) Information contained in a local emergency energy  
25 plan submitted to a municipality in accordance with a  
26 local emergency energy plan ordinance that is adopted

1 under Section 11-21.5-5 of the Illinois Municipal Code.

2 (j) Information and data concerning the distribution  
3 of surcharge moneys collected and remitted by carriers  
4 under the Emergency Telephone System Act.

5 (k) Law enforcement officer identification information  
6 or driver identification information compiled by a law  
7 enforcement agency or the Department of Transportation  
8 under Section 11-212 of the Illinois Vehicle Code.

9 (l) Records and information provided to a residential  
10 health care facility resident sexual assault and death  
11 review team or the Executive Council under the Abuse  
12 Prevention Review Team Act.

13 (m) Information provided to the predatory lending  
14 database created pursuant to Article 3 of the Residential  
15 Real Property Disclosure Act, except to the extent  
16 authorized under that Article.

17 (n) Defense budgets and petitions for certification of  
18 compensation and expenses for court appointed trial  
19 counsel as provided under Sections 10 and 15 of the  
20 Capital Crimes Litigation Act (repealed). This subsection  
21 (n) shall apply until the conclusion of the trial of the  
22 case, even if the prosecution chooses not to pursue the  
23 death penalty prior to trial or sentencing.

24 (o) Information that is prohibited from being  
25 disclosed under Section 4 of the Illinois Health and  
26 Hazardous Substances Registry Act.

1           (p) Security portions of system safety program plans,  
2           investigation reports, surveys, schedules, lists, data, or  
3           information compiled, collected, or prepared by or for the  
4           Department of Transportation under Sections 2705-300 and  
5           2705-616 of the Department of Transportation Law of the  
6           Civil Administrative Code of Illinois, the Regional  
7           Transportation Authority under Section 2.11 of the  
8           Regional Transportation Authority Act, or the St. Clair  
9           County Transit District under the Bi-State Transit Safety  
10          Act (repealed).

11          (q) Information prohibited from being disclosed by the  
12          Personnel Record Review Act.

13          (r) Information prohibited from being disclosed by the  
14          Illinois School Student Records Act.

15          (s) Information the disclosure of which is restricted  
16          under Section 5-108 of the Public Utilities Act.

17          (t) (Blank).

18          (u) Records and information provided to an independent  
19          team of experts under the Developmental Disability and  
20          Mental Health Safety Act (also known as Brian's Law).

21          (v) Names and information of people who have applied  
22          for or received Firearm Owner's Identification Cards under  
23          the Firearm Owners Identification Card Act or applied for  
24          or received a concealed carry license under the Firearm  
25          Concealed Carry Act, unless otherwise authorized by the  
26          Firearm Concealed Carry Act; and databases under the

1 Firearm Concealed Carry Act, records of the Concealed  
2 Carry Licensing Review Board under the Firearm Concealed  
3 Carry Act, and law enforcement agency objections under the  
4 Firearm Concealed Carry Act.

5 (v-5) Records of the Firearm Owner's Identification  
6 Card Review Board that are exempted from disclosure under  
7 Section 10 of the Firearm Owners Identification Card Act.

8 (w) Personally identifiable information which is  
9 exempted from disclosure under subsection (g) of Section  
10 19.1 of the Toll Highway Act.

11 (x) Information which is exempted from disclosure  
12 under Section 5-1014.3 of the Counties Code or Section  
13 8-11-21 of the Illinois Municipal Code.

14 (y) Confidential information under the Adult  
15 Protective Services Act and its predecessor enabling  
16 statute, the Elder Abuse and Neglect Act, including  
17 information about the identity and administrative finding  
18 against any caregiver of a verified and substantiated  
19 decision of abuse, neglect, or financial exploitation of  
20 an eligible adult maintained in the Registry established  
21 under Section 7.5 of the Adult Protective Services Act.

22 (z) Records and information provided to a fatality  
23 review team or the Illinois Fatality Review Team Advisory  
24 Council under Section 15 of the Adult Protective Services  
25 Act.

26 (aa) Information which is exempted from disclosure



1 under Section 2.37 of the Wildlife Code.

2 (bb) Information which is or was prohibited from  
3 disclosure by the Juvenile Court Act of 1987.

4 (cc) Recordings made under the Law Enforcement  
5 Officer-Worn Body Camera Act, except to the extent  
6 authorized under that Act.

7 (dd) Information that is prohibited from being  
8 disclosed under Section 45 of the Condominium and Common  
9 Interest Community Ombudsperson Act.

10 (ee) Information that is exempted from disclosure  
11 under Section 30.1 of the Pharmacy Practice Act.

12 (ff) Information that is exempted from disclosure  
13 under the Revised Uniform Unclaimed Property Act.

14 (gg) Information that is prohibited from being  
15 disclosed under Section 7-603.5 of the Illinois Vehicle  
16 Code.

17 (hh) Records that are exempt from disclosure under  
18 Section 1A-16.7 of the Election Code.

19 (ii) Information which is exempted from disclosure  
20 under Section 2505-800 of the Department of Revenue Law of  
21 the Civil Administrative Code of Illinois.

22 (jj) Information and reports that are required to be  
23 submitted to the Department of Labor by registering day  
24 and temporary labor service agencies but are exempt from  
25 disclosure under subsection (a-1) of Section 45 of the Day  
26 and Temporary Labor Services Act.

1           (kk) Information prohibited from disclosure under the  
2           Seizure and Forfeiture Reporting Act.

3           (ll) Information the disclosure of which is restricted  
4           and exempted under Section 5-30.8 of the Illinois Public  
5           Aid Code.

6           (mm) Records that are exempt from disclosure under  
7           Section 4.2 of the Crime Victims Compensation Act.

8           (nn) Information that is exempt from disclosure under  
9           Section 70 of the Higher Education Student Assistance Act.

10          (oo) Communications, notes, records, and reports  
11          arising out of a peer support counseling session  
12          prohibited from disclosure under the First Responders  
13          Suicide Prevention Act.

14          (pp) Names and all identifying information relating to  
15          an employee of an emergency services provider or law  
16          enforcement agency under the First Responders Suicide  
17          Prevention Act.

18          (qq) Information and records held by the Department of  
19          Public Health and its authorized representatives collected  
20          under the Reproductive Health Act.

21          (rr) Information that is exempt from disclosure under  
22          the Cannabis Regulation and Tax Act.

23          (ss) Data reported by an employer to the Department of  
24          Human Rights pursuant to Section 2-108 of the Illinois  
25          Human Rights Act.

26          (tt) Recordings made under the Children's Advocacy

1 Center Act, except to the extent authorized under that  
2 Act.

3 (uu) Information that is exempt from disclosure under  
4 Section 50 of the Sexual Assault Evidence Submission Act.

5 (vv) Information that is exempt from disclosure under  
6 subsections (f) and (j) of Section 5-36 of the Illinois  
7 Public Aid Code.

8 (ww) Information that is exempt from disclosure under  
9 Section 16.8 of the State Treasurer Act.

10 (xx) Information that is exempt from disclosure or  
11 information that shall not be made public under the  
12 Illinois Insurance Code.

13 (yy) Information prohibited from being disclosed under  
14 the Illinois Educational Labor Relations Act.

15 (zz) Information prohibited from being disclosed under  
16 the Illinois Public Labor Relations Act.

17 (aaa) Information prohibited from being disclosed  
18 under Section 1-167 of the Illinois Pension Code.

19 (bbb) Information that is prohibited from disclosure  
20 by the Illinois Police Training Act and the Illinois State  
21 Police Act.

22 (ccc) Records exempt from disclosure under Section  
23 2605-304 of the Illinois State Police Law of the Civil  
24 Administrative Code of Illinois.

25 (ddd) Information prohibited from being disclosed  
26 under Section 35 of the Address Confidentiality for

1 Victims of Domestic Violence, Sexual Assault, Human  
2 Trafficking, or Stalking Act.

3 (eee) Information prohibited from being disclosed  
4 under subsection (b) of Section 75 of the Domestic  
5 Violence Fatality Review Act.

6 (fff) Images from cameras under the Expressway Camera  
7 Act. This subsection (fff) is inoperative on and after  
8 July 1, 2025.

9 (ggg) Information prohibited from disclosure under  
10 paragraph (3) of subsection (a) of Section 14 of the Nurse  
11 Agency Licensing Act.

12 (hhh) Information submitted to the Illinois State  
13 Police in an affidavit or application for an assault  
14 weapon endorsement, assault weapon attachment endorsement,  
15 .50 caliber rifle endorsement, or .50 caliber cartridge  
16 endorsement under the Firearm Owners Identification Card  
17 Act.

18 (iii) Data exempt from disclosure under Section 50 of  
19 the School Safety Drill Act.

20 (jjj) ~~(hhh)~~ Information exempt from disclosure under  
21 Section 30 of the Insurance Data Security Law.

22 (kkk) ~~(iii)~~ Confidential business information  
23 prohibited from disclosure under Section 45 of the Paint  
24 Stewardship Act.

25 (lll) ~~(iii)~~ Data exempt from disclosure under Section  
26 2-3.196 of the School Code.

1            (mmm) ~~(iii)~~ Information prohibited from being  
2            disclosed under subsection (e) of Section 1-129 of the  
3            Illinois Power Agency Act.

4            (Source: P.A. 102-36, eff. 6-25-21; 102-237, eff. 1-1-22;  
5            102-292, eff. 1-1-22; 102-520, eff. 8-20-21; 102-559, eff.  
6            8-20-21; 102-813, eff. 5-13-22; 102-946, eff. 7-1-22;  
7            102-1042, eff. 6-3-22; 102-1116, eff. 1-10-23; 103-8, eff.  
8            6-7-23; 103-34, eff. 6-9-23; 103-142, eff. 1-1-24; 103-372,  
9            eff. 1-1-24; 103-472, eff. 8-1-24; 103-508, eff. 8-4-23;  
10           103-580, eff. 12-8-23; revised 1-2-24.)

11           Section 20. The Consular Identification Document Act is  
12           amended by changing Section 10 as follows:

13           (5 ILCS 230/10)

14           (Text of Section before amendment by P.A. 103-210)

15           Sec. 10. Acceptance of consular identification document.

16           (a) When requiring members of the public to provide  
17           identification, each State agency and officer and unit of  
18           local government shall accept a consular identification  
19           document as valid identification of a person.

20           (b) A consular identification document shall be accepted  
21           for purposes of identification only and does not convey an  
22           independent right to receive benefits of any type.

23           (c) A consular identification document may not be accepted  
24           as identification for obtaining a driver's license, other than

1 a temporary visitor's driver's license, or registering to  
2 vote.

3 (d) A consular identification document does not establish  
4 or indicate lawful U.S. immigration status and may not be  
5 viewed as valid for that purpose, nor does a consular  
6 identification document establish a foreign national's right  
7 to be in the United States or remain in the United States.

8 (e) The requirements of subsection (a) do not apply if:

9 (1) a federal law, regulation, or directive or a  
10 federal court decision requires a State agency or officer  
11 or a unit of local government to obtain different  
12 identification;

13 (2) a federal law, regulation, or directive preempts  
14 state regulation of identification requirements; or

15 (3) a State agency or officer or a unit of local  
16 government would be unable to comply with a condition  
17 imposed by a funding source which would cause the State  
18 agency or officer or unit of local government to lose  
19 funds from that source.

20 (f) Nothing in subsection (a) shall be construed to  
21 prohibit a State agency or officer or a unit of local  
22 government from:

23 (1) requiring additional information from persons in  
24 order to verify a current address or other facts that  
25 would enable the State agency or officer or unit of local  
26 government to fulfill its responsibilities, except that

1           this paragraph (1) does not permit a State agency or  
2           officer or a unit of local government to require  
3           additional information solely in order to establish  
4           identification of the person when the consular  
5           identification document is the form of identification  
6           presented;

7           (2) requiring fingerprints for identification purposes  
8           under circumstances where the State agency or officer or  
9           unit of local government also requires fingerprints from  
10          persons who have a driver's license or Illinois  
11          Identification Card; or

12          (3) requiring additional evidence of identification if  
13          the State agency or officer or unit of local government  
14          reasonably believes that: (A) the consular identification  
15          document is forged, fraudulent, or altered; or (B) the  
16          holder does not appear to be the same person on the  
17          consular identification document.

18          (Source: P.A. 97-1157, eff. 11-28-13.)

19           (Text of Section after amendment by P.A. 103-210)

20          Sec. 10. Acceptance of consular identification document.

21          (a) When requiring members of the public to provide  
22          identification, each State agency and officer and unit of  
23          local government shall accept a consular identification  
24          document as valid identification of a person.

25          (b) A consular identification document shall be accepted

1 for purposes of identification only and does not convey an  
2 independent right to receive benefits of any type.

3 (c) A consular identification document may not be accepted  
4 as identification for obtaining a REAL ID compliant driver's  
5 license, as defined by Section 6-100 of the Illinois Vehicle  
6 Code, or registering to vote.

7 (d) A consular identification document does not establish  
8 or indicate lawful U.S. immigration status and may not be  
9 viewed as valid for that purpose, nor does a consular  
10 identification document establish a foreign national's right  
11 to be in the United States or remain in the United States.

12 (e) The requirements of subsection (a) do not apply if:

13 (1) a federal law, regulation, or directive or a  
14 federal court decision requires a State agency or officer  
15 or a unit of local government to obtain different  
16 identification;

17 (2) a federal law, regulation, or directive preempts  
18 state regulation of identification requirements; or

19 (3) a State agency or officer or a unit of local  
20 government would be unable to comply with a condition  
21 imposed by a funding source which would cause the State  
22 agency or officer or unit of local government to lose  
23 funds from that source.

24 (f) Nothing in subsection (a) shall be construed to  
25 prohibit a State agency or officer or a unit of local  
26 government from:



1           (1) requiring additional information from persons in  
2 order to verify a current address or other facts that  
3 would enable the State agency or officer or unit of local  
4 government to fulfill its responsibilities, except that  
5 this paragraph (1) does not permit a State agency or  
6 officer or a unit of local government to require  
7 additional information solely in order to establish  
8 identification of the person when the consular  
9 identification document is the form of identification  
10 presented;

11           (2) requiring fingerprints for identification purposes  
12 under circumstances where the State agency or officer or  
13 unit of local government also requires fingerprints from  
14 persons who have a driver's license or Illinois  
15 Identification Card; or

16           (3) requiring additional evidence of identification if  
17 the State agency or officer or unit of local government  
18 reasonably believes that: (A) the consular identification  
19 document is forged, fraudulent, or altered; or (B) the  
20 holder does not appear to be the same person on the  
21 consular identification document.

22 (Source: P.A. 103-210, eff. 7-1-24; revised 9-25-23.)

23           Section 25. The State Employees Group Insurance Act of  
24 1971 is amended by changing Section 6.11 as follows:

1 (5 ILCS 375/6.11)

2 Sec. 6.11. Required health benefits; Illinois Insurance  
3 Code requirements. The program of health benefits shall  
4 provide the post-mastectomy care benefits required to be  
5 covered by a policy of accident and health insurance under  
6 Section 356t of the Illinois Insurance Code. The program of  
7 health benefits shall provide the coverage required under  
8 Sections 356g, 356g.5, 356g.5-1, 356m, 356q, 356u, 356w, 356x,  
9 356z.2, 356z.4, 356z.4a, 356z.6, 356z.8, 356z.9, 356z.10,  
10 356z.11, 356z.12, 356z.13, 356z.14, 356z.15, 356z.17, 356z.22,  
11 356z.25, 356z.26, 356z.29, 356z.30a, 356z.32, 356z.33,  
12 356z.36, 356z.40, 356z.41, 356z.45, 356z.46, 356z.47, 356z.51,  
13 356z.53, 356z.54, 356z.55, 356z.56, 356z.57, 356z.59, 356z.60,  
14 ~~and~~ 356z.61, ~~and~~ 356z.62, 356z.64, 356z.67, 356z.68, and  
15 356z.70 of the Illinois Insurance Code. The program of health  
16 benefits must comply with Sections 155.22a, 155.37, 355b,  
17 356z.19, 370c, and 370c.1 and Article XXXIIB of the Illinois  
18 Insurance Code. The program of health benefits shall provide  
19 the coverage required under Section 356m of the Illinois  
20 Insurance Code and, for the employees of the State Employee  
21 Group Insurance Program only, the coverage as also provided in  
22 Section 6.11B of this Act. The Department of Insurance shall  
23 enforce the requirements of this Section with respect to  
24 Sections 370c and 370c.1 of the Illinois Insurance Code; all  
25 other requirements of this Section shall be enforced by the  
26 Department of Central Management Services.

1 Rulemaking authority to implement Public Act 95-1045, if  
2 any, is conditioned on the rules being adopted in accordance  
3 with all provisions of the Illinois Administrative Procedure  
4 Act and all rules and procedures of the Joint Committee on  
5 Administrative Rules; any purported rule not so adopted, for  
6 whatever reason, is unauthorized.

7 (Source: P.A. 102-30, eff. 1-1-22; 102-103, eff. 1-1-22;  
8 102-203, eff. 1-1-22; 102-306, eff. 1-1-22; 102-642, eff.  
9 1-1-22; 102-665, eff. 10-8-21; 102-731, eff. 1-1-23; 102-768,  
10 eff. 1-1-24; 102-804, eff. 1-1-23; 102-813, eff. 5-13-22;  
11 102-816, eff. 1-1-23; 102-860, eff. 1-1-23; 102-1093, eff.  
12 1-1-23; 102-1117, eff. 1-13-23; 103-8, eff. 1-1-24; 103-84,  
13 eff. 1-1-24; 103-91, eff. 1-1-24; 103-420, eff. 1-1-24;  
14 103-445, eff. 1-1-24; 103-535, eff. 8-11-23; 103-551, eff.  
15 8-11-23; revised 8-29-23.)

16 Section 30. The Seizure and Forfeiture Reporting Act is  
17 amended by changing Section 5 as follows:

18 (5 ILCS 810/5)

19 Sec. 5. Applicability. This Act is applicable to property  
20 seized or forfeited under the following provisions of law:

21 (1) Section 3.23 of the Illinois Food, Drug and  
22 Cosmetic Act;

23 (2) Section 44.1 of the Environmental Protection Act;

24 (3) Section 105-55 of the Herptiles-Herps Act;

- 1 (4) Section 1-215 of the Fish and Aquatic Life Code;
- 2 (5) Section 1.25 of the Wildlife Code;
- 3 (6) Section 17-10.6 of the Criminal Code of 2012
- 4 (financial institution fraud);
- 5 (7) Section 28-5 of the Criminal Code of 2012
- 6 (gambling);
- 7 (8) Article 29B of the Criminal Code of 2012 (money
- 8 laundering);
- 9 (9) Article 33G of the Criminal Code of 2012 (Illinois
- 10 Street Gang and Racketeer Influenced And Corrupt
- 11 Organizations Law);
- 12 (10) Article 36 of the Criminal Code of 2012 (seizure
- 13 and forfeiture of vessels, vehicles, and aircraft);
- 14 (11) Section 47-15 of the Criminal Code of 2012
- 15 (dumping garbage upon real property);
- 16 (12) Article 124B of the Code of Criminal Procedure of
- 17 1963 (forfeiture);
- 18 (13) the Drug Asset Forfeiture Procedure Act;
- 19 (14) the Narcotics Profit Forfeiture Act;
- 20 (15) the Illinois Streetgang Terrorism Omnibus
- 21 Prevention Act;
- 22 (16) the Illinois Securities Law of 1953; ~~and~~
- 23 (17) the Archaeological and Paleontological Resources
- 24 Protection Act; ~~and~~
- 25 (18) the Human Remains Protection Act; and
- 26 (19) ~~(17)~~ Section 16 of the Timber Buyers Licensing

1 Act.

2 (Source: P.A. 102-558, eff. 8-20-21; 103-218, eff. 1-1-24;  
3 103-446, eff. 8-4-23; revised 12-12-23.)

4 Section 32. The First Responders Suicide Prevention Act is  
5 amended by changing Section 40 as follows:

6 (5 ILCS 840/40)

7 Sec. 40. Task Force recommendations.

8 (a) Task Force members shall recommend that agencies and  
9 organizations guarantee access to mental health and wellness  
10 services, including, but not limited to, peer support programs  
11 and providing ongoing education related to the ever-evolving  
12 concept of mental health wellness. These recommendations could  
13 be accomplished by:

14 (1) Revising agencies' and organizations' employee  
15 assistance programs (EAPs).

16 (2) Urging health care providers to replace outdated  
17 healthcare plans and include more progressive options  
18 catering to the needs and disproportionate risks  
19 shouldered by our first responders.

20 (3) Allocating funding or resources for public service  
21 announcements (PSA) and messaging campaigns aimed at  
22 raising awareness of available assistance options.

23 (4) Encouraging agencies and organizations to attach  
24 lists of all available resources to training manuals and

1 continuing education requirements.

2 (b) Task Force members shall recommend agencies and  
3 organizations sponsor or facilitate first responders with  
4 specialized training in the areas of psychological fitness,  
5 depressive disorders, early detection, and mitigation best  
6 practices. Such trainings could be accomplished by:

7 (1) Assigning, appointing, or designating one member  
8 of an agency or organization to attend specialized  
9 training(s) sponsored by an accredited agency,  
10 association, or organization recognized in their fields of  
11 study.

12 (2) Seeking sponsorships or conducting fund-raisers,  
13 to host annual or semiannual on-site visits from qualified  
14 clinicians or physicians to provide early detection  
15 training techniques, or to provide regular access to  
16 mental health professionals.

17 (3) Requiring a minimum number of hours of disorders  
18 and wellness training be incorporated into reoccurring,  
19 annual or biannual training standards, examinations, and  
20 curriculums, taking into close consideration respective  
21 agency or organization size, frequency, and number of all  
22 current federal and state mandatory examinations and  
23 trainings expected respectively.

24 (4) Not underestimating the crucial importance of a  
25 balanced diet, sleep, mindfulness-based stress reduction  
26 techniques, moderate and vigorous intensity activities,

1 and recreational hobbies, which have been scientifically  
2 proven to play a major role in brain health and mental  
3 wellness.

4 (c) Task Force members shall recommend that administrators  
5 and leadership personnel solicit training services from  
6 evidence-based, data driven organizations. Organizations with  
7 personnel trained on the analytical review and interpretation  
8 of specific fields related to the nature of first responders'  
9 exploits, such as PTSD, substance abuse, chronic state of  
10 duress. Task Force members shall further recommend funding for  
11 expansion and messaging campaigns of preliminary  
12 self-diagnosing technologies like the one described above.  
13 These objectives could be met by:

14 (1) Contacting an accredited agency, association, or  
15 organization recognized in the field or fields of specific  
16 study. Unbeknownst to the majority, many of the agencies  
17 and organizations listed above receive grants and  
18 allocations to assist communities with the very issues  
19 being discussed in this Section.

20 (2) Normalizing help-seeking behaviors for both first  
21 responders and their families through regular messaging  
22 and peer support outreach, beginning with academy  
23 curricula and continuing education throughout individuals'  
24 careers.

25 (3) Funding and implementing PSA campaigns that  
26 provide clear and concise calls to action about mental

1 health and wellness, resiliency, help-seeking, treatment,  
2 and recovery.

3 (4) Promoting and raising awareness of not-for-profit  
4 organizations currently available to assist individuals in  
5 search of care and treatment. Organizations have intuitive  
6 user-friendly sites, most of which have mobile  
7 applications, so first responders can access at a moment's  
8 notice. However, because of limited funds, these  
9 organizations have a challenging time of getting the word  
10 out there about their existence.

11 (5) Expanding Family and Medical Leave Act protections  
12 for individuals voluntarily seeking preventative  
13 treatment.

14 (6) Promoting and ensuring complete patient  
15 confidentiality protections.

16 (d) Task Force members shall recommend that agencies and  
17 organizations incorporate the following training components  
18 into already existing modules and educational curriculums.  
19 Doing so could be done by:

20 (1) Bolstering academy and school curricula by  
21 requiring depressive disorder training catered to PTSD,  
22 substance abuse, and early detection techniques training,  
23 taking into close consideration respective agency or  
24 organization size, and the frequency and number of all  
25 current federal and state mandatory examinations and  
26 trainings expected respectively.



1           (2) Continuing to allocate or match federal and state  
2 funds to maintain Mobile Training Units (MTUs).

3           (3) Incorporating a state certificate for peer support  
4 training into already existing ~~existing~~ statewide  
5 curriculums and mandatory examinations, annual State Fire  
6 Marshal examinations, and physical fitness examinations.  
7 The subject matter of the certificate should have an  
8 emphasis on mental health and wellness, as well as  
9 familiarization with topics ranging from clinical social  
10 work, clinical psychology, clinical behaviorist, and  
11 clinical psychiatry.

12           (4) Incorporating and performing statewide mental  
13 health check-ins during the same times as already mandated  
14 trainings. These checks are not to be compared or used as  
15 measures of fitness for duty evaluations or structured  
16 psychological examinations.

17           (5) Recommending comprehensive and evidence-based  
18 training on the importance of preventative measures on the  
19 topics of sleep, nutrition, mindfulness, and physical  
20 movement.

21           (6) Law enforcement agencies should provide training  
22 on the Firearm Owner's Identification Card Act, including  
23 seeking relief from the Illinois State Police under  
24 Section 10 of the Firearm Owners Identification Card Act  
25 and a FOID card being a continued condition of employment  
26 under Section 7.2 of the Uniform Peace Officers'

1           Disciplinary Act.

2           (Source: P.A. 102-352, eff. 6-1-22; 103-154, eff. 6-30-23;  
3           revised 1-20-24.)

4           Section 35. The Election Code is amended by changing  
5           Sections 1A-8, 1A-16.1, and 24B-9.1 as follows:

6           (10 ILCS 5/1A-8) (from Ch. 46, par. 1A-8)

7           Sec. 1A-8. The State Board of Elections shall exercise the  
8           following powers and perform the following duties in addition  
9           to any powers or duties otherwise provided for by law:

10           (1) Assume all duties and responsibilities of the  
11           State Electoral Board and the Secretary of State as  
12           heretofore provided in this Code;

13           (2) Disseminate information to and consult with  
14           election authorities concerning the conduct of elections  
15           and registration in accordance with the laws of this State  
16           and the laws of the United States;

17           (3) Furnish to each election authority prior to each  
18           primary and general election and any other election it  
19           deems necessary, a manual of uniform instructions  
20           consistent with the provisions of this Code which shall be  
21           used by election authorities in the preparation of the  
22           official manual of instruction to be used by the judges of  
23           election in any such election. In preparing such manual,  
24           the State Board shall consult with representatives of the

1 election authorities throughout the State. The State Board  
2 may provide separate portions of the uniform instructions  
3 applicable to different election jurisdictions which  
4 administer elections under different options provided by  
5 law. The State Board may by regulation require particular  
6 portions of the uniform instructions to be included in any  
7 official manual of instructions published by election  
8 authorities. Any manual of instructions published by any  
9 election authority shall be identical with the manual of  
10 uniform instructions issued by the Board, but may be  
11 adapted by the election authority to accommodate special  
12 or unusual local election problems, provided that all  
13 manuals published by election authorities must be  
14 consistent with the provisions of this Code in all  
15 respects and must receive the approval of the State Board  
16 of Elections prior to publication; provided further that  
17 if the State Board does not approve or disapprove of a  
18 proposed manual within 60 days of its submission, the  
19 manual shall be deemed approved; ~~;~~

20 (4) Prescribe and require the use of such uniform  
21 forms, notices, and other supplies not inconsistent with  
22 the provisions of this Code as it shall deem advisable  
23 which shall be used by election authorities in the conduct  
24 of elections and registrations;

25 (5) Prepare and certify the form of ballot for any  
26 proposed amendment to the Constitution of the State of

1 Illinois, or any referendum to be submitted to the  
2 electors throughout the State or, when required to do so  
3 by law, to the voters of any area or unit of local  
4 government of the State;

5 (6) Require such statistical reports regarding the  
6 conduct of elections and registration from election  
7 authorities as may be deemed necessary;

8 (7) Review and inspect procedures and records relating  
9 to conduct of elections and registration as may be deemed  
10 necessary, and to report violations of election laws to  
11 the appropriate State's Attorney or the Attorney General;

12 (8) Recommend to the General Assembly legislation to  
13 improve the administration of elections and registration;

14 (9) Adopt, amend or rescind rules and regulations in  
15 the performance of its duties provided that all such rules  
16 and regulations must be consistent with the provisions of  
17 this Article 1A or issued pursuant to authority otherwise  
18 provided by law;

19 (10) Determine the validity and sufficiency of  
20 petitions filed under Article XIV, Section 3, of the  
21 Constitution of the State of Illinois of 1970;

22 (11) Maintain in its principal office a research  
23 library that includes, but is not limited to, abstracts of  
24 votes by precinct for general primary elections and  
25 general elections, current precinct maps, and current  
26 precinct poll lists from all election jurisdictions within

1 the State. The research library shall be open to the  
2 public during regular business hours. Such abstracts,  
3 maps, and lists shall be preserved as permanent records  
4 and shall be available for examination and copying at a  
5 reasonable cost;

6 (12) Supervise the administration of the registration  
7 and election laws throughout the State;

8 (13) Obtain from the Department of Central Management  
9 Services, under Section 405-250 of the Department of  
10 Central Management Services Law ~~(20 ILCS 405/405-250)~~,  
11 such use of electronic data processing equipment as may be  
12 required to perform the duties of the State Board of  
13 Elections and to provide election-related information to  
14 candidates, public and party officials, interested civic  
15 organizations, and the general public in a timely and  
16 efficient manner;

17 (14) To take such action as may be necessary or  
18 required to give effect to directions of the national  
19 committee or State central committee of an established  
20 political party under Sections 7-8, 7-11, and 7-14.1 or  
21 such other provisions as may be applicable pertaining to  
22 the selection of delegates and alternate delegates to an  
23 established political party's national nominating  
24 conventions or, notwithstanding any candidate  
25 certification schedule contained within this Code, the  
26 certification of the Presidential and Vice Presidential

1 candidate selected by the established political party's  
2 national nominating convention;

3 (15) To post all early voting sites separated by  
4 election authority and hours of operation on its website  
5 at least 5 business days before the period for early  
6 voting begins;

7 (16) To post on its website the statewide totals, and  
8 totals separated by each election authority, for each of  
9 the counts received pursuant to Section 1-9.2; and

10 (17) To post on its website, in a downloadable format,  
11 the information received from each election authority  
12 under Section 1-17.

13 The Board may by regulation delegate any of its duties or  
14 functions under this Article, except that final determinations  
15 and orders under this Article shall be issued only by the  
16 Board.

17 The requirement for reporting to the General Assembly  
18 shall be satisfied by filing copies of the report as required  
19 by Section 3.1 of the General Assembly Organization Act, and  
20 filing such additional copies with the State Government Report  
21 Distribution Center for the General Assembly as is required  
22 under paragraph (t) of Section 7 of the State Library Act.

23 (Source: P.A. 100-623, eff. 7-20-18; 100-863, eff. 8-14-18;  
24 100-1148, eff. 12-10-18; revised 4-4-23.)

25 (10 ILCS 5/1A-16.1)

1 (Text of Section before amendment by P.A. 103-210)

2 Sec. 1A-16.1. Automatic voter registration; Secretary of  
3 State.

4 (a) The Office of the Secretary of State and the State  
5 Board of Elections, pursuant to an interagency contract and  
6 jointly adopted ~~jointly adopted~~ rules, shall establish an  
7 automatic voter registration program that satisfies the  
8 requirements of this Section and other applicable law.

9 (b) If an application, an application for renewal, a  
10 change of address form, or a recertification form for a  
11 driver's license, other than a temporary visitor's driver's  
12 license, or a State identification card issued by the Office  
13 of the Secretary of State meets the requirements of the  
14 federal REAL ID Act of 2005, then that application shall serve  
15 as a dual-purpose application. The dual-purpose application  
16 shall:

17 (1) also serve as an application to register to vote  
18 in Illinois;

19 (2) allow an applicant to change his or her registered  
20 residence address or name as it appears on the voter  
21 registration rolls;

22 (3) provide the applicant with an opportunity to  
23 affirmatively decline to register to vote or to change his  
24 or her registered residence address or name by providing a  
25 check box on the application form without requiring the  
26 applicant to state the reason; and

1           (4) unless the applicant declines to register to vote  
2           or change his or her registered residence address or name,  
3           require the applicant to attest, by signature under  
4           penalty of perjury as described in subsection (e) of this  
5           Section, to meeting the qualifications to register to vote  
6           in Illinois at his or her residence address as indicated  
7           on his or her driver's license or identification card  
8           dual-purpose application.

9           (b-5) If an application, an application for renewal, a  
10          change of address form, or a recertification form for a  
11          driver's license, other than a temporary visitor's driver's  
12          license, or a State identification card issued by the Office  
13          of the Secretary of State does not meet the requirements of the  
14          federal REAL ID Act of 2005, then that application shall serve  
15          as a dual-purpose application. The dual-purpose application  
16          shall:

17                (1) also serve as an application to register to vote  
18                in Illinois;

19                (2) allow an applicant to change his or her registered  
20                residence address or name as it appears on the voter  
21                registration rolls; and

22                (3) if the applicant chooses to register to vote or to  
23                change his or her registered residence address or name,  
24                then require the applicant to attest, by a separate  
25                signature under penalty of perjury, to meeting the  
26                qualifications to register to vote in Illinois at his or



1 her residence address as indicated on his or her  
2 dual-purpose application.

3 (b-10) The Office of the Secretary of State shall clearly  
4 and conspicuously inform each applicant in writing: (i) of the  
5 qualifications to register to vote in Illinois, (ii) of the  
6 penalties provided by law for submission of a false voter  
7 registration application, (iii) that, unless the applicant  
8 declines to register to vote or update his or her voter  
9 registration, his or her dual-purpose application shall also  
10 serve as both an application to register to vote and his or her  
11 attestation that he or she meets the eligibility requirements  
12 for voter registration, and that his or her application to  
13 register to vote or update his or her registration will be  
14 transmitted to the State Board of Elections for the purpose of  
15 registering the person to vote at the residence address to be  
16 indicated on his or her driver's license or identification  
17 card, and (iv) that declining to register to vote is  
18 confidential and will not affect any services the person may  
19 be seeking from the Office of the Secretary of State.

20 (c) The Office of the Secretary of State shall review  
21 information provided to the Office of the Secretary of State  
22 by the State Board of Elections to inform each applicant for a  
23 driver's license or permit, other than a temporary visitor's  
24 driver's license, or a State identification card issued by the  
25 Office of the Secretary of State whether the applicant is  
26 currently registered to vote in Illinois and, if registered,

1 at what address.

2 (d) The Office of the Secretary of State shall not require  
3 an applicant for a driver's license or State identification  
4 card to provide duplicate identification or information in  
5 order to complete an application to register to vote or change  
6 his or her registered residence address or name. Before  
7 transmitting any personal information about an applicant to  
8 the State Board of Elections, the Office of the Secretary of  
9 State shall review its records of the identification documents  
10 the applicant provided in order to complete the application  
11 for a driver's license or State identification card, to  
12 confirm that nothing in those documents indicates that the  
13 applicant does not satisfy the qualifications to register to  
14 vote in Illinois at his or her residence address.

15 (e) A completed, signed application for (i) a driver's  
16 license or permit, other than a temporary visitor's driver's  
17 license, or a State identification card issued by the Office  
18 of the Secretary of State, that meets the requirements of the  
19 federal REAL ID Act of 2005; or (ii) a completed application  
20 under subsection (b-5) of this Section with a separate  
21 signature attesting the applicant meets the qualifications to  
22 register to vote in Illinois at his or her residence address as  
23 indicated on his or her application shall constitute a signed  
24 application to register to vote in Illinois at the residence  
25 address indicated in the application unless the person  
26 affirmatively declined in the application to register to vote

1 or to change his or her registered residence address or name.  
2 If the identification documents provided to complete the  
3 dual-purpose application indicate that he or she does not  
4 satisfy the qualifications to register to vote in Illinois at  
5 his or her residence address, the application shall be marked  
6 as incomplete.

7 (f) For each completed and signed application that  
8 constitutes an application to register to vote in Illinois or  
9 provides for a change in the applicant's registered residence  
10 address or name, the Office of the Secretary of State shall  
11 electronically transmit to the State Board of Elections  
12 personal information needed to complete the person's  
13 registration to vote in Illinois at his or her residence  
14 address. The application to register to vote shall be  
15 processed in accordance with Section 1A-16.7.

16 (g) If the federal REAL ID Act of 2005 is repealed,  
17 abrogated, superseded, or otherwise no longer in effect, then  
18 the State Board of Elections shall establish criteria for  
19 determining reliable personal information indicating  
20 citizenship status and shall adopt rules as necessary for the  
21 Secretary of State to continue processing dual-purpose  
22 applications under this Section.

23 (h) As used in this Section, "dual-purpose application"  
24 means an application, an application for renewal, a change of  
25 address form, or a recertification form for driver's license  
26 or permit, other than a temporary visitor's driver's license,

1 or a State identification card offered by the Secretary of  
2 State that also serves as an application to register to vote in  
3 Illinois. "Dual-purpose application" does not mean an  
4 application under subsection (c) of Section 6-109 of the  
5 Illinois Vehicle Code.

6 (Source: P.A. 100-464, eff. 8-28-17; revised 9-20-2023.)

7 (Text of Section after amendment by P.A. 103-210)

8 Sec. 1A-16.1. Automatic voter registration; Secretary of  
9 State.

10 (a) The Office of the Secretary of State and the State  
11 Board of Elections, pursuant to an interagency contract and  
12 jointly adopted ~~jointly-adopted~~ rules, shall establish an  
13 automatic voter registration program that satisfies the  
14 requirements of this Section and other applicable law.

15 (b) If an application, an application for renewal, a  
16 change of address form, or a recertification form for a  
17 driver's license or a State identification card issued by the  
18 Office of the Secretary of State meets the requirements of the  
19 federal REAL ID Act of 2005, then that application shall serve  
20 as a dual-purpose application. The dual-purpose application  
21 shall:

22 (1) also serve as an application to register to vote  
23 in Illinois;

24 (2) allow an applicant to change his or her registered  
25 residence address or name as it appears on the voter

1 registration rolls;

2 (3) provide the applicant with an opportunity to  
3 affirmatively decline to register to vote or to change his  
4 or her registered residence address or name by providing a  
5 check box on the application form without requiring the  
6 applicant to state the reason; and

7 (4) unless the applicant declines to register to vote  
8 or change his or her registered residence address or name,  
9 require the applicant to attest, by signature under  
10 penalty of perjury as described in subsection (e) of this  
11 Section, to meeting the qualifications to register to vote  
12 in Illinois at his or her residence address as indicated  
13 on his or her driver's license or identification card  
14 dual-purpose application.

15 (b-5) If an application, an application for renewal, a  
16 change of address form, or a recertification form for a  
17 driver's license or a State identification card issued by the  
18 Office of the Secretary of State, other than an application or  
19 form that pertains to a standard driver's license or  
20 identification card and does not list a social security number  
21 for the applicant, does not meet the requirements of the  
22 federal REAL ID Act of 2005, then that application shall serve  
23 as a dual-purpose application. The dual-purpose application  
24 shall:

25 (1) also serve as an application to register to vote  
26 in Illinois;

1           (2) allow an applicant to change his or her registered  
2           residence address or name as it appears on the voter  
3           registration rolls; and

4           (3) if the applicant chooses to register to vote or to  
5           change his or her registered residence address or name,  
6           then require the applicant to attest, by a separate  
7           signature under penalty of perjury, to meeting the  
8           qualifications to register to vote in Illinois at his or  
9           her residence address as indicated on his or her  
10          dual-purpose application.

11          (b-10) The Office of the Secretary of State shall clearly  
12          and conspicuously inform each applicant in writing: (i) of the  
13          qualifications to register to vote in Illinois, (ii) of the  
14          penalties provided by law for submission of a false voter  
15          registration application, (iii) that, unless the applicant  
16          declines to register to vote or update his or her voter  
17          registration, his or her dual-purpose application shall also  
18          serve as both an application to register to vote and his or her  
19          attestation that he or she meets the eligibility requirements  
20          for voter registration, and that his or her application to  
21          register to vote or update his or her registration will be  
22          transmitted to the State Board of Elections for the purpose of  
23          registering the person to vote at the residence address to be  
24          indicated on his or her driver's license or identification  
25          card, and (iv) that declining to register to vote is  
26          confidential and will not affect any services the person may

1 be seeking from the Office of the Secretary of State.

2 (c) The Office of the Secretary of State shall review  
3 information provided to the Office of the Secretary of State  
4 by the State Board of Elections to inform each applicant for a  
5 driver's license or permit or a State identification card  
6 issued by the Office of the Secretary of State, other than an  
7 application or form that pertains to a standard driver's  
8 license or identification card and does not list a social  
9 security number for the applicant, whether the applicant is  
10 currently registered to vote in Illinois and, if registered,  
11 at what address.

12 (d) The Office of the Secretary of State shall not require  
13 an applicant for a driver's license or State identification  
14 card to provide duplicate identification or information in  
15 order to complete an application to register to vote or change  
16 his or her registered residence address or name. Before  
17 transmitting any personal information about an applicant to  
18 the State Board of Elections, the Office of the Secretary of  
19 State shall review its records of the identification documents  
20 the applicant provided in order to complete the application  
21 for a driver's license or State identification card, to  
22 confirm that nothing in those documents indicates that the  
23 applicant does not satisfy the qualifications to register to  
24 vote in Illinois at his or her residence address.

25 (e) A completed, signed application for (i) a driver's  
26 license or permit or a State identification card issued by the

1 Office of the Secretary of State, that meets the requirements  
2 of the federal REAL ID Act of 2005; or (ii) a completed  
3 application under subsection (b-5) of this Section with a  
4 separate signature attesting the applicant meets the  
5 qualifications to register to vote in Illinois at his or her  
6 residence address as indicated on his or her application shall  
7 constitute a signed application to register to vote in  
8 Illinois at the residence address indicated in the application  
9 unless the person affirmatively declined in the application to  
10 register to vote or to change his or her registered residence  
11 address or name. If the identification documents provided to  
12 complete the dual-purpose application indicate that he or she  
13 does not satisfy the qualifications to register to vote in  
14 Illinois at his or her residence address, the application  
15 shall be marked as incomplete.

16 (f) For each completed and signed application that  
17 constitutes an application to register to vote in Illinois or  
18 provides for a change in the applicant's registered residence  
19 address or name, the Office of the Secretary of State shall  
20 electronically transmit to the State Board of Elections  
21 personal information needed to complete the person's  
22 registration to vote in Illinois at his or her residence  
23 address. The application to register to vote shall be  
24 processed in accordance with Section 1A-16.7.

25 (g) If the federal REAL ID Act of 2005 is repealed,  
26 abrogated, superseded, or otherwise no longer in effect, then



1 the State Board of Elections shall establish criteria for  
2 determining reliable personal information indicating  
3 citizenship status and shall adopt rules as necessary for the  
4 Secretary of State to continue processing dual-purpose  
5 applications under this Section.

6 (h) As used in this Section, "dual-purpose application"  
7 means an application, an application for renewal, a change of  
8 address form, or a recertification form for driver's license  
9 or permit or a State identification card offered by the  
10 Secretary of State, other than an application or form that  
11 pertains to a standard driver's license or identification card  
12 and does not list a social security number for the applicant,  
13 that also serves as an application to register to vote in  
14 Illinois. "Dual-purpose application" does not mean an  
15 application under subsection (c) of Section 6-109 of the  
16 Illinois Vehicle Code.

17 (Source: P.A. 103-210, eff. 7-1-24; revised 9-20-23.)

18 (10 ILCS 5/24B-9.1)

19 Sec. 24B-9.1. Examination of votes ~~Votes~~ by electronic  
20 ~~Electronic~~ Precinct Tabulation Optical Scan Technology  
21 Scanning Process or other authorized electronic process;  
22 definition of a vote.

23 (a) ~~Examination of Votes by Electronic Precinct Tabulation~~  
24 ~~Optical Scan Technology Scanning Process.~~ Whenever a Precinct  
25 Tabulation Optical Scan Technology process is used to

1 automatically examine and count the votes on ballot sheets,  
2 the provisions of this Section shall apply. A voter shall cast  
3 a proper vote on a ballot sheet by making a mark, or causing a  
4 mark to be made, in the designated area for the casting of a  
5 vote for any party or candidate or for or against any  
6 proposition. For this purpose, a mark is an intentional  
7 darkening of the designated area on the ballot, and not an  
8 identifying mark.

9 (b) For any ballot sheet that does not register a vote for  
10 one or more ballot positions on the ballot sheet on an  
11 electronic ~~a Electronic~~ Precinct Tabulation Optical Scan  
12 Technology Scanning Process, the following shall constitute a  
13 vote on the ballot sheet:

14 (1) the designated area for casting a vote for a  
15 particular ballot position on the ballot sheet is fully  
16 darkened or shaded in;

17 (2) the designated area for casting a vote for a  
18 particular ballot position on the ballot sheet is  
19 partially darkened or shaded in;

20 (3) the designated area for casting a vote for a  
21 particular ballot position on the ballot sheet contains a  
22 dot or ".", a check, or a plus or "+";

23 (4) the designated area for casting a vote for a  
24 particular ballot position on the ballot sheet contains  
25 some other type of mark that indicates the clearly  
26 ascertainable intent of the voter to vote based on the

1           totality of the circumstances, including, but not limited  
2           to, any pattern or frequency of marks on other ballot  
3           positions from the same ballot sheet; or

4           (5) the designated area for casting a vote for a  
5           particular ballot position on the ballot sheet is not  
6           marked, but the ballot sheet contains other markings  
7           associated with a particular ballot position, such as  
8           circling a candidate's name, that indicates the clearly  
9           ascertainable intent of the voter to vote, based on the  
10          totality of the circumstances, including, but not limited  
11          to, any pattern or frequency of markings on other ballot  
12          positions from the same ballot sheet.

13          (c) For other electronic voting systems that use a  
14          computer as the marking device to mark a ballot sheet, the bar  
15          code found on the ballot sheet shall constitute the votes  
16          found on the ballot. If, however, the county clerk or board of  
17          election commissioners determines that the votes represented  
18          by the tally on the bar code for one or more ballot positions  
19          is inconsistent with the votes represented by numerical ballot  
20          positions identified on the ballot sheet produced using a  
21          computer as the marking device, then the numerical ballot  
22          positions identified on the ballot sheet shall constitute the  
23          votes for purposes of any official canvass or recount  
24          proceeding. An electronic voting system that uses a computer  
25          as the marking device to mark a ballot sheet shall be capable  
26          of producing a ballot sheet that contains all numerical ballot

1 positions selected by the voter<sup>7</sup> and provides a place for the  
2 voter to cast a write-in vote for a candidate for a particular  
3 numerical ballot position.

4 (d) The election authority shall provide an envelope,  
5 sleeve,l or other device to each voter so the voter can deliver  
6 the voted ballot sheet to the counting equipment and ballot  
7 box without the votes indicated on the ballot sheet being  
8 visible to other persons in the polling place.

9 (Source: P.A. 95-331, eff. 8-21-07; revised 9-25-23.)

10 Section 40. The Illinois Identification Card Act is  
11 amended by changing Sections 1A and 4 as follows:

12 (15 ILCS 335/1A)

13 (Text of Section before amendment by P.A. 103-210)

14 Sec. 1A. Definitions. As used in this Act:

15 "Highly restricted personal information" means an  
16 individual's photograph, signature, social security number,  
17 and medical or disability information.

18 "Identification card making implement" means any material,  
19 hardware, or software that is specifically designed for or  
20 primarily used in the manufacture, assembly, issuance, or  
21 authentication of an official identification card issued by  
22 the Secretary of State.

23 "Fraudulent identification card" means any identification  
24 card that purports to be an official identification card for

1 which a computerized number and file have not been created by  
2 the Secretary of State, the United States Government or any  
3 state or political subdivision thereof, or any governmental or  
4 quasi-governmental organization. For the purpose of this Act,  
5 any identification card that resembles an official  
6 identification card in either size, color, photograph  
7 location, or design or uses the word "official", "state",  
8 "Illinois", or the name of any other state or political  
9 subdivision thereof, or any governmental or quasi-governmental  
10 organization individually or in any combination thereof to  
11 describe or modify the term "identification card" or "I.D.  
12 card" anywhere on the card, or uses a shape in the likeness of  
13 Illinois or any other state on the photograph side of the card,  
14 is deemed to be a fraudulent identification card unless the  
15 words "This is not an official Identification Card", appear  
16 prominently upon it in black colored lettering in 12-point  
17 type on the photograph side of the card, and no such card shall  
18 be smaller in size than 3 inches by 4 inches, and the  
19 photograph shall be on the left side of the card only.

20 "Legal name" means the full given name and surname of an  
21 individual as recorded at birth, recorded at marriage, or  
22 deemed as the correct legal name for use in reporting income by  
23 the Social Security Administration or the name as otherwise  
24 established through legal action that appears on the  
25 associated official document presented to the Secretary of  
26 State.

1 "Personally identifying information" means information  
2 that identifies an individual, including his or her  
3 identification card number, name, address (but not the 5-digit  
4 zip code), date of birth, height, weight, hair color, eye  
5 color, email address, and telephone number.

6 "Homeless person" or "homeless individual" has the same  
7 meaning as defined by the federal McKinney-Vento Homeless  
8 Assistance Act, 42 U.S.C. 11302, or 42 U.S.C. 11434a(2).

9 "Youth for whom the Department of Children and Family  
10 Services is legally responsible" or "foster child" means a  
11 child or youth whose guardianship or custody has been accepted  
12 by the Department of Children and Family Services pursuant to  
13 the Juvenile Court Act of 1987, the Children and Family  
14 Services Act, the Abused and Neglected Child Reporting Act,  
15 and the Adoption Act. This applies to children for whom the  
16 Department of Children and Family Services has temporary  
17 protective custody, custody or guardianship via court order,  
18 or children whose parents have signed an adoptive surrender or  
19 voluntary placement agreement with the Department.

20 "REAL ID compliant identification card" means a standard  
21 Illinois Identification Card or Illinois Person with a  
22 Disability Identification Card issued in compliance with the  
23 REAL ID Act and implementing regulations. REAL ID compliant  
24 identification cards shall bear a security marking approved by  
25 the United States Department of Homeland Security.

26 "Non-compliant identification card" means a standard

1 Illinois Identification Card or Illinois Person with a  
2 Disability Identification Card issued in a manner which is not  
3 compliant with the REAL ID Act and implementing regulations.  
4 Non-compliant identification cards shall be marked "Not for  
5 Federal Identification" and shall have a color or design  
6 different from the REAL ID compliant identification card.

7 "Limited Term REAL ID compliant identification card" means  
8 a REAL ID compliant identification card issued to a person who  
9 is ~~persons who are~~ not a permanent resident ~~residents~~ or  
10 citizen ~~citizens~~ of the United States, and marked "Limited  
11 Term" on the face of the card.

12 (Source: P.A. 100-201, eff. 8-18-17; 100-248, eff. 8-22-17;  
13 101-326, eff. 8-9-19; revised 9-20-23.)

14 (Text of Section after amendment by P.A. 103-210)

15 Sec. 1A. Definitions. As used in this Act:

16 "Highly restricted personal information" means an  
17 individual's photograph, signature, social security number,  
18 and medical or disability information.

19 "Identification card making implement" means any material,  
20 hardware, or software that is specifically designed for or  
21 primarily used in the manufacture, assembly, issuance, or  
22 authentication of an official identification card issued by  
23 the Secretary of State.

24 "Fraudulent identification card" means any identification  
25 card that purports to be an official identification card for

1 which a computerized number and file have not been created by  
2 the Secretary of State, the United States Government or any  
3 state or political subdivision thereof, or any governmental or  
4 quasi-governmental organization. For the purpose of this Act,  
5 any identification card that resembles an official  
6 identification card in either size, color, photograph  
7 location, or design or uses the word "official", "state",  
8 "Illinois", or the name of any other state or political  
9 subdivision thereof, or any governmental or quasi-governmental  
10 organization individually or in any combination thereof to  
11 describe or modify the term "identification card" or "I.D.  
12 card" anywhere on the card, or uses a shape in the likeness of  
13 Illinois or any other state on the photograph side of the card,  
14 is deemed to be a fraudulent identification card unless the  
15 words "This is not an official Identification Card", appear  
16 prominently upon it in black colored lettering in 12-point  
17 type on the photograph side of the card, and no such card shall  
18 be smaller in size than 3 inches by 4 inches, and the  
19 photograph shall be on the left side of the card only.

20 "Legal name" means the full given name and surname of an  
21 individual as recorded at birth, recorded at marriage, or  
22 deemed as the correct legal name for use in reporting income by  
23 the Social Security Administration or the name as otherwise  
24 established through legal action that appears on the  
25 associated official document presented to the Secretary of  
26 State.



1 "Personally identifying information" means information  
2 that identifies an individual, including his or her  
3 identification card number, name, address (but not the 5-digit  
4 zip code), date of birth, height, weight, hair color, eye  
5 color, email address, and telephone number.

6 "Homeless person" or "homeless individual" has the same  
7 meaning as defined by the federal McKinney-Vento Homeless  
8 Assistance Act, 42 U.S.C. 11302, or 42 U.S.C. 11434a(2).

9 "Youth for whom the Department of Children and Family  
10 Services is legally responsible" or "foster child" means a  
11 child or youth whose guardianship or custody has been accepted  
12 by the Department of Children and Family Services pursuant to  
13 the Juvenile Court Act of 1987, the Children and Family  
14 Services Act, the Abused and Neglected Child Reporting Act,  
15 and the Adoption Act. This applies to children for whom the  
16 Department of Children and Family Services has temporary  
17 protective custody, custody or guardianship via court order,  
18 or children whose parents have signed an adoptive surrender or  
19 voluntary placement agreement with the Department.

20 "REAL ID compliant identification card" means a standard  
21 Illinois Identification Card or Illinois Person with a  
22 Disability Identification Card issued in compliance with the  
23 REAL ID Act and implementing regulations. REAL ID compliant  
24 identification cards shall bear a security marking approved by  
25 the United States Department of Homeland Security.

26 "Standard identification card" means a standard Illinois

1 Identification Card or Illinois Person with a Disability  
2 Identification Card issued in a manner which is not compliant  
3 with the REAL ID Act and implementing regulations. Standard  
4 identification cards shall be marked "Federal Limits Apply"  
5 and shall have a color or design different from the REAL ID  
6 compliant identification card.

7 "Limited Term REAL ID compliant identification card" means  
8 a REAL ID compliant identification card that is issued to a  
9 person who is ~~persons who are~~ not a permanent resident  
10 ~~residents~~ or citizen ~~citizens~~ of the United States<sup>7</sup> or an  
11 individual who has an approved application for asylum in the  
12 United States or has entered the United States in refugee  
13 status<sup>7</sup> and is marked "Limited Term" on the face of the card.

14 (Source: P.A. 103-210, eff. 7-1-24; revised 9-20-23.)

15 (15 ILCS 335/4)

16 (Text of Section before amendment by P.A. 103-210)

17 Sec. 4. Identification card.

18 (a) The Secretary of State shall issue a standard Illinois  
19 Identification Card to any natural person who is a resident of  
20 the State of Illinois who applies for such card, or renewal  
21 thereof. No identification card shall be issued to any person  
22 who holds a valid foreign state identification card, license,  
23 or permit unless the person first surrenders to the Secretary  
24 of State the valid foreign state identification card, license,  
25 or permit. The card shall be prepared and supplied by the

1 Secretary of State and shall include a photograph and  
2 signature or mark of the applicant. However, the Secretary of  
3 State may provide by rule for the issuance of Illinois  
4 Identification Cards without photographs if the applicant has  
5 a bona fide religious objection to being photographed or to  
6 the display of his or her photograph. The Illinois  
7 Identification Card may be used for identification purposes in  
8 any lawful situation only by the person to whom it was issued.  
9 As used in this Act, "photograph" means any color photograph  
10 or digitally produced and captured image of an applicant for  
11 an identification card. As used in this Act, "signature" means  
12 the name of a person as written by that person and captured in  
13 a manner acceptable to the Secretary of State.

14 (a-5) If an applicant for an identification card has a  
15 current driver's license or instruction permit issued by the  
16 Secretary of State, the Secretary may require the applicant to  
17 utilize the same residence address and name on the  
18 identification card, driver's license, and instruction permit  
19 records maintained by the Secretary. The Secretary may  
20 promulgate rules to implement this provision.

21 (a-10) If the applicant is a judicial officer as defined  
22 in Section 1-10 of the Judicial Privacy Act or a peace officer,  
23 the applicant may elect to have his or her office or work  
24 address listed on the card instead of the applicant's  
25 residence or mailing address. The Secretary may promulgate  
26 rules to implement this provision. For the purposes of this

1 subsection (a-10), "peace officer" means any person who by  
2 virtue of his or her office or public employment is vested by  
3 law with a duty to maintain public order or to make arrests for  
4 a violation of any penal statute of this State, whether that  
5 duty extends to all violations or is limited to specific  
6 violations.

7 (a-15) The Secretary of State may provide for an expedited  
8 process for the issuance of an Illinois Identification Card.  
9 The Secretary shall charge an additional fee for the expedited  
10 issuance of an Illinois Identification Card, to be set by  
11 rule, not to exceed \$75. All fees collected by the Secretary  
12 for expedited Illinois Identification Card service shall be  
13 deposited into the Secretary of State Special Services Fund.  
14 The Secretary may adopt rules regarding the eligibility,  
15 process, and fee for an expedited Illinois Identification  
16 Card. If the Secretary of State determines that the volume of  
17 expedited identification card requests received on a given day  
18 exceeds the ability of the Secretary to process those requests  
19 in an expedited manner, the Secretary may decline to provide  
20 expedited services, and the additional fee for the expedited  
21 service shall be refunded to the applicant.

22 (a-20) The Secretary of State shall issue a standard  
23 Illinois Identification Card to a person committed to the  
24 Department of Corrections or Department of Juvenile Justice  
25 upon receipt of the person's birth certificate, social  
26 security card, photograph, proof of residency upon discharge,

1 and an identification card application transferred via a  
2 secure method as agreed upon by the Secretary and the  
3 Department of Corrections or Department of Juvenile Justice.  
4 Illinois residency shall be established by submission of a  
5 Secretary of State prescribed Identification Card verification  
6 form completed by the respective Department.

7 (a-25) The Secretary of State shall issue a limited-term  
8 Illinois Identification Card valid for 90 days to a committed  
9 person upon release on parole, mandatory supervised release,  
10 aftercare release, final discharge, or pardon from the  
11 Department of Corrections or Department of Juvenile Justice,  
12 if the released person is unable to present a certified copy of  
13 his or her birth certificate and social security card or other  
14 documents authorized by the Secretary, but does present a  
15 Secretary of State prescribed Identification Card verification  
16 form completed by the Department of Corrections or Department  
17 of Juvenile Justice, verifying the released person's date of  
18 birth, social security number, and his or her Illinois  
19 residence address. The verification form must have been  
20 completed no more than 30 days prior to the date of application  
21 for the Illinois Identification Card.

22 Prior to the expiration of the 90-day period of the  
23 limited-term Illinois Identification Card, if the released  
24 person submits to the Secretary of State a certified copy of  
25 his or her birth certificate and his or her social security  
26 card or other documents authorized by the Secretary, a

1 standard Illinois Identification Card shall be issued. A  
2 limited-term Illinois Identification Card may not be renewed.

3 (a-30) The Secretary of State shall issue a standard  
4 Illinois Identification Card to a person upon conditional  
5 release or absolute discharge from the custody of the  
6 Department of Human Services, if the person presents a  
7 certified copy of his or her birth certificate, social  
8 security card, or other documents authorized by the Secretary,  
9 and a document proving his or her Illinois residence address.  
10 The Secretary of State shall issue a standard Illinois  
11 Identification Card to a person prior to his or her  
12 conditional release or absolute discharge if personnel from  
13 the Department of Human Services bring the person to a  
14 Secretary of State location with the required documents.  
15 Documents proving residence address may include any official  
16 document of the Department of Human Services showing the  
17 person's address after release and a Secretary of State  
18 prescribed verification form, which may be executed by  
19 personnel of the Department of Human Services.

20 (a-35) The Secretary of State shall issue a limited-term  
21 Illinois Identification Card valid for 90 days to a person  
22 upon conditional release or absolute discharge from the  
23 custody of the Department of Human Services, if the person is  
24 unable to present a certified copy of his or her birth  
25 certificate and social security card or other documents  
26 authorized by the Secretary, but does present a Secretary of

1 State prescribed verification form completed by the Department  
2 of Human Services, verifying the person's date of birth and  
3 social security number, and a document proving his or her  
4 Illinois residence address. The verification form must have  
5 been completed no more than 30 days prior to the date of  
6 application for the Illinois Identification Card. The  
7 Secretary of State shall issue a limited-term Illinois  
8 Identification Card to a person no sooner than 14 days prior to  
9 his or her conditional release or absolute discharge if  
10 personnel from the Department of Human Services bring the  
11 person to a Secretary of State location with the required  
12 documents. Documents proving residence address shall include  
13 any official document of the Department of Human Services  
14 showing the person's address after release and a Secretary of  
15 State prescribed verification form, which may be executed by  
16 personnel of the Department of Human Services.

17 (b) The Secretary of State shall issue a special Illinois  
18 Identification Card, which shall be known as an Illinois  
19 Person with a Disability Identification Card, to any natural  
20 person who is a resident of the State of Illinois, who is a  
21 person with a disability as defined in Section 4A of this Act,  
22 who applies for such card, or renewal thereof. No Illinois  
23 Person with a Disability Identification Card shall be issued  
24 to any person who holds a valid foreign state identification  
25 card, license, or permit unless the person first surrenders to  
26 the Secretary of State the valid foreign state identification

1 card, license, or permit. The Secretary of State shall charge  
2 no fee to issue such card. The card shall be prepared and  
3 supplied by the Secretary of State, and shall include a  
4 photograph and signature or mark of the applicant, a  
5 designation indicating that the card is an Illinois Person  
6 with a Disability Identification Card, and shall include a  
7 comprehensible designation of the type and classification of  
8 the applicant's disability as set out in Section 4A of this  
9 Act. However, the Secretary of State may provide by rule for  
10 the issuance of Illinois Person with a Disability  
11 Identification Cards without photographs if the applicant has  
12 a bona fide religious objection to being photographed or to  
13 the display of his or her photograph. If the applicant so  
14 requests, the card shall include a description of the  
15 applicant's disability and any information about the  
16 applicant's disability or medical history which the Secretary  
17 determines would be helpful to the applicant in securing  
18 emergency medical care. If a mark is used in lieu of a  
19 signature, such mark shall be affixed to the card in the  
20 presence of two witnesses who attest to the authenticity of  
21 the mark. The Illinois Person with a Disability Identification  
22 Card may be used for identification purposes in any lawful  
23 situation by the person to whom it was issued.

24 The Illinois Person with a Disability Identification Card  
25 may be used as adequate documentation of disability in lieu of  
26 a physician's determination of disability, a determination of



1 disability from a physician assistant, a determination of  
2 disability from an advanced practice registered nurse, or any  
3 other documentation of disability whenever any State law  
4 requires that a person with a disability provide such  
5 documentation of disability, however an Illinois Person with a  
6 Disability Identification Card shall not qualify the  
7 cardholder to participate in any program or to receive any  
8 benefit which is not available to all persons with like  
9 disabilities. Notwithstanding any other provisions of law, an  
10 Illinois Person with a Disability Identification Card, or  
11 evidence that the Secretary of State has issued an Illinois  
12 Person with a Disability Identification Card, shall not be  
13 used by any person other than the person named on such card to  
14 prove that the person named on such card is a person with a  
15 disability or for any other purpose unless the card is used for  
16 the benefit of the person named on such card, and the person  
17 named on such card consents to such use at the time the card is  
18 so used.

19 An optometrist's determination of a visual disability  
20 under Section 4A of this Act is acceptable as documentation  
21 for the purpose of issuing an Illinois Person with a  
22 Disability Identification Card.

23 When medical information is contained on an Illinois  
24 Person with a Disability Identification Card, the Office of  
25 the Secretary of State shall not be liable for any actions  
26 taken based upon that medical information.

1 (c) The Secretary of State shall provide that each  
2 original or renewal Illinois Identification Card or Illinois  
3 Person with a Disability Identification Card issued to a  
4 person under the age of 21 shall be of a distinct nature from  
5 those Illinois Identification Cards or Illinois Person with a  
6 Disability Identification Cards issued to individuals 21 years  
7 of age or older. The color designated for Illinois  
8 Identification Cards or Illinois Person with a Disability  
9 Identification Cards for persons under the age of 21 shall be  
10 at the discretion of the Secretary of State.

11 (c-1) Each original or renewal Illinois Identification  
12 Card or Illinois Person with a Disability Identification Card  
13 issued to a person under the age of 21 shall display the date  
14 upon which the person becomes 18 years of age and the date upon  
15 which the person becomes 21 years of age.

16 (c-3) The General Assembly recognizes the need to identify  
17 military veterans living in this State for the purpose of  
18 ensuring that they receive all of the services and benefits to  
19 which they are legally entitled, including healthcare,  
20 education assistance, and job placement. To assist the State  
21 in identifying these veterans and delivering these vital  
22 services and benefits, the Secretary of State is authorized to  
23 issue Illinois Identification Cards and Illinois Person with a  
24 Disability Identification Cards with the word "veteran"  
25 appearing on the face of the cards. This authorization is  
26 predicated on the unique status of veterans. The Secretary may

1 not issue any other identification card which identifies an  
2 occupation, status, affiliation, hobby, or other unique  
3 characteristics of the identification card holder which is  
4 unrelated to the purpose of the identification card.

5 (c-5) Beginning on or before July 1, 2015, the Secretary  
6 of State shall designate a space on each original or renewal  
7 identification card where, at the request of the applicant,  
8 the word "veteran" shall be placed. The veteran designation  
9 shall be available to a person identified as a veteran under  
10 subsection (b) of Section 5 of this Act who was discharged or  
11 separated under honorable conditions.

12 (d) The Secretary of State may issue a Senior Citizen  
13 discount card, to any natural person who is a resident of the  
14 State of Illinois who is 60 years of age or older and who  
15 applies for such a card or renewal thereof. The Secretary of  
16 State shall charge no fee to issue such card. The card shall be  
17 issued in every county and applications shall be made  
18 available at, but not limited to, nutrition sites, senior  
19 citizen centers and Area Agencies on Aging. The applicant,  
20 upon receipt of such card and prior to its use for any purpose,  
21 shall have affixed thereon in the space provided therefor his  
22 signature or mark.

23 (e) The Secretary of State, in his or her discretion, may  
24 designate on each Illinois Identification Card or Illinois  
25 Person with a Disability Identification Card a space where the  
26 card holder may place a sticker or decal, issued by the

1 Secretary of State, of uniform size as the Secretary may  
2 specify, that shall indicate in appropriate language that the  
3 card holder has renewed his or her Illinois Identification  
4 Card or Illinois Person with a Disability Identification Card.  
5 (Source: P.A. 102-299, eff. 8-6-21; 103-345, eff. 1-1-24.)

6 (Text of Section after amendment by P.A. 103-210)

7 Sec. 4. Identification card.

8 (a) The Secretary of State shall issue a standard Illinois  
9 Identification Card to any natural person who is a resident of  
10 the State of Illinois who applies for such card, or renewal  
11 thereof. No identification card shall be issued to any person  
12 who holds a valid foreign state identification card, license,  
13 or permit unless the person first surrenders to the Secretary  
14 of State the valid foreign state identification card, license,  
15 or permit. The card shall be prepared and supplied by the  
16 Secretary of State and shall include a photograph and  
17 signature or mark of the applicant. However, the Secretary of  
18 State may provide by rule for the issuance of Illinois  
19 Identification Cards without photographs if the applicant has  
20 a bona fide religious objection to being photographed or to  
21 the display of his or her photograph. The Illinois  
22 Identification Card may be used for identification purposes in  
23 any lawful situation only by the person to whom it was issued.  
24 As used in this Act, "photograph" means any color photograph  
25 or digitally produced and captured image of an applicant for

1 an identification card. As used in this Act, "signature" means  
2 the name of a person as written by that person and captured in  
3 a manner acceptable to the Secretary of State.

4 (a-5) If an applicant for an identification card has a  
5 current driver's license or instruction permit issued by the  
6 Secretary of State, the Secretary may require the applicant to  
7 utilize the same residence address and name on the  
8 identification card, driver's license, and instruction permit  
9 records maintained by the Secretary. The Secretary may  
10 promulgate rules to implement this provision.

11 (a-10) If the applicant is a judicial officer as defined  
12 in Section 1-10 of the Judicial Privacy Act or a peace officer,  
13 the applicant may elect to have his or her office or work  
14 address listed on the card instead of the applicant's  
15 residence or mailing address. The Secretary may promulgate  
16 rules to implement this provision. For the purposes of this  
17 subsection (a-10), "peace officer" means any person who by  
18 virtue of his or her office or public employment is vested by  
19 law with a duty to maintain public order or to make arrests for  
20 a violation of any penal statute of this State, whether that  
21 duty extends to all violations or is limited to specific  
22 violations.

23 (a-15) The Secretary of State may provide for an expedited  
24 process for the issuance of an Illinois Identification Card.  
25 The Secretary shall charge an additional fee for the expedited  
26 issuance of an Illinois Identification Card, to be set by

1 rule, not to exceed \$75. All fees collected by the Secretary  
2 for expedited Illinois Identification Card service shall be  
3 deposited into the Secretary of State Special Services Fund.  
4 The Secretary may adopt rules regarding the eligibility,  
5 process, and fee for an expedited Illinois Identification  
6 Card. If the Secretary of State determines that the volume of  
7 expedited identification card requests received on a given day  
8 exceeds the ability of the Secretary to process those requests  
9 in an expedited manner, the Secretary may decline to provide  
10 expedited services, and the additional fee for the expedited  
11 service shall be refunded to the applicant.

12 (a-20) The Secretary of State shall issue a standard  
13 Illinois Identification Card to a person committed to the  
14 Department of Corrections or Department of Juvenile Justice  
15 upon receipt of the person's birth certificate, social  
16 security card, if the person has a social security number,  
17 photograph, proof of residency upon discharge, and an  
18 identification card application transferred via a secure  
19 method as agreed upon by the Secretary and the Department of  
20 Corrections or Department of Juvenile Justice, ~~if the person~~  
21 ~~has a social security number,~~. Illinois residency shall be  
22 established by submission of a Secretary of State prescribed  
23 Identification Card verification form completed by the  
24 respective Department.

25 (a-25) The Secretary of State shall issue a limited-term  
26 Illinois Identification Card valid for 90 days to a committed

1 person upon release on parole, mandatory supervised release,  
2 aftercare release, final discharge, or pardon from the  
3 Department of Corrections or Department of Juvenile Justice,  
4 if the released person is unable to present a certified copy of  
5 his or her birth certificate and social security card, if the  
6 person has a social security number, or other documents  
7 authorized by the Secretary, but does present a Secretary of  
8 State prescribed Identification Card verification form  
9 completed by the Department of Corrections or Department of  
10 Juvenile Justice, verifying the released person's date of  
11 birth, social security number, if the person has a social  
12 security number, and his or her Illinois residence address.  
13 The verification form must have been completed no more than 30  
14 days prior to the date of application for the Illinois  
15 Identification Card.

16 Prior to the expiration of the 90-day period of the  
17 limited-term Illinois Identification Card, if the released  
18 person submits to the Secretary of State a certified copy of  
19 his or her birth certificate and his or her social security  
20 card, if the person has a social security number, or other  
21 documents authorized by the Secretary, a standard Illinois  
22 Identification Card shall be issued. A limited-term Illinois  
23 Identification Card may not be renewed.

24 (a-30) The Secretary of State shall issue a standard  
25 Illinois Identification Card to a person upon conditional  
26 release or absolute discharge from the custody of the

1 Department of Human Services, if the person presents a  
2 certified copy of his or her birth certificate, social  
3 security card, if the person has a social security number, or  
4 other documents authorized by the Secretary, and a document  
5 proving his or her Illinois residence address. The Secretary  
6 of State shall issue a standard Illinois Identification Card  
7 to a person prior to his or her conditional release or absolute  
8 discharge if personnel from the Department of Human Services  
9 bring the person to a Secretary of State location with the  
10 required documents. Documents proving residence address may  
11 include any official document of the Department of Human  
12 Services showing the person's address after release and a  
13 Secretary of State prescribed verification form, which may be  
14 executed by personnel of the Department of Human Services.

15 (a-35) The Secretary of State shall issue a limited-term  
16 Illinois Identification Card valid for 90 days to a person  
17 upon conditional release or absolute discharge from the  
18 custody of the Department of Human Services, if the person is  
19 unable to present a certified copy of his or her birth  
20 certificate and social security card, if the person has a  
21 social security number, or other documents authorized by the  
22 Secretary, but does present a Secretary of State prescribed  
23 verification form completed by the Department of Human  
24 Services, verifying the person's date of birth and social  
25 security number, if the person has a social security number,  
26 and a document proving his or her Illinois residence address.



1 The verification form must have been completed no more than 30  
2 days prior to the date of application for the Illinois  
3 Identification Card. The Secretary of State shall issue a  
4 limited-term Illinois Identification Card to a person no  
5 sooner than 14 days prior to his or her conditional release or  
6 absolute discharge if personnel from the Department of Human  
7 Services bring the person to a Secretary of State location  
8 with the required documents. Documents proving residence  
9 address shall include any official document of the Department  
10 of Human Services showing the person's address after release  
11 and a Secretary of State prescribed verification form, which  
12 may be executed by personnel of the Department of Human  
13 Services.

14 (b) The Secretary of State shall issue a special Illinois  
15 Identification Card, which shall be known as an Illinois  
16 Person with a Disability Identification Card, to any natural  
17 person who is a resident of the State of Illinois, who is a  
18 person with a disability as defined in Section 4A of this Act,  
19 who applies for such card, or renewal thereof. No Illinois  
20 Person with a Disability Identification Card shall be issued  
21 to any person who holds a valid foreign state identification  
22 card, license, or permit unless the person first surrenders to  
23 the Secretary of State the valid foreign state identification  
24 card, license, or permit. The Secretary of State shall charge  
25 no fee to issue such card. The card shall be prepared and  
26 supplied by the Secretary of State, and shall include a

1 photograph and signature or mark of the applicant, a  
2 designation indicating that the card is an Illinois Person  
3 with a Disability Identification Card, and shall include a  
4 comprehensible designation of the type and classification of  
5 the applicant's disability as set out in Section 4A of this  
6 Act. However, the Secretary of State may provide by rule for  
7 the issuance of Illinois Person with a Disability  
8 Identification Cards without photographs if the applicant has  
9 a bona fide religious objection to being photographed or to  
10 the display of his or her photograph. If the applicant so  
11 requests, the card shall include a description of the  
12 applicant's disability and any information about the  
13 applicant's disability or medical history which the Secretary  
14 determines would be helpful to the applicant in securing  
15 emergency medical care. If a mark is used in lieu of a  
16 signature, such mark shall be affixed to the card in the  
17 presence of two witnesses who attest to the authenticity of  
18 the mark. The Illinois Person with a Disability Identification  
19 Card may be used for identification purposes in any lawful  
20 situation by the person to whom it was issued.

21 The Illinois Person with a Disability Identification Card  
22 may be used as adequate documentation of disability in lieu of  
23 a physician's determination of disability, a determination of  
24 disability from a physician assistant, a determination of  
25 disability from an advanced practice registered nurse, or any  
26 other documentation of disability whenever any State law

1 requires that a person with a disability provide such  
2 documentation of disability, however an Illinois Person with a  
3 Disability Identification Card shall not qualify the  
4 cardholder to participate in any program or to receive any  
5 benefit which is not available to all persons with like  
6 disabilities. Notwithstanding any other provisions of law, an  
7 Illinois Person with a Disability Identification Card, or  
8 evidence that the Secretary of State has issued an Illinois  
9 Person with a Disability Identification Card, shall not be  
10 used by any person other than the person named on such card to  
11 prove that the person named on such card is a person with a  
12 disability or for any other purpose unless the card is used for  
13 the benefit of the person named on such card, and the person  
14 named on such card consents to such use at the time the card is  
15 so used.

16 An optometrist's determination of a visual disability  
17 under Section 4A of this Act is acceptable as documentation  
18 for the purpose of issuing an Illinois Person with a  
19 Disability Identification Card.

20 When medical information is contained on an Illinois  
21 Person with a Disability Identification Card, the Office of  
22 the Secretary of State shall not be liable for any actions  
23 taken based upon that medical information.

24 (c) The Secretary of State shall provide that each  
25 original or renewal Illinois Identification Card or Illinois  
26 Person with a Disability Identification Card issued to a

1 person under the age of 21 shall be of a distinct nature from  
2 those Illinois Identification Cards or Illinois Person with a  
3 Disability Identification Cards issued to individuals 21 years  
4 of age or older. The color designated for Illinois  
5 Identification Cards or Illinois Person with a Disability  
6 Identification Cards for persons under the age of 21 shall be  
7 at the discretion of the Secretary of State.

8 (c-1) Each original or renewal Illinois Identification  
9 Card or Illinois Person with a Disability Identification Card  
10 issued to a person under the age of 21 shall display the date  
11 upon which the person becomes 18 years of age and the date upon  
12 which the person becomes 21 years of age.

13 (c-3) The General Assembly recognizes the need to identify  
14 military veterans living in this State for the purpose of  
15 ensuring that they receive all of the services and benefits to  
16 which they are legally entitled, including healthcare,  
17 education assistance, and job placement. To assist the State  
18 in identifying these veterans and delivering these vital  
19 services and benefits, the Secretary of State is authorized to  
20 issue Illinois Identification Cards and Illinois Person with a  
21 Disability Identification Cards with the word "veteran"  
22 appearing on the face of the cards. This authorization is  
23 predicated on the unique status of veterans. The Secretary may  
24 not issue any other identification card which identifies an  
25 occupation, status, affiliation, hobby, or other unique  
26 characteristics of the identification card holder which is

1 unrelated to the purpose of the identification card.

2 (c-5) Beginning on or before July 1, 2015, the Secretary  
3 of State shall designate a space on each original or renewal  
4 identification card where, at the request of the applicant,  
5 the word "veteran" shall be placed. The veteran designation  
6 shall be available to a person identified as a veteran under  
7 subsection (b) of Section 5 of this Act who was discharged or  
8 separated under honorable conditions.

9 (d) The Secretary of State may issue a Senior Citizen  
10 discount card, to any natural person who is a resident of the  
11 State of Illinois who is 60 years of age or older and who  
12 applies for such a card or renewal thereof. The Secretary of  
13 State shall charge no fee to issue such card. The card shall be  
14 issued in every county and applications shall be made  
15 available at, but not limited to, nutrition sites, senior  
16 citizen centers and Area Agencies on Aging. The applicant,  
17 upon receipt of such card and prior to its use for any purpose,  
18 shall have affixed thereon in the space provided therefor his  
19 signature or mark.

20 (e) The Secretary of State, in his or her discretion, may  
21 designate on each Illinois Identification Card or Illinois  
22 Person with a Disability Identification Card a space where the  
23 card holder may place a sticker or decal, issued by the  
24 Secretary of State, of uniform size as the Secretary may  
25 specify, that shall indicate in appropriate language that the  
26 card holder has renewed his or her Illinois Identification

1 Card or Illinois Person with a Disability Identification Card.  
2 (Source: P.A. 102-299, eff. 8-6-21; 103-210, eff. 7-1-24;  
3 103-345, eff. 1-1-24; revised 12-12-23.)

4 Section 45. The State Treasurer Employment Code is amended  
5 by changing Section 7a as follows:

6 (15 ILCS 510/7a) (from Ch. 130, par. 107a)

7 Sec. 7a. Terms; compensation ~~Terms—compensation~~. Members  
8 of the Personnel Review Board shall initially be appointed as  
9 follows:

10 (a) One member to serve for 2 years and until a  
11 successor is appointed;

12 (b) One member to serve for 4 years and until a  
13 successor is appointed; and

14 (c) One member to serve for 6 years and until a  
15 successor is appointed.

16 Thereafter, members of the Board shall be appointed by the  
17 Treasurer for 6-year ~~6-year~~ terms with the advice and consent  
18 of the Senate. One member of the Board shall be appointed a  
19 chairperson for a 2-year ~~2-year~~ term. Members of the Board  
20 shall each be paid \$100 for each day they are engaged in the  
21 business of the Board and shall be reimbursed for their  
22 expenses when engaged in such business.

23 (Source: P.A. 103-152, eff. 6-30-23; revised 9-20-23.)

1 Section 50. The Civil Administrative Code of Illinois is  
2 amended by changing Section 5-222 as follows:

3 (20 ILCS 5/5-222)

4 Sec. 5-222. Director of the Illinois Power Agency. The  
5 Director of the Illinois Power Agency must have at least 10  
6 years of combined experience in the electric industry,  
7 electricity policy, or electricity markets and must possess:  
8 (i) general knowledge of the responsibilities of being a  
9 director, (ii) managerial experience, and (iii) an advanced  
10 degree in economics, risk management, law, business,  
11 engineering, or a related field. The Director of the Illinois  
12 Power Agency must have experience with the renewable energy  
13 industry and understanding of the programs established by  
14 Public Act 102-662 intended to promote equity in the renewable  
15 energy industry.

16 (Source: P.A. 102-1123, eff. 1-27-23; revised 4-4-23.)

17 Section 55. The Data Governance and Organization to  
18 Support Equity and Racial Justice Act is amended by changing  
19 Section 20-15 as follows:

20 (20 ILCS 65/20-15)

21 Sec. 20-15. Data governance and organization to support  
22 equity and racial justice.

23 (a) On or before July 1, 2022 and each July 1 thereafter,

1 the Board and the Department shall report statistical data on  
2 the racial, ethnic, age, sex, disability status, sexual  
3 orientation, gender identity, and primary or preferred  
4 language demographics of program participants for each major  
5 program administered by the Board or the Department, except as  
6 provided in subsection (a-5). Except as provided in subsection  
7 (b), when reporting the data required under this Section, the  
8 Board or the Department shall use the same racial and ethnic  
9 classifications for each program, which shall include, but not  
10 be limited to, the following:

- 11 (1) American Indian and Alaska Native alone.
- 12 (2) Asian alone.
- 13 (3) Black or African American alone.
- 14 (4) Hispanic or Latino of any race.
- 15 (5) Native Hawaiian and Other Pacific Islander alone.
- 16 (6) White alone.
- 17 (7) Middle Eastern or North African.
- 18 (8) Some other race alone.
- 19 (9) Two or more races.

20 The Board and the Department may further define, by rule,  
21 the racial and ethnic classifications, including, if  
22 necessary, a classification of "No Race Specified".

23 (a-5) In relation to major program participants, the Board  
24 shall not be required to collect personally identifiable  
25 information and report statistical data on the categories of  
26 sex, sexual orientation, and gender identity unless required



1 for federal reporting. The Board shall make available reports  
2 on its Internet website, posted where other mandated reports  
3 are posted, of statistical data on sex, sexual orientation,  
4 and gender identity demographics through anonymous surveys or  
5 other methods as age and developmentally appropriate.

6 (b) If a program administered by the Board or the  
7 Department is subject to federal reporting requirements that  
8 include the collection and public reporting of statistical  
9 data on the racial and ethnic demographics of program  
10 participants, the Department may maintain the same racial and  
11 ethnic classifications used under the federal requirements if  
12 such classifications differ from the classifications listed in  
13 subsection (a).

14 (c) The Department of Innovation and Technology shall  
15 assist the Board and the Department by establishing common  
16 technological processes and procedures for the Board and the  
17 Department to:

- 18 (1) Catalog data.
- 19 (2) Identify similar fields in datasets.
- 20 (3) Manage data requests.
- 21 (4) Share data.
- 22 (5) Collect data.
- 23 (6) Improve and clean data.
- 24 (7) Match data across the Board and Departments.
- 25 (8) Develop research and analytic agendas.
- 26 (9) Report on program participation disaggregated by

1 race and ethnicity.

2 (10) Evaluate equitable outcomes for underserved  
3 populations in Illinois.

4 (11) Define common roles for data management.

5 (12) Ensure that all major programs can report  
6 disaggregated data by race, ethnicity, age, sex,  
7 disability status, sexual orientation, and gender  
8 identity, and primary or preferred language.

9 The Board and the Department shall use the common  
10 technological processes and procedures established by the  
11 Department of Innovation and Technology.

12 (d) If the Board or the Department is unable to begin  
13 reporting the data required by subsection (a) by July 1, 2022,  
14 the Board or the Department shall state the reasons for the  
15 delay under the reporting requirements.

16 (e) By no later than March 31, 2022, the Board and the  
17 Department shall provide a progress report to the General  
18 Assembly to disclose: (i) the programs and datasets that have  
19 been cataloged for which race, ethnicity, age, sex, disability  
20 status, sexual orientation, gender identity, and primary or  
21 preferred language have been standardized; and (ii) to the  
22 extent possible, the datasets and programs that are  
23 outstanding for each agency and the datasets that are planned  
24 for the upcoming year. On or before March 31, 2023, and each  
25 year thereafter, the Board and the Department shall provide an  
26 updated report to the General Assembly.

1 (f) By no later than October 31, 2021, the Governor's  
2 Office shall provide a plan to establish processes for input  
3 from the Board and the Department into processes outlined in  
4 subsection (c). The plan shall incorporate ongoing efforts at  
5 data interoperability within the Department and the governance  
6 established to support the P-20 Longitudinal Education Data  
7 System enacted by Public Act 96-107.

8 (g) Nothing in this Section shall be construed to limit  
9 the rights granted to individuals or data sharing protections  
10 established under existing State and federal data privacy and  
11 security laws.

12 (Source: P.A. 102-543, eff. 8-20-21; 103-154, eff. 6-30-23;  
13 103-175, eff. 6-30-23; 103-414, eff. 1-1-24; revised  
14 12-12-23.)

15 Section 60. The Illinois Act on the Aging is amended by  
16 changing Section 4.02 as follows:

17 (20 ILCS 105/4.02)

18 Sec. 4.02. Community Care Program. The Department shall  
19 establish a program of services to prevent unnecessary  
20 institutionalization of persons age 60 and older in need of  
21 long term care or who are established as persons who suffer  
22 from Alzheimer's disease or a related disorder under the  
23 Alzheimer's Disease Assistance Act, thereby enabling them to  
24 remain in their own homes or in other living arrangements.

1 Such preventive services, which may be coordinated with other  
2 programs for the aged and monitored by area agencies on aging  
3 in cooperation with the Department, may include, but are not  
4 limited to, any or all of the following:

5 (a) (blank);

6 (b) (blank);

7 (c) home care aide services;

8 (d) personal assistant services;

9 (e) adult day services;

10 (f) home-delivered meals;

11 (g) education in self-care;

12 (h) personal care services;

13 (i) adult day health services;

14 (j) habilitation services;

15 (k) respite care;

16 (k-5) community reintegration services;

17 (k-6) flexible senior services;

18 (k-7) medication management;

19 (k-8) emergency home response;

20 (l) other nonmedical social services that may enable  
21 the person to become self-supporting; or

22 (m) clearinghouse for information provided by senior  
23 citizen home owners who want to rent rooms to or share  
24 living space with other senior citizens.

25 The Department shall establish eligibility standards for  
26 such services. In determining the amount and nature of

1 services for which a person may qualify, consideration shall  
2 not be given to the value of cash, property, or other assets  
3 held in the name of the person's spouse pursuant to a written  
4 agreement dividing marital property into equal but separate  
5 shares or pursuant to a transfer of the person's interest in a  
6 home to his spouse, provided that the spouse's share of the  
7 marital property is not made available to the person seeking  
8 such services.

9 Beginning January 1, 2008, the Department shall require as  
10 a condition of eligibility that all new financially eligible  
11 applicants apply for and enroll in medical assistance under  
12 Article V of the Illinois Public Aid Code in accordance with  
13 rules promulgated by the Department.

14 The Department shall, in conjunction with the Department  
15 of Public Aid (now Department of Healthcare and Family  
16 Services), seek appropriate amendments under Sections 1915 and  
17 1924 of the Social Security Act. The purpose of the amendments  
18 shall be to extend eligibility for home and community based  
19 services under Sections 1915 and 1924 of the Social Security  
20 Act to persons who transfer to or for the benefit of a spouse  
21 those amounts of income and resources allowed under Section  
22 1924 of the Social Security Act. Subject to the approval of  
23 such amendments, the Department shall extend the provisions of  
24 Section 5-4 of the Illinois Public Aid Code to persons who, but  
25 for the provision of home or community-based services, would  
26 require the level of care provided in an institution, as is

1 provided for in federal law. Those persons no longer found to  
2 be eligible for receiving noninstitutional services due to  
3 changes in the eligibility criteria shall be given 45 days  
4 notice prior to actual termination. Those persons receiving  
5 notice of termination may contact the Department and request  
6 the determination be appealed at any time during the 45 day  
7 notice period. The target population identified for the  
8 purposes of this Section are persons age 60 and older with an  
9 identified service need. Priority shall be given to those who  
10 are at imminent risk of institutionalization. The services  
11 shall be provided to eligible persons age 60 and older to the  
12 extent that the cost of the services together with the other  
13 personal maintenance expenses of the persons are reasonably  
14 related to the standards established for care in a group  
15 facility appropriate to the person's condition. These  
16 non-institutional services, pilot projects, or experimental  
17 facilities may be provided as part of or in addition to those  
18 authorized by federal law or those funded and administered by  
19 the Department of Human Services. The Departments of Human  
20 Services, Healthcare and Family Services, Public Health,  
21 Veterans' Affairs, and Commerce and Economic Opportunity and  
22 other appropriate agencies of State, federal, and local  
23 governments shall cooperate with the Department on Aging in  
24 the establishment and development of the non-institutional  
25 services. The Department shall require an annual audit from  
26 all personal assistant and home care aide vendors contracting

1 with the Department under this Section. The annual audit shall  
2 assure that each audited vendor's procedures are in compliance  
3 with Department's financial reporting guidelines requiring an  
4 administrative and employee wage and benefits cost split as  
5 defined in administrative rules. The audit is a public record  
6 under the Freedom of Information Act. The Department shall  
7 execute, relative to the nursing home prescreening project,  
8 written inter-agency agreements with the Department of Human  
9 Services and the Department of Healthcare and Family Services,  
10 to effect the following: (1) intake procedures and common  
11 eligibility criteria for those persons who are receiving  
12 non-institutional services; and (2) the establishment and  
13 development of non-institutional services in areas of the  
14 State where they are not currently available or are  
15 undeveloped. On and after July 1, 1996, all nursing home  
16 prescreenings for individuals 60 years of age or older shall  
17 be conducted by the Department.

18 As part of the Department on Aging's routine training of  
19 case managers and case manager supervisors, the Department may  
20 include information on family futures planning for persons who  
21 are age 60 or older and who are caregivers of their adult  
22 children with developmental disabilities. The content of the  
23 training shall be at the Department's discretion.

24 The Department is authorized to establish a system of  
25 recipient copayment for services provided under this Section,  
26 such copayment to be based upon the recipient's ability to pay

1 but in no case to exceed the actual cost of the services  
2 provided. Additionally, any portion of a person's income which  
3 is equal to or less than the federal poverty standard shall not  
4 be considered by the Department in determining the copayment.  
5 The level of such copayment shall be adjusted whenever  
6 necessary to reflect any change in the officially designated  
7 federal poverty standard.

8 The Department, or the Department's authorized  
9 representative, may recover the amount of moneys expended for  
10 services provided to or in behalf of a person under this  
11 Section by a claim against the person's estate or against the  
12 estate of the person's surviving spouse, but no recovery may  
13 be had until after the death of the surviving spouse, if any,  
14 and then only at such time when there is no surviving child who  
15 is under age 21 or blind or who has a permanent and total  
16 disability. This paragraph, however, shall not bar recovery,  
17 at the death of the person, of moneys for services provided to  
18 the person or in behalf of the person under this Section to  
19 which the person was not entitled; provided that such recovery  
20 shall not be enforced against any real estate while it is  
21 occupied as a homestead by the surviving spouse or other  
22 dependent, if no claims by other creditors have been filed  
23 against the estate, or, if such claims have been filed, they  
24 remain dormant for failure of prosecution or failure of the  
25 claimant to compel administration of the estate for the  
26 purpose of payment. This paragraph shall not bar recovery from



1 the estate of a spouse, under Sections 1915 and 1924 of the  
2 Social Security Act and Section 5-4 of the Illinois Public Aid  
3 Code, who precedes a person receiving services under this  
4 Section in death. All moneys for services paid to or in behalf  
5 of the person under this Section shall be claimed for recovery  
6 from the deceased spouse's estate. "Homestead", as used in  
7 this paragraph, means the dwelling house and contiguous real  
8 estate occupied by a surviving spouse or relative, as defined  
9 by the rules and regulations of the Department of Healthcare  
10 and Family Services, regardless of the value of the property.

11 The Department shall increase the effectiveness of the  
12 existing Community Care Program by:

13 (1) ensuring that in-home services included in the  
14 care plan are available on evenings and weekends;

15 (2) ensuring that care plans contain the services that  
16 eligible participants need based on the number of days in  
17 a month, not limited to specific blocks of time, as  
18 identified by the comprehensive assessment tool selected  
19 by the Department for use statewide, not to exceed the  
20 total monthly service cost maximum allowed for each  
21 service; the Department shall develop administrative rules  
22 to implement this item (2);

23 (3) ensuring that the participants have the right to  
24 choose the services contained in their care plan and to  
25 direct how those services are provided, based on  
26 administrative rules established by the Department;

1           (4) ensuring that the determination of need tool is  
2 accurate in determining the participants' level of need;  
3 to achieve this, the Department, in conjunction with the  
4 Older Adult Services Advisory Committee, shall institute a  
5 study of the relationship between the Determination of  
6 Need scores, level of need, service cost maximums, and the  
7 development and utilization of service plans no later than  
8 May 1, 2008; findings and recommendations shall be  
9 presented to the Governor and the General Assembly no  
10 later than January 1, 2009; recommendations shall include  
11 all needed changes to the service cost maximums schedule  
12 and additional covered services;

13           (5) ensuring that homemakers can provide personal care  
14 services that may or may not involve contact with clients,  
15 including, but not limited to:

- 16           (A) bathing;
- 17           (B) grooming;
- 18           (C) toileting;
- 19           (D) nail care;
- 20           (E) transferring;
- 21           (F) respiratory services;
- 22           (G) exercise; or
- 23           (H) positioning;

24           (6) ensuring that homemaker program vendors are not  
25 restricted from hiring homemakers who are family members  
26 of clients or recommended by clients; the Department may

1 not, by rule or policy, require homemakers who are family  
2 members of clients or recommended by clients to accept  
3 assignments in homes other than the client;

4 (7) ensuring that the State may access maximum federal  
5 matching funds by seeking approval for the Centers for  
6 Medicare and Medicaid Services for modifications to the  
7 State's home and community based services waiver and  
8 additional waiver opportunities, including applying for  
9 enrollment in the Balance Incentive Payment Program by May  
10 1, 2013, in order to maximize federal matching funds; this  
11 shall include, but not be limited to, modification that  
12 reflects all changes in the Community Care Program  
13 services and all increases in the services cost maximum;

14 (8) ensuring that the determination of need tool  
15 accurately reflects the service needs of individuals with  
16 Alzheimer's disease and related dementia disorders;

17 (9) ensuring that services are authorized accurately  
18 and consistently for the Community Care Program (CCP); the  
19 Department shall implement a Service Authorization policy  
20 directive; the purpose shall be to ensure that eligibility  
21 and services are authorized accurately and consistently in  
22 the CCP program; the policy directive shall clarify  
23 service authorization guidelines to Care Coordination  
24 Units and Community Care Program providers no later than  
25 May 1, 2013;

26 (10) working in conjunction with Care Coordination

1 Units, the Department of Healthcare and Family Services,  
2 the Department of Human Services, Community Care Program  
3 providers, and other stakeholders to make improvements to  
4 the Medicaid claiming processes and the Medicaid  
5 enrollment procedures or requirements as needed,  
6 including, but not limited to, specific policy changes or  
7 rules to improve the up-front enrollment of participants  
8 in the Medicaid program and specific policy changes or  
9 rules to insure more prompt submission of bills to the  
10 federal government to secure maximum federal matching  
11 dollars as promptly as possible; the Department on Aging  
12 shall have at least 3 meetings with stakeholders by  
13 January 1, 2014 in order to address these improvements;

14 (11) requiring home care service providers to comply  
15 with the rounding of hours worked provisions under the  
16 federal Fair Labor Standards Act (FLSA) and as set forth  
17 in 29 CFR 785.48(b) by May 1, 2013;

18 (12) implementing any necessary policy changes or  
19 promulgating any rules, no later than January 1, 2014, to  
20 assist the Department of Healthcare and Family Services in  
21 moving as many participants as possible, consistent with  
22 federal regulations, into coordinated care plans if a care  
23 coordination plan that covers long term care is available  
24 in the recipient's area; and

25 (13) maintaining fiscal year 2014 rates at the same  
26 level established on January 1, 2013.

1           By January 1, 2009 or as soon after the end of the Cash and  
2           Counseling Demonstration Project as is practicable, the  
3           Department may, based on its evaluation of the demonstration  
4           project, promulgate rules concerning personal assistant  
5           services, to include, but need not be limited to,  
6           qualifications, employment screening, rights under fair labor  
7           standards, training, fiduciary agent, and supervision  
8           requirements. All applicants shall be subject to the  
9           provisions of the Health Care Worker Background Check Act.

10          The Department shall develop procedures to enhance  
11          availability of services on evenings, weekends, and on an  
12          emergency basis to meet the respite needs of caregivers.  
13          Procedures shall be developed to permit the utilization of  
14          services in successive blocks of 24 hours up to the monthly  
15          maximum established by the Department. Workers providing these  
16          services shall be appropriately trained.

17          Beginning on September 23, 1991 (the effective date of  
18          Public Act 87-729) ~~this amendatory Act of 1991~~, no person may  
19          perform chore/housekeeping and home care aide services under a  
20          program authorized by this Section unless that person has been  
21          issued a certificate of pre-service to do so by his or her  
22          employing agency. Information gathered to effect such  
23          certification shall include (i) the person's name, (ii) the  
24          date the person was hired by his or her current employer, and  
25          (iii) the training, including dates and levels. Persons  
26          engaged in the program authorized by this Section before the

1 effective date of this amendatory Act of 1991 shall be issued a  
2 certificate of all pre-service ~~pre~~ and in-service training  
3 from his or her employer upon submitting the necessary  
4 information. The employing agency shall be required to retain  
5 records of all staff pre-service ~~pre~~ and in-service training,  
6 and shall provide such records to the Department upon request  
7 and upon termination of the employer's contract with the  
8 Department. In addition, the employing agency is responsible  
9 for the issuance of certifications of in-service training  
10 completed to their employees.

11 The Department is required to develop a system to ensure  
12 that persons working as home care aides and personal  
13 assistants receive increases in their wages when the federal  
14 minimum wage is increased by requiring vendors to certify that  
15 they are meeting the federal minimum wage statute for home  
16 care aides and personal assistants. An employer that cannot  
17 ensure that the minimum wage increase is being given to home  
18 care aides and personal assistants shall be denied any  
19 increase in reimbursement costs.

20 The Community Care Program Advisory Committee is created  
21 in the Department on Aging. The Director shall appoint  
22 individuals to serve in the Committee, who shall serve at  
23 their own expense. Members of the Committee must abide by all  
24 applicable ethics laws. The Committee shall advise the  
25 Department on issues related to the Department's program of  
26 services to prevent unnecessary institutionalization. The

1 Committee shall meet on a bi-monthly basis and shall serve to  
2 identify and advise the Department on present and potential  
3 issues affecting the service delivery network, the program's  
4 clients, and the Department and to recommend solution  
5 strategies. Persons appointed to the Committee shall be  
6 appointed on, but not limited to, their own and their agency's  
7 experience with the program, geographic representation, and  
8 willingness to serve. The Director shall appoint members to  
9 the Committee to represent provider, advocacy, policy  
10 research, and other constituencies committed to the delivery  
11 of high quality home and community-based services to older  
12 adults. Representatives shall be appointed to ensure  
13 representation from community care providers, including, but  
14 not limited to, adult day service providers, homemaker  
15 providers, case coordination and case management units,  
16 emergency home response providers, statewide trade or labor  
17 unions that represent home care aides and direct care staff,  
18 area agencies on aging, adults over age 60, membership  
19 organizations representing older adults, and other  
20 organizational entities, providers of care, or individuals  
21 with demonstrated interest and expertise in the field of home  
22 and community care as determined by the Director.

23 Nominations may be presented from any agency or State  
24 association with interest in the program. The Director, or his  
25 or her designee, shall serve as the permanent co-chair of the  
26 advisory committee. One other co-chair shall be nominated and

1 approved by the members of the committee on an annual basis.  
2 Committee members' terms of appointment shall be for 4 years  
3 with one-quarter of the appointees' terms expiring each year.  
4 A member shall continue to serve until his or her replacement  
5 is named. The Department shall fill vacancies that have a  
6 remaining term of over one year, and this replacement shall  
7 occur through the annual replacement of expiring terms. The  
8 Director shall designate Department staff to provide technical  
9 assistance and staff support to the committee. Department  
10 representation shall not constitute membership of the  
11 committee. All Committee papers, issues, recommendations,  
12 reports, and meeting memoranda are advisory only. The  
13 Director, or his or her designee, shall make a written report,  
14 as requested by the Committee, regarding issues before the  
15 Committee.

16 The Department on Aging and the Department of Human  
17 Services shall cooperate in the development and submission of  
18 an annual report on programs and services provided under this  
19 Section. Such joint report shall be filed with the Governor  
20 and the General Assembly on or before March 31 of the following  
21 fiscal year.

22 The requirement for reporting to the General Assembly  
23 shall be satisfied by filing copies of the report as required  
24 by Section 3.1 of the General Assembly Organization Act and  
25 filing such additional copies with the State Government Report  
26 Distribution Center for the General Assembly as is required



1 under paragraph (t) of Section 7 of the State Library Act.

2 Those persons previously found eligible for receiving  
3 non-institutional services whose services were discontinued  
4 under the Emergency Budget Act of Fiscal Year 1992, and who do  
5 not meet the eligibility standards in effect on or after July  
6 1, 1992, shall remain ineligible on and after July 1, 1992.  
7 Those persons previously not required to cost-share and who  
8 were required to cost-share effective March 1, 1992, shall  
9 continue to meet cost-share requirements on and after July 1,  
10 1992. Beginning July 1, 1992, all clients will be required to  
11 meet eligibility, cost-share, and other requirements and will  
12 have services discontinued or altered when they fail to meet  
13 these requirements.

14 For the purposes of this Section, "flexible senior  
15 services" refers to services that require one-time or periodic  
16 expenditures, including, but not limited to, respite care,  
17 home modification, assistive technology, housing assistance,  
18 and transportation.

19 The Department shall implement an electronic service  
20 verification based on global positioning systems or other  
21 cost-effective technology for the Community Care Program no  
22 later than January 1, 2014.

23 The Department shall require, as a condition of  
24 eligibility, enrollment in the medical assistance program  
25 under Article V of the Illinois Public Aid Code (i) beginning  
26 August 1, 2013, if the Auditor General has reported that the

1 Department has failed to comply with the reporting  
2 requirements of Section 2-27 of the Illinois State Auditing  
3 Act; or (ii) beginning June 1, 2014, if the Auditor General has  
4 reported that the Department has not undertaken the required  
5 actions listed in the report required by subsection (a) of  
6 Section 2-27 of the Illinois State Auditing Act.

7 The Department shall delay Community Care Program services  
8 until an applicant is determined eligible for medical  
9 assistance under Article V of the Illinois Public Aid Code (i)  
10 beginning August 1, 2013, if the Auditor General has reported  
11 that the Department has failed to comply with the reporting  
12 requirements of Section 2-27 of the Illinois State Auditing  
13 Act; or (ii) beginning June 1, 2014, if the Auditor General has  
14 reported that the Department has not undertaken the required  
15 actions listed in the report required by subsection (a) of  
16 Section 2-27 of the Illinois State Auditing Act.

17 The Department shall implement co-payments for the  
18 Community Care Program at the federally allowable maximum  
19 level (i) beginning August 1, 2013, if the Auditor General has  
20 reported that the Department has failed to comply with the  
21 reporting requirements of Section 2-27 of the Illinois State  
22 Auditing Act; or (ii) beginning June 1, 2014, if the Auditor  
23 General has reported that the Department has not undertaken  
24 the required actions listed in the report required by  
25 subsection (a) of Section 2-27 of the Illinois State Auditing  
26 Act.

1           The Department shall continue to provide other Community  
2 Care Program reports as required by statute.

3           The Department shall conduct a quarterly review of Care  
4 Coordination Unit performance and adherence to service  
5 guidelines. The quarterly review shall be reported to the  
6 Speaker of the House of Representatives, the Minority Leader  
7 of the House of Representatives, the President of the Senate,  
8 and the Minority Leader of the Senate. The Department shall  
9 collect and report longitudinal data on the performance of  
10 each care coordination unit. Nothing in this paragraph shall  
11 be construed to require the Department to identify specific  
12 care coordination units.

13           In regard to community care providers, failure to comply  
14 with Department on Aging policies shall be cause for  
15 disciplinary action, including, but not limited to,  
16 disqualification from serving Community Care Program clients.  
17 Each provider, upon submission of any bill or invoice to the  
18 Department for payment for services rendered, shall include a  
19 notarized statement, under penalty of perjury pursuant to  
20 Section 1-109 of the Code of Civil Procedure, that the  
21 provider has complied with all Department policies.

22           The Director of the Department on Aging shall make  
23 information available to the State Board of Elections as may  
24 be required by an agreement the State Board of Elections has  
25 entered into with a multi-state voter registration list  
26 maintenance system.

1           Within 30 days after July 6, 2017 (the effective date of  
2 Public Act 100-23), rates shall be increased to \$18.29 per  
3 hour, for the purpose of increasing, by at least \$.72 per hour,  
4 the wages paid by those vendors to their employees who provide  
5 homemaker services. The Department shall pay an enhanced rate  
6 under the Community Care Program to those in-home service  
7 provider agencies that offer health insurance coverage as a  
8 benefit to their direct service worker employees consistent  
9 with the mandates of Public Act 95-713. For State fiscal years  
10 2018 and 2019, the enhanced rate shall be \$1.77 per hour. The  
11 rate shall be adjusted using actuarial analysis based on the  
12 cost of care, but shall not be set below \$1.77 per hour. The  
13 Department shall adopt rules, including emergency rules under  
14 subsections (y) and (bb) of Section 5-45 of the Illinois  
15 Administrative Procedure Act, to implement the provisions of  
16 this paragraph.

17           Subject to federal approval, beginning on January 1, 2024,  
18 rates for adult day services shall be increased to \$16.84 per  
19 hour and rates for each way transportation services for adult  
20 day services shall be increased to \$12.44 per unit  
21 transportation.

22           Subject to federal approval, on and after January 1, 2024,  
23 rates for homemaker services shall be increased to \$28.07 to  
24 sustain a minimum wage of \$17 per hour for direct service  
25 workers. Rates in subsequent State fiscal years shall be no  
26 lower than the rates put into effect upon federal approval.

1 Providers of in-home services shall be required to certify to  
2 the Department that they remain in compliance with the  
3 mandated wage increase for direct service workers. Fringe  
4 benefits, including, but not limited to, paid time off and  
5 payment for training, health insurance, travel, or  
6 transportation, shall not be reduced in relation to the rate  
7 increases described in this paragraph.

8 The General Assembly finds it necessary to authorize an  
9 aggressive Medicaid enrollment initiative designed to maximize  
10 federal Medicaid funding for the Community Care Program which  
11 produces significant savings for the State of Illinois. The  
12 Department on Aging shall establish and implement a Community  
13 Care Program Medicaid Initiative. Under the Initiative, the  
14 Department on Aging shall, at a minimum: (i) provide an  
15 enhanced rate to adequately compensate care coordination units  
16 to enroll eligible Community Care Program clients into  
17 Medicaid; (ii) use recommendations from a stakeholder  
18 committee on how best to implement the Initiative; and (iii)  
19 establish requirements for State agencies to make enrollment  
20 in the State's Medical Assistance program easier for seniors.

21 The Community Care Program Medicaid Enrollment Oversight  
22 Subcommittee is created as a subcommittee of the Older Adult  
23 Services Advisory Committee established in Section 35 of the  
24 Older Adult Services Act to make recommendations on how best  
25 to increase the number of medical assistance recipients who  
26 are enrolled in the Community Care Program. The Subcommittee

1 shall consist of all of the following persons who must be  
2 appointed within 30 days after June 4, 2018 (the effective  
3 date of Public Act 100-587) ~~this amendatory Act of the 100th~~  
4 ~~General Assembly:~~

5 (1) The Director of Aging, or his or her designee, who  
6 shall serve as the chairperson of the Subcommittee.

7 (2) One representative of the Department of Healthcare  
8 and Family Services, appointed by the Director of  
9 Healthcare and Family Services.

10 (3) One representative of the Department of Human  
11 Services, appointed by the Secretary of Human Services.

12 (4) One individual representing a care coordination  
13 unit, appointed by the Director of Aging.

14 (5) One individual from a non-governmental statewide  
15 organization that advocates for seniors, appointed by the  
16 Director of Aging.

17 (6) One individual representing Area Agencies on  
18 Aging, appointed by the Director of Aging.

19 (7) One individual from a statewide association  
20 dedicated to Alzheimer's care, support, and research,  
21 appointed by the Director of Aging.

22 (8) One individual from an organization that employs  
23 persons who provide services under the Community Care  
24 Program, appointed by the Director of Aging.

25 (9) One member of a trade or labor union representing  
26 persons who provide services under the Community Care

1 Program, appointed by the Director of Aging.

2 (10) One member of the Senate, who shall serve as  
3 co-chairperson, appointed by the President of the Senate.

4 (11) One member of the Senate, who shall serve as  
5 co-chairperson, appointed by the Minority Leader of the  
6 Senate.

7 (12) One member of the House of Representatives, who  
8 shall serve as co-chairperson, appointed by the Speaker of  
9 the House of Representatives.

10 (13) One member of the House of Representatives, who  
11 shall serve as co-chairperson, appointed by the Minority  
12 Leader of the House of Representatives.

13 (14) One individual appointed by a labor organization  
14 representing frontline employees at the Department of  
15 Human Services.

16 The Subcommittee shall provide oversight to the Community  
17 Care Program Medicaid Initiative and shall meet quarterly. At  
18 each Subcommittee meeting the Department on Aging shall  
19 provide the following data sets to the Subcommittee: (A) the  
20 number of Illinois residents, categorized by planning and  
21 service area, who are receiving services under the Community  
22 Care Program and are enrolled in the State's Medical  
23 Assistance Program; (B) the number of Illinois residents,  
24 categorized by planning and service area, who are receiving  
25 services under the Community Care Program, but are not  
26 enrolled in the State's Medical Assistance Program; and (C)

1 the number of Illinois residents, categorized by planning and  
2 service area, who are receiving services under the Community  
3 Care Program and are eligible for benefits under the State's  
4 Medical Assistance Program, but are not enrolled in the  
5 State's Medical Assistance Program. In addition to this data,  
6 the Department on Aging shall provide the Subcommittee with  
7 plans on how the Department on Aging will reduce the number of  
8 Illinois residents who are not enrolled in the State's Medical  
9 Assistance Program but who are eligible for medical assistance  
10 benefits. The Department on Aging shall enroll in the State's  
11 Medical Assistance Program those Illinois residents who  
12 receive services under the Community Care Program and are  
13 eligible for medical assistance benefits but are not enrolled  
14 in the State's Medicaid Assistance Program. The data provided  
15 to the Subcommittee shall be made available to the public via  
16 the Department on Aging's website.

17 The Department on Aging, with the involvement of the  
18 Subcommittee, shall collaborate with the Department of Human  
19 Services and the Department of Healthcare and Family Services  
20 on how best to achieve the responsibilities of the Community  
21 Care Program Medicaid Initiative.

22 The Department on Aging, the Department of Human Services,  
23 and the Department of Healthcare and Family Services shall  
24 coordinate and implement a streamlined process for seniors to  
25 access benefits under the State's Medical Assistance Program.

26 The Subcommittee shall collaborate with the Department of



1 Human Services on the adoption of a uniform application  
2 submission process. The Department of Human Services and any  
3 other State agency involved with processing the medical  
4 assistance application of any person enrolled in the Community  
5 Care Program shall include the appropriate care coordination  
6 unit in all communications related to the determination or  
7 status of the application.

8 The Community Care Program Medicaid Initiative shall  
9 provide targeted funding to care coordination units to help  
10 seniors complete their applications for medical assistance  
11 benefits. On and after July 1, 2019, care coordination units  
12 shall receive no less than \$200 per completed application,  
13 which rate may be included in a bundled rate for initial intake  
14 services when Medicaid application assistance is provided in  
15 conjunction with the initial intake process for new program  
16 participants.

17 The Community Care Program Medicaid Initiative shall cease  
18 operation 5 years after June 4, 2018 (the effective date of  
19 Public Act 100-587) ~~this amendatory Act of the 100th General~~  
20 ~~Assembly~~, after which the Subcommittee shall dissolve.

21 Effective July 1, 2023, subject to federal approval, the  
22 Department on Aging shall reimburse Care Coordination Units at  
23 the following rates for case management services: \$252.40 for  
24 each initial assessment; \$366.40 for each initial assessment  
25 with translation; \$229.68 for each redetermination assessment;  
26 \$313.68 for each redetermination assessment with translation;

1 \$200.00 for each completed application for medical assistance  
2 benefits; \$132.26 for each face-to-face, choices-for-care  
3 screening; \$168.26 for each face-to-face, choices-for-care  
4 screening with translation; \$124.56 for each 6-month,  
5 face-to-face visit; \$132.00 for each MCO participant  
6 eligibility determination; and \$157.00 for each MCO  
7 participant eligibility determination with translation.

8 (Source: P.A. 102-1071, eff. 6-10-22; 103-8, eff. 6-7-23;  
9 103-102, Article 45, Section 45-5, eff. 1-1-24; 103-102,  
10 Article 85, Section 85-5, eff. 1-1-24; 103-102, Article 90,  
11 Section 90-5, eff. 1-1-24; revised 12-12-23.)

12 Section 65. The Personnel Code is amended by changing  
13 Sections 8a, 8b.3, 8b.9, 8b.10, and 9 as follows:

14 (20 ILCS 415/8a) (from Ch. 127, par. 63b108a)

15 Sec. 8a. Jurisdiction A; classification ~~Jurisdiction A~~  
16 ~~Classification~~ and pay. For positions in the State service  
17 subject to the jurisdiction of the Department of Central  
18 Management Services with respect to the classification and  
19 pay:

20 (1) For the preparation, maintenance, and revision by  
21 the Director, subject to approval by the Commission, of a  
22 position classification plan for all positions subject to  
23 this Code Act, based upon similarity of duties performed,  
24 responsibilities assigned, and conditions of employment so

1 that the same schedule of pay may be equitably applied to  
2 all positions in the same class. However, the pay of an  
3 employee whose position is reduced in rank or grade by  
4 reallocation because of a loss of duties or  
5 responsibilities after his appointment to such position  
6 shall not be required to be lowered for a period of one  
7 year after the reallocation of his position. Conditions of  
8 employment shall not be used as a factor in the  
9 classification of any position heretofore paid under the  
10 provisions of Section 1.22 of "An Act to standardize  
11 position titles and salary rates", approved June 30, 1943,  
12 as amended. Unless the Commission disapproves such  
13 classification plan within 60 days, or any revision  
14 thereof within 30 days, the Director shall allocate every  
15 such position to one of the classes in the plan. Any  
16 employee affected by the allocation of a position to a  
17 class shall, after filing with the Director of Central  
18 Management Services a written request for reconsideration  
19 thereof in such manner and form as the Director may  
20 prescribe, be given a reasonable opportunity to be heard  
21 by the Director. If the employee does not accept the  
22 allocation of the position, he shall then have the right  
23 of appeal to the Civil Service Commission.

24 (2) For a pay plan to be prepared by the Director for  
25 all employees subject to this Code Act after consultation  
26 with operating agency heads and the Director of the

1 Governor's Office of Management and Budget. Such pay plan  
2 may include provisions for uniformity of starting pay, an  
3 increment plan, area differentials, a delay not to exceed  
4 one year prior to the reduction of the pay of employees  
5 whose positions are reduced in rank or grade by  
6 reallocation because of a loss of duties or  
7 responsibilities after their appointments to such  
8 positions, prevailing rates of wages in those  
9 classifications in which employers are now paying or may  
10 hereafter pay such rates of wage and other provisions.  
11 Such pay plan shall become effective only after it has  
12 been approved by the Governor. Amendments to the pay plan  
13 shall be made in the same manner. Such pay plan shall  
14 provide that each employee shall be paid at one of the  
15 rates set forth in the pay plan for the class of position  
16 in which he is employed, subject to delay in the reduction  
17 of pay of employees whose positions are reduced in rank or  
18 grade by allocation as above set forth in this Section.  
19 Such pay plan shall provide for a fair and reasonable  
20 compensation for services rendered.

21 This Section is inapplicable to the position of Assistant  
22 Director of Healthcare and Family Services in the Department  
23 of Healthcare and Family Services. The salary for this  
24 position shall be as established in the ~~"The~~ Civil  
25 Administrative Code of Illinois", ~~approved March 7, 1917, as~~  
26 ~~amended.~~

1 (Source: P.A. 94-793, eff. 5-19-06; 95-331, eff. 8-21-07;  
2 revised 9-20-23.)

3 (20 ILCS 415/8b.3) (from Ch. 127, par. 63b108b.3)

4 Sec. 8b.3. For assessment of employees with contractual  
5 rights under a collective bargaining agreement to determine  
6 those candidates who are eligible for appointment and  
7 promotion and their relative excellence. Assessments, which  
8 are the determination of whether an individual meets the  
9 minimum qualifications as determined by the class  
10 specification of the position for which they are being  
11 considered, shall be designed to objectively eliminate those  
12 who are not qualified for the position into which they are  
13 applying and to discover the relative fitness of those who are  
14 qualified. The Director may substitute rankings, such as  
15 superior, excellent, well-qualified, and qualified, for  
16 numerical ratings and establish qualification assessments or  
17 assessment equivalents accordingly. The Department may adopt  
18 rules regarding the assessment of applicants and the  
19 appointment of qualified candidates. Adopted rules shall be  
20 interpreted to be consistent with collective bargaining  
21 agreements.

22 (Source: P.A. 103-108, eff. 6-27-23; revised 9-20-23.)

23 (20 ILCS 415/8b.9) (from Ch. 127, par. 63b108b.9)

24 Sec. 8b.9. For temporary appointments to any positions in

1 the State service which are determined to be temporary or  
2 seasonal in nature by the Director of Central Management  
3 Services. Temporary appointments may be made for not more than  
4 6 months. No position in the State service may be filled by  
5 temporary appointment for more than 6 months out of any  
6 12-month ~~12-month~~ period.

7 (Source: P.A. 103-108, eff. 6-27-23; revised 9-20-23.)

8 (20 ILCS 415/8b.10) (from Ch. 127, par. 63b108b.10)

9 Sec. 8b.10. For provisional appointment to a position  
10 without competitive qualification assessment. No position  
11 within jurisdiction B may be filled by provisional appointment  
12 for longer than 6 months out of any 12-month ~~12-month~~ period.

13 (Source: P.A. 103-108, eff. 6-27-23; revised 9-20-23.)

14 (20 ILCS 415/9) (from Ch. 127, par. 63b109)

15 Sec. 9. Director; ~~7~~ powers and duties. The Director, as  
16 executive head of the Department, shall direct and supervise  
17 all its administrative and technical activities. In addition  
18 to the duties imposed upon him elsewhere in this Code ~~law~~, it  
19 shall be his duty:

20 (1) To apply and carry out this Code ~~law~~ and the rules  
21 adopted thereunder.

22 (2) To attend meetings of the Commission.

23 (3) To establish and maintain a roster of all  
24 employees subject to this Code ~~Act~~, in which there shall

1 be set forth, as to each employee, the class, title, pay,  
2 status, and other pertinent data.

3 (4) To appoint, subject to the provisions of this Code  
4 ~~Act~~, such employees of the Department and such experts and  
5 special assistants as may be necessary to carry out  
6 effectively this Code ~~law~~.

7 (5) Subject to such exemptions or modifications as may  
8 be necessary to assure the continuity of federal  
9 contributions in those agencies supported in whole or in  
10 part by federal funds, to make appointments to vacancies;  
11 to approve all written charges seeking discharge,  
12 demotion, or other disciplinary measures provided in this  
13 Code ~~Act~~ and to approve transfers of employees from one  
14 geographical area to another in the State, in offices,  
15 positions or places of employment covered by this Code  
16 ~~Act~~, after consultation with the operating unit.

17 (6) To formulate and administer service wide policies  
18 and programs for the improvement of employee  
19 effectiveness, including training, safety, health,  
20 incentive recognition, counseling, welfare, and employee  
21 relations. The Department shall formulate and administer  
22 recruitment plans and testing of potential employees for  
23 agencies having direct contact with significant numbers of  
24 non-English speaking or otherwise culturally distinct  
25 persons. The Department shall require each State agency to  
26 annually assess the need for employees with appropriate

1           bilingual capabilities to serve the significant numbers of  
2           non-English speaking or culturally distinct persons. The  
3           Department shall develop a uniform procedure for assessing  
4           an agency's need for employees with appropriate bilingual  
5           capabilities. Agencies shall establish occupational titles  
6           or designate positions as "bilingual option" for persons  
7           having sufficient linguistic ability or cultural knowledge  
8           to be able to render effective service to such persons.  
9           The Department shall ensure that any such option is  
10          exercised according to the agency's needs assessment and  
11          the requirements of this Code. The Department shall make  
12          annual reports of the needs assessment of each agency and  
13          the number of positions calling for non-English linguistic  
14          ability to whom vacancy postings were sent, and the number  
15          filled by each agency. Such policies and programs shall be  
16          subject to approval by the Governor, provided that for  
17          needs that require a certain linguistic ability that: (i)  
18          have not been met for a posted position for a period of at  
19          least one year; or (ii) arise when an individual's health  
20          or safety would be placed in immediate risk, the  
21          Department shall accept certifications of linguistic  
22          competence from pre-approved third parties. To facilitate  
23          expanding the scope of sources to demonstrate linguistic  
24          competence, the Department shall issue standards for  
25          demonstrating linguistic competence. No later than January  
26          2024, the Department shall authorize at least one if not



1 more community colleges in the regions involving the  
2 counties of Cook, Lake, McHenry, Kane, DuPage, Kendall,  
3 Will, Sangamon, and 5 other geographically distributed  
4 counties within the State to pre-test and certify  
5 linguistic ability, and such certifications by candidates  
6 shall be presumed to satisfy the linguistic ability  
7 requirements for the job position. Such policies, program  
8 reports and needs assessment reports, as well as  
9 linguistic certification standards, shall be filed with  
10 the General Assembly by January 1 of each year and shall be  
11 available to the public.

12 The Department shall include within the report  
13 required above the number of persons receiving the  
14 bilingual pay supplement established by Section 8a.2 of  
15 this Code. The report shall provide the number of persons  
16 receiving the bilingual pay supplement for languages other  
17 than English and for signing. The report shall also  
18 indicate the number of persons, by the categories of  
19 Hispanic and non-Hispanic, who are receiving the bilingual  
20 pay supplement for language skills other than signing, in  
21 a language other than English.

22 (7) To conduct negotiations affecting pay, hours of  
23 work, or other working conditions of employees subject to  
24 this Code Act.

25 (8) To make continuing studies to improve the  
26 efficiency of State services to the residents of Illinois,

1 including, but not limited to, those who are non-English  
2 speaking or culturally distinct, and to report his  
3 findings and recommendations to the Commission and the  
4 Governor.

5 (9) To investigate from time to time the operation and  
6 effect of this Code ~~law~~ and the rules made thereunder and  
7 to report his findings and recommendations to the  
8 Commission and to the Governor.

9 (10) To make an annual report regarding the work of  
10 the Department, and such special reports as he may  
11 consider desirable, to the Commission and to the Governor,  
12 or as the Governor or Commission may request.

13 (11) To make continuing studies to encourage State  
14 employment for persons with disabilities, including, but  
15 not limited to, the Successful Disability Opportunities  
16 Program.

17 (12) To make available, on the CMS website or its  
18 equivalent, no less frequently than quarterly, information  
19 regarding all exempt positions in State service and  
20 information showing the number of employees who are exempt  
21 from merit selection and non-exempt from merit selection  
22 in each department.

23 (13) To establish policies to increase the flexibility  
24 of the State workforce for every department or agency  
25 subject to Jurisdiction C, including the use of flexible  
26 time, location, workloads, and positions. The Director and

1 the director of each department or agency shall together  
2 establish quantifiable goals to increase workforce  
3 flexibility in each department or agency. To authorize in  
4 every department or agency subject to Jurisdiction C the  
5 use of flexible hours positions. A flexible hours position  
6 is one that does not require an ordinary work schedule as  
7 determined by the Department and includes, but is not  
8 limited to: (1) ~~1~~ a part time job of 20 hours or more per  
9 week, (2) ~~2~~ a job which is shared by 2 employees or a  
10 compressed work week consisting of an ordinary number of  
11 working hours performed on fewer than the number of days  
12 ordinarily required to perform that job. The Department  
13 may define flexible time to include other types of jobs  
14 that are defined above.

15 The Director and the director of each department or  
16 agency shall together establish goals for flexible hours  
17 positions to be available in every department or agency.

18 The Department shall give technical assistance to  
19 departments and agencies in achieving their goals, and  
20 shall report to the Governor and the General Assembly each  
21 year on the progress of each department and agency.

22 When a goal of 10% of the positions in a department or  
23 agency being available on a flexible hours basis has been  
24 reached, the Department shall evaluate the effectiveness  
25 and efficiency of the program and determine whether to  
26 expand the number of positions available for flexible

1 hours to 20%.

2 When a goal of 20% of the positions in a department or  
3 agency being available on a flexible hours basis has been  
4 reached, the Department shall evaluate the effectiveness  
5 and efficiency of the program and determine whether to  
6 expand the number of positions available for flexible  
7 hours.

8 (14) To perform any other lawful acts which he may  
9 consider necessary or desirable to carry out the purposes  
10 and provisions of this Code ~~law~~.

11 ~~(15)~~ When a vacancy rate is greater than or equal to 10%  
12 for a given position, the Department shall review the  
13 educational and other requirements for the position to  
14 determine if modifications need to be made.

15 The requirement for reporting to the General Assembly  
16 shall be satisfied by filing copies of the report as required  
17 by Section 3.1 of the General Assembly Organization Act, and  
18 filing such additional copies with the State Government Report  
19 Distribution Center for the General Assembly as is required  
20 under paragraph (t) of Section 7 of the State Library Act.

21 (Source: P.A. 102-952, eff. 1-1-23; 103-108, eff. 6-27-23;  
22 revised 9-20-23.)

23 Section 70. The Children and Family Services Act is  
24 amended by changing Sections 5, 5d, 7.4, 17, and 21 as follows:

1 (20 ILCS 505/5)

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

6 (a) For purposes of this Section:

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

10 (A) were committed to the Department pursuant to  
11 the Juvenile Court Act or the Juvenile Court Act of  
12 1987 and who continue under the jurisdiction of the  
13 court; or

14 (B) were accepted for care, service and training  
15 by the Department prior to the age of 18 and whose best  
16 interest in the discretion of the Department would be  
17 served by continuing that care, service and training  
18 because of severe emotional disturbances, physical  
19 disability, social adjustment or any combination  
20 thereof, or because of the need to complete an  
21 educational or vocational training program.

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

26 (3) "Child welfare services" means public social

1 services which are directed toward the accomplishment of  
2 the following purposes:

3 (A) protecting and promoting the health, safety  
4 and welfare of children, including homeless,  
5 dependent, or neglected children;

6 (B) remedying, or assisting in the solution of  
7 problems which may result in, the neglect, abuse,  
8 exploitation, or delinquency of children;

9 (C) preventing the unnecessary separation of  
10 children from their families by identifying family  
11 problems, assisting families in resolving their  
12 problems, and preventing the breakup of the family  
13 where the prevention of child removal is desirable and  
14 possible when the child can be cared for at home  
15 without endangering the child's health and safety;

16 (D) restoring to their families children who have  
17 been removed, by the provision of services to the  
18 child and the families when the child can be cared for  
19 at home without endangering the child's health and  
20 safety;

21 (E) placing children in suitable permanent family  
22 arrangements, through guardianship or adoption, in  
23 cases where restoration to the birth family is not  
24 safe, possible, or appropriate;

25 (F) at the time of placement, conducting  
26 concurrent planning, as described in subsection (1-1)

1 of this Section, so that permanency may occur at the  
2 earliest opportunity. Consideration should be given so  
3 that if reunification fails or is delayed, the  
4 placement made is the best available placement to  
5 provide permanency for the child;

6 (G) (blank);

7 (H) (blank); and

8 (I) placing and maintaining children in facilities  
9 that provide separate living quarters for children  
10 under the age of 18 and for children 18 years of age  
11 and older, unless a child 18 years of age is in the  
12 last year of high school education or vocational  
13 training, in an approved individual or group treatment  
14 program, in a licensed shelter facility, or secure  
15 child care facility. The Department is not required to  
16 place or maintain children:

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

18 (ii) who are persons with a developmental  
19 disability, as defined in the Mental Health and  
20 Developmental Disabilities Code, or

21 (iii) who are female children who are  
22 pregnant, pregnant and parenting, or parenting, or

23 (iv) who are siblings, in facilities that  
24 provide separate living quarters for children 18  
25 years of age and older and for children under 18  
26 years of age.

1 (b) (Blank).

2 (b-5) The Department shall adopt rules to establish a  
3 process for all licensed residential providers in Illinois to  
4 submit data as required by the Department, if they contract or  
5 receive reimbursement for children's mental health, substance  
6 use, and developmental disability services from the Department  
7 of Human Services, the Department of Juvenile Justice, or the  
8 Department of Healthcare and Family Services. The requested  
9 data must include, but is not limited to, capacity, staffing,  
10 and occupancy data for the purpose of establishing State need  
11 and placement availability.

12 All information collected, shared, or stored pursuant to  
13 this subsection shall be handled in accordance with all State  
14 and federal privacy laws and accompanying regulations and  
15 rules, including without limitation the federal Health  
16 Insurance Portability and Accountability Act of 1996 (Public  
17 Law 104-191) and the Mental Health and Developmental  
18 Disabilities Confidentiality Act.

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

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



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

16 (e) (Blank).

17 (f) (Blank).

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

23 (1) adoption;

24 (2) foster care;

25 (3) family counseling;

26 (4) protective services;

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

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

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

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

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

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

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

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

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

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

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

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

1 guardian of the child.

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

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

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

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

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

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

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

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

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



1           As soon as is possible after August 7, 2009 (the effective  
2 date of Public Act 96-134), the Department shall develop and  
3 implement a special program of family preservation services to  
4 support intact, foster, and adoptive families who are  
5 experiencing extreme hardships due to the difficulty and  
6 stress of caring for a child who has been diagnosed with a  
7 pervasive developmental disorder if the Department determines  
8 that those services are necessary to ensure the health and  
9 safety of the child. The Department may offer services to any  
10 family whether or not a report has been filed under the Abused  
11 and Neglected Child Reporting Act. The Department may refer  
12 the child or family to services available from other agencies  
13 in the community if the conditions in the child's or family's  
14 home are reasonably likely to subject the child or family to  
15 future reports of suspected child abuse or neglect. Acceptance  
16 of these services shall be voluntary. The Department shall  
17 develop and implement a public information campaign to alert  
18 health and social service providers and the general public  
19 about these special family preservation services. The nature  
20 and scope of the services offered and the number of families  
21 served under the special program implemented under this  
22 paragraph shall be determined by the level of funding that the  
23 Department annually allocates for this purpose. The term  
24 "pervasive developmental disorder" under this paragraph means  
25 a neurological condition, including, but not limited to,  
26 Asperger's Syndrome and autism, as defined in the most recent

1 edition of the Diagnostic and Statistical Manual of Mental  
2 Disorders of the American Psychiatric Association.

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

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

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

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

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

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

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

1 (m) The Department may assume temporary custody of any  
2 child if:

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

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

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

1 5-415 of the Juvenile Court Act of 1987.

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

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

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

1 Juvenile Court Act of 1987. If a petition is so filed, the  
2 Department shall retain temporary custody of the child until  
3 the court orders otherwise. If a petition is not filed within  
4 the 10-day period, the child shall be surrendered to the  
5 custody of the requesting parent, guardian, or custodian not  
6 later than the expiration of the 10-day period, at which time  
7 the authority and duties of the Department with respect to the  
8 temporary custody of the child shall terminate.

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

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

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

22 (n-1) The Department shall provide or authorize child  
23 welfare services, aimed at assisting minors to achieve  
24 sustainable self-sufficiency as independent adults, for any  
25 minor eligible for the reinstatement of wardship pursuant to  
26 subsection (2) of Section 2-33 of the Juvenile Court Act of

1 1987, whether or not such reinstatement is sought or allowed,  
2 provided that the minor consents to such services and has not  
3 yet attained the age of 21. The Department shall have  
4 responsibility for the development and delivery of services  
5 under this Section. An eligible youth may access services  
6 under this Section through the Department of Children and  
7 Family Services or by referral from the Department of Human  
8 Services. Youth participating in services under this Section  
9 shall cooperate with the assigned case manager in developing  
10 an agreement identifying the services to be provided and how  
11 the youth will increase skills to achieve self-sufficiency. A  
12 homeless shelter is not considered appropriate housing for any  
13 youth receiving child welfare services under this Section. The  
14 Department shall continue child welfare services under this  
15 Section to any eligible minor until the minor becomes 21 years  
16 of age, no longer consents to participate, or achieves  
17 self-sufficiency as identified in the minor's service plan.  
18 The Department of Children and Family Services shall create  
19 clear, readable notice of the rights of former foster youth to  
20 child welfare services under this Section and how such  
21 services may be obtained. The Department of Children and  
22 Family Services and the Department of Human Services shall  
23 disseminate this information statewide. The Department shall  
24 adopt regulations describing services intended to assist  
25 minors in achieving sustainable self-sufficiency as  
26 independent adults.



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

25           (p) (Blank).

26           (q) The Department may receive and use, in their entirety,

1 for the benefit of children any gift, donation, or bequest of  
2 money or other property which is received on behalf of such  
3 children, or any financial benefits to which such children are  
4 or may become entitled while under the jurisdiction or care of  
5 the Department, except that the benefits described in Section  
6 5.46 must be used and conserved consistent with the provisions  
7 under Section 5.46.

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

19 In disbursing funds from children's accounts, the  
20 Department shall:

- 21 (1) Establish standards in accordance with State and  
22 federal laws for disbursing money from children's  
23 accounts. In all circumstances, the Department's  
24 Guardianship Administrator or the Guardianship  
25 Administrator's designee must approve disbursements from  
26 children's accounts. The Department shall be responsible

1 for keeping complete records of all disbursements for each  
2 account for any purpose.

3 (2) Calculate on a monthly basis the amounts paid from  
4 State funds for the child's board and care, medical care  
5 not covered under Medicaid, and social services; and  
6 utilize funds from the child's account, as covered by  
7 regulation, to reimburse those costs. Monthly,  
8 disbursements from all children's accounts, up to 1/12 of  
9 \$13,000,000, shall be deposited by the Department into the  
10 General Revenue Fund and the balance over 1/12 of  
11 \$13,000,000 into the DCFS Children's Services Fund.

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

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

1 adoption agency in the State to assist the agencies in placing  
2 such children for adoption. The Department may delegate to an  
3 agent its duty to maintain and make available such lists. The  
4 Department shall ensure that such agent maintains the  
5 confidentiality of the person seeking to adopt the child and  
6 of the child.

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

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

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

25 (2) the court has ordered one or both of the parties to  
26 the proceeding to reimburse the Department for its

1 reasonable costs for providing such services in accordance  
2 with Department rules, or has determined that neither  
3 party is financially able to pay.

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

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

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

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

1           and

2           (3) information containing details of the child's  
3           individualized educational plan when the child is  
4           receiving special education services.

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

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

1 signed verification of receipt of the information provided.  
2 Within 10 business days after placement, the Department shall  
3 provide to the child's guardian ad litem a copy of the  
4 information provided to the prospective adoptive parent or  
5 parents or other caretaker. The information provided to the  
6 prospective adoptive parent or parents or other caretaker  
7 shall be reviewed and approved regarding accuracy at the  
8 supervisory level.

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

20 (v) The Department shall access criminal history record  
21 information as defined in the Illinois Uniform Conviction  
22 Information Act and information maintained in the adjudicatory  
23 and dispositional record system as defined in Section 2605-355  
24 of the Illinois State Police Law if the Department determines  
25 the information is necessary to perform its duties under the  
26 Abused and Neglected Child Reporting Act, the Child Care Act

1 of 1969, and the Children and Family Services Act. The  
2 Department shall provide for interactive computerized  
3 communication and processing equipment that permits direct  
4 on-line communication with the Illinois State Police's central  
5 criminal history data repository. The Department shall comply  
6 with all certification requirements and provide certified  
7 operators who have been trained by personnel from the Illinois  
8 State Police. In addition, one Office of the Inspector General  
9 investigator shall have training in the use of the criminal  
10 history information access system and have access to the  
11 terminal. The Department of Children and Family Services and  
12 its employees shall abide by rules and regulations established  
13 by the Illinois State Police relating to the access and  
14 dissemination of this information.

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



1 (v-2) Prior to final approval for placement of a child,  
2 the Department shall check its child abuse and neglect  
3 registry for information concerning prospective foster and  
4 adoptive parents, and any adult living in the home. If any  
5 prospective foster or adoptive parent or other adult living in  
6 the home has resided in another state in the preceding 5 years,  
7 the Department shall request a check of that other state's  
8 child abuse and neglect registry.

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

1 necessary geographic distribution of these facilities in  
2 Illinois; and a proposed timetable for development of such  
3 facilities.

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

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

26 (z) The Department shall access criminal history record

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

18 For purposes of this subsection:

19 "Background information" means all of the following:

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

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

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

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

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

23       (Source: P.A. 102-538, eff. 8-20-21; 102-558, eff. 8-20-21;  
24 102-1014, eff. 5-27-22; 103-22, eff. 8-8-23; 103-50, eff.  
25 1-1-24; 103-546, eff. 8-11-23; revised 9-25-23.)

1 (20 ILCS 505/5d)

2 Sec. 5d. The Direct Child Welfare Service Employee License  
3 Board.

4 (a) For purposes of this Section:

5 (1) "Board" means the Direct Child Welfare Service  
6 Employee License Board.

7 (2) "Director" means the Director of Children and  
8 Family Services.

9 (b) The Direct Child Welfare Service Employee License  
10 Board is created within the Department of Children and Family  
11 Services and shall consist of 9 members appointed by the  
12 Director. The Director shall annually designate a chairperson  
13 and vice-chairperson of the Board. The membership of the Board  
14 must be composed as follows: (i) 5 licensed professionals from  
15 the field of human services with a human services, juris  
16 doctor, medical, public administration, or other relevant  
17 human services degree and who are in good standing within  
18 their profession, at least 2 of which must be employed in the  
19 private not-for-profit sector and at least one of which in the  
20 public sector; (ii) 2 faculty members of an accredited  
21 university who have child welfare experience and are in good  
22 standing within their profession; and (iii) 2 members of the  
23 general public who are not licensed under this Act or a similar  
24 rule and will represent consumer interests.

25 In making the first appointments, the Director shall  
26 appoint 3 members to serve for a term of one year, 3 members to

1 serve for a term of 2 years, and 3 members to serve for a term  
2 of 3 years, or until their successors are appointed and  
3 qualified. Their successors shall be appointed to serve 3-year  
4 terms, or until their successors are appointed and qualified.  
5 Appointments to fill unexpired vacancies shall be made in the  
6 same manner as original appointments. No member may be  
7 reappointed if a reappointment would cause that member to  
8 serve on the Board for longer than 6 consecutive years. Board  
9 membership must have reasonable representation from different  
10 geographic areas of Illinois, and all members must be  
11 residents of this State.

12 The Director may terminate the appointment of any member  
13 for good cause, including, but not limited to: (i) unjustified  
14 absences from Board meetings or other failure to meet Board  
15 responsibilities, (ii) failure to recuse oneself when required  
16 by subsection (c) of this Section or Department rule, or (iii)  
17 failure to maintain the professional position required by  
18 Department rule. No member of the Board may have a pending or  
19 indicated report of child abuse or neglect or a pending  
20 complaint or criminal conviction of any of the offenses set  
21 forth in paragraph (b) of Section 4.2 of the Child Care Act of  
22 1969.

23 The members of the Board shall receive no compensation for  
24 the performance of their duties as members, but each member  
25 shall be reimbursed for the member's reasonable and necessary  
26 expenses incurred in attending the meetings of the Board.

1           (c) The Board shall make recommendations to the Director  
2 regarding licensure rules. Board members must recuse  
3 themselves from sitting on any matter involving an employee of  
4 a child welfare agency at which the Board member is an employee  
5 or contractual employee. The Board shall make a final  
6 determination concerning revocation, suspension, or  
7 reinstatement of an employee's direct child welfare service  
8 license after a hearing conducted under the Department's  
9 rules. Upon notification of the manner of the vote to all the  
10 members, votes on a final determination may be cast in person,  
11 by telephonic or electronic means, or by mail at the  
12 discretion of the chairperson. A simple majority of the  
13 members appointed and serving is required when Board members  
14 vote by mail or by telephonic or electronic means. A majority  
15 of the currently appointed and serving Board members  
16 constitutes a quorum. A majority of a quorum is required when a  
17 recommendation is voted on during a Board meeting. A vacancy  
18 in the membership of the Board shall not impair the right of a  
19 quorum to perform all the duties of the Board. Board members  
20 are not personally liable in any action based upon a  
21 disciplinary proceeding or otherwise for any action taken in  
22 good faith as a member of the Board.

23           (d) The Director may assign Department employees to  
24 provide staffing services to the Board. The Department must  
25 promulgate any rules necessary to implement and administer the  
26 requirements of this Section.

1 (Source: P.A. 102-45, eff. 1-1-22; 103-22, eff. 8-8-23;  
2 revised 9-25-23.)

3 (20 ILCS 505/7.4)

4 Sec. 7.4. Development and preservation of sibling  
5 relationships for children in care; placement of siblings;  
6 contact among siblings placed apart.

7 (a) Purpose and policy. The General Assembly recognizes  
8 that sibling relationships are unique and essential for a  
9 person, but even more so for children who are removed from the  
10 care of their families and placed in the State child welfare  
11 system. When family separation occurs through State  
12 intervention, every effort must be made to preserve, support,  
13 and nurture sibling relationships when doing so is in the best  
14 interest of each sibling. It is in the interests of foster  
15 children who are part of a sibling group to enjoy contact with  
16 one another, as long as the contact is in each child's best  
17 interest. This is true both while the siblings are in State  
18 care and after one or all of the siblings leave State care  
19 through adoption, guardianship, or aging out.

20 (b) Definitions. For purposes of this Section:

21 (1) Whenever a best interest determination is required  
22 by this Section, the Department shall consider the factors  
23 set out in subsection (4.05) of Section 1-3 of the  
24 Juvenile Court Act of 1987 and the Department's rules  
25 regarding Sibling Placement, 89 Ill. Adm. Code 301.70, and



1 Sibling Visitation, 89 Ill. Adm. Code 301.220, and the  
2 Department's rules regarding Placement Selection Criteria,  
3 89 Ill. Adm. Code 301.60.

4 (2) "Adopted child" means a child who, immediately  
5 preceding the adoption, was in the custody or guardianship  
6 of the Illinois Department of Children and Family Services  
7 under Article II of the Juvenile Court Act of 1987.

8 (3) "Adoptive parent" means a person who has become a  
9 parent through the legal process of adoption.

10 (4) "Child" means a person in the temporary custody or  
11 guardianship of the Department who is under the age of 21.

12 (5) "Child placed in private guardianship" means a  
13 child who, immediately preceding the guardianship, was in  
14 the custody or guardianship of the Illinois Department of  
15 Children and Family Services under Article II of the  
16 Juvenile Court Act of 1987.

17 (6) "Contact" may include, but is not limited to,  
18 visits, telephone calls, letters, sharing of photographs  
19 or information, e-mails, video conferencing, and other  
20 forms ~~form~~ of communication or contact.

21 (7) "Legal guardian" means a person who has become the  
22 legal guardian of a child who, immediately prior to the  
23 guardianship, was in the custody or guardianship of the  
24 Illinois Department of Children and Family Services under  
25 Article II of the Juvenile Court Act of 1987.

26 (8) "Parent" means the child's mother or father who is

1 named as the respondent in proceedings conducted under  
2 Article II of the Juvenile Court Act of 1987.

3 (9) "Post Permanency Sibling Contact" means contact  
4 between siblings following the entry of a Judgment Order  
5 for Adoption under Section 14 of the Adoption Act  
6 regarding at least one sibling or an Order for  
7 Guardianship appointing a private guardian under Section  
8 2-27 of ~~or~~ the Juvenile Court Act of 1987, regarding at  
9 least one sibling. Post Permanency Sibling Contact may  
10 include, but is not limited to, visits, telephone calls,  
11 letters, sharing of photographs or information, emails,  
12 video conferencing, and other forms of communication or  
13 connection agreed to by the parties to a Post Permanency  
14 Sibling Contact Agreement.

15 (10) "Post Permanency Sibling Contact Agreement" means  
16 a written agreement between the adoptive parent or  
17 parents, the child, and the child's sibling regarding post  
18 permanency contact between the adopted child and the  
19 child's sibling, or a written agreement between the legal  
20 guardians, the child, and the child's sibling regarding  
21 post permanency contact between the child placed in  
22 guardianship and the child's sibling. The Post Permanency  
23 Sibling Contact Agreement may specify the nature and  
24 frequency of contact between the adopted child or child  
25 placed in guardianship and the child's sibling following  
26 the entry of the Judgment Order for Adoption or Order for

1 Private Guardianship. The Post Permanency Sibling Contact  
2 Agreement may be supported by services as specified in  
3 this Section. The Post Permanency Sibling Contact  
4 Agreement is voluntary on the part of the parties to the  
5 Post Permanency Sibling Contact Agreement and is not a  
6 requirement for finalization of the child's adoption or  
7 guardianship. The Post Permanency Sibling Contract  
8 Agreement shall not be enforceable in any court of law or  
9 administrative forum and no cause of action shall be  
10 brought to enforce the Agreement. When entered into, the  
11 Post Permanency Sibling Contact Agreement shall be placed  
12 in the child's Post Adoption or Guardianship case record  
13 and in the case file of a sibling who is a party to the  
14 agreement and who remains in the Department's custody or  
15 guardianship.

16 (11) "Sibling Contact Support Plan" means a written  
17 document that sets forth the plan for future contact  
18 between siblings who are in the Department's care and  
19 custody and residing separately. The goal of the Support  
20 Plan is to develop or preserve and nurture the siblings'  
21 relationships. The Support Plan shall set forth the role  
22 of the foster parents, caregivers, and others in  
23 implementing the Support Plan. The Support Plan must meet  
24 the minimum standards regarding frequency of in-person  
25 visits provided for in Department rule.

26 (12) "Siblings" means children who share at least one

1 parent in common. This definition of siblings applies  
2 solely for purposes of placement and contact under this  
3 Section. For purposes of this Section, children who share  
4 at least one parent in common continue to be siblings  
5 after their parent's parental rights are terminated, if  
6 parental rights were terminated while a petition under  
7 Article II of the Juvenile Court Act of 1987 was pending.  
8 For purposes of this Section, children who share at least  
9 one parent in common continue to be siblings after a  
10 sibling is adopted or placed in private guardianship when  
11 the adopted child or child placed in private guardianship  
12 was in the Department's custody or guardianship under  
13 Article II of the Juvenile Court Act of 1987 immediately  
14 prior to the adoption or private guardianship. For  
15 children who have been in the guardianship of the  
16 Department under Article II of the Juvenile Court Act of  
17 1987, have been adopted, and are subsequently returned to  
18 the temporary custody or guardianship of the Department  
19 under Article II of the Juvenile Court Act of 1987,  
20 "siblings" includes a person who would have been  
21 considered a sibling prior to the adoption and siblings  
22 through adoption.

23 (c) No later than January 1, 2013, the Department shall  
24 promulgate rules addressing the development and preservation  
25 of sibling relationships. The rules shall address, at a  
26 minimum:

1           (1) Recruitment, licensing, and support of foster  
2 parents willing and capable of either fostering sibling  
3 groups or supporting and being actively involved in  
4 planning and executing sibling contact for siblings placed  
5 apart. The rules shall address training for foster  
6 parents, licensing workers, placement workers, and others  
7 as deemed necessary.

8           (2) Placement selection for children who are separated  
9 from their siblings and how to best promote placements of  
10 children with foster parents or programs that can meet the  
11 children's needs, including the need to develop and  
12 maintain contact with siblings.

13           (3) State-supported guidance to siblings who have aged  
14 out of State ~~state~~ care regarding positive engagement with  
15 siblings.

16           (4) Implementation of Post Permanency Sibling Contact  
17 Agreements for children exiting State care, including  
18 services offered by the Department to encourage and assist  
19 parties in developing agreements, services offered by the  
20 Department post permanency to support parties in  
21 implementing and maintaining agreements, and including  
22 services offered by the Department post permanency to  
23 assist parties in amending agreements as necessary to meet  
24 the needs of the children.

25           (5) Services offered by the Department for children  
26 who exited foster care prior to the availability of Post

1           Permanency Sibling Contact Agreements, to invite willing  
2           parties to participate in a facilitated discussion,  
3           including, but not limited to, a mediation or joint team  
4           decision-making meeting, to explore sibling contact.

5           (d) The Department shall develop a form to be provided to  
6           youth entering care and exiting care explaining their rights  
7           and responsibilities related to sibling visitation while in  
8           care and post permanency.

9           (e) Whenever a child enters care or requires a new  
10          placement, the Department shall consider the development and  
11          preservation of sibling relationships.

12                 (1) This subsection applies when a child entering care  
13                 or requiring a change of placement has siblings who are in  
14                 the custody or guardianship of the Department. When a  
15                 child enters care or requires a new placement, the  
16                 Department shall examine its files and other available  
17                 resources and determine whether a sibling of that child is  
18                 in the custody or guardianship of the Department. If the  
19                 Department determines that a sibling is in its custody or  
20                 guardianship, the Department shall then determine whether  
21                 it is in the best interests of each of the siblings for the  
22                 child needing placement to be placed with the sibling. If  
23                 the Department determines that it is in the best interest  
24                 of each sibling to be placed together, and the sibling's  
25                 foster parent is able and willing to care for the child  
26                 needing placement, the Department shall place the child

1           needing placement with the sibling. A determination that  
2           it is not in a child's best interest to be placed with a  
3           sibling shall be made in accordance with Department rules,  
4           and documented in the file of each sibling.

5           (2) This subsection applies when a child who is  
6           entering care has siblings who have been adopted or placed  
7           in private guardianship. When a child enters care, the  
8           Department shall examine its files and other available  
9           resources, including consulting with the child's parents,  
10          to determine whether a sibling of the child was adopted or  
11          placed in private guardianship from State care. The  
12          Department shall determine, in consultation with the  
13          child's parents, whether it would be in the child's best  
14          interests to explore placement with the adopted sibling or  
15          sibling in guardianship. Unless the parent objects, if the  
16          Department determines it is in the child's best interest  
17          to explore the placement, the Department shall contact the  
18          adoptive parents or guardians of the sibling, determine  
19          whether they are willing to be considered as placement  
20          resources for the child, and, if so, determine whether it  
21          is in the best interests of the child to be placed in the  
22          home with the sibling. If the Department determines that  
23          it is in the child's best interests to be placed in the  
24          home with the sibling, and the sibling's adoptive parents  
25          or guardians are willing and capable, the Department shall  
26          make the placement. A determination that it is not in a

1 child's best interest to be placed with a sibling shall be  
2 made in accordance with Department rule, and documented in  
3 the child's file.

4 (3) This subsection applies when a child in Department  
5 custody or guardianship requires a change of placement,  
6 and the child has siblings who have been adopted or placed  
7 in private guardianship. When a child in care requires a  
8 new placement, the Department may consider placing the  
9 child with the adoptive parent or guardian of a sibling  
10 under the same procedures and standards set forth in  
11 paragraph (2) of this subsection.

12 (4) When the Department determines it is not in the  
13 best interest of one or more siblings to be placed  
14 together the Department shall ensure that the child  
15 requiring placement is placed in a home or program where  
16 the caregiver is willing and able to be actively involved  
17 in supporting the sibling relationship to the extent doing  
18 so is in the child's best interest.

19 (f) When siblings in care are placed in separate  
20 placements, the Department shall develop a Sibling Contact  
21 Support Plan. The Department shall convene a meeting to  
22 develop the Support Plan. The meeting shall include, at a  
23 minimum, the case managers for the siblings, the foster  
24 parents or other care providers if a child is in a non-foster  
25 home placement and the child, when developmentally and  
26 clinically appropriate. The Department shall make all



1 reasonable efforts to promote the participation of the foster  
2 parents. Parents whose parental rights are intact shall be  
3 invited to the meeting. Others, such as therapists and  
4 mentors, shall be invited as appropriate. The Support Plan  
5 shall set forth future contact and visits between the siblings  
6 to develop or preserve, and nurture the siblings'  
7 relationships. The Support Plan shall set forth the role of  
8 the foster parents and caregivers and others in implementing  
9 the Support Plan. The Support Plan must meet the minimum  
10 standards regarding frequency of in-person visits provided for  
11 in Department rule. The Support Plan will be incorporated in  
12 the child's service plan and reviewed at each administrative  
13 case review. The Support Plan should be modified if one of the  
14 children moves to a new placement, or as necessary to meet the  
15 needs of the children. The Sibling Contact Support Plan for a  
16 child in care may include siblings who are not in the care of  
17 the Department, with the consent and participation of that  
18 child's parent or guardian.

19 (g) By January 1, 2013, the Department shall develop a  
20 registry so that placement information regarding adopted  
21 siblings and siblings in private guardianship is readily  
22 available to Department and private agency caseworkers  
23 responsible for placing children in the Department's care.  
24 When a child is adopted or placed in private guardianship from  
25 foster care the Department shall inform the adoptive parents  
26 or guardians that they may be contacted in the future

1 regarding placement of or contact with siblings subsequently  
2 requiring placement.

3 (h) When a child is in need of an adoptive placement, the  
4 Department shall examine its files and other available  
5 resources and attempt to determine whether a sibling of the  
6 child has been adopted or placed in private guardianship after  
7 being in the Department's custody or guardianship. If the  
8 Department determines that a sibling of the child has been  
9 adopted or placed in private guardianship, the Department  
10 shall make a good faith effort to locate the adoptive parents  
11 or guardians of the sibling and inform them of the  
12 availability of the child for adoption. The Department may  
13 determine not to inform the adoptive parents or guardians of a  
14 sibling of a child that the child is available for adoption  
15 only for a reason permitted under criteria adopted by the  
16 Department by rule, and documented in the child's case file.  
17 If a child available for adoption has a sibling who has been  
18 adopted or placed in guardianship, and the adoptive parents or  
19 guardians of that sibling apply to adopt the child, the  
20 Department shall consider them as adoptive applicants for the  
21 adoption of the child. The Department's final decision as to  
22 whether it will consent to the adoptive parents or guardians  
23 of a sibling being the adoptive parents of the child shall be  
24 based upon the welfare and best interest of the child. In  
25 arriving at its decision, the Department shall consider all  
26 relevant factors, including, but not limited to:

- 1 (1) the wishes of the child;
- 2 (2) the interaction and interrelationship of the child  
3 with the applicant to adopt the child;
- 4 (3) the child's need for stability and continuity of  
5 relationship with parent figures;
- 6 (4) the child's adjustment to the child's present  
7 home, school, and community;
- 8 (5) the mental and physical health of all individuals  
9 involved;
- 10 (6) the family ties between the child and the child's  
11 relatives, including siblings;
- 12 (7) the background, age, and living arrangements of  
13 the applicant to adopt the child;
- 14 (8) a criminal background report of the applicant to  
15 adopt the child.

16 If placement of the child available for adoption with the  
17 adopted sibling or sibling in private guardianship is not  
18 feasible, but it is in the child's best interest to develop a  
19 relationship with the child's sibling, the Department shall  
20 invite the adoptive parents, guardian, or guardians for a  
21 mediation or joint team decision-making meeting to facilitate  
22 a discussion regarding future sibling contact.

23 (i) Post Permanency Sibling Contact Agreement. When a  
24 child in the Department's care has a permanency goal of  
25 adoption or private guardianship, and the Department is  
26 preparing to finalize the adoption or guardianship, the

1 Department shall convene a meeting with the pre-adoptive  
2 parent or prospective guardian and the case manager for the  
3 child being adopted or placed in guardianship and the foster  
4 parents and case managers for the child's siblings, and others  
5 as applicable. The children should participate as is  
6 developmentally appropriate. Others, such as therapists and  
7 mentors, may participate as appropriate. At the meeting the  
8 Department shall encourage the parties to discuss sibling  
9 contact post permanency. The Department may assist the parties  
10 in drafting a Post Permanency Sibling Contact Agreement.

11 (1) Parties to the Post Permanency Sibling Contact  
12 Agreement shall include:

13 (A) The adoptive parent or parents or guardian.

14 (B) The child's sibling or siblings, parents, or  
15 guardians.

16 (C) The child.

17 (2) Consent of child 14 and over. The written consent  
18 of a child age 14 and over to the terms and conditions of  
19 the Post Permanency Sibling Contact Agreement and  
20 subsequent modifications is required.

21 (3) In developing this Agreement, the Department shall  
22 encourage the parties to consider the following factors:

23 (A) the physical and emotional safety and welfare  
24 of the child;

25 (B) the child's wishes;

26 (C) the interaction and interrelationship of the

1 child with the child's sibling or siblings who would  
2 be visiting or communicating with the child,  
3 including:

4 (i) the quality of the relationship between  
5 the child and the sibling or siblings, and

6 (ii) the benefits and potential harms to the  
7 child in allowing the relationship or  
8 relationships to continue or in ending them;

9 (D) the child's sense of attachments to the birth  
10 sibling or siblings and adoptive family, including:

11 (i) the child's sense of being valued;

12 (ii) the child's sense of familiarity; and

13 (iii) continuity of affection for the child;

14 and

15 (E) other factors relevant to the best interest of  
16 the child.

17 (4) In considering the factors in paragraph (3) of  
18 this subsection, the Department shall encourage the  
19 parties to recognize the importance to a child of  
20 developing a relationship with siblings including siblings  
21 with whom the child does not yet have a relationship; and  
22 the value of preserving family ties between the child and  
23 the child's siblings, including:

24 (A) the child's need for stability and continuity  
25 of relationships with siblings, and

26 (B) the importance of sibling contact in the

1 development of the child's identity.

2 (5) Modification or termination of Post Permanency  
3 Sibling Contact Agreement. The parties to the agreement  
4 may modify or terminate the Post Permanency Sibling  
5 Contact Agreement. If the parties cannot agree to  
6 modification or termination, they may request the  
7 assistance of the Department of Children and Family  
8 Services or another agency identified and agreed upon by  
9 the parties to the Post Permanency Sibling Contact  
10 Agreement. Any and all terms may be modified by agreement  
11 of the parties. Post Permanency Sibling Contact Agreements  
12 may also be modified to include contact with siblings  
13 whose whereabouts were unknown or who had not yet been  
14 born when the Judgment Order for Adoption or Order for  
15 Private Guardianship was entered.

16 (6) Adoptions and private guardianships finalized  
17 prior to August 24, 2012 (the effective date of Public Act  
18 97-1076) ~~amendatory Act~~. Nothing in this Section prohibits  
19 the parties from entering into a Post Permanency Sibling  
20 Contact Agreement if the adoption or private guardianship  
21 was finalized prior to the effective date of this Section.  
22 If the Agreement is completed and signed by the parties,  
23 the Department shall include the Post Permanency Sibling  
24 Contact Agreement in the child's Post Adoption or Private  
25 Guardianship case record and in the case file of siblings  
26 who are parties to the agreement who are in the

1 Department's custody or guardianship.

2 (Source: P.A. 103-22, eff. 8-8-23; 103-154, eff. 6-30-23;  
3 revised 1-30-24.)

4 (20 ILCS 505/17) (from Ch. 23, par. 5017)

5 Sec. 17. Youth and Community Services Program. The  
6 Department of Human Services shall develop a State program for  
7 youth and community services which will assure that youth who  
8 come into contact or may come into contact with either the  
9 child welfare system or the juvenile justice system will have  
10 access to needed community, prevention, diversion, emergency,  
11 and independent living services. The term "youth" means a  
12 person under the age of 19 years. The term "homeless youth"  
13 means a youth who cannot be reunited with the youth's family  
14 and is not in a safe and stable living situation. This Section  
15 shall not be construed to require the Department of Human  
16 Services to provide services under this Section to any  
17 homeless youth who is at least 18 years of age but is younger  
18 than 19 years of age; however, the Department may, in its  
19 discretion, provide services under this Section to any such  
20 homeless youth.

21 (a) The goals of the program shall be to:

22 (1) maintain children and youths in their own  
23 community;

24 (2) eliminate unnecessary categorical funding of  
25 programs by funding more comprehensive and integrated

1 programs;

2 (3) encourage local volunteers and voluntary  
3 associations in developing programs aimed at preventing  
4 and controlling juvenile delinquency;

5 (4) address voids in services and close service gaps;

6 (5) develop program models aimed at strengthening the  
7 relationships between youth and their families and aimed  
8 at developing healthy, independent lives for homeless  
9 youth;

10 (6) contain costs by redirecting funding to more  
11 comprehensive and integrated community-based services; and

12 (7) coordinate education, employment, training and  
13 other programs for youths with other State agencies.

14 (b) The duties of the Department under the program shall  
15 be to:

16 (1) design models for service delivery by local  
17 communities;

18 (2) test alternative systems for delivering youth  
19 services;

20 (3) develop standards necessary to achieve and  
21 maintain, on a statewide basis, more comprehensive and  
22 integrated community-based youth services;

23 (4) monitor and provide technical assistance to local  
24 boards and local service systems;

25 (5) assist local organizations in developing programs  
26 which address the problems of youths and their families



1 through direct services, advocacy with institutions, and  
2 improvement of local conditions;

3 (6) (blank); and

4 (7) establish temporary emergency placements for youth  
5 in crisis as defined by the Children's Behavioral Health  
6 Transformation Team through comprehensive community-based  
7 youth services provider grants.

8 (A) Temporary emergency placements:

9 (i) must be licensed through the Department of  
10 Children and Family Services or, in the case of a  
11 foster home or host home, by the supervising child  
12 welfare agency;

13 (ii) must be strategically situated to meet  
14 regional need and minimize geographic disruption  
15 in consultation with the Children's Behavioral  
16 Health Transformation Officer and the Children's  
17 Behavioral Health Transformation Team; and

18 (iii) shall include Comprehensive  
19 Community-Based Youth Services program host homes,  
20 foster homes, homeless youth shelters, Department  
21 of Children and Family Services youth shelters, or  
22 other licensed placements for minor youth  
23 compliant with the Child Care Act of 1969 provided  
24 under the Comprehensive Community-Based Youth  
25 Services program.

26 (B) Beginning on August 11, 2023 (the effective

1 date of Public Act 103-546) ~~this amendatory Act of the~~  
2 ~~103rd General Assembly~~, once sufficient capacity has  
3 been developed, temporary emergency placements must  
4 also include temporary emergency placement shelters  
5 provided under the Comprehensive Community-Based Youth  
6 Services program. Temporary emergency placement  
7 shelters shall be managed by Comprehensive  
8 Community-Based Youth Services provider organizations  
9 and shall be available to house youth receiving  
10 interim 24/7 crisis intervention services as defined  
11 by the Juvenile Court Act of 1987 and the  
12 Comprehensive Community-Based Youth Services program  
13 grant and the Department, and shall provide access to  
14 clinical supports for youth while staying at the  
15 shelter.

16 (C) Comprehensive Community-Based Youth Services  
17 organizations shall retain the sole authority to place  
18 youth in host homes and temporary emergency placement  
19 shelters provided under the Comprehensive  
20 Community-Based Youth Services program.

21 (D) Crisis youth, as defined by the Children's  
22 Behavioral Health Transformation Team, shall be  
23 prioritized in temporary emergency placements.

24 (E) Additional placement options may be authorized  
25 for crisis and non-crisis program youth with the  
26 permission of the youth's parent or legal guardian.

1 (F) While in a temporary emergency placement, the  
2 organization shall work with the parent, guardian, or  
3 custodian to effectuate the youth's return home or to  
4 an alternative long-term living arrangement. As  
5 necessary, the agency or association shall also work  
6 with the youth's local school district, the  
7 Department, the Department of Human Services, the  
8 Department of Healthcare and Family Services, and the  
9 Department of Juvenile Justice to identify immediate  
10 and long-term services, treatment, or placement.

11 Nothing in this Section shall be construed or applied in a  
12 manner that would conflict with, diminish, or infringe upon,  
13 any State agency's obligation to comply fully with  
14 requirements imposed under a court order or State or federal  
15 consent decree applicable to that agency.

16 (Source: P.A. 103-22, eff. 8-8-23; 103-546, eff. 8-11-23;  
17 revised 8-28-23.)

18 (20 ILCS 505/21)

19 Sec. 21. Investigative powers; training.

20 (a) To make such investigations as it may deem necessary  
21 to the performance of its duties.

22 (b) In the course of any such investigation any qualified  
23 person authorized by the Director may administer oaths and  
24 secure by its subpoena both the attendance and testimony of  
25 witnesses and the production of books and papers relevant to

1 such investigation. Any person who is served with a subpoena  
2 by the Department to appear and testify or to produce books and  
3 papers, in the course of an investigation authorized by law,  
4 and who refuses or neglects to appear, or to testify, or to  
5 produce books and papers relevant to such investigation, as  
6 commanded in such subpoena, shall be guilty of a Class B  
7 misdemeanor. The fees of witnesses for attendance and travel  
8 shall be the same as the fees of witnesses before the circuit  
9 courts of this State. Any circuit court of this State, upon  
10 application of the person requesting the hearing or the  
11 Department, may compel the attendance of witnesses, the  
12 production of books and papers, and giving of testimony before  
13 the Department or before any authorized officer or employee  
14 thereof, by an attachment for contempt or otherwise, in the  
15 same manner as production of evidence may be compelled before  
16 such court. Every person who, having taken an oath or made  
17 affirmation before the Department or any authorized officer or  
18 employee thereof, shall willfully swear or affirm falsely,  
19 shall be guilty of perjury and upon conviction shall be  
20 punished accordingly.

21 (c) Investigations initiated under this Section shall  
22 provide individuals due process of law, including the right to  
23 a hearing, to cross-examine witnesses, to obtain relevant  
24 documents, and to present evidence. Administrative findings  
25 shall be subject to the provisions of the Administrative  
26 Review Law.

1 (d) Beginning July 1, 1988, any child protective  
2 investigator or supervisor or child welfare specialist or  
3 supervisor employed by the Department on January 1, 1988 (the  
4 effective date of Public Act 85-206) ~~this amendatory Act of~~  
5 ~~1987~~ shall have completed a training program which shall be  
6 instituted by the Department. The training program shall  
7 include, but not be limited to, the following: (1) training in  
8 the detection of symptoms of child neglect and drug abuse; (2)  
9 specialized training for dealing with families and children of  
10 drug abusers; and (3) specific training in child development,  
11 family dynamics and interview techniques. Such program shall  
12 conform to the criteria and curriculum developed under Section  
13 4 of the Child Protective Investigator and Child Welfare  
14 Specialist Certification Act of 1987. Failure to complete such  
15 training due to lack of opportunity provided by the Department  
16 shall in no way be grounds for any disciplinary or other action  
17 against an investigator or a specialist.

18 The Department shall develop a continuous inservice staff  
19 development program and evaluation system. Each child  
20 protective investigator and supervisor and child welfare  
21 specialist and supervisor shall participate in such program  
22 and evaluation and shall complete a minimum of 20 hours of  
23 inservice education and training every 2 years in order to  
24 maintain certification.

25 Any child protective investigator or child protective  
26 supervisor, or child welfare specialist or child welfare

1 specialist supervisor hired by the Department who begins  
2 actual employment after January 1, 1988 (the effective date of  
3 Public Act 85-206) ~~this amendatory Act of 1987~~, shall be  
4 certified pursuant to the Child Protective Investigator and  
5 Child Welfare Specialist Certification Act of 1987 before  
6 beginning such employment. Nothing in this Act shall replace  
7 or diminish the rights of employees under the Illinois Public  
8 Labor Relations Act, as amended, or the National Labor  
9 Relations Act. In the event of any conflict between either of  
10 those Acts, or any collective bargaining agreement negotiated  
11 thereunder, and the provisions of subsections (d) and (e), the  
12 former shall prevail and control.

13 (e) The Department shall develop and implement the  
14 following:

- 15 (1) A safety-based child welfare intervention system.
- 16 (2) Related training procedures.
- 17 (3) A standardized method for demonstration of  
18 proficiency in application of the safety-based child  
19 welfare intervention system.
- 20 (4) An evaluation of the reliability and validity of  
21 the safety-based child welfare intervention system.

22 All child protective investigators and supervisors and child  
23 welfare specialists and supervisors employed by the Department  
24 or its contractors shall be required, subsequent to the  
25 availability of training under this Act, to demonstrate  
26 proficiency in application of the safety-based child welfare

1 intervention system previous to being permitted to make safety  
2 decisions about the children for whom they are responsible.  
3 The Department shall establish a multi-disciplinary advisory  
4 committee appointed by the Director, including, but not  
5 limited to, representatives from the fields of child  
6 development, domestic violence, family systems, juvenile  
7 justice, law enforcement, health care, mental health,  
8 substance abuse, and social service to advise the Department  
9 and its related contractors in the development and  
10 implementation of the safety-based child welfare intervention  
11 system, related training, method for demonstration of  
12 proficiency in application of the safety-based child welfare  
13 intervention system, and evaluation of the reliability and  
14 validity of the safety-based child welfare intervention  
15 system. The Department shall develop the safety-based child  
16 welfare intervention system, training curriculum, method for  
17 demonstration of proficiency in application of the  
18 safety-based child welfare intervention system, and method for  
19 evaluation of the reliability and validity of the safety-based  
20 child welfare intervention system. Training and demonstration  
21 of proficiency in application of the safety-based child  
22 welfare intervention system for all child protective  
23 investigators and supervisors and child welfare specialists  
24 and supervisors shall be completed as soon as practicable. The  
25 Department shall submit to the General Assembly on or before  
26 December 31, 2026, and every year thereafter, an annual report

1 on the evaluation of the reliability and validity of the  
2 safety-based child welfare intervention system. The Department  
3 shall contract with a not-for-profit ~~not for profit~~  
4 organization with demonstrated expertise in the field of  
5 safety-based child welfare intervention to assist in the  
6 development and implementation of the safety-based child  
7 welfare intervention system, related training, method for  
8 demonstration of proficiency in application of the  
9 safety-based child welfare intervention system, and evaluation  
10 of the reliability and validity of the safety-based child  
11 welfare intervention system.

12 (f) The Department shall provide each parent or guardian  
13 and responsible adult caregiver participating in a safety plan  
14 a copy of the written safety plan as signed by each parent or  
15 guardian and responsible adult caregiver and by a  
16 representative of the Department. The Department shall also  
17 provide each parent or guardian and responsible adult  
18 caregiver safety plan information on their rights and  
19 responsibilities that shall include, but need not be limited  
20 to, information on how to obtain medical care, emergency phone  
21 numbers, and information on how to notify schools or day care  
22 providers as appropriate. The Department's representative  
23 shall ensure that the safety plan is reviewed and approved by  
24 the child protection supervisor.

25 (Source: P.A. 103-22, eff. 8-8-23; 103-460, eff. 1-1-24;  
26 revised 9-11-23.)



1           Section 75. The Department of Commerce and Economic  
2 Opportunity Law of the Civil Administrative Code of Illinois  
3 is amended by renumbering Section 1105 as follows:

4           (20 ILCS 605/605-1103)

5           (Section scheduled to be repealed on December 31, 2024)

6           Sec. 605-1103 ~~1105~~. Power price mitigation assistance.  
7 Subject to appropriation from such funds made available, the  
8 Department shall reimburse up to \$200,000,000 to an eligible  
9 electric utility serving adversely impacted residential and  
10 small commercial customers pursuant to Section 16-107.7 of the  
11 Public Utilities Act. This Section is repealed December 31,  
12 2024.

13           (Source: P.A. 102-1123, eff. 1-27-23; revised 10-18-23.)

14           Section 80. The Illinois Enterprise Zone Act is amended by  
15 changing Section 5.5 as follows:

16           (20 ILCS 655/5.5) (from Ch. 67 1/2, par. 609.1)

17           Sec. 5.5. High Impact Business.

18           (a) In order to respond to unique opportunities to assist  
19 in the encouragement, development, growth, and expansion of  
20 the private sector through large scale investment and  
21 development projects, the Department is authorized to receive  
22 and approve applications for the designation of "High Impact

1 Businesses" in Illinois, for an initial term of 20 years with  
2 an option for renewal for a term not to exceed 20 years,  
3 subject to the following conditions:

4 (1) such applications may be submitted at any time  
5 during the year;

6 (2) such business is not located, at the time of  
7 designation, in an enterprise zone designated pursuant to  
8 this Act;

9 (3) the business intends to do, commits to do, or is  
10 one or more of the following:

11 (A) the business intends to make a minimum  
12 investment of \$12,000,000 which will be placed in  
13 service in qualified property and intends to create  
14 500 full-time equivalent jobs at a designated location  
15 in Illinois or intends to make a minimum investment of  
16 \$30,000,000 which will be placed in service in  
17 qualified property and intends to retain 1,500  
18 full-time retained jobs at a designated location in  
19 Illinois. The terms "placed in service" and "qualified  
20 property" have the same meanings as described in  
21 subsection (h) of Section 201 of the Illinois Income  
22 Tax Act; or

23 (B) the business intends to establish a new  
24 electric generating facility at a designated location  
25 in Illinois. "New electric generating facility", for  
26 purposes of this Section, means a newly constructed

1 electric generation plant or a newly constructed  
2 generation capacity expansion at an existing electric  
3 generation plant, including the transmission lines and  
4 associated equipment that transfers electricity from  
5 points of supply to points of delivery, and for which  
6 such new foundation construction commenced not sooner  
7 than July 1, 2001. Such facility shall be designed to  
8 provide baseload electric generation and shall operate  
9 on a continuous basis throughout the year; and (i)  
10 shall have an aggregate rated generating capacity of  
11 at least 1,000 megawatts for all new units at one site  
12 if it uses natural gas as its primary fuel and  
13 foundation construction of the facility is commenced  
14 on or before December 31, 2004, or shall have an  
15 aggregate rated generating capacity of at least 400  
16 megawatts for all new units at one site if it uses coal  
17 or gases derived from coal as its primary fuel and  
18 shall support the creation of at least 150 new  
19 Illinois coal mining jobs, or (ii) shall be funded  
20 through a federal Department of Energy grant before  
21 December 31, 2010 and shall support the creation of  
22 Illinois coal mining ~~coal mining~~ jobs, or (iii) shall  
23 use coal gasification or integrated  
24 gasification-combined cycle units that generate  
25 electricity or chemicals, or both, and shall support  
26 the creation of Illinois coal mining ~~coal mining~~ jobs.

1           The term "placed in service" has the same meaning as  
2           described in subsection (h) of Section 201 of the  
3           Illinois Income Tax Act; or

4           (B-5) the business intends to establish a new  
5           gasification facility at a designated location in  
6           Illinois. As used in this Section, "new gasification  
7           facility" means a newly constructed coal gasification  
8           facility that generates chemical feedstocks or  
9           transportation fuels derived from coal (which may  
10          include, but are not limited to, methane, methanol,  
11          and nitrogen fertilizer), that supports the creation  
12          or retention of Illinois coal mining ~~coal mining~~ jobs,  
13          and that qualifies for financial assistance from the  
14          Department before December 31, 2010. A new  
15          gasification facility does not include a pilot project  
16          located within Jefferson County or within a county  
17          adjacent to Jefferson County for synthetic natural gas  
18          from coal; or

19          (C) the business intends to establish production  
20          operations at a new coal mine, re-establish production  
21          operations at a closed coal mine, or expand production  
22          at an existing coal mine at a designated location in  
23          Illinois not sooner than July 1, 2001; provided that  
24          the production operations result in the creation of  
25          150 new Illinois coal mining jobs as described in  
26          subdivision (a) (3) (B) of this Section, and further

1 provided that the coal extracted from such mine is  
2 utilized as the predominant source for a new electric  
3 generating facility. The term "placed in service" has  
4 the same meaning as described in subsection (h) of  
5 Section 201 of the Illinois Income Tax Act; or

6 (D) the business intends to construct new  
7 transmission facilities or upgrade existing  
8 transmission facilities at designated locations in  
9 Illinois, for which construction commenced not sooner  
10 than July 1, 2001. For the purposes of this Section,  
11 "transmission facilities" means transmission lines  
12 with a voltage rating of 115 kilovolts or above,  
13 including associated equipment, that transfer  
14 electricity from points of supply to points of  
15 delivery and that transmit a majority of the  
16 electricity generated by a new electric generating  
17 facility designated as a High Impact Business in  
18 accordance with this Section. The term "placed in  
19 service" has the same meaning as described in  
20 subsection (h) of Section 201 of the Illinois Income  
21 Tax Act; or

22 (E) the business intends to establish a new wind  
23 power facility at a designated location in Illinois.  
24 For purposes of this Section, "new wind power  
25 facility" means a newly constructed electric  
26 generation facility, a newly constructed expansion of

1 an existing electric generation facility, or the  
2 replacement of an existing electric generation  
3 facility, including the demolition and removal of an  
4 electric generation facility irrespective of whether  
5 it will be replaced, placed in service or replaced on  
6 or after July 1, 2009, that generates electricity  
7 using wind energy devices, and such facility shall be  
8 deemed to include any permanent structures associated  
9 with the electric generation facility and all  
10 associated transmission lines, substations, and other  
11 equipment related to the generation of electricity  
12 from wind energy devices. For purposes of this  
13 Section, "wind energy device" means any device, with a  
14 nameplate capacity of at least 0.5 megawatts, that is  
15 used in the process of converting kinetic energy from  
16 the wind to generate electricity; or

17 (E-5) the business intends to establish a new  
18 utility-scale solar facility at a designated location  
19 in Illinois. For purposes of this Section, "new  
20 utility-scale solar power facility" means a newly  
21 constructed electric generation facility, or a newly  
22 constructed expansion of an existing electric  
23 generation facility, placed in service on or after  
24 July 1, 2021, that (i) generates electricity using  
25 photovoltaic cells and (ii) has a nameplate capacity  
26 that is greater than 5,000 kilowatts, and such

1 facility shall be deemed to include all associated  
2 transmission lines, substations, energy storage  
3 facilities, and other equipment related to the  
4 generation and storage of electricity from  
5 photovoltaic cells; or

6 (F) the business commits to (i) make a minimum  
7 investment of \$500,000,000, which will be placed in  
8 service in a qualified property, (ii) create 125  
9 full-time equivalent jobs at a designated location in  
10 Illinois, (iii) establish a fertilizer plant at a  
11 designated location in Illinois that complies with the  
12 set-back standards as described in Table 1: Initial  
13 Isolation and Protective Action Distances in the 2012  
14 Emergency Response Guidebook published by the United  
15 States Department of Transportation, (iv) pay a  
16 prevailing wage for employees at that location who are  
17 engaged in construction activities, and (v) secure an  
18 appropriate level of general liability insurance to  
19 protect against catastrophic failure of the fertilizer  
20 plant or any of its constituent systems; in addition,  
21 the business must agree to enter into a construction  
22 project labor agreement including provisions  
23 establishing wages, benefits, and other compensation  
24 for employees performing work under the project labor  
25 agreement at that location; for the purposes of this  
26 Section, "fertilizer plant" means a newly constructed

1 or upgraded plant utilizing gas used in the production  
2 of anhydrous ammonia and downstream nitrogen  
3 fertilizer products for resale; for the purposes of  
4 this Section, "prevailing wage" means the hourly cash  
5 wages plus fringe benefits for training and  
6 apprenticeship programs approved by the U.S.  
7 Department of Labor, Bureau of Apprenticeship and  
8 Training, health and welfare, insurance, vacations and  
9 pensions paid generally, in the locality in which the  
10 work is being performed, to employees engaged in work  
11 of a similar character on public works; this paragraph  
12 (F) applies only to businesses that submit an  
13 application to the Department within 60 days after  
14 July 25, 2013 (the effective date of Public Act  
15 98-109); or

16 (G) the business intends to establish a new  
17 cultured cell material food production facility at a  
18 designated location in Illinois. As used in this  
19 paragraph (G):

20 "Cultured cell material food production facility"  
21 means a facility (i) at which cultured animal cell  
22 food is developed using animal cell culture  
23 technology, (ii) at which production processes occur  
24 that include the establishment of cell lines and cell  
25 banks, manufacturing controls, and all components and  
26 inputs, and (iii) that complies with all existing



1 registrations, inspections, licensing, and approvals  
2 from all applicable and participating State and  
3 federal food agencies, including the Department of  
4 Agriculture, the Department of Public Health, and the  
5 United States Food and Drug Administration, to ensure  
6 that all food production is safe and lawful under  
7 provisions of the Federal Food, Drug and Cosmetic Act  
8 related to the development, production, and storage of  
9 cultured animal cell food.

10 "New cultured cell material food production  
11 facility" means a newly constructed cultured cell  
12 material food production facility that is placed in  
13 service on or after June 7, 2023 (the effective date of  
14 Public Act 103-9) ~~this amendatory Act of the 103rd~~  
15 ~~General Assembly~~ or a newly constructed expansion of  
16 an existing cultured cell material food production  
17 facility, in a controlled environment, when the  
18 improvements are placed in service on or after June 7,  
19 2023 (the effective date of Public Act 103-9) ~~this~~  
20 ~~amendatory Act of the 103rd General Assembly; or and~~

21 (H) ~~(G)~~ the business is an existing or planned  
22 grocery store, as that term is defined in Section 5 of  
23 the Grocery Initiative Act, and receives financial  
24 support under that Act within the 10 years before  
25 submitting its application under this Act; and

26 (4) no later than 90 days after an application is

1 submitted, the Department shall notify the applicant of  
2 the Department's determination of the qualification of the  
3 proposed High Impact Business under this Section.

4 (b) Businesses designated as High Impact Businesses  
5 pursuant to subdivision (a)(3)(A) of this Section shall  
6 qualify for the credits and exemptions described in the  
7 following Acts: Section 9-222 and Section 9-222.1A of the  
8 Public Utilities Act, subsection (h) of Section 201 of the  
9 Illinois Income Tax Act, and Section 1d of the Retailers'  
10 Occupation Tax Act; provided that these credits and exemptions  
11 described in these Acts shall not be authorized until the  
12 minimum investments set forth in subdivision (a)(3)(A) of this  
13 Section have been placed in service in qualified properties  
14 and, in the case of the exemptions described in the Public  
15 Utilities Act and Section 1d of the Retailers' Occupation Tax  
16 Act, the minimum full-time equivalent jobs or full-time  
17 retained jobs set forth in subdivision (a)(3)(A) of this  
18 Section have been created or retained. Businesses designated  
19 as High Impact Businesses under this Section shall also  
20 qualify for the exemption described in Section 51 of the  
21 Retailers' Occupation Tax Act. The credit provided in  
22 subsection (h) of Section 201 of the Illinois Income Tax Act  
23 shall be applicable to investments in qualified property as  
24 set forth in subdivision (a)(3)(A) of this Section.

25 (b-5) Businesses designated as High Impact Businesses  
26 pursuant to subdivisions (a)(3)(B), (a)(3)(B-5), (a)(3)(C),

1 (a) (3) (D), ~~and~~ (a) (3) (G), and (a) (3) (H) of this Section shall  
2 qualify for the credits and exemptions described in the  
3 following Acts: Section 51 of the Retailers' Occupation Tax  
4 Act, Section 9-222 and Section 9-222.1A of the Public  
5 Utilities Act, and subsection (h) of Section 201 of the  
6 Illinois Income Tax Act; however, the credits and exemptions  
7 authorized under Section 9-222 and Section 9-222.1A of the  
8 Public Utilities Act, and subsection (h) of Section 201 of the  
9 Illinois Income Tax Act shall not be authorized until the new  
10 electric generating facility, the new gasification facility,  
11 the new transmission facility, the new, expanded, or reopened  
12 coal mine, ~~or~~ the new cultured cell material food production  
13 facility, or the existing or planned grocery store is  
14 operational, except that a new electric generating facility  
15 whose primary fuel source is natural gas is eligible only for  
16 the exemption under Section 51 of the Retailers' Occupation  
17 Tax Act.

18 (b-6) Businesses designated as High Impact Businesses  
19 pursuant to subdivision (a) (3) (E) or (a) (3) (E-5) of this  
20 Section shall qualify for the exemptions described in Section  
21 51 of the Retailers' Occupation Tax Act; any business so  
22 designated as a High Impact Business being, for purposes of  
23 this Section, a "Wind Energy Business".

24 (b-7) Beginning on January 1, 2021, businesses designated  
25 as High Impact Businesses by the Department shall qualify for  
26 the High Impact Business construction jobs credit under

1 subsection (h-5) of Section 201 of the Illinois Income Tax Act  
2 if the business meets the criteria set forth in subsection (i)  
3 of this Section. The total aggregate amount of credits awarded  
4 under the Blue Collar Jobs Act (Article 20 of Public Act 101-9)  
5 shall not exceed \$20,000,000 in any State fiscal year.

6 (c) High Impact Businesses located in federally designated  
7 foreign trade zones or sub-zones are also eligible for  
8 additional credits, exemptions and deductions as described in  
9 the following Acts: Section 9-221 and Section 9-222.1 of the  
10 Public Utilities Act; and subsection (g) of Section 201, and  
11 Section 203 of the Illinois Income Tax Act.

12 (d) Except for businesses contemplated under subdivision  
13 (a) (3) (E), (a) (3) (E-5), ~~or~~ (a) (3) (G), or (a) (3) (H) of this  
14 Section, existing Illinois businesses which apply for  
15 designation as a High Impact Business must provide the  
16 Department with the prospective plan for which 1,500 full-time  
17 retained jobs would be eliminated in the event that the  
18 business is not designated.

19 (e) Except for new businesses contemplated under  
20 subdivision (a) (3) (E), ~~or~~ subdivision (a) (3) (G), or  
21 subdivision (a) (3) (H) of this Section, new proposed facilities  
22 which apply for designation as High Impact Business must  
23 provide the Department with proof of alternative non-Illinois  
24 sites which would receive the proposed investment and job  
25 creation in the event that the business is not designated as a  
26 High Impact Business.

1 (f) Except for businesses contemplated under subdivision  
2 (a) (3) (E), ~~or~~ subdivision (a) (3) (G), or subdivision (a) (3) (H)  
3 of this Section, in the event that a business is designated a  
4 High Impact Business and it is later determined after  
5 reasonable notice and an opportunity for a hearing as provided  
6 under the Illinois Administrative Procedure Act, that the  
7 business would have placed in service in qualified property  
8 the investments and created or retained the requisite number  
9 of jobs without the benefits of the High Impact Business  
10 designation, the Department shall be required to immediately  
11 revoke the designation and notify the Director of the  
12 Department of Revenue who shall begin proceedings to recover  
13 all wrongfully exempted State taxes with interest. The  
14 business shall also be ineligible for all State funded  
15 Department programs for a period of 10 years.

16 (g) The Department shall revoke a High Impact Business  
17 designation if the participating business fails to comply with  
18 the terms and conditions of the designation.

19 (h) Prior to designating a business, the Department shall  
20 provide the members of the General Assembly and Commission on  
21 Government Forecasting and Accountability with a report  
22 setting forth the terms and conditions of the designation and  
23 guarantees that have been received by the Department in  
24 relation to the proposed business being designated.

25 (i) High Impact Business construction jobs credit.  
26 Beginning on January 1, 2021, a High Impact Business may

1 receive a tax credit against the tax imposed under subsections  
2 (a) and (b) of Section 201 of the Illinois Income Tax Act in an  
3 amount equal to 50% of the amount of the incremental income tax  
4 attributable to High Impact Business construction jobs credit  
5 employees employed in the course of completing a High Impact  
6 Business construction jobs project. However, the High Impact  
7 Business construction jobs credit may equal 75% of the amount  
8 of the incremental income tax attributable to High Impact  
9 Business construction jobs credit employees if the High Impact  
10 Business construction jobs credit project is located in an  
11 underserved area.

12 The Department shall certify to the Department of Revenue:  
13 (1) the identity of taxpayers that are eligible for the High  
14 Impact Business construction jobs credit; and (2) the amount  
15 of High Impact Business construction jobs credits that are  
16 claimed pursuant to subsection (h-5) of Section 201 of the  
17 Illinois Income Tax Act in each taxable year. Any business  
18 entity that receives a High Impact Business construction jobs  
19 credit shall maintain a certified payroll pursuant to  
20 subsection (j) of this Section.

21 As used in this subsection (i):

22 "High Impact Business construction jobs credit" means an  
23 amount equal to 50% (or 75% if the High Impact Business  
24 construction project is located in an underserved area) of the  
25 incremental income tax attributable to High Impact Business  
26 construction job employees. The total aggregate amount of

1 credits awarded under the Blue Collar Jobs Act (Article 20 of  
2 Public Act 101-9) shall not exceed \$20,000,000 in any State  
3 fiscal year

4 "High Impact Business construction job employee" means a  
5 laborer or worker who is employed by an Illinois contractor or  
6 subcontractor in the actual construction work on the site of a  
7 High Impact Business construction job project.

8 "High Impact Business construction jobs project" means  
9 building a structure or building or making improvements of any  
10 kind to real property, undertaken and commissioned by a  
11 business that was designated as a High Impact Business by the  
12 Department. The term "High Impact Business construction jobs  
13 project" does not include the routine operation, routine  
14 repair, or routine maintenance of existing structures,  
15 buildings, or real property.

16 "Incremental income tax" means the total amount withheld  
17 during the taxable year from the compensation of High Impact  
18 Business construction job employees.

19 "Underserved area" means a geographic area that meets one  
20 or more of the following conditions:

21 (1) the area has a poverty rate of at least 20%  
22 according to the latest American Community Survey;

23 (2) 35% or more of the families with children in the  
24 area are living below 130% of the poverty line, according  
25 to the latest American Community Survey;

26 (3) at least 20% of the households in the area receive

1 assistance under the Supplemental Nutrition Assistance  
2 Program (SNAP); or

3 (4) the area has an average unemployment rate, as  
4 determined by the Illinois Department of Employment  
5 Security, that is more than 120% of the national  
6 unemployment average, as determined by the U.S. Department  
7 of Labor, for a period of at least 2 consecutive calendar  
8 years preceding the date of the application.

9 (j) Each contractor and subcontractor who is engaged in  
10 and executing a High Impact Business construction ~~Construction~~  
11 jobs project, as defined under subsection (i) of this Section,  
12 for a business that is entitled to a credit pursuant to  
13 subsection (i) of this Section shall:

14 (1) make and keep, for a period of 5 years from the  
15 date of the last payment made on or after June 5, 2019 (the  
16 effective date of Public Act 101-9) on a contract or  
17 subcontract for a High Impact Business construction jobs  
18 project ~~Construction Jobs Project~~, records for all  
19 laborers and other workers employed by the contractor or  
20 subcontractor on the project; the records shall include:

21 (A) the worker's name;

22 (B) the worker's address;

23 (C) the worker's telephone number, if available;

24 (D) the worker's social security number;

25 (E) the worker's classification or  
26 classifications;



1 (F) the worker's gross and net wages paid in each  
2 pay period;

3 (G) the worker's number of hours worked each day;

4 (H) the worker's starting and ending times of work  
5 each day;

6 (I) the worker's hourly wage rate;

7 (J) the worker's hourly overtime wage rate;

8 (K) the worker's race and ethnicity; and

9 (L) the worker's gender;

10 (2) no later than the 15th day of each calendar month,  
11 provide a certified payroll for the immediately preceding  
12 month to the taxpayer in charge of the High Impact  
13 Business construction jobs project; within 5 business days  
14 after receiving the certified payroll, the taxpayer shall  
15 file the certified payroll with the Department of Labor  
16 and the Department of Commerce and Economic Opportunity; a  
17 certified payroll must be filed for only those calendar  
18 months during which construction on a High Impact Business  
19 construction jobs project has occurred; the certified  
20 payroll shall consist of a complete copy of the records  
21 identified in paragraph (1) of this subsection (j), but  
22 may exclude the starting and ending times of work each  
23 day; the certified payroll shall be accompanied by a  
24 statement signed by the contractor or subcontractor or an  
25 officer, employee, or agent of the contractor or  
26 subcontractor which avers that:

1           (A) he or she has examined the certified payroll  
2 records required to be submitted by the Act and such  
3 records are true and accurate; and

4           (B) the contractor or subcontractor is aware that  
5 filing a certified payroll that he or she knows to be  
6 false is a Class A misdemeanor.

7           A general contractor is not prohibited from relying on a  
8 certified payroll of a lower-tier subcontractor, provided the  
9 general contractor does not knowingly rely upon a  
10 subcontractor's false certification.

11           Any contractor or subcontractor subject to this  
12 subsection, and any officer, employee, or agent of such  
13 contractor or subcontractor whose duty as an officer,  
14 employee, or agent it is to file a certified payroll under this  
15 subsection, who willfully fails to file such a certified  
16 payroll on or before the date such certified payroll is  
17 required by this paragraph to be filed and any person who  
18 willfully files a false certified payroll that is false as to  
19 any material fact is in violation of this Act and guilty of a  
20 Class A misdemeanor.

21           The taxpayer in charge of the project shall keep the  
22 records submitted in accordance with this subsection on or  
23 after June 5, 2019 (the effective date of Public Act 101-9) for  
24 a period of 5 years from the date of the last payment for work  
25 on a contract or subcontract for the High Impact Business  
26 construction jobs project.

1           The records submitted in accordance with this subsection  
2 shall be considered public records, except an employee's  
3 address, telephone number, and social security number, and  
4 made available in accordance with the Freedom of Information  
5 Act. The Department of Labor shall share the information with  
6 the Department in order to comply with the awarding of a High  
7 Impact Business construction jobs credit. A contractor,  
8 subcontractor, or public body may retain records required  
9 under this Section in paper or electronic format.

10           (k) Upon 7 business days' notice, each contractor and  
11 subcontractor shall make available for inspection and copying  
12 at a location within this State during reasonable hours, the  
13 records identified in this subsection (j) to the taxpayer in  
14 charge of the High Impact Business construction jobs project,  
15 its officers and agents, the Director of the Department of  
16 Labor and his or her deputies and agents, and to federal,  
17 State, or local law enforcement agencies and prosecutors.

18           (l) The changes made to this Section by Public Act  
19 102-1125 ~~this amendatory Act of the 102nd General Assembly,~~  
20 other than the changes in subsection (a), apply to High Impact  
21 Businesses ~~high impact businesses~~ that submit applications on  
22 or after February 3, 2023 (the effective date of Public Act  
23 102-1125) ~~this amendatory Act of the 102nd General Assembly.~~

24           (Source: P.A. 102-108, eff. 1-1-22; 102-558, eff. 8-20-21;  
25 102-605, eff. 8-27-21; 102-662, eff. 9-15-21; 102-673, eff.  
26 11-30-21; 102-813, eff. 5-13-22; 102-1125, eff. 2-3-23; 103-9,

1 eff. 6-7-23; 103-561, eff. 1-1-24; revised 9-27-23.)

2 Section 85. The Department of Human Services Act is  
3 amended by changing Sections 10-75 and 80-45 as follows:

4 (20 ILCS 1305/10-75)

5 Sec. 10-75. Homelessness supports in Illinois.

6 (a) The Office to Prevent and End Homelessness (Office) is  
7 created within the Department of Human Services to facilitate  
8 the implementation of a strategic plan and initiatives aimed  
9 at decreasing homelessness and unnecessary  
10 institutionalization in Illinois, improving health and human  
11 services outcomes for people who experience homelessness, and  
12 strengthening the safety nets that contribute to housing  
13 stability. The Office shall be led by the State Homelessness  
14 Chief Officer who shall report to the Secretary of the  
15 Department. The Chief Officer shall also chair the Interagency  
16 Task Force on Homelessness, co-chair the Community Advisory  
17 Council on Homelessness, and lead the State's comprehensive  
18 efforts related to homelessness prevention. The Chief Officer  
19 shall serve as a policymaker and spokesperson on homelessness  
20 prevention, including coordinating the multi-agency effort  
21 through legislation, rules, and budgets and communicating with  
22 the General Assembly and federal and local leaders on these  
23 critical issues.

24 (b) The Interagency Task Force on Homelessness is created

1 within the Department of Human Services to facilitate and  
2 implement initiatives related to decreasing homelessness and  
3 unnecessary institutionalization in this State, improve health  
4 and human services outcomes for people who experience  
5 homelessness, and strengthen the safety nets that contribute  
6 to housing stability. The Task Force shall:

7 (1) Implement the State Plan which is aimed at  
8 addressing homelessness and unnecessary  
9 institutionalization with the goals of achieving  
10 functional zero homelessness, improving health and human  
11 services outcomes for people experiencing homelessness,  
12 and strengthening the safety nets that contribute to  
13 housing stability.

14 (2) Recommend policy, regulatory, and resource changes  
15 necessary to accomplish goals and objectives laid out in  
16 the State Plan.

17 (3) Serve within State government and in the State at  
18 large as an advocate for people experiencing homelessness.

19 (4) Provide leadership for and collaborate with those  
20 developing and implementing local plans to end  
21 homelessness in Illinois, including, but not limited to,  
22 the Community Advisory Council and its members.

23 (5) Recommend the resources needed for successful  
24 implementation and oversee that implementation.

25 (6) Recommend and promote effective interagency  
26 collaboration and system integration to converge related

1 efforts, including coordination with the Illinois Youth  
2 Homelessness Prevention Subcommittee, the Illinois  
3 Commission on the Elimination of Poverty, and the Illinois  
4 Commission to End Hunger on drafting policy  
5 recommendations related to the intersection of  
6 homelessness and poverty.

7 (7) Recommend needed policy, regulatory, and resource  
8 distribution changes; make oversight recommendations that  
9 will ensure accountability, results, and sustained  
10 success; and develop specific proposals and  
11 recommendations for action to provide to the Governor and  
12 the General Assembly.

13 (c) (Blank).

14 (d) The Task Force may solicit feedback from stakeholders,  
15 customers, and advocates to inform Task Force recommendations  
16 as necessary.

17 (e) On or before December 1, 2024, and each year  
18 thereafter, the Task Force shall submit a report to the  
19 Governor and General Assembly regarding the Task Force's work  
20 during the year prior, any new recommendations developed by  
21 the Task Force, any recommendations made by the Community  
22 Advisory Council on Homelessness, and any key outcomes and  
23 measures related to homelessness.

24 (f) The Task Force shall include the following members  
25 appointed by the Governor:

26 (1) The Chief Homelessness Officer, who shall serve as

1 Chair.

2 (2) The Secretary of Human Services, or his or her  
3 designee.

4 (3) The Executive Director of the Illinois Housing  
5 Development Authority, or his or her designee.

6 (4) The Director of Healthcare and Family Services, or  
7 his or her designee.

8 (5) The Superintendent of the State Board of  
9 Education, or his or her designee.

10 (6) The Executive Director of the Board of Higher  
11 Education, or his or her designee.

12 (7) The Executive Director of the Illinois Community  
13 College Board, or his or her designee.

14 (8) The Director of Corrections, or his or her  
15 designee.

16 (9) The Director of Veterans' Affairs, or his or her  
17 designee.

18 (10) The Director of Children and Family Services, or  
19 his or her designee.

20 (11) The Director of Public Health, or his or her  
21 designee.

22 (12) The Director of Aging, or his or her designee.

23 (13) The Director of Juvenile Justice, or his or her  
24 designee.

25 (14) The Director of Commerce and Economic  
26 Opportunity, or his or her designee.

1           (15) The Director of Employment Security, or his or  
2 her designee.

3           (16) The Director of the Illinois State Police, or his  
4 or her designee.

5           (17) The Executive Director of the Illinois Criminal  
6 Justice Information Authority, or his or her designee.

7           (18) The Director of the Office of Management and  
8 Budget, or his or her designee.

9           (g) The Task Force shall also include the following  
10 members:

11           (1) One member appointed by the President of the  
12 Senate.

13           (2) One member appointed by the Minority Leader of the  
14 Senate.

15           (3) One member appointed by the Speaker of the House  
16 of Representatives.

17           (4) One member appointed by the Minority Leader of the  
18 House of Representatives.

19           (h) The Chair of the Task Force may appoint additional  
20 representatives from State agencies as needed.

21           (i) The Task Force shall meet at the call of the chair, at  
22 least 4 times per year. Members shall serve without  
23 compensation.

24           (j) The Task Force may establish subcommittees to address  
25 specific issues or populations and may collaborate with  
26 individuals with relevant expertise who are not members of the



1 Task Force to assist the subcommittee in carrying out its  
2 duties.

3 (k) The Department of Human Services shall provide  
4 administrative support to the Task Force.

5 (l) Nothing in this Act shall be construed to contravene  
6 any federal or State law or regulation. Unless specifically  
7 referenced in this Act, nothing in this Act shall affect or  
8 alter the existing statutory powers of any State agency or be  
9 construed as a reassignment or reorganization of any State  
10 agency.

11 (m) Community Advisory Council. The Community Advisory  
12 Council on Homelessness is created within the Department of  
13 Human Services to make recommendations to the Interagency Task  
14 Force on Homelessness regarding homelessness and unnecessary  
15 institutionalization with the goals of achieving functional  
16 zero homelessness, improving health and human services  
17 outcomes for people experiencing homelessness and  
18 strengthening the safety nets that contribute to housing  
19 stability.

20 (1) The Advisory Council shall be co-chaired by the  
21 Chief Homelessness Officer and a member of the Advisory  
22 Council designated by the Governor. The Advisory Council  
23 shall consist of all of the following members appointed by  
24 the Governor. Members appointed to the Advisory Council  
25 must reflect the racial, ethnic, and geographic diversity  
26 of this State. The Chief may include any State agency

1 staff that they deem necessary as ex officio, nonvoting  
2 members of the Community Advisory Council.

3 (A) Three members with lived experience of  
4 homelessness or housing insecurity, which may include,  
5 but are not limited to, formerly incarcerated persons,  
6 veterans, and youth (16 to 25 years old).

7 (B) One member representing individuals with  
8 disabilities.

9 (C) Two members representing the philanthropic  
10 private funding sector.

11 (D) One member representing a statewide behavioral  
12 health advocacy organization.

13 (E) One member representing a statewide housing  
14 advocacy organization.

15 (F) At least 2 members representing local  
16 Continuums of Care.

17 (G) At least 3 members representing local units of  
18 government (municipal, county, or township).

19 (H) One member representing an organization that  
20 supports victims of domestic violence.

21 (I) A minimum of 4 members representing providers  
22 of the homeless response system inclusive of, but not  
23 limited to, emergency supportive housing, rapid  
24 rehousing, permanent supportive housing, homeless  
25 youth programs, and homeless prevention.

26 (J) Two members, who may or may not meet the

1           qualification requirements for the other appointees.

2           The Advisory Council shall meet at least 4 times per year.

3           (2) Members shall serve without compensation, but  
4           public members may be reimbursed for reasonable and  
5           necessary travel expenses connected to Task Force  
6           business. Persons with lived experience of homelessness  
7           and housing insecurity, who are not otherwise compensated  
8           by employers to attend the Community Advisory Council,  
9           shall receive compensation for each quarterly Council  
10          meeting attended.

11          (3) The meetings of the Advisory Council shall be  
12          conducted in accordance with the provisions of Section 2  
13          of the Open Meetings Act. The Department of Human Services  
14          shall provide staff and administrative support to assist  
15          the Advisory Council in carrying out its duties.

16          (4) Nothing in this Act shall be construed to  
17          contravene any federal or State law or regulation. Unless  
18          specifically referenced in this Act, nothing in this Act  
19          shall affect or alter the existing statutory powers of any  
20          State agency or be construed as a reassignment or  
21          reorganization of any State agency.

22          (5) On or before November 15, 2023, and each year  
23          thereafter, the Advisory Council shall submit  
24          recommendations to the Interagency Task Force on  
25          Homelessness.

26          (Source: P.A. 103-269, eff. 7-26-23; revised 1-20-24.)

1 (20 ILCS 1305/80-45)

2 Sec. 80-45. Funding agent and administration.

3 (a) The Department shall act as funding agent under the  
4 terms of the Illinois Affordable Housing Act and shall  
5 administer other appropriations for the use of the Illinois  
6 Housing Development Authority.

7 (b) The Department may enter into contracts,  
8 intergovernmental agreements, grants, cooperative agreements,  
9 memoranda of understanding, or other instruments with any  
10 federal, State, or local government agency as necessary to  
11 fulfill its role as funding agent in compliance with State and  
12 federal law. The Department and the Department of Revenue  
13 shall coordinate, in consultation with the Illinois Housing  
14 Development Authority, the transition of the funding agent  
15 role, including the transfer of any and all books, records, or  
16 documents, in whatever form stored, necessary to the  
17 Department's execution of the duties of the funding agent, and  
18 the Department may submit to the Governor's Office of  
19 Management and Budget requests for exception pursuant to  
20 Section 55 of the Grant Accountability and Transparency Act.  
21 Notwithstanding Section 5 of the Illinois Grant Funds Recovery  
22 Act, for State fiscal years 2023 and 2024 only, in order to  
23 accomplish the transition of the funding agent role to the  
24 Department, grant funds may be made available for expenditure  
25 by a grantee for a period of 3 years from the date the funds

1 were distributed by the State.

2 (Source: P.A. 103-8, eff. 7-1-23; revised 9-25-23.)

3 Section 90. The Department of Innovation and Technology  
4 Act is amended by changing Section 1-80 as follows:

5 (20 ILCS 1370/1-80)

6 Sec. 1-80. Generative AI and Natural Language Processing  
7 Task Force.

8 (a) As used in this Section, "Task Force" means the  
9 Generative AI and Natural Language Processing Task Force  
10 established by this Section.

11 (b) The Department shall establish the Generative AI and  
12 Natural Language Processing Task Force. The Task Force shall  
13 investigate and provide a report on generative artificial  
14 intelligence software and natural language processing  
15 software.

16 (c) The Task Force shall be composed of all of the  
17 following members:

18 (1) One member appointed by the Speaker of the House  
19 of Representatives, who shall serve as a co-chairperson.

20 (2) One member appointed by the Minority Leader of the  
21 House of Representatives.

22 (3) One member appointed by the President of the  
23 Senate, who shall serve as a co-chairperson.

24 (4) One member appointed by the Minority Leader of the

1 Senate.

2 (5) The Secretary of ~~the Department of~~ Innovation and  
3 Technology or his or her designee.

4 (6) The State Superintendent of Education or his or  
5 her designee.

6 (7) The Executive Director of the Illinois Community  
7 College Board or his or her designee.

8 (8) The Executive Director of the Board of Higher  
9 Education or his or her designee.

10 (9) Two teachers recommended by a statewide  
11 association representing teachers, appointed by the  
12 Governor.

13 (10) Two principals recommended by a statewide  
14 principals association, appointed by the Governor.

15 (11) Two experts on cybersecurity, appointed by the  
16 Governor.

17 (12) Two experts on artificial intelligence, appointed  
18 by the Governor.

19 (13) Two members of statewide business associations,  
20 appointed by the Governor.

21 (14) The Statewide Chief Information Security Officer  
22 or his or her designee.

23 (15) Two members of statewide labor associations,  
24 appointed by the Governor.

25 (16) The Attorney General or his or her designee.

26 (d) The Task Force shall hold at least 5 public meetings in

1 a hybrid format, with both virtual and in-person options to  
2 attend. Of those required 5 meetings, one shall be held in each  
3 of the following locations:

- 4 (1) Chicago;
- 5 (2) Springfield;
- 6 (3) the Metro East region;
- 7 (4) the Quad Cities region; and
- 8 (5) Southern Illinois.

9 (e) The responsibilities of the Task Force shall include  
10 all of the following:

11 (1) recommending legislation or regulations to protect  
12 consumer information as it relates to generative  
13 artificial intelligence;

14 (2) recommending model policies for schools to address  
15 the use of generative artificial intelligence by students  
16 in the classroom;

17 (3) assessing the use of generative artificial  
18 intelligence to improve delivery of public services;

19 (4) ~~(5)~~ protecting civil rights and civil liberties of  
20 individuals and consumers as it relates to generative  
21 artificial intelligence;

22 (5) ~~(6)~~ assessing the use of generative artificial  
23 intelligence in the workforce and how this could affect  
24 employment levels, types of employment, and the deployment  
25 of workers;

26 (6) ~~(7)~~ assessing the challenges of generative

1 artificial intelligence for cybersecurity; and  
2 (7) ~~(8)~~ other topics related to generative artificial  
3 intelligence software and natural language processing  
4 software that may arise from testimony or reports to the  
5 Task Force submitted by its members or the public.

6 (f) The Department shall provide administrative and  
7 technical support to the Task Force.

8 (g) The Task Force shall file a report by December 31, 2024  
9 with the Governor and the General Assembly covering the Task  
10 Force's investigation into generative artificial intelligence  
11 software and natural language processing software and the Task  
12 Force's responsibilities under subsection (e).

13 (Source: P.A. 103-451, eff. 8-4-23; revised 11-1-23.)

14 Section 95. The Department of Insurance Law of the Civil  
15 Administrative Code of Illinois is amended by setting forth  
16 and renumbering multiple versions of Section 1405-50 as  
17 follows:

18 (20 ILCS 1405/1405-50)

19 Sec. 1405-50. Marketplace Director of the Illinois Health  
20 Benefits Exchange. The Governor shall appoint, with the advice  
21 and consent of the Senate, a person within the Department of  
22 Insurance to serve as the Marketplace Director of the Illinois  
23 Health Benefits Exchange. The Governor may make a temporary  
24 appointment until the next meeting of the Senate. This person



1 may be an existing employee with other duties. The Marketplace  
2 Director shall receive an annual salary as set by the Governor  
3 and shall be paid out of the appropriations to the Department.  
4 The Marketplace Director shall not be subject to the Personnel  
5 Code. The Marketplace Director, under the direction of the  
6 Director, shall manage the operations and staff of the  
7 Illinois Health Benefits Exchange to ensure optimal exchange  
8 performance.

9 (Source: P.A. 103-103, eff. 6-27-23.)

10 (20 ILCS 1405/1405-51)

11 Sec. 1405-51 ~~1405-50~~. Health insurance coverage,  
12 affordability, and cost transparency annual report.

13 (a) On or before May 1, 2026, and each May 1 thereafter,  
14 the Department of Insurance shall report to the Governor and  
15 the General Assembly on health insurance coverage,  
16 affordability, and cost trends, including:

17 (1) medical cost trends by major service category,  
18 including prescription drugs;

19 (2) utilization patterns of services by major service  
20 categories;

21 (3) impact of benefit changes, including essential  
22 health benefits and non-essential health benefits;

23 (4) enrollment trends;

24 (5) demographic shifts;

25 (6) geographic factors and variations, including

1 changes in provider availability;  
2 (7) health care quality improvement initiatives;  
3 (8) inflation and other factors impacting this State's  
4 economic condition;  
5 (9) the availability of financial assistance and tax  
6 credits to pay for health insurance coverage for  
7 individuals and small businesses;  
8 (10) trends in out-of-pocket costs for consumers; and  
9 (11) factors contributing to costs that are not  
10 otherwise specified in paragraphs (1) through (10) of this  
11 subsection.

12 (b) This report shall not attribute any information or  
13 trend to a specific company and shall not disclose any  
14 information otherwise considered confidential or proprietary.  
15 (Source: P.A. 103-106, eff. 1-1-24; revised 12-19-23.)

16 Section 100. The Department of Professional Regulation Law  
17 of the Civil Administrative Code of Illinois is amended by  
18 changing Section 2105-15 and by setting forth and renumbering  
19 multiple versions of Section 2105-370 as follows:

20 (20 ILCS 2105/2105-15)

21 Sec. 2105-15. General powers and duties.

22 (a) The Department has, subject to the provisions of the  
23 Civil Administrative Code of Illinois, the following powers  
24 and duties:

1           (1) To authorize examinations in English to ascertain  
2           the qualifications and fitness of applicants to exercise  
3           the profession, trade, or occupation for which the  
4           examination is held.

5           (2) To prescribe rules and regulations for a fair and  
6           wholly impartial method of examination of candidates to  
7           exercise the respective professions, trades, or  
8           occupations.

9           (3) To pass upon the qualifications of applicants for  
10          licenses, certificates, and authorities, whether by  
11          examination, by reciprocity, or by endorsement.

12          (4) To prescribe rules and regulations defining, for  
13          the respective professions, trades, and occupations, what  
14          shall constitute a school, college, or university, or  
15          department of a university, or other institution,  
16          reputable and in good standing, and to determine the  
17          reputability and good standing of a school, college, or  
18          university, or department of a university, or other  
19          institution, reputable and in good standing, by reference  
20          to a compliance with those rules and regulations;  
21          provided, that no school, college, or university, or  
22          department of a university, or other institution that  
23          refuses admittance to applicants solely on account of  
24          race, color, creed, sex, sexual orientation, or national  
25          origin shall be considered reputable and in good standing.

26          (5) To conduct hearings on proceedings to revoke,

1 suspend, refuse to renew, place on probationary status, or  
2 take other disciplinary action as authorized in any  
3 licensing Act administered by the Department with regard  
4 to licenses, certificates, or authorities of persons  
5 exercising the respective professions, trades, or  
6 occupations and to revoke, suspend, refuse to renew, place  
7 on probationary status, or take other disciplinary action  
8 as authorized in any licensing Act administered by the  
9 Department with regard to those licenses, certificates, or  
10 authorities.

11 The Department shall issue a monthly disciplinary  
12 report.

13 The Department shall refuse to issue or renew a  
14 license to, or shall suspend or revoke a license of, any  
15 person who, after receiving notice, fails to comply with a  
16 subpoena or warrant relating to a paternity or child  
17 support proceeding. However, the Department may issue a  
18 license or renewal upon compliance with the subpoena or  
19 warrant.

20 The Department, without further process or hearings,  
21 shall revoke, suspend, or deny any license or renewal  
22 authorized by the Civil Administrative Code of Illinois to  
23 a person who is certified by the Department of Healthcare  
24 and Family Services (formerly Illinois Department of  
25 Public Aid) as being more than 30 days delinquent in  
26 complying with a child support order or who is certified

1 by a court as being in violation of the Non-Support  
2 Punishment Act for more than 60 days. The Department may,  
3 however, issue a license or renewal if the person has  
4 established a satisfactory repayment record as determined  
5 by the Department of Healthcare and Family Services  
6 (formerly Illinois Department of Public Aid) or if the  
7 person is determined by the court to be in compliance with  
8 the Non-Support Punishment Act. The Department may  
9 implement this paragraph as added by Public Act 89-6  
10 through the use of emergency rules in accordance with  
11 Section 5-45 of the Illinois Administrative Procedure Act.  
12 For purposes of the Illinois Administrative Procedure Act,  
13 the adoption of rules to implement this paragraph shall be  
14 considered an emergency and necessary for the public  
15 interest, safety, and welfare.

16 (6) To transfer jurisdiction of any realty under the  
17 control of the Department to any other department of the  
18 State Government or to acquire or accept federal lands  
19 when the transfer, acquisition, or acceptance is  
20 advantageous to the State and is approved in writing by  
21 the Governor.

22 (7) To formulate rules and regulations necessary for  
23 the enforcement of any Act administered by the Department.

24 (8) To exchange with the Department of Healthcare and  
25 Family Services information that may be necessary for the  
26 enforcement of child support orders entered pursuant to

1 the Illinois Public Aid Code, the Illinois Marriage and  
2 Dissolution of Marriage Act, the Non-Support of Spouse and  
3 Children Act, the Non-Support Punishment Act, the Revised  
4 Uniform Reciprocal Enforcement of Support Act, the Uniform  
5 Interstate Family Support Act, the Illinois Parentage Act  
6 of 1984, or the Illinois Parentage Act of 2015.  
7 Notwithstanding any provisions in this Code to the  
8 contrary, the Department of Financial and Professional  
9 Regulation shall not be liable under any federal or State  
10 law to any person for any disclosure of information to the  
11 Department of Healthcare and Family Services (formerly  
12 Illinois Department of Public Aid) under this paragraph  
13 (8) or for any other action taken in good faith to comply  
14 with the requirements of this paragraph (8).

15 (8.3) To exchange information with the Department of  
16 Human Rights regarding recommendations received under  
17 paragraph (B) of Section 8-109 of the Illinois Human  
18 Rights Act regarding a licensee or candidate for licensure  
19 who has committed a civil rights violation that may lead  
20 to the refusal, suspension, or revocation of a license  
21 from the Department.

22 (8.5) To accept continuing education credit for  
23 mandated reporter training on how to recognize and report  
24 child abuse offered by the Department of Children and  
25 Family Services and completed by any person who holds a  
26 professional license issued by the Department and who is a

1 mandated reporter under the Abused and Neglected Child  
2 Reporting Act. The Department shall adopt any rules  
3 necessary to implement this paragraph.

4 (9) To perform other duties prescribed by law.

5 (a-5) Except in cases involving delinquency in complying  
6 with a child support order or violation of the Non-Support  
7 Punishment Act and notwithstanding anything that may appear in  
8 any individual licensing Act or administrative rule, no person  
9 or entity whose license, certificate, or authority has been  
10 revoked as authorized in any licensing Act administered by the  
11 Department may apply for restoration of that license,  
12 certification, or authority until 3 years after the effective  
13 date of the revocation.

14 (b) (Blank).

15 (c) For the purpose of securing and preparing evidence,  
16 and for the purchase of controlled substances, professional  
17 services, and equipment necessary for enforcement activities,  
18 recoupment of investigative costs, and other activities  
19 directed at suppressing the misuse and abuse of controlled  
20 substances, including those activities set forth in Sections  
21 504 and 508 of the Illinois Controlled Substances Act, the  
22 Director and agents appointed and authorized by the Director  
23 may expend sums from the Professional Regulation Evidence Fund  
24 that the Director deems necessary from the amounts  
25 appropriated for that purpose. Those sums may be advanced to  
26 the agent when the Director deems that procedure to be in the

1 public interest. Sums for the purchase of controlled  
2 substances, professional services, and equipment necessary for  
3 enforcement activities and other activities as set forth in  
4 this Section shall be advanced to the agent who is to make the  
5 purchase from the Professional Regulation Evidence Fund on  
6 vouchers signed by the Director. The Director and those agents  
7 are authorized to maintain one or more commercial checking  
8 accounts with any State banking corporation or corporations  
9 organized under or subject to the Illinois Banking Act for the  
10 deposit and withdrawal of moneys to be used for the purposes  
11 set forth in this Section; provided, that no check may be  
12 written nor any withdrawal made from any such account except  
13 upon the written signatures of 2 persons designated by the  
14 Director to write those checks and make those withdrawals.  
15 Vouchers for those expenditures must be signed by the  
16 Director. All such expenditures shall be audited by the  
17 Director, and the audit shall be submitted to the Department  
18 of Central Management Services for approval.

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



1 fulfill the request.

2 (e) The provisions of this Section do not apply to private  
3 business and vocational schools as defined by Section 15 of  
4 the Private Business and Vocational Schools Act of 2012.

5 (f) (Blank).

6 (f-5) Notwithstanding anything that may appear in any  
7 individual licensing statute or administrative rule, the  
8 Department shall allow an applicant to provide his or her  
9 individual taxpayer identification number as an alternative to  
10 providing a social security number when applying for a  
11 license.

12 (g) Notwithstanding anything that may appear in any  
13 individual licensing statute or administrative rule, the  
14 Department shall deny any license application or renewal  
15 authorized under any licensing Act administered by the  
16 Department to any person who has failed to file a return, or to  
17 pay the tax, penalty, or interest shown in a filed return, or  
18 to pay any final assessment of tax, penalty, or interest, as  
19 required by any tax Act administered by the Illinois  
20 Department of Revenue, until such time as the requirement of  
21 any such tax Act are satisfied; however, the Department may  
22 issue a license or renewal if the person has established a  
23 satisfactory repayment record as determined by the Illinois  
24 Department of Revenue. For the purpose of this Section,  
25 "satisfactory repayment record" shall be defined by rule.

26 In addition, a complaint filed with the Department by the

1 Illinois Department of Revenue that includes a certification,  
2 signed by its Director or designee, attesting to the amount of  
3 the unpaid tax liability or the years for which a return was  
4 not filed, or both, is prima facie evidence of the licensee's  
5 failure to comply with the tax laws administered by the  
6 Illinois Department of Revenue. Upon receipt of that  
7 certification, the Department shall, without a hearing,  
8 immediately suspend all licenses held by the licensee.  
9 Enforcement of the Department's order shall be stayed for 60  
10 days. The Department shall provide notice of the suspension to  
11 the licensee by mailing a copy of the Department's order to the  
12 licensee's address of record or emailing a copy of the order to  
13 the licensee's email address of record. The notice shall  
14 advise the licensee that the suspension shall be effective 60  
15 days after the issuance of the Department's order unless the  
16 Department receives, from the licensee, a request for a  
17 hearing before the Department to dispute the matters contained  
18 in the order.

19 Any suspension imposed under this subsection (g) shall be  
20 terminated by the Department upon notification from the  
21 Illinois Department of Revenue that the licensee is in  
22 compliance with all tax laws administered by the Illinois  
23 Department of Revenue.

24 The Department may promulgate rules for the administration  
25 of this subsection (g).

26 (g-5) Notwithstanding anything that may appear in any

1 individual licensing statute or administrative rule, the  
2 Department shall refuse the issuance or renewal of a license  
3 to, or suspend or revoke the license of, any individual,  
4 corporation, partnership, or other business entity that has  
5 been found by the Illinois Workers' Compensation Commission or  
6 the Department of Insurance to have failed to (i) secure  
7 workers' compensation obligations in the manner required by  
8 subsections (a) and (b) of Section 4 of the Workers'  
9 Compensation Act, (ii) pay in full a fine or penalty imposed  
10 due to a failure to secure workers' compensation obligations  
11 in the manner required by subsections (a) and (b) of Section 4  
12 of the Workers' Compensation Act, or (iii) fulfill all  
13 obligations assumed pursuant to a settlement reached with the  
14 Illinois Workers' Compensation Commission or the Department of  
15 Insurance relating to a failure to secure workers'  
16 compensation obligations in the manner required by subsections  
17 (a) and (b) of Section 4 of the Workers' Compensation Act. No  
18 initial or renewal license shall be issued, and no suspended  
19 license shall be reinstated, until such time that the  
20 Department is notified by the Illinois Workers' Compensation  
21 Commission or the Department of Insurance that the licensee's  
22 or applicant's failure to comply with subsections (a) and (b)  
23 of Section 4 of the Workers' Compensation Act has been  
24 corrected or otherwise resolved to satisfaction of the  
25 Illinois Workers' Compensation Commission or the Department of  
26 Insurance.

1           In addition, a complaint filed with the Department by the  
2 Illinois Workers' Compensation Commission or the Department of  
3 Insurance that includes a certification, signed by its  
4 Director or Chairman, or the Director or Chairman's designee,  
5 attesting to a finding of the failure to secure workers'  
6 compensation obligations in the manner required by subsections  
7 (a) and (b) of Section 4 of the Workers' Compensation Act or  
8 the failure to pay any fines or penalties or to discharge any  
9 obligation under a settlement relating to the failure to  
10 secure workers' compensation obligations in the manner  
11 required by subsections (a) and (b) of Section 4 of the  
12 Workers' Compensation Act is prima facie evidence of the  
13 licensee's or applicant's failure to comply with subsections  
14 (a) and (b) of Section 4 of the Workers' Compensation Act. Upon  
15 receipt of that certification, the Department shall, without a  
16 hearing, immediately suspend all licenses held by the licensee  
17 or the processing of any application from the applicant.  
18 Enforcement of the Department's order shall be stayed for 60  
19 days. The Department shall provide notice of the suspension to  
20 the licensee by mailing a copy of the Department's order to the  
21 licensee's address of record or emailing a copy of the order to  
22 the licensee's email address of record. The notice shall  
23 advise the licensee that the suspension shall be effective 60  
24 days after the issuance of the Department's order unless the  
25 Department receives from the licensee or applicant a request  
26 for a hearing before the Department to dispute the matters

1 contained in the order.

2 Any suspension imposed under this subsection shall be  
3 terminated by the Department upon notification from the  
4 Illinois Workers' Compensation Commission or the Department of  
5 Insurance that the licensee's or applicant's failure to comply  
6 with subsections (a) and (b) of Section 4 of the Workers'  
7 Compensation Act has been corrected or otherwise resolved to  
8 the satisfaction of the Illinois Workers' Compensation  
9 Commission ~~Commissions~~ or the Department of Insurance.

10 No license shall be suspended or revoked until after the  
11 licensee is afforded any due process protection guaranteed by  
12 statute or rule adopted by the Illinois Workers' Compensation  
13 Commission or the Department of Insurance.

14 The Department may adopt rules for the administration of  
15 this subsection.

16 (h) The Department may grant the title "Retired", to be  
17 used immediately adjacent to the title of a profession  
18 regulated by the Department, to eligible retirees. For  
19 individuals licensed under the Medical Practice Act of 1987,  
20 the title "Retired" may be used in the profile required by the  
21 Patients' Right to Know Act. The use of the title "Retired"  
22 shall not constitute representation of current licensure,  
23 registration, or certification. Any person without an active  
24 license, registration, or certificate in a profession that  
25 requires licensure, registration, or certification shall not  
26 be permitted to practice that profession.

1 (i) The Department shall make available on its website  
2 general information explaining how the Department utilizes  
3 criminal history information in making licensure application  
4 decisions, including a list of enumerated offenses that serve  
5 as a statutory bar to licensure.

6 (Source: P.A. 102-538, eff. 8-20-21; 103-26, eff. 1-1-24;  
7 revised 1-2-24.)

8 (20 ILCS 2105/2105-368)

9 (This Section may contain text from a Public Act with a  
10 delayed effective date)

11 Sec. 2105-368 ~~2105-370~~. Data on applications. In  
12 conjunction with applications for licensure, the Department  
13 shall request, and applicants may voluntarily provide,  
14 demographic information that includes sex, ethnicity, race,  
15 and disability. On or before March 1 of each calendar year, the  
16 Department shall publish a report on the Department's website  
17 that contains the demographic information it collected the  
18 preceding calendar year, the number of applications for  
19 licensure and renewal of licensure it received in the  
20 preceding calendar year, and the number of applicants who were  
21 denied licensure in the preceding calendar year regardless of  
22 whether application was made in that calendar year.

23 (Source: P.A. 103-522, eff. 1-1-25; revised 9-25-23.)

24 (20 ILCS 2105/2105-370)

1 (This Section may contain text from a Public Act with a  
2 delayed effective date)

3 Sec. 2105-370. Continuing education; cultural competency.

4 (a) As used in this Section:

5 "Cultural competency" means a set of integrated attitudes,  
6 knowledge, and skills that enables a health care professional  
7 or organization to care effectively for patients from diverse  
8 cultures, groups, and communities.

9 "Health care professional" means a person licensed or  
10 registered by the Department under the following Acts: the  
11 Medical Practice Act of 1987, the Nurse Practice Act, the  
12 Clinical Psychologist Licensing Act, the Illinois Optometric  
13 Practice Act of 1987, the Illinois Physical Therapy Act, the  
14 Pharmacy Practice Act, the Physician Assistant Practice Act of  
15 1987, the Clinical Social Work and Social Work Practice Act,  
16 the Nursing Home Administrators Licensing and Disciplinary  
17 Act, the Illinois Occupational Therapy Practice Act, the  
18 Podiatric Medical Practice Act of 1987, the Respiratory Care  
19 Practice Act, the Professional Counselor and Clinical  
20 Professional Counselor Licensing and Practice Act, the  
21 Illinois Speech-Language Pathology and Audiology Practice Act,  
22 the Illinois Dental Practice Act, the Illinois Dental Practice  
23 Act, or the Behavior Analyst Licensing Act.

24 (b) For health care professional license or registration  
25 renewals occurring on or after January 1, 2025, a health care  
26 professional who has continuing education requirements must

1 complete at least a one-hour course in training on cultural  
2 competency. A health care professional may count this one hour  
3 for completion of this course toward meeting the minimum  
4 credit hours required for continuing education.

5 (c) The Department may adopt rules for the implementation  
6 of this Section.

7 (Source: P.A. 103-531, eff. 1-1-25.)

8 Section 105. The Department of Public Health Powers and  
9 Duties Law of the Civil Administrative Code of Illinois is  
10 amended by changing Section 2310-130 and by setting forth and  
11 renumbering multiple versions of Section 2310-720 as follows:

12 (20 ILCS 2310/2310-130)

13 Sec. 2310-130. Long term care surveyors; surveyor  
14 development unit. ~~Long Term Care Monitor/Receiver~~ Beginning  
15 July 1, 2011, the Department shall employ a minimum of one  
16 surveyor for every 500 licensed long term care beds. Beginning  
17 July 1, 2012, the Department shall employ a minimum of one  
18 surveyor for every 400 licensed long term care beds. Beginning  
19 July 1, 2013, the Department shall employ a minimum of one  
20 surveyor for every 300 licensed long term care beds.

21 The Department shall establish a surveyor development unit  
22 funded from money deposited in the Long Term Care  
23 Monitor/Receiver Fund.

24 (Source: P.A. 103-127, eff. 1-1-24; 103-363, eff. 7-28-23;



1 revised 12-12-23.)

2 (20 ILCS 2310/2310-720)

3 Sec. 2310-720. Pilot program with municipalities that  
4 employ a certified plumbing inspector. The Department shall  
5 create a pilot program to allow the Department to enter into an  
6 agreement with a municipality that employs a State of Illinois  
7 certified plumbing inspector to do inspections on behalf of  
8 the Department and submit appropriate documentation as  
9 requested to verify the inspections were completed to the  
10 standards required by the Department and outlined in the  
11 partnership.

12 (Source: P.A. 103-321, eff. 1-1-24.)

13 (20 ILCS 2310/2310-725)

14 Sec. 2310-725 ~~2310-720~~. Public educational effort on  
15 mental health and wellness. Subject to appropriation, the  
16 Department shall undertake a public educational campaign to  
17 bring broad public awareness to communities across this State  
18 on the importance of mental health and wellness, including the  
19 expanded coverage of mental health treatment, and consistent  
20 with the recommendations of the Illinois Children's Mental  
21 Health Partnership's Children's Mental Health Plan of 2022 and  
22 Public Act 102-899. The Department shall look to other  
23 successful public educational campaigns to guide this effort,  
24 such as the public educational campaign related to Get Covered

1 Illinois. Additionally, the Department shall work with the  
2 Department of Insurance, the Illinois State Board of  
3 Education, the Department of Human Services, the Department of  
4 Healthcare and Family Services, the Department of Juvenile  
5 Justice, the Department of Children and Family Services, and  
6 other State agencies as necessary to promote consistency in  
7 messaging and distribution methods between this campaign and  
8 other concurrent public educational campaigns related to  
9 mental health and mental wellness. Public messaging for this  
10 campaign shall be simple, be easy to understand, and include  
11 culturally competent messaging for different communities and  
12 regions throughout this State.

13 (Source: P.A. 103-535, eff. 8-11-23; revised 9-25-23.)

14 Section 110. The Illinois State Police Law of the Civil  
15 Administrative Code of Illinois is amended by changing Section  
16 2605-52 as follows:

17 (20 ILCS 2605/2605-52)

18 Sec. 2605-52. Division of Statewide 9-1-1.

19 (a) There shall be established an Office of the Statewide  
20 9-1-1 Administrator within the Division of Statewide 9-1-1.  
21 Beginning January 1, 2016, the Office of the Statewide 9-1-1  
22 Administrator shall be responsible for developing,  
23 implementing, and overseeing a uniform statewide 9-1-1 system  
24 for all areas of the State outside of municipalities having a

1 population over 500,000.

2 (b) The Governor shall appoint, with the advice and  
3 consent of the Senate, a Statewide 9-1-1 Administrator. The  
4 Administrator shall serve for a term of 2 years~~7~~ and until a  
5 successor is appointed and qualified; except that the term of  
6 the first 9-1-1 Administrator appointed under this Act shall  
7 expire on the third Monday in January, 2017. The Administrator  
8 shall not hold any other remunerative public office. The  
9 Administrator shall receive an annual salary as set by the  
10 Governor.

11 (c) The Illinois State Police, from appropriations made to  
12 it for that purpose, shall make grants to 9-1-1 Authorities  
13 for the purpose of defraying costs associated with 9-1-1  
14 system consolidations awarded by the Administrator under  
15 Section 15.4b of the Emergency Telephone System Act.

16 (d) The Division of Statewide 9-1-1 shall exercise the  
17 rights, powers, and duties vested by law in the Illinois State  
18 Police by the Illinois State Police Radio Act and shall  
19 oversee the Illinois State Police radio network, including the  
20 Illinois State Police Emergency Radio Network and Illinois  
21 State Police's STARCOM21.

22 (e) The Division of Statewide 9-1-1 shall also conduct the  
23 following communication activities:

24 (1) Acquire and operate one or more radio broadcasting  
25 stations in the State to be used for police purposes.

26 (2) Operate a statewide communications network to

1 gather and disseminate information for law enforcement  
2 agencies.

3 (3) Undertake other communication activities that may  
4 be required by law.

5 (4) Oversee Illinois State Police telecommunications.

6 (f) The Division of Statewide 9-1-1 shall oversee the  
7 Illinois State Police fleet operations.

8 (Source: P.A. 102-538, eff. 8-20-21; 103-34, eff. 1-1-24;  
9 revised 1-2-24.)

10 Section 115. The Illinois State Police Act is amended by  
11 changing Section 16 as follows:

12 (20 ILCS 2610/16) (from Ch. 121, par. 307.16)

13 Sec. 16. State policemen shall enforce the provisions of  
14 the Illinois Vehicle Code, ~~approved September 29, 1969, as~~  
15 ~~amended,~~ and Article 9 of the "Illinois Highway Code" ~~as~~  
16 ~~amended,~~ and shall patrol the public highways and rural  
17 districts to make arrests for violations of the provisions of  
18 such Acts. They are conservators of the peace and as such have  
19 all powers possessed by policemen in cities, and sheriffs,  
20 except that they may exercise such powers anywhere in this  
21 State. The State policemen shall cooperate with the police of  
22 cities, villages, and incorporated towns, and with the police  
23 officers of any county, in enforcing the laws of the State and  
24 in making arrests and recovering property. They may be

1 equipped with standardized and tested devices for weighing  
2 motor vehicles and may stop and weigh, acting reasonably, or  
3 cause to be weighed, any motor vehicle which appears to weigh  
4 in excess of the weight permitted by law. It shall also be the  
5 duty of the Illinois State Police to determine, whenever  
6 possible, the person or persons or the causes responsible for  
7 the breaking or destruction of any improved hard-surfaced  
8 roadway~~+~~ and to arrest all persons criminally responsible for  
9 such breaking or destruction and bring them before the proper  
10 officer for trial. The Illinois State Police shall divide the  
11 State into zones, troops, or regions and assign each zone,  
12 troop, or region to one or more policemen. No person employed  
13 under this Act, however, shall serve or execute civil process,  
14 except for process issued under the authority of the General  
15 Assembly, or a committee or commission thereof vested with  
16 subpoena powers when the county sheriff refuses or fails to  
17 serve such process, and except for process allowed by statute  
18 or issued under the authority of the Illinois Department of  
19 Revenue.

20 (Source: P.A. 102-538, eff. 8-20-21; 103-34, eff. 6-9-23;  
21 revised 9-25-23.)

22 Section 120. The Human Remains Protection Act is amended  
23 by changing Section 13 as follows:

24 (20 ILCS 3440/13) (from Ch. 127, par. 2673)

1           Sec. 13. Notification.

2           (a) If an undertaking will occur on property that the  
3 property owner has been notified in writing by the Department  
4 that the land is likely to contain human remains, unregistered  
5 graves, grave markers, or grave artifacts, a permit shall be  
6 obtained by the landowner from the Department.

7           (b) If human remains, unregistered graves, grave markers,  
8 or grave artifacts that were unknown and were encountered by  
9 any person, a permit shall be obtained from the Department  
10 before any work on the undertaking may continue.

11           (c) The Department of Natural Resources shall adopt  
12 administrative rules whereby permits shall be issued for the  
13 avoidance, disturbance, or removal of human remains,  
14 unregistered graves, grave markers, or grave artifacts, or a  
15 combination of those activities. The Department may adopt  
16 emergency rules in accordance with Sections 5-45 and 5-45.47  
17 ~~5-45.35~~ of the Illinois Administrative Procedure Act. The  
18 adoption of emergency rules authorized by Sections 5-45 and  
19 5-45.47 ~~5-45.35~~ of the Illinois Administrative Procedure Act  
20 and this paragraph is deemed to be necessary for the public  
21 interest, safety, and welfare.

22           (d) Each permit shall specify all terms and conditions  
23 under which the avoidance, removal, or disturbance of human  
24 remains, grave artifacts, grave markers, or unregistered  
25 graves shall be carried out. All costs accrued in the removal  
26 of the aforementioned materials shall be borne by the permit

1 applicant. Within 60 days of the completion of the  
2 undertaking, the permit holder shall submit a report, on a  
3 form provided by the Department, of the results to the  
4 Department.

5 (Source: P.A. 103-446, eff. 8-4-23; revised 10-5-23.)

6 Section 125. The Illinois Power Agency Act is amended by  
7 changing Section 1-56 as follows:

8 (20 ILCS 3855/1-56)

9 Sec. 1-56. Illinois Power Agency Renewable Energy  
10 Resources Fund; Illinois Solar for All Program.

11 (a) The Illinois Power Agency Renewable Energy Resources  
12 Fund is created as a special fund in the State treasury.

13 (b) The Illinois Power Agency Renewable Energy Resources  
14 Fund shall be administered by the Agency as described in this  
15 subsection (b), provided that the changes to this subsection

16 (b) made by Public Act 99-906 ~~this amendatory Act of the 99th~~  
17 ~~General Assembly~~ shall not interfere with existing contracts  
18 under this Section.

19 (1) The Illinois Power Agency Renewable Energy  
20 Resources Fund shall be used to purchase renewable energy  
21 credits according to any approved procurement plan  
22 developed by the Agency prior to June 1, 2017.

23 (2) The Illinois Power Agency Renewable Energy  
24 Resources Fund shall also be used to create the Illinois

1 Solar for All Program, which provides incentives for  
2 low-income distributed generation and community solar  
3 projects, and other associated approved expenditures. The  
4 objectives of the Illinois Solar for All Program are to  
5 bring photovoltaics to low-income communities in this  
6 State in a manner that maximizes the development of new  
7 photovoltaic generating facilities, to create a long-term,  
8 low-income solar marketplace throughout this State, to  
9 integrate, through interaction with stakeholders, with  
10 existing energy efficiency initiatives, and to minimize  
11 administrative costs. The Illinois Solar for All Program  
12 shall be implemented in a manner that seeks to minimize  
13 administrative costs, and maximize efficiencies and  
14 synergies available through coordination with similar  
15 initiatives, including the Adjustable Block program  
16 described in subparagraphs (K) through (M) of paragraph  
17 (1) of subsection (c) of Section 1-75, energy efficiency  
18 programs, job training programs, and community action  
19 agencies. The Agency shall strive to ensure that renewable  
20 energy credits procured through the Illinois Solar for All  
21 Program and each of its subprograms are purchased from  
22 projects across the breadth of low-income and  
23 environmental justice communities in Illinois, including  
24 both urban and rural communities, are not concentrated in  
25 a few communities, and do not exclude particular  
26 low-income or environmental justice communities. The



1 Agency shall include a description of its proposed  
2 approach to the design, administration, implementation and  
3 evaluation of the Illinois Solar for All Program, as part  
4 of the long-term renewable resources procurement plan  
5 authorized by subsection (c) of Section 1-75 of this Act,  
6 and the program shall be designed to grow the low-income  
7 solar market. The Agency or utility, as applicable, shall  
8 purchase renewable energy credits from the (i)  
9 photovoltaic distributed renewable energy generation  
10 projects and (ii) community solar projects that are  
11 procured under procurement processes authorized by the  
12 long-term renewable resources procurement plans approved  
13 by the Commission.

14 The Illinois Solar for All Program shall include the  
15 program offerings described in subparagraphs (A) through  
16 (E) of this paragraph (2), which the Agency shall  
17 implement through contracts with third-party providers  
18 and, subject to appropriation, pay the approximate amounts  
19 identified using monies available in the Illinois Power  
20 Agency Renewable Energy Resources Fund. Each contract that  
21 provides for the installation of solar facilities shall  
22 provide that the solar facilities will produce energy and  
23 economic benefits, at a level determined by the Agency to  
24 be reasonable, for the participating low-income ~~low income~~  
25 customers. The monies available in the Illinois Power  
26 Agency Renewable Energy Resources Fund and not otherwise

1 committed to contracts executed under subsection (i) of  
2 this Section, as well as, in the case of the programs  
3 described under subparagraphs (A) through (E) of this  
4 paragraph (2), funding authorized pursuant to subparagraph  
5 (O) of paragraph (1) of subsection (c) of Section 1-75 of  
6 this Act, shall initially be allocated among the programs  
7 described in this paragraph (2), as follows: 35% of these  
8 funds shall be allocated to programs described in  
9 subparagraphs (A) and (E) of this paragraph (2), 40% of  
10 these funds shall be allocated to programs described in  
11 subparagraph (B) of this paragraph (2), and 25% of these  
12 funds shall be allocated to programs described in  
13 subparagraph (C) of this paragraph (2). The allocation of  
14 funds among subparagraphs (A), (B), (C), and (E) of this  
15 paragraph (2) may be changed if the Agency, after  
16 receiving input through a stakeholder process, determines  
17 incentives in subparagraphs (A), (B), (C), or (E) of this  
18 paragraph (2) have not been adequately subscribed to fully  
19 utilize available Illinois Solar for All Program funds.

20 Contracts that will be paid with funds in the Illinois  
21 Power Agency Renewable Energy Resources Fund shall be  
22 executed by the Agency. Contracts that will be paid with  
23 funds collected by an electric utility shall be executed  
24 by the electric utility.

25 Contracts under the Illinois Solar for All Program  
26 shall include an approach, as set forth in the long-term

1 renewable resources procurement plans, to ensure the  
2 wholesale market value of the energy is credited to  
3 participating low-income customers or organizations and to  
4 ensure tangible economic benefits flow directly to program  
5 participants, except in the case of low-income  
6 multi-family housing where the low-income customer does  
7 not directly pay for energy. Priority shall be given to  
8 projects that demonstrate meaningful involvement of  
9 low-income community members in designing the initial  
10 proposals. Acceptable proposals to implement projects must  
11 demonstrate the applicant's ability to conduct initial  
12 community outreach, education, and recruitment of  
13 low-income participants in the community. Projects must  
14 include job training opportunities if available, with the  
15 specific level of trainee usage to be determined through  
16 the Agency's long-term renewable resources procurement  
17 plan, and the Illinois Solar for All Program Administrator  
18 shall coordinate with the job training programs described  
19 in paragraph (1) of subsection (a) of Section 16-108.12 of  
20 the Public Utilities Act and in the Energy Transition Act.

21 The Agency shall make every effort to ensure that  
22 small and emerging businesses, particularly those located  
23 in low-income and environmental justice communities, are  
24 able to participate in the Illinois Solar for All Program.  
25 These efforts may include, but shall not be limited to,  
26 proactive support from the program administrator,

1 different or preferred access to subprograms and  
2 administrator-identified customers or grassroots  
3 education provider-identified customers, and different  
4 incentive levels. The Agency shall report on progress and  
5 barriers to participation of small and emerging businesses  
6 in the Illinois Solar for All Program at least once a year.  
7 The report shall be made available on the Agency's website  
8 and, in years when the Agency is updating its long-term  
9 renewable resources procurement plan, included in that  
10 Plan.

11 (A) Low-income single-family and small multifamily  
12 solar incentive. This program will provide incentives  
13 to low-income customers, either directly or through  
14 solar providers, to increase the participation of  
15 low-income households in photovoltaic on-site  
16 distributed generation at residential buildings  
17 containing one to 4 units. Companies participating in  
18 this program that install solar panels shall commit to  
19 hiring job trainees for a portion of their low-income  
20 installations, and an administrator shall facilitate  
21 partnering the companies that install solar panels  
22 with entities that provide solar panel installation  
23 job training. It is a goal of this program that a  
24 minimum of 25% of the incentives for this program be  
25 allocated to projects located within environmental  
26 justice communities. Contracts entered into under this

1 paragraph may be entered into with an entity that will  
2 develop and administer the program and shall also  
3 include contracts for renewable energy credits from  
4 the photovoltaic distributed generation that is the  
5 subject of the program, as set forth in the long-term  
6 renewable resources procurement plan. Additionally:

7 (i) The Agency shall reserve a portion of this  
8 program for projects that promote energy  
9 sovereignty through ownership of projects by  
10 low-income households, not-for-profit  
11 organizations providing services to low-income  
12 households, affordable housing owners, community  
13 cooperatives, or community-based limited liability  
14 companies providing services to low-income  
15 households. Projects that feature energy ownership  
16 should ensure that local people have control of  
17 the project and reap benefits from the project  
18 over and above energy bill savings. The Agency may  
19 consider the inclusion of projects that promote  
20 ownership over time or that involve partial  
21 project ownership by communities, as promoting  
22 energy sovereignty. Incentives for projects that  
23 promote energy sovereignty may be higher than  
24 incentives for equivalent projects that do not  
25 promote energy sovereignty under this same  
26 program.

1 (ii) Through its long-term renewable resources  
2 procurement plan, the Agency shall consider  
3 additional program and contract requirements to  
4 ensure faithful compliance by applicants  
5 benefiting from preferences for projects  
6 designated to promote energy sovereignty. The  
7 Agency shall make every effort to enable solar  
8 providers already participating in the Adjustable  
9 Block Program ~~Block Program~~ under subparagraph (K)  
10 of paragraph (1) of subsection (c) of Section 1-75  
11 of this Act, and particularly solar providers  
12 developing projects under item (i) of subparagraph  
13 (K) of paragraph (1) of subsection (c) of Section  
14 1-75 of this Act to easily participate in the  
15 Low-Income Distributed Generation Incentive  
16 program described under this subparagraph (A), and  
17 vice versa. This effort may include, but shall not  
18 be limited to, utilizing similar or the same  
19 application systems and processes, similar or the  
20 same forms and formats of communication, and  
21 providing active outreach to companies  
22 participating in one program but not the other.  
23 The Agency shall report on efforts made to  
24 encourage this cross-participation in its  
25 long-term renewable resources procurement plan.

26 (B) Low-Income Community Solar Project Initiative.

1 Incentives shall be offered to low-income customers,  
2 either directly or through developers, to increase the  
3 participation of low-income subscribers of community  
4 solar projects. The developer of each project shall  
5 identify its partnership with community stakeholders  
6 regarding the location, development, and participation  
7 in the project, provided that nothing shall preclude a  
8 project from including an anchor tenant that does not  
9 qualify as low-income. Companies participating in this  
10 program that develop or install solar projects shall  
11 commit to hiring job trainees for a portion of their  
12 low-income installations, and an administrator shall  
13 facilitate partnering the companies that install solar  
14 projects with entities that provide solar installation  
15 and related job training. It is a goal of this program  
16 that a minimum of 25% of the incentives for this  
17 program be allocated to community photovoltaic  
18 projects in environmental justice communities. The  
19 Agency shall reserve a portion of this program for  
20 projects that promote energy sovereignty through  
21 ownership of projects by low-income households,  
22 not-for-profit organizations providing services to  
23 low-income households, affordable housing owners, or  
24 community-based limited liability companies providing  
25 services to low-income households. Projects that  
26 feature energy ownership should ensure that local

1 people have control of the project and reap benefits  
2 from the project over and above energy bill savings.  
3 The Agency may consider the inclusion of projects that  
4 promote ownership over time or that involve partial  
5 project ownership by communities, as promoting energy  
6 sovereignty. Incentives for projects that promote  
7 energy sovereignty may be higher than incentives for  
8 equivalent projects that do not promote energy  
9 sovereignty under this same program. Contracts entered  
10 into under this paragraph may be entered into with  
11 developers and shall also include contracts for  
12 renewable energy credits related to the program.

13 (C) Incentives for non-profits and public  
14 facilities. Under this program funds shall be used to  
15 support on-site photovoltaic distributed renewable  
16 energy generation devices to serve the load associated  
17 with not-for-profit customers and to support  
18 photovoltaic distributed renewable energy generation  
19 that uses photovoltaic technology to serve the load  
20 associated with public sector customers taking service  
21 at public buildings. Companies participating in this  
22 program that develop or install solar projects shall  
23 commit to hiring job trainees for a portion of their  
24 low-income installations, and an administrator shall  
25 facilitate partnering the companies that install solar  
26 projects with entities that provide solar installation



1 and related job training. Through its long-term  
2 renewable resources procurement plan, the Agency shall  
3 consider additional program and contract requirements  
4 to ensure faithful compliance by applicants benefiting  
5 from preferences for projects designated to promote  
6 energy sovereignty. It is a goal of this program that  
7 at least 25% of the incentives for this program be  
8 allocated to projects located in environmental justice  
9 communities. Contracts entered into under this  
10 paragraph may be entered into with an entity that will  
11 develop and administer the program or with developers  
12 and shall also include contracts for renewable energy  
13 credits related to the program.

14 (D) (Blank).

15 (E) Low-income large multifamily solar incentive.  
16 This program shall provide incentives to low-income  
17 customers, either directly or through solar providers,  
18 to increase the participation of low-income households  
19 in photovoltaic on-site distributed generation at  
20 residential buildings with 5 or more units. Companies  
21 participating in this program that develop or install  
22 solar projects shall commit to hiring job trainees for  
23 a portion of their low-income installations, and an  
24 administrator shall facilitate partnering the  
25 companies that install solar projects with entities  
26 that provide solar installation and related job

1 training. It is a goal of this program that a minimum  
2 of 25% of the incentives for this program be allocated  
3 to projects located within environmental justice  
4 communities. The Agency shall reserve a portion of  
5 this program for projects that promote energy  
6 sovereignty through ownership of projects by  
7 low-income households, not-for-profit organizations  
8 providing services to low-income households,  
9 affordable housing owners, or community-based limited  
10 liability companies providing services to low-income  
11 households. Projects that feature energy ownership  
12 should ensure that local people have control of the  
13 project and reap benefits from the project over and  
14 above energy bill savings. The Agency may consider the  
15 inclusion of projects that promote ownership over time  
16 or that involve partial project ownership by  
17 communities, as promoting energy sovereignty.  
18 Incentives for projects that promote energy  
19 sovereignty may be higher than incentives for  
20 equivalent projects that do not promote energy  
21 sovereignty under this same program.

22 The requirement that a qualified person, as defined in  
23 paragraph (1) of subsection (i) of this Section, install  
24 photovoltaic devices does not apply to the Illinois Solar  
25 for All Program described in this subsection (b).

26 In addition to the programs outlined in paragraphs (A)

1 through (E), the Agency and other parties may propose  
2 additional programs through the Long-Term Renewable  
3 Resources Procurement Plan developed and approved under  
4 paragraph (5) of subsection (b) of Section 16-111.5 of the  
5 Public Utilities Act. Additional programs may target  
6 market segments not specified above and may also include  
7 incentives targeted to increase the uptake of  
8 nonphotovoltaic technologies by low-income customers,  
9 including energy storage paired with photovoltaics, if the  
10 Commission determines that the Illinois Solar for All  
11 Program would provide greater benefits to the public  
12 health and well-being of low-income residents through also  
13 supporting that additional program versus supporting  
14 programs already authorized.

15 (3) Costs associated with the Illinois Solar for All  
16 Program and its components described in paragraph (2) of  
17 this subsection (b), including, but not limited to, costs  
18 associated with procuring experts, consultants, and the  
19 program administrator referenced in this subsection (b)  
20 and related incremental costs, costs related to income  
21 verification and facilitating customer participation in  
22 the program, and costs related to the evaluation of the  
23 Illinois Solar for All Program, may be paid for using  
24 monies in the Illinois Power Agency Renewable Energy  
25 Resources Fund, and funds allocated pursuant to  
26 subparagraph (O) of paragraph (1) of subsection (c) of

1 Section 1-75, but the Agency or program administrator  
2 shall strive to minimize costs in the implementation of  
3 the program. The Agency or contracting electric utility  
4 shall purchase renewable energy credits from generation  
5 that is the subject of a contract under subparagraphs (A)  
6 through (E) of paragraph (2) of this subsection (b), and  
7 may pay for such renewable energy credits through an  
8 upfront payment per installed kilowatt of nameplate  
9 capacity paid once the device is interconnected at the  
10 distribution system level of the interconnecting utility  
11 and verified as energized. Payments for renewable energy  
12 credits shall be in exchange for all renewable energy  
13 credits generated by the system during the first 15 years  
14 of operation and shall be structured to overcome barriers  
15 to participation in the solar market by the low-income  
16 community. The incentives provided for in this Section may  
17 be implemented through the pricing of renewable energy  
18 credits where the prices paid for the credits are higher  
19 than the prices from programs offered under subsection (c)  
20 of Section 1-75 of this Act to account for the additional  
21 capital necessary to successfully access targeted market  
22 segments. The Agency or contracting electric utility shall  
23 retire any renewable energy credits purchased under this  
24 program and the credits shall count toward ~~towards~~ the  
25 obligation under subsection (c) of Section 1-75 of this  
26 Act for the electric utility to which the project is

1 interconnected, if applicable.

2 The Agency shall direct that up to 5% of the funds  
3 available under the Illinois Solar for All Program to  
4 community-based groups and other qualifying organizations  
5 to assist in community-driven education efforts related to  
6 the Illinois Solar for All Program, including general  
7 energy education, job training program outreach efforts,  
8 and other activities deemed to be qualified by the Agency.  
9 Grassroots education funding shall not be used to support  
10 the marketing by solar project development firms and  
11 organizations, unless such education provides equal  
12 opportunities for all applicable firms and organizations.

13 (4) The Agency shall, consistent with the requirements  
14 of this subsection (b), propose the Illinois Solar for All  
15 Program terms, conditions, and requirements, including the  
16 prices to be paid for renewable energy credits, and which  
17 prices may be determined through a formula, through the  
18 development, review, and approval of the Agency's  
19 long-term renewable resources procurement plan described  
20 in subsection (c) of Section 1-75 of this Act and Section  
21 16-111.5 of the Public Utilities Act. In the course of the  
22 Commission proceeding initiated to review and approve the  
23 plan, including the Illinois Solar for All Program  
24 proposed by the Agency, a party may propose an additional  
25 low-income solar or solar incentive program, or  
26 modifications to the programs proposed by the Agency, and

1 the Commission may approve an additional program, or  
2 modifications to the Agency's proposed program, if the  
3 additional or modified program more effectively maximizes  
4 the benefits to low-income customers after taking into  
5 account all relevant factors, including, but not limited  
6 to, the extent to which a competitive market for  
7 low-income solar has developed. Following the Commission's  
8 approval of the Illinois Solar for All Program, the Agency  
9 or a party may propose adjustments to the program terms,  
10 conditions, and requirements, including the price offered  
11 to new systems, to ensure the long-term viability and  
12 success of the program. The Commission shall review and  
13 approve any modifications to the program through the plan  
14 revision process described in Section 16-111.5 of the  
15 Public Utilities Act.

16 (5) The Agency shall issue a request for  
17 qualifications for a third-party program administrator or  
18 administrators to administer all or a portion of the  
19 Illinois Solar for All Program. The third-party program  
20 administrator shall be chosen through a competitive bid  
21 process based on selection criteria and requirements  
22 developed by the Agency, including, but not limited to,  
23 experience in administering low-income energy programs and  
24 overseeing statewide clean energy or energy efficiency  
25 services. If the Agency retains a program administrator or  
26 administrators to implement all or a portion of the

1 Illinois Solar for All Program, each administrator shall  
2 periodically submit reports to the Agency and Commission  
3 for each program that it administers, at appropriate  
4 intervals to be identified by the Agency in its long-term  
5 renewable resources procurement plan, provided that the  
6 reporting interval is at least quarterly. The third-party  
7 program administrator may be, but need not be, the same  
8 administrator as for the Adjustable Block program  
9 described in subparagraphs (K) through (M) of paragraph  
10 (1) of subsection (c) of Section 1-75. The Agency, through  
11 its long-term renewable resources procurement plan  
12 approval process, shall also determine if individual  
13 subprograms of the Illinois Solar for All Program are  
14 better served by a different or separate Program  
15 Administrator.

16 The third-party administrator's responsibilities  
17 shall also include facilitating placement for graduates of  
18 Illinois-based renewable energy-specific job training  
19 programs, including the Clean Jobs Workforce Network  
20 Program and the Illinois Climate Works Preapprenticeship  
21 Program administered by the Department of Commerce and  
22 Economic Opportunity and programs administered under  
23 Section 16-108.12 of the Public Utilities Act. To increase  
24 the uptake of trainees by participating firms, the  
25 administrator shall also develop a web-based clearinghouse  
26 for information available to both job training program

1 graduates and firms participating, directly or indirectly,  
2 in Illinois solar incentive programs. The program  
3 administrator shall also coordinate its activities with  
4 entities implementing electric and natural gas  
5 income-qualified energy efficiency programs, including  
6 customer referrals to and from such programs, and connect  
7 prospective low-income solar customers with any existing  
8 deferred maintenance programs where applicable.

9 (6) The long-term renewable resources procurement plan  
10 shall also provide for an independent evaluation of the  
11 Illinois Solar for All Program. At least every 2 years,  
12 the Agency shall select an independent evaluator to review  
13 and report on the Illinois Solar for All Program and the  
14 performance of the third-party program administrator of  
15 the Illinois Solar for All Program. The evaluation shall  
16 be based on objective criteria developed through a public  
17 stakeholder process. The process shall include feedback  
18 and participation from Illinois Solar for All Program  
19 stakeholders, including participants and organizations in  
20 environmental justice and historically underserved  
21 communities. The report shall include a summary of the  
22 evaluation of the Illinois Solar for All Program based on  
23 the stakeholder developed objective criteria. The report  
24 shall include the number of projects installed; the total  
25 installed capacity in kilowatts; the average cost per  
26 kilowatt of installed capacity to the extent reasonably



1 obtainable by the Agency; the number of jobs or job  
2 opportunities created; economic, social, and environmental  
3 benefits created; and the total administrative costs  
4 expended by the Agency and program administrator to  
5 implement and evaluate the program. The report shall be  
6 delivered to the Commission and posted on the Agency's  
7 website, and shall be used, as needed, to revise the  
8 Illinois Solar for All Program. The Commission shall also  
9 consider the results of the evaluation as part of its  
10 review of the long-term renewable resources procurement  
11 plan under subsection (c) of Section 1-75 of this Act.

12 (7) If additional funding for the programs described  
13 in this subsection (b) is available under subsection (k)  
14 of Section 16-108 of the Public Utilities Act, then the  
15 Agency shall submit a procurement plan to the Commission  
16 no later than September 1, 2018, that proposes how the  
17 Agency will procure programs on behalf of the applicable  
18 utility. After notice and hearing, the Commission shall  
19 approve, or approve with modification, the plan no later  
20 than November 1, 2018.

21 (8) As part of the development and update of the  
22 long-term renewable resources procurement plan authorized  
23 by subsection (c) of Section 1-75 of this Act, the Agency  
24 shall plan for: (A) actions to refer customers from the  
25 Illinois Solar for All Program to electric and natural gas  
26 income-qualified energy efficiency programs, and vice

1           versa, with the goal of increasing participation in both  
2           of these programs; (B) effective procedures for data  
3           sharing, as needed, to effectuate referrals between the  
4           Illinois Solar for All Program and both electric and  
5           natural gas income-qualified energy efficiency programs,  
6           including sharing customer information directly with the  
7           utilities, as needed and appropriate; and (C) efforts to  
8           identify any existing deferred maintenance programs for  
9           which prospective Solar for All Program customers may be  
10          eligible and connect prospective customers for whom  
11          deferred maintenance is or may be a barrier to solar  
12          installation to those programs.

13          As used in this subsection (b), "low-income households"  
14          means persons and families whose income does not exceed 80% of  
15          area median income, adjusted for family size and revised every  
16          5 years.

17          For the purposes of this subsection (b), the Agency shall  
18          define "environmental justice community" based on the  
19          methodologies and findings established by the Agency and the  
20          Administrator for the Illinois Solar for All Program in its  
21          initial long-term renewable resources procurement plan and as  
22          updated by the Agency and the Administrator for the Illinois  
23          Solar for All Program as part of the long-term renewable  
24          resources procurement plan update.

25          (b-5) After the receipt of all payments required by  
26          Section 16-115D of the Public Utilities Act, no additional

1 funds shall be deposited into the Illinois Power Agency  
2 Renewable Energy Resources Fund unless directed by order of  
3 the Commission.

4 (b-10) After the receipt of all payments required by  
5 Section 16-115D of the Public Utilities Act and payment in  
6 full of all contracts executed by the Agency under subsections  
7 (b) and (i) of this Section, if the balance of the Illinois  
8 Power Agency Renewable Energy Resources Fund is under \$5,000,  
9 then the Fund shall be inoperative and any remaining funds and  
10 any funds submitted to the Fund after that date, shall be  
11 transferred to the Supplemental Low-Income Energy Assistance  
12 Fund for use in the Low-Income Home Energy Assistance Program,  
13 as authorized by the Energy Assistance Act.

14 (b-15) The prevailing wage requirements set forth in the  
15 Prevailing Wage Act apply to each project that is undertaken  
16 pursuant to one or more of the programs of incentives and  
17 initiatives described in subsection (b) of this Section and  
18 for which a project application is submitted to the program  
19 after the effective date of this amendatory Act of the 103rd  
20 General Assembly, except (i) projects that serve single-family  
21 or multi-family residential buildings and (ii) projects with  
22 an aggregate capacity of less than 100 kilowatts that serve  
23 houses of worship. The Agency shall require verification that  
24 all construction performed on a project by the renewable  
25 energy credit delivery contract holder, its contractors, or  
26 its subcontractors relating to the construction of the

1 facility is performed by workers receiving an amount for that  
2 work that is greater than or equal to the general prevailing  
3 rate of wages as that term is defined in the Prevailing Wage  
4 Act, and the Agency may adjust renewable energy credit prices  
5 to account for increased labor costs.

6 In this subsection (b-15), "house of worship" has the  
7 meaning given in subparagraph (Q) of paragraph (1) of  
8 subsection (c) of Section 1-75.

9 (c) (Blank).

10 (d) (Blank).

11 (e) All renewable energy credits procured using monies  
12 from the Illinois Power Agency Renewable Energy Resources Fund  
13 shall be permanently retired.

14 (f) The selection of one or more third-party program  
15 managers or administrators, the selection of the independent  
16 evaluator, and the procurement processes described in this  
17 Section are exempt from the requirements of the Illinois  
18 Procurement Code, under Section 20-10 of that Code.

19 (g) All disbursements from the Illinois Power Agency  
20 Renewable Energy Resources Fund shall be made only upon  
21 warrants of the Comptroller drawn upon the Treasurer as  
22 custodian of the Fund upon vouchers signed by the Director or  
23 by the person or persons designated by the Director for that  
24 purpose. The Comptroller is authorized to draw the warrant  
25 upon vouchers so signed. The Treasurer shall accept all  
26 warrants so signed and shall be released from liability for

1 all payments made on those warrants.

2 (h) The Illinois Power Agency Renewable Energy Resources  
3 Fund shall not be subject to sweeps, administrative charges,  
4 or chargebacks, including, but not limited to, those  
5 authorized under Section 8h of the State Finance Act, that  
6 would in any way result in the transfer of any funds from this  
7 Fund to any other fund of this State or in having any such  
8 funds utilized for any purpose other than the express purposes  
9 set forth in this Section.

10 (h-5) The Agency may assess fees to each bidder to recover  
11 the costs incurred in connection with a procurement process  
12 held under this Section. Fees collected from bidders shall be  
13 deposited into the Renewable Energy Resources Fund.

14 (i) Supplemental procurement process.

15 (1) Within 90 days after June 30, 2014 (the effective  
16 date of Public Act 98-672) ~~this amendatory Act of the 98th~~  
17 ~~General Assembly~~, the Agency shall develop a one-time  
18 supplemental procurement plan limited to the procurement  
19 of renewable energy credits, if available, from new or  
20 existing photovoltaics, including, but not limited to,  
21 distributed photovoltaic generation. Nothing in this  
22 subsection (i) requires procurement of wind generation  
23 through the supplemental procurement.

24 Renewable energy credits procured from new  
25 photovoltaics, including, but not limited to, distributed  
26 photovoltaic generation, under this subsection (i) must be

1       procured from devices installed by a qualified person. In  
2       its supplemental procurement plan, the Agency shall  
3       establish contractually enforceable mechanisms for  
4       ensuring that the installation of new photovoltaics is  
5       performed by a qualified person.

6       For the purposes of this paragraph (1), "qualified  
7       person" means a person who performs installations of  
8       photovoltaics, including, but not limited to, distributed  
9       photovoltaic generation, and who: (A) has completed an  
10      apprenticeship as a journeyman electrician from a United  
11      States Department of Labor registered electrical  
12      apprenticeship and training program and received a  
13      certification of satisfactory completion; or (B) does not  
14      currently meet the criteria under clause (A) of this  
15      paragraph (1), but is enrolled in a United States  
16      Department of Labor registered electrical apprenticeship  
17      program, provided that the person is directly supervised  
18      by a person who meets the criteria under clause (A) of this  
19      paragraph (1); or (C) has obtained one of the following  
20      credentials in addition to attesting to satisfactory  
21      completion of at least 5 years or 8,000 hours of  
22      documented hands-on electrical experience: (i) a North  
23      American Board of Certified Energy Practitioners (NABCEP)  
24      Installer Certificate for Solar PV; (ii) an Underwriters  
25      Laboratories (UL) PV Systems Installer Certificate; (iii)  
26      an Electronics Technicians Association, International

1 (ETAI) Level 3 PV Installer Certificate; or (iv) an  
2 Associate in Applied Science degree from an Illinois  
3 Community College Board approved community college program  
4 in renewable energy or a distributed generation  
5 technology.

6 For the purposes of this paragraph (1), "directly  
7 supervised" means that there is a qualified person who  
8 meets the qualifications under clause (A) of this  
9 paragraph (1) and who is available for supervision and  
10 consultation regarding the work performed by persons under  
11 clause (B) of this paragraph (1), including a final  
12 inspection of the installation work that has been directly  
13 supervised to ensure safety and conformity with applicable  
14 codes.

15 For the purposes of this paragraph (1), "install"  
16 means the major activities and actions required to  
17 connect, in accordance with applicable building and  
18 electrical codes, the conductors, connectors, and all  
19 associated fittings, devices, power outlets, or  
20 apparatuses mounted at the premises that are directly  
21 involved in delivering energy to the premises' electrical  
22 wiring from the photovoltaics, including, but not limited  
23 to, to distributed photovoltaic generation.

24 The renewable energy credits procured pursuant to the  
25 supplemental procurement plan shall be procured using up  
26 to \$30,000,000 from the Illinois Power Agency Renewable

1 Energy Resources Fund. The Agency shall not plan to use  
2 funds from the Illinois Power Agency Renewable Energy  
3 Resources Fund in excess of the monies on deposit in such  
4 fund or projected to be deposited into such fund. The  
5 supplemental procurement plan shall ensure adequate,  
6 reliable, affordable, efficient, and environmentally  
7 sustainable renewable energy resources (including credits)  
8 at the lowest total cost over time, taking into account  
9 any benefits of price stability.

10 To the extent available, 50% of the renewable energy  
11 credits procured from distributed renewable energy  
12 generation shall come from devices of less than 25  
13 kilowatts in nameplate capacity. Procurement of renewable  
14 energy credits from distributed renewable energy  
15 generation devices shall be done through multi-year  
16 contracts of no less than 5 years. The Agency shall create  
17 credit requirements for counterparties. In order to  
18 minimize the administrative burden on contracting  
19 entities, the Agency shall solicit the use of third  
20 parties to aggregate distributed renewable energy. These  
21 third parties shall enter into and administer contracts  
22 with individual distributed renewable energy generation  
23 device owners. An individual distributed renewable energy  
24 generation device owner shall have the ability to measure  
25 the output of his or her distributed renewable energy  
26 generation device.



1           In developing the supplemental procurement plan, the  
2 Agency shall hold at least one workshop open to the public  
3 within 90 days after June 30, 2014 (the effective date of  
4 Public Act 98-672) ~~this amendatory Act of the 98th General~~  
5 ~~Assembly~~ and shall consider any comments made by  
6 stakeholders or the public. Upon development of the  
7 supplemental procurement plan within this 90-day period,  
8 copies of the supplemental procurement plan shall be  
9 posted and made publicly available on the Agency's and  
10 Commission's websites. All interested parties shall have  
11 14 days following the date of posting to provide comment  
12 to the Agency on the supplemental procurement plan. All  
13 comments submitted to the Agency shall be specific,  
14 supported by data or other detailed analyses, and, if  
15 objecting to all or a portion of the supplemental  
16 procurement plan, accompanied by specific alternative  
17 wording or proposals. All comments shall be posted on the  
18 Agency's and Commission's websites. Within 14 days  
19 following the end of the 14-day review period, the Agency  
20 shall revise the supplemental procurement plan as  
21 necessary based on the comments received and file its  
22 revised supplemental procurement plan with the Commission  
23 for approval.

24           (2) Within 5 days after the filing of the supplemental  
25 procurement plan at the Commission, any person objecting  
26 to the supplemental procurement plan shall file an

1 objection with the Commission. Within 10 days after the  
2 filing, the Commission shall determine whether a hearing  
3 is necessary. The Commission shall enter its order  
4 confirming or modifying the supplemental procurement plan  
5 within 90 days after the filing of the supplemental  
6 procurement plan by the Agency.

7 (3) The Commission shall approve the supplemental  
8 procurement plan of renewable energy credits to be  
9 procured from new or existing photovoltaics, including,  
10 but not limited to, distributed photovoltaic generation,  
11 if the Commission determines that it will ensure adequate,  
12 reliable, affordable, efficient, and environmentally  
13 sustainable electric service in the form of renewable  
14 energy credits at the lowest total cost over time, taking  
15 into account any benefits of price stability.

16 (4) The supplemental procurement process under this  
17 subsection (i) shall include each of the following  
18 components:

19 (A) Procurement administrator. The Agency may  
20 retain a procurement administrator in the manner set  
21 forth in item (2) of subsection (a) of Section 1-75 of  
22 this Act to conduct the supplemental procurement or  
23 may elect to use the same procurement administrator  
24 administering the Agency's annual procurement under  
25 Section 1-75.

26 (B) Procurement monitor. The procurement monitor

1 retained by the Commission pursuant to Section  
2 16-111.5 of the Public Utilities Act shall:

3 (i) monitor interactions among the procurement  
4 administrator and bidders and suppliers;

5 (ii) monitor and report to the Commission on  
6 the progress of the supplemental procurement  
7 process;

8 (iii) provide an independent confidential  
9 report to the Commission regarding the results of  
10 the procurement events;

11 (iv) assess compliance with the procurement  
12 plan approved by the Commission for the  
13 supplemental procurement process;

14 (v) preserve the confidentiality of supplier  
15 and bidding information in a manner consistent  
16 with all applicable laws, rules, regulations, and  
17 tariffs;

18 (vi) provide expert advice to the Commission  
19 and consult with the procurement administrator  
20 regarding issues related to procurement process  
21 design, rules, protocols, and policy-related  
22 matters;

23 (vii) consult with the procurement  
24 administrator regarding the development and use of  
25 benchmark criteria, standard form contracts,  
26 credit policies, and bid documents; and

1 (viii) perform, with respect to the  
2 supplemental procurement process, any other  
3 procurement monitor duties specifically delineated  
4 within subsection (i) of this Section.

5 (C) Solicitation, prequalification  
6 ~~pre-qualification~~, and registration of bidders. The  
7 procurement administrator shall disseminate  
8 information to potential bidders to promote a  
9 procurement event, notify potential bidders that the  
10 procurement administrator may enter into a post-bid  
11 price negotiation with bidders that meet the  
12 applicable benchmarks, provide supply requirements,  
13 and otherwise explain the competitive procurement  
14 process. In addition to such other publication as the  
15 procurement administrator determines is appropriate,  
16 this information shall be posted on the Agency's and  
17 the Commission's websites. The procurement  
18 administrator shall also administer the  
19 prequalification process, including evaluation of  
20 credit worthiness, compliance with procurement rules,  
21 and agreement to the standard form contract developed  
22 pursuant to item (D) of this paragraph (4). The  
23 procurement administrator shall then identify and  
24 register bidders to participate in the procurement  
25 event.

26 (D) Standard contract forms and credit terms and

1 instruments. The procurement administrator, in  
2 consultation with the Agency, the Commission, and  
3 other interested parties and subject to Commission  
4 oversight, shall develop and provide standard contract  
5 forms for the supplier contracts that meet generally  
6 accepted industry practices as well as include any  
7 applicable State of Illinois terms and conditions that  
8 are required for contracts entered into by an agency  
9 of the State of Illinois. Standard credit terms and  
10 instruments that meet generally accepted industry  
11 practices shall be similarly developed. Contracts for  
12 new photovoltaics shall include a provision attesting  
13 that the supplier will use a qualified person for the  
14 installation of the device pursuant to paragraph (1)  
15 of subsection (i) of this Section. The procurement  
16 administrator shall make available to the Commission  
17 all written comments it receives on the contract  
18 forms, credit terms, or instruments. If the  
19 procurement administrator cannot reach agreement with  
20 the parties as to the contract terms and conditions,  
21 the procurement administrator must notify the  
22 Commission of any disputed terms and the Commission  
23 shall resolve the dispute. The terms of the contracts  
24 shall not be subject to negotiation by winning  
25 bidders, and the bidders must agree to the terms of the  
26 contract in advance so that winning bids are selected

1 solely on the basis of price.

2 (E) Requests for proposals; competitive  
3 procurement process. The procurement administrator  
4 shall design and issue requests for proposals to  
5 supply renewable energy credits in accordance with the  
6 supplemental procurement plan, as approved by the  
7 Commission. The requests for proposals shall set forth  
8 a procedure for sealed, binding commitment bidding  
9 with pay-as-bid settlement, and provision for  
10 selection of bids on the basis of price, provided,  
11 however, that no bid shall be accepted if it exceeds  
12 the benchmark developed pursuant to item (F) of this  
13 paragraph (4).

14 (F) Benchmarks. Benchmarks for each product to be  
15 procured shall be developed by the procurement  
16 administrator in consultation with Commission staff,  
17 the Agency, and the procurement monitor for use in  
18 this supplemental procurement.

19 (G) A plan for implementing contingencies in the  
20 event of supplier default, Commission rejection of  
21 results, or any other cause.

22 (5) Within 2 business days after opening the sealed  
23 bids, the procurement administrator shall submit a  
24 confidential report to the Commission. The report shall  
25 contain the results of the bidding for each of the  
26 products along with the procurement administrator's

1 recommendation for the acceptance and rejection of bids  
2 based on the price benchmark criteria and other factors  
3 observed in the process. The procurement monitor also  
4 shall submit a confidential report to the Commission  
5 within 2 business days after opening the sealed bids. The  
6 report shall contain the procurement monitor's assessment  
7 of bidder behavior in the process as well as an assessment  
8 of the procurement administrator's compliance with the  
9 procurement process and rules. The Commission shall review  
10 the confidential reports submitted by the procurement  
11 administrator and procurement monitor and shall accept or  
12 reject the recommendations of the procurement  
13 administrator within 2 business days after receipt of the  
14 reports.

15 (6) Within 3 business days after the Commission  
16 decision approving the results of a procurement event, the  
17 Agency shall enter into binding contractual arrangements  
18 with the winning suppliers using the standard form  
19 contracts.

20 (7) The names of the successful bidders and the  
21 average of the winning bid prices for each contract type  
22 and for each contract term shall be made available to the  
23 public within 2 days after the supplemental procurement  
24 event. The Commission, the procurement monitor, the  
25 procurement administrator, the Agency, and all  
26 participants in the procurement process shall maintain the

1 confidentiality of all other supplier and bidding  
2 information in a manner consistent with all applicable  
3 laws, rules, regulations, and tariffs. Confidential  
4 information, including the confidential reports submitted  
5 by the procurement administrator and procurement monitor  
6 pursuant to this Section, shall not be made publicly  
7 available and shall not be discoverable by any party in  
8 any proceeding, absent a compelling demonstration of need,  
9 nor shall those reports be admissible in any proceeding  
10 other than one for law enforcement purposes.

11 (8) The supplemental procurement provided in this  
12 subsection (i) shall not be subject to the requirements  
13 and limitations of subsections (c) and (d) of this  
14 Section.

15 (9) Expenses incurred in connection with the  
16 procurement process held pursuant to this Section,  
17 including, but not limited to, the cost of developing the  
18 supplemental procurement plan, the procurement  
19 administrator, procurement monitor, and the cost of the  
20 retirement of renewable energy credits purchased pursuant  
21 to the supplemental procurement shall be paid for from the  
22 Illinois Power Agency Renewable Energy Resources Fund. The  
23 Agency shall enter into an interagency agreement with the  
24 Commission to reimburse the Commission for its costs  
25 associated with the procurement monitor for the  
26 supplemental procurement process.



1 (Source: P.A. 102-662, eff. 9-15-21; 103-188, eff. 6-30-23;  
2 revised 9-20-23.)

3 Section 130. The Illinois Criminal Justice Information Act  
4 is amended by changing Section 4 as follows:

5 (20 ILCS 3930/4) (from Ch. 38, par. 210-4)

6 Sec. 4. Illinois Criminal Justice Information Authority;  
7 creation, membership, and meetings. There is created an  
8 Illinois Criminal Justice Information Authority consisting of  
9 25 members. The membership of the Authority shall consist of:

10 (1) the Illinois Attorney General or the Illinois  
11 Attorney General's designee;

12 (2) the Director of Corrections or the Director's  
13 designee;

14 (3) the Director of the Illinois State Police or the  
15 Director's designee;

16 (4) the Director of Public Health or the Director's  
17 designee;

18 (5) the Director of Children and Family Services or  
19 the Director's designee;

20 (6) the Sheriff of Cook County or the Sheriff's  
21 designee;

22 (7) the State's Attorney of Cook County or the State's  
23 Attorney's designee;

24 (8) the clerk of the circuit court of Cook County or

1 the clerk's designee;

2 (9) the President of the Cook County Board of  
3 Commissioners or the President's designee;

4 (10) the Superintendent of the Chicago Police  
5 Department or the Superintendent's designee;

6 (11) the Director of the Office of the State's  
7 Attorneys Appellate Prosecutor or the Director's designee;

8 (12) the Executive Director of the Illinois Law  
9 Enforcement Training Standards Board or the Executive  
10 Director's designee;

11 (13) the State Appellate Defender or the State  
12 Appellate Defender's designee;

13 (14) the Public Defender of Cook County or the Public  
14 Defender's designee; and

15 (15) the following additional members, each of whom  
16 shall be appointed by the Governor:

17 (A) a circuit court clerk;

18 (B) a sheriff;

19 (C) a State's Attorney of a county other than  
20 Cook;

21 (D) a Public Defender of a county other than Cook;

22 (E) a chief of police; ~~and~~

23 (F) 2 individuals who report having been  
24 incarcerated; ~~and,~~

25 (G) ~~(F)~~ 4 members of the general public.

26 Members appointed on and after August 15, 2014 (the

1 effective date of Public Act 98-955) ~~this amendatory Act of~~  
2 ~~the 98th General Assembly~~ shall be confirmed by the Senate.

3 The Governor from time to time shall designate a Chairman  
4 of the Authority from the membership. All members of the  
5 Authority appointed by the Governor shall serve at the  
6 pleasure of the Governor for a term not to exceed 4 years. The  
7 initial appointed members of the Authority shall serve from  
8 January, 1983 until the third Monday in January, 1987 or until  
9 their successors are appointed.

10 The Authority shall meet at least quarterly, and all  
11 meetings of the Authority shall be called by the Chairman.

12 (Source: P.A. 102-538, eff. 8-20-21; 102-1129, eff. 2-10-23;  
13 103-276, eff. 7-28-23; revised 9-7-23.)

14 Section 132. The Illinois Workforce Innovation Board Act  
15 is amended by changing the title of the Act as follows:

16 (20 ILCS 3975/Act title)

17 An Act to create the Illinois Workforce Innovation Board  
18 ~~Human Resource Investment Council~~.

19 Section 135. The Illinois State Auditing Act is amended by  
20 changing Section 3-2.3 as follows:

21 (30 ILCS 5/3-2.3)

22 Sec. 3-2.3. Report on Chicago Transit Authority.

1 (a) No less than 60 days prior to the issuance of bonds or  
2 notes by the Chicago Transit Authority (referred to as the  
3 "Authority" in this Section) pursuant to Section 12c of the  
4 Metropolitan Transit Authority Act, the following  
5 documentation shall be submitted to the Auditor General and  
6 the Regional Transportation Authority:

7 (1) Retirement Plan Documentation. The Authority shall  
8 submit a certification that:

9 (A) it is legally authorized to issue the bonds or  
10 notes;

11 (B) scheduled annual payments of principal and  
12 interest on the bonds and notes to be issued meet the  
13 requirements of Section 12c(b)(5) of the Metropolitan  
14 Transit Authority Act;

15 (C) no bond or note shall mature later than  
16 December 31, 2040;

17 (D) after payment of costs of issuance and  
18 necessary deposits to funds and accounts established  
19 with respect to debt service on the bonds or notes, the  
20 net bond and note proceeds (exclusive of any proceeds  
21 to be used to refund outstanding bonds or notes) will  
22 be deposited in the Retirement Plan for Chicago  
23 Transit Authority Employees and used only for the  
24 purposes required by Section 22-101 of the Illinois  
25 Pension Code; and

26 (E) it has entered into an intergovernmental

1 agreement with the City of Chicago under which the  
2 City of Chicago will provide financial assistance to  
3 the Authority in an amount equal to the net receipts,  
4 after fees for costs of collection, from a tax on the  
5 privilege of transferring title to real estate in the  
6 City of Chicago in an amount up to \$1.50 per \$500 of  
7 value or fraction thereof under the provisions of  
8 Section 8-3-19 of the Illinois Municipal Code, which  
9 agreement shall be for a term expiring no earlier than  
10 the final maturity of bonds or notes that it proposes  
11 to issue under Section 12c of the Metropolitan Transit  
12 Authority Act.

13 (2) The Board of Trustees of the Retirement Plan for  
14 Chicago Transit Authority Employees shall submit a  
15 certification that the Retirement Plan for Chicago Transit  
16 Authority Employees is operating in accordance with all  
17 applicable legal and contractual requirements, including  
18 the following:

19 (A) the members of a new Board of Trustees have  
20 been appointed according to the requirements of  
21 Section 22-101(b) of the Illinois Pension Code; and

22 (B) contribution levels for employees and the  
23 Authority have been established according to the  
24 requirements of Section 22-101(d) of the Illinois  
25 Pension Code.

26 (3) Actuarial Report. The Board of Trustees of the

1 Retirement Plan for Chicago Transit Authority Employees  
2 shall submit an actuarial report prepared by an enrolled  
3 actuary setting forth:

4 (A) the method of valuation and the underlying  
5 assumptions;

6 (B) a comparison of the debt service schedules of  
7 the bonds or notes proposed to be issued to the  
8 Retirement Plan's current unfunded actuarial accrued  
9 liability amortization schedule, as required by  
10 Section 22-101(e) of the Illinois Pension Code, using  
11 the projected interest cost of the bond or note issue  
12 as the discount rate to calculate the estimated net  
13 present value savings;

14 (C) the amount of the estimated net present value  
15 savings comparing the true interest cost of the bonds  
16 or notes with the actuarial investment return  
17 assumption of the Retirement Plan; and

18 (D) a certification that the net proceeds of the  
19 bonds or notes, together with anticipated earnings on  
20 contributions and deposits, will be sufficient to  
21 reasonably conclude on an actuarial basis that the  
22 total retirement assets of the Retirement Plan will  
23 not be less than 90% of its liabilities by the end of  
24 fiscal year 2059.

25 (4) The Authority shall submit a financial analysis  
26 prepared by an independent advisor. The financial analysis

1 must include a determination that the issuance of bonds is  
2 in the best interest of the Retirement Plan for Chicago  
3 Transit Authority Employees and the Chicago Transit  
4 Authority. The independent advisor shall not act as  
5 underwriter or receive a legal, consulting, or other fee  
6 related to the issuance of any bond or notes issued by the  
7 Authority pursuant to Section 12c of the Metropolitan  
8 Transit Authority Act except compensation due for the  
9 preparation of the financial analysis.

10 (5) Retiree Health Care Trust Documentation. The  
11 Authority shall submit a certification that:

12 (A) it is legally authorized to issue the bonds or  
13 notes;

14 (B) scheduled annual payments of principal and  
15 interest on the bonds and notes to be issued meets the  
16 requirements of Section 12c(b)(5) of the Metropolitan  
17 Transit Authority Act;

18 (C) no bond or note shall mature later than  
19 December 31, 2040;

20 (D) after payment of costs of issuance and  
21 necessary deposits to funds and accounts established  
22 with respect to debt service on the bonds or notes, the  
23 net bond and note proceeds (exclusive of any proceeds  
24 to be used to refund outstanding bonds or notes) will  
25 be deposited in the Retiree Health Care Trust and used  
26 only for the purposes required by Section 22-101B of

1 the Illinois Pension Code; and

2 (E) it has entered into an intergovernmental  
3 agreement with the City of Chicago under which the  
4 City of Chicago will provide financial assistance to  
5 the Authority in an amount equal to the net receipts,  
6 after fees for costs of collection, from a tax on the  
7 privilege of transferring title to real estate in the  
8 City of Chicago in an amount up to \$1.50 per \$500 of  
9 value or fraction thereof under the provisions of  
10 Section 8-3-19 of the Illinois Municipal Code, which  
11 agreement shall be for a term expiring no earlier than  
12 the final maturity of bonds or notes that it proposes  
13 to issue under Section 12c of the Metropolitan Transit  
14 Authority Act.

15 (6) The Board of Trustees of the Retiree Health Care  
16 Trust shall submit a certification that the Retiree Health  
17 Care Trust has been established in accordance with all  
18 applicable legal requirements, including the following:

19 (A) the Retiree Health Care Trust has been  
20 established and a Trust document is in effect to  
21 govern the Retiree Health Care Trust;

22 (B) the members of the Board of Trustees of the  
23 Retiree Health Care Trust have been appointed  
24 according to the requirements of Section 22-101B(b)(1)  
25 of the Illinois Pension Code;

26 (C) a health care benefit program for eligible



1           retirees and their dependents and survivors has been  
2           established by the Board of Trustees according to the  
3           requirements of Section 22-101B(b)(2) of the Illinois  
4           Pension Code;

5           (D) contribution levels have been established for  
6           retirees, dependents and survivors according to the  
7           requirements of Section 22-101B(b)(5) of the Illinois  
8           Pension Code; and

9           (E) contribution levels have been established for  
10          employees of the Authority according to the  
11          requirements of Section 22-101B(b)(6) of the Illinois  
12          Pension Code.

13          (7) Actuarial Report. The Board of Trustees of the  
14          Retiree Health Care Trust shall submit an actuarial report  
15          prepared by an enrolled actuary setting forth:

16                (A) the method of valuation and the underlying  
17                assumptions;

18                (B) a comparison of the projected interest cost of  
19                the bonds or notes proposed to be issued with the  
20                actuarial investment return assumption of the Retiree  
21                Health Care Trust; and

22                (C) a certification that the net proceeds of the  
23                bonds or notes, together with anticipated earnings on  
24                contributions and deposits, will be sufficient to  
25                adequately fund the actuarial present value of  
26                projected benefits expected to be paid under the

1           Retiree Health Care Trust, or a certification of the  
2           increases in contribution levels and decreases in  
3           benefit levels that would be required in order to cure  
4           any funding shortfall over a period of not more than 10  
5           years.

6           (8) The Authority shall submit a financial analysis  
7           prepared by an independent advisor. The financial analysis  
8           must include a determination that the issuance of bonds is  
9           in the best interest of the Retiree Health Care Trust and  
10          the Chicago Transit Authority. The independent advisor  
11          shall not act as underwriter or receive a legal,  
12          consulting, or other fee related to the issuance of any  
13          bond or notes issued by the Authority pursuant to Section  
14          12c of the Metropolitan Transit Authority Act except  
15          compensation due for the preparation of the financial  
16          analysis.

17          (b) The Auditor General shall examine the information  
18          submitted pursuant to Section 3-2.3(a)(1) through (4) and  
19          submit a report to the General Assembly, the Legislative Audit  
20          Commission, the Governor, the Regional Transportation  
21          Authority and the Authority indicating whether (i) the  
22          required certifications by the Authority and the Board of  
23          Trustees of the Retirement Plan have been made, and (ii) the  
24          actuarial reports have been provided, the reports include all  
25          required information, the assumptions underlying those reports  
26          are not unreasonable in the aggregate, and the reports appear

1 to comply with all pertinent professional standards, including  
2 those issued by the Actuarial Standards Board. The Auditor  
3 General shall submit such report no later than 60 days after  
4 receiving the information required to be submitted by the  
5 Authority and the Board of Trustees of the Retirement Plan.  
6 Any bonds or notes issued by the Authority under item (1) of  
7 subsection (b) of Section 12c of the Metropolitan Transit  
8 Authority Act shall be issued within 120 days after receiving  
9 such report from the Auditor General. The Authority may not  
10 issue bonds or notes until it receives the report from the  
11 Auditor General indicating the above requirements have been  
12 met.

13 (c) The Auditor General shall examine the information  
14 submitted pursuant to Section 3-2.3(a)(5) through (8) and  
15 submit a report to the General Assembly, the Legislative Audit  
16 Commission, the Governor, the Regional Transportation  
17 Authority and the Authority indicating whether (i) the  
18 required certifications by the Authority and the Board of  
19 Trustees of the Retiree Health Care Trust have been made, and  
20 (ii) the actuarial reports have been provided, the reports  
21 include all required information, the assumptions underlying  
22 those reports are not unreasonable in the aggregate, and the  
23 reports appear to comply with all pertinent professional  
24 standards, including those issued by the Actuarial Standards  
25 Board. The Auditor General shall submit such report no later  
26 than 60 days after receiving the information required to be

1 submitted by the Authority and the Board of Trustees of the  
2 Retiree Health Care Trust. Any bonds or notes issued by the  
3 Authority under item (2) of subsection (b) of Section 12c of  
4 the Metropolitan Transit Authority Act shall be issued within  
5 120 days after receiving such report from the Auditor General.  
6 The Authority may not issue bonds or notes until it receives a  
7 report from the Auditor General indicating the above  
8 requirements have been met.

9 (d) In fulfilling this duty, after receiving the  
10 information submitted pursuant to Section 3-2.3(a), the  
11 Auditor General may request additional information and support  
12 pertaining to the data and conclusions contained in the  
13 submitted documents and the Authority, the Board of Trustees  
14 of the Retirement Plan and the Board of Trustees of the Retiree  
15 Health Care Trust shall cooperate with the Auditor General and  
16 provide additional information as requested in a timely  
17 manner. The Auditor General may also request from the Regional  
18 Transportation Authority an analysis of the information  
19 submitted by the Authority relating to the sources of funds to  
20 be utilized for payment of the proposed bonds or notes of the  
21 Authority. The Auditor General's report shall not be in the  
22 nature of a post-audit or examination and shall not lead to the  
23 issuance of an opinion as that term is defined in generally  
24 accepted government auditing standards.

25 (e) Annual Retirement Plan Submission to Auditor General.  
26 The Board of Trustees of the Retirement Plan for Chicago

1 Transit Authority Employees established by Section 22-101 of  
2 the Illinois Pension Code shall provide the following  
3 documents to the Auditor General annually no later than  
4 September 30:

5 (1) the most recent audit or examination of the  
6 Retirement Plan;

7 (2) an annual statement containing the information  
8 specified in Section 1A-109 of the Illinois Pension Code;  
9 and

10 (3) a complete actuarial statement applicable to the  
11 prior plan year, which may be the annual report of an  
12 enrolled actuary retained by the Retirement Plan specified  
13 in Section 22-101(e) of the Illinois Pension Code.

14 The Auditor General shall annually examine the information  
15 provided pursuant to this subsection and shall submit a report  
16 of the analysis thereof to the General Assembly, including the  
17 report specified in Section 22-101(e) of the Illinois Pension  
18 Code.

19 (f) The Auditor General shall annually examine the  
20 information submitted pursuant to Section 22-101B(b)(3)(iii)  
21 of the Illinois Pension Code and shall prepare the  
22 determination specified in Section 22-101B(b)(3)(iv) of the  
23 Illinois Pension Code.

24 (g) In fulfilling the duties under Sections 3-2.3(e) and  
25 (f),    the Auditor General may request additional information  
26 and support pertaining to the data and conclusions contained

1 in the submitted documents, and the Authority, the Board of  
2 Trustees of the Retirement Plan, and the Board of Trustees of  
3 the Retiree Health Care Trust shall cooperate with the Auditor  
4 General and provide additional information as requested in a  
5 timely manner. The Auditor General's review shall not be in  
6 the nature of a post-audit or examination and shall not lead to  
7 the issuance of an opinion as that term is defined in generally  
8 accepted government auditing standards. Upon request of the  
9 Auditor General, the Commission on Government Forecasting and  
10 Accountability and the Public Pension Division of the  
11 Department of Insurance ~~Illinois Department of Financial and~~  
12 ~~Professional Regulation~~ shall cooperate with and assist the  
13 Auditor General in the conduct of his review.

14 (h) The Auditor General shall submit a bill to the  
15 Authority for costs associated with the examinations and  
16 reports specified in subsections (b) and (c) of this Section  
17 3-2.3, which the Authority shall reimburse in a timely manner.  
18 The costs associated with the examinations and reports which  
19 are reimbursed by the Authority shall constitute a cost of  
20 issuance of the bonds or notes under Section 12c(b)(1) and (2)  
21 of the Metropolitan Transit Authority Act. The amount received  
22 shall be deposited into the fund or funds from which such costs  
23 were paid by the Auditor General. The Auditor General shall  
24 submit a bill to the Retirement Plan for Chicago Transit  
25 Authority Employees for costs associated with the examinations  
26 and reports specified in subsection (e) of this Section, which

1 the Retirement Plan for Chicago Transit Authority Employees  
2 shall reimburse in a timely manner. The amount received shall  
3 be deposited into the fund or funds from which such costs were  
4 paid by the Auditor General. The Auditor General shall submit  
5 a bill to the Retiree Health Care Trust for costs associated  
6 with the determination specified in subsection (f) of this  
7 Section, which the Retiree Health Care Trust shall reimburse  
8 in a timely manner. The amount received shall be deposited  
9 into the fund or funds from which such costs were paid by the  
10 Auditor General.

11 (Source: P.A. 95-708, eff. 1-18-08; revised 9-20-23.)

12 Section 140. The State Finance Act is amended by setting  
13 forth and renumbering multiple versions of Sections 5.990 and  
14 5.991 and by changing Sections 6z-32, 6z-82, 8.3, and 12-2 as  
15 follows:

16 (30 ILCS 105/5.990)

17 Sec. 5.990. The Public Defender Fund.

18 (Source: P.A. 102-1104, eff. 12-6-22.)

19 (30 ILCS 105/5.991)

20 Sec. 5.991. The Due Process for Youth and Families Fund.

21 (Source: P.A. 102-1115, eff. 1-9-23.)

22 (30 ILCS 105/5.993)

1           Sec. 5.993 ~~5.990~~. The Abortion Care Clinical Training  
2 Program Fund.

3           (Source: P.A. 102-1117, eff. 1-13-23; revised 3-27-23.)

4           (30 ILCS 105/5.994)

5           Sec. 5.994 ~~5.990~~. The Paid Leave for All Workers Fund.

6           (Source: P.A. 102-1143, eff. 1-1-24; revised 12-22-23.)

7           (30 ILCS 105/5.995)

8           Sec. 5.995 ~~5.990~~. The Hate Crimes and Bias Incident  
9 Prevention and Response Fund.

10          (Source: P.A. 102-1115, eff. 1-9-23; revised 9-7-23.)

11          (30 ILCS 105/5.996)

12          Sec. 5.996 ~~5.990~~. The Imagination Library of Illinois  
13 Fund.

14          (Source: P.A. 103-8, eff. 6-7-23; revised 9-7-23.)

15          (30 ILCS 105/5.997)

16          Sec. 5.997 ~~5.990~~. The Illinois Bullying and Cyberbullying  
17 Prevention Fund.

18          (Source: P.A. 103-47, eff. 6-9-23; revised 9-7-23.)

19          (30 ILCS 105/5.999)

20          Sec. 5.999 ~~5.990~~. The Illinois Health Benefits Exchange  
21 Fund.



1 (Source: P.A. 103-103, eff. 6-27-23; revised 9-7-23.)

2 (30 ILCS 105/5.1000)

3 Sec. 5.1000 ~~5.990~~. The Tick Research, Education, and  
4 Evaluation Fund.

5 (Source: P.A. 103-163, eff. 1-1-24; revised 9-22-23.)

6 (30 ILCS 105/5.1001)

7 Sec. 5.1001 ~~5.990~~. The License to Read Fund.

8 (Source: P.A. 103-267, eff. 6-30-23; revised 9-22-23.)

9 (30 ILCS 105/5.1002)

10 Sec. 5.1002 ~~5.990~~. The Outdoor Rx Program Fund.

11 (Source: P.A. 103-284, eff. 1-1-24; revised 9-22-23.)

12 (30 ILCS 105/5.1003)

13 Sec. 5.1003 ~~5.990~~. The UNCF Scholarship Fund.

14 (Source: P.A. 103-381, eff. 7-28-23; revised 9-22-23.)

15 (30 ILCS 105/5.1004)

16 Sec. 5.1004 ~~5.990~~. The Hunger-Free Campus Grant Fund.

17 (Source: P.A. 103-435, eff. 8-4-23; revised 9-22-23.)

18 (30 ILCS 105/5.1005)

19 Sec. 5.1005 ~~5.990~~. The Repatriation and Reinterment Fund.

20 (Source: P.A. 103-446, eff. 8-4-23; revised 9-22-23.)

1 (30 ILCS 105/5.1006)

2 Sec. 5.1006 ~~5.990~~. The Illinois Graduate and Retain Our  
3 Workforce (iGROW) Tech Scholarship Fund.

4 (Source: P.A. 103-519, eff. 1-1-24; revised 9-22-23.)

5 (30 ILCS 105/5.1007)

6 (Section scheduled to be repealed on January 1, 2027)

7 Sec. 5.1007 ~~5.990~~. The Antitrust Enforcement Fund. This  
8 Section is repealed on January 1, 2027.

9 (Source: P.A. 103-526, eff. 1-1-24; revised 9-22-23.)

10 (30 ILCS 105/5.1008)

11 Sec. 5.1008 ~~5.990~~. The MAP Refund Fund.

12 (Source: P.A. 103-536, eff. 8-11-23; revised 9-22-23.)

13 (30 ILCS 105/5.1009)

14 Sec. 5.1009 ~~5.990~~. The Lyme Disease Awareness Fund.

15 (Source: P.A. 103-557, eff. 8-11-23; revised 9-22-23.)

16 (30 ILCS 105/5.1010)

17 Sec. 5.1010 ~~5.991~~. The Industrial Biotechnology Human  
18 Capital Fund.

19 (Source: P.A. 103-363, eff. 7-28-23; revised 9-22-23.)

20 (30 ILCS 105/5.1011)

1           Sec. 5.1011 ~~5.991~~. The Illinois DREAM Fund.

2           (Source: P.A. 103-381, eff. 7-28-23; revised 9-22-23.)

3           (30 ILCS 105/6z-32)

4           Sec. 6z-32. Partners for Planning and Conservation.

5           (a) The Partners for Conservation Fund (formerly known as  
6 the Conservation 2000 Fund) and the Partners for Conservation  
7 Projects Fund (formerly known as the Conservation 2000  
8 Projects Fund) are created as special funds in the State  
9 Treasury. These funds shall be used to establish a  
10 comprehensive program to protect Illinois' natural resources  
11 through cooperative partnerships between State government and  
12 public and private landowners. Moneys in these Funds may be  
13 used, subject to appropriation, by the Department of Natural  
14 Resources, Environmental Protection Agency, and the Department  
15 of Agriculture for purposes relating to natural resource  
16 protection, planning, recreation, tourism, climate resilience,  
17 and compatible agricultural and economic development  
18 activities. Without limiting these general purposes, moneys in  
19 these Funds may be used, subject to appropriation, for the  
20 following specific purposes:

21           (1) To foster sustainable agriculture practices and  
22 control soil erosion, sedimentation, and nutrient loss  
23 from farmland, including grants to Soil and Water  
24 Conservation Districts for conservation practice  
25 cost-share grants and for personnel, educational, and

1 administrative expenses.

2 (2) To establish and protect a system of ecosystems in  
3 public and private ownership through conservation  
4 easements, incentives to public and private landowners,  
5 natural resource restoration and preservation, water  
6 quality protection and improvement, land use and watershed  
7 planning, technical assistance and grants, and land  
8 acquisition provided these mechanisms are all voluntary on  
9 the part of the landowner and do not involve the use of  
10 eminent domain.

11 (3) To develop a systematic and long-term program to  
12 effectively measure and monitor natural resources and  
13 ecological conditions through investments in technology  
14 and involvement of scientific experts.

15 (4) To initiate strategies to enhance, use, and  
16 maintain Illinois' inland lakes through education,  
17 technical assistance, research, and financial incentives.

18 (5) To partner with private landowners and with units  
19 of State, federal, and local government and with  
20 not-for-profit organizations in order to integrate State  
21 and federal programs with Illinois' natural resource  
22 protection and restoration efforts and to meet  
23 requirements to obtain federal and other funds for  
24 conservation or protection of natural resources.

25 (6) To support the State's Nutrient Loss Reduction  
26 Strategy, including, but not limited to, funding the

1 resources needed to support the Strategy's Policy Working  
2 Group, cover water quality monitoring in support of  
3 Strategy implementation, prepare a biennial report on the  
4 progress made on the Strategy every 2 years, and provide  
5 cost share funding for nutrient capture projects.

6 (7) To provide capacity grants to support soil and  
7 water conservation districts, including, but not limited  
8 to, developing soil health plans, conducting soil health  
9 assessments, peer-to-peer training, convening  
10 producer-led dialogues, professional memberships, lab  
11 analysis, ~~and~~ and travel stipends for meetings and  
12 educational events.

13 (8) To develop guidelines and local soil health  
14 assessments for advancing soil health.

15 (b) The State Comptroller and State Treasurer shall  
16 automatically transfer on the last day of each month,  
17 beginning on September 30, 1995 and ending on June 30, 2024,  
18 from the General Revenue Fund to the Partners for Conservation  
19 Fund, an amount equal to 1/10 of the amount set forth below in  
20 fiscal year 1996 and an amount equal to 1/12 of the amount set  
21 forth below in each of the other specified fiscal years:

22 Fiscal Year	Amount
23 1996	\$ 3,500,000
24 1997	\$ 9,000,000
25 1998	\$10,000,000
26 1999	\$11,000,000

1	2000	\$12,500,000
2	2001 through 2004	\$14,000,000
3	2005	\$7,000,000
4	2006	\$11,000,000
5	2007	\$0
6	2008 through 2011	\$14,000,000
7	2012	\$12,200,000
8	2013 through 2017	\$14,000,000
9	2018	\$1,500,000
10	2019	\$14,000,000
11	2020	\$7,500,000
12	2021 through 2023	\$14,000,000
13	2024	\$18,000,000

14           (c) The State Comptroller and State Treasurer shall  
15 automatically transfer on the last day of each month beginning  
16 on July 31, 2021 and ending June 30, 2022, from the  
17 Environmental Protection Permit and Inspection Fund to the  
18 Partners for Conservation Fund, an amount equal to 1/12 of  
19 \$4,135,000.

20           (c-1) The State Comptroller and State Treasurer shall  
21 automatically transfer on the last day of each month beginning  
22 on July 31, 2022 and ending June 30, 2023, from the  
23 Environmental Protection Permit and Inspection Fund to the  
24 Partners for Conservation Fund, an amount equal to 1/12 of  
25 \$5,900,000.

26           (d) There shall be deposited into the Partners for

1 Conservation Projects Fund such bond proceeds and other moneys  
2 as may, from time to time, be provided by law.

3 (Source: P.A. 102-16, eff. 6-17-21; 102-699, eff. 4-19-22;  
4 103-8, eff. 6-7-23; 103-494, eff. 8-4-23; revised 9-7-23.)

5 (30 ILCS 105/6z-82)

6 Sec. 6z-82. State Police Operations Assistance Fund.

7 (a) There is created in the State treasury a special fund  
8 known as the State Police Operations Assistance Fund. The Fund  
9 shall receive revenue under the Criminal and Traffic  
10 Assessment Act. The Fund may also receive revenue from grants,  
11 donations, appropriations, and any other legal source.

12 (a-5) ~~(Blank)~~. This Fund may charge, collect, and receive  
13 fees or moneys as described in Section 15-312 of the Illinois  
14 Vehicle Code, and receive all fees received by the Illinois  
15 State Police under that Section. The moneys shall be used by  
16 the Illinois State Police for its expenses in providing police  
17 escorts and commercial vehicle enforcement activities.

18 (b) The Illinois State Police may use moneys in the Fund to  
19 finance any of its lawful purposes or functions.

20 (c) Expenditures may be made from the Fund only as  
21 appropriated by the General Assembly by law.

22 (d) Investment income that is attributable to the  
23 investment of moneys in the Fund shall be retained in the Fund  
24 for the uses specified in this Section.

25 (e) The State Police Operations Assistance Fund shall not

1 be subject to administrative chargebacks.

2 (f) (Blank).

3 (g) (Blank).

4 (h) Notwithstanding any other provision of law, in  
5 addition to any other transfers that may be provided by law, on  
6 June 9, 2023 (the effective date of Public Act 103-34) ~~this~~  
7 ~~amendatory Act of the 103rd General Assembly~~, or as soon  
8 thereafter as practical, the State Comptroller shall direct  
9 and the State Treasurer shall transfer the remaining balance  
10 from the State Police Streetgang-Related Crime Fund to the  
11 State Police Operations Assistance Fund. Upon completion of  
12 the transfers, the State Police Streetgang-Related Crime Fund  
13 is dissolved, and any future deposits into the State Police  
14 Streetgang-Related Crime Fund and any outstanding obligations  
15 or liabilities of the State Police Streetgang-Related Crime  
16 Fund pass to the State Police Operations Assistance Fund.

17 (Source: P.A. 102-16, eff. 6-17-21; 102-505, eff. 8-20-21;  
18 102-538, eff. 8-20-21; 102-813, eff. 5-13-22; 103-34, eff.  
19 6-9-23; 103-363, eff. 7-28-23; revised 9-7-23.)

20 (30 ILCS 105/8.3)

21 Sec. 8.3. Money in the Road Fund shall, if and when the  
22 State of Illinois incurs any bonded indebtedness for the  
23 construction of permanent highways, be set aside and used for  
24 the purpose of paying and discharging annually the principal  
25 and interest on that bonded indebtedness then due and payable,



1 and for no other purpose. The surplus, if any, in the Road Fund  
2 after the payment of principal and interest on that bonded  
3 indebtedness then annually due shall be used as follows:

4 first -- to pay the cost of administration of Chapters  
5 2 through 10 of the Illinois Vehicle Code, except the cost  
6 of administration of Articles I and II of Chapter 3 of that  
7 Code, and to pay the costs of the Executive Ethics  
8 Commission for oversight and administration of the Chief  
9 Procurement Officer appointed under paragraph (2) of  
10 subsection (a) of Section 10-20 of the Illinois  
11 Procurement Code for transportation; and

12 secondly -- for expenses of the Department of  
13 Transportation for construction, reconstruction,  
14 improvement, repair, maintenance, operation, and  
15 administration of highways in accordance with the  
16 provisions of laws relating thereto, or for any purpose  
17 related or incident to and connected therewith, including  
18 the separation of grades of those highways with railroads  
19 and with highways and including the payment of awards made  
20 by the Illinois Workers' Compensation Commission under the  
21 terms of the Workers' Compensation Act or Workers'  
22 Occupational Diseases Act for injury or death of an  
23 employee of the Division of Highways in the Department of  
24 Transportation; or for the acquisition of land and the  
25 erection of buildings for highway purposes, including the  
26 acquisition of highway right-of-way or for investigations

1 to determine the reasonably anticipated future highway  
2 needs; or for making of surveys, plans, specifications and  
3 estimates for and in the construction and maintenance of  
4 flight strips and of highways necessary to provide access  
5 to military and naval reservations, to defense industries  
6 and defense-industry sites, and to the sources of raw  
7 materials and for replacing existing highways and highway  
8 connections shut off from general public use at military  
9 and naval reservations and defense-industry sites, or for  
10 the purchase of right-of-way, except that the State shall  
11 be reimbursed in full for any expense incurred in building  
12 the flight strips; or for the operating and maintaining of  
13 highway garages; or for patrolling and policing the public  
14 highways and conserving the peace; or for the operating  
15 expenses of the Department relating to the administration  
16 of public transportation programs; or, during fiscal year  
17 2023, for the purposes of a grant not to exceed \$8,394,800  
18 to the Regional Transportation Authority on behalf of PACE  
19 for the purpose of ADA/Para-transit expenses; or, during  
20 fiscal year 2024, for the purposes of a grant not to exceed  
21 \$9,108,400 to the Regional Transportation Authority on  
22 behalf of PACE for the purpose of ADA/Para-transit  
23 expenses; or for any of those purposes or any other  
24 purpose that may be provided by law.

25 Appropriations for any of those purposes are payable from  
26 the Road Fund. Appropriations may also be made from the Road

1 Fund for the administrative expenses of any State agency that  
2 are related to motor vehicles or arise from the use of motor  
3 vehicles.

4 Beginning with fiscal year 1980 and thereafter, no Road  
5 Fund monies shall be appropriated to the following Departments  
6 or agencies of State government for administration, grants, or  
7 operations; but this limitation is not a restriction upon  
8 appropriating for those purposes any Road Fund monies that are  
9 eligible for federal reimbursement:

- 10 1. Department of Public Health;
- 11 2. Department of Transportation, only with respect to  
12 subsidies for one-half fare Student Transportation and  
13 Reduced Fare for Elderly, except fiscal year 2023 when no  
14 more than \$17,570,000 may be expended and except fiscal  
15 year 2024 when no more than \$19,063,500 may be expended;
- 16 3. Department of Central Management Services, except  
17 for expenditures incurred for group insurance premiums of  
18 appropriate personnel;
- 19 4. Judicial Systems and Agencies.

20 Beginning with fiscal year 1981 and thereafter, no Road  
21 Fund monies shall be appropriated to the following Departments  
22 or agencies of State government for administration, grants, or  
23 operations; but this limitation is not a restriction upon  
24 appropriating for those purposes any Road Fund monies that are  
25 eligible for federal reimbursement:

- 26 1. Illinois State Police, except for expenditures with

1           respect to the Division of Patrol and Division of Criminal  
2           Investigation;

3           2. Department of Transportation, only with respect to  
4           Intercity Rail Subsidies, except fiscal year 2023 when no  
5           more than \$55,000,000 may be expended and except fiscal  
6           year 2024 when no more than \$60,000,000 may be expended,  
7           and Rail Freight Services.

8           Beginning with fiscal year 1982 and thereafter, no Road  
9           Fund monies shall be appropriated to the following Departments  
10          or agencies of State government for administration, grants, or  
11          operations; but this limitation is not a restriction upon  
12          appropriating for those purposes any Road Fund monies that are  
13          eligible for federal reimbursement: Department of Central  
14          Management Services, except for awards made by the Illinois  
15          Workers' Compensation Commission under the terms of the  
16          Workers' Compensation Act or Workers' Occupational Diseases  
17          Act for injury or death of an employee of the Division of  
18          Highways in the Department of Transportation.

19          Beginning with fiscal year 1984 and thereafter, no Road  
20          Fund monies shall be appropriated to the following Departments  
21          or agencies of State government for administration, grants, or  
22          operations; but this limitation is not a restriction upon  
23          appropriating for those purposes any Road Fund monies that are  
24          eligible for federal reimbursement:

25                 1. Illinois State Police, except not more than 40% of  
26                 the funds appropriated for the Division of Patrol and

1 Division of Criminal Investigation;

2 2. State Officers.

3 Beginning with fiscal year 1984 and thereafter, no Road  
4 Fund monies shall be appropriated to any Department or agency  
5 of State government for administration, grants, or operations  
6 except as provided hereafter; but this limitation is not a  
7 restriction upon appropriating for those purposes any Road  
8 Fund monies that are eligible for federal reimbursement. It  
9 shall not be lawful to circumvent the above appropriation  
10 limitations by governmental reorganization or other methods.  
11 Appropriations shall be made from the Road Fund only in  
12 accordance with the provisions of this Section.

13 Money in the Road Fund shall, if and when the State of  
14 Illinois incurs any bonded indebtedness for the construction  
15 of permanent highways, be set aside and used for the purpose of  
16 paying and discharging during each fiscal year the principal  
17 and interest on that bonded indebtedness as it becomes due and  
18 payable as provided in the Transportation Bond Act, and for no  
19 other purpose. The surplus, if any, in the Road Fund after the  
20 payment of principal and interest on that bonded indebtedness  
21 then annually due shall be used as follows:

22 first -- to pay the cost of administration of Chapters  
23 2 through 10 of the Illinois Vehicle Code; and

24 secondly -- no Road Fund monies derived from fees,  
25 excises, or license taxes relating to registration,  
26 operation and use of vehicles on public highways or to

1 fuels used for the propulsion of those vehicles, shall be  
2 appropriated or expended other than for costs of  
3 administering the laws imposing those fees, excises, and  
4 license taxes, statutory refunds and adjustments allowed  
5 thereunder, administrative costs of the Department of  
6 Transportation, including, but not limited to, the  
7 operating expenses of the Department relating to the  
8 administration of public transportation programs, payment  
9 of debts and liabilities incurred in construction and  
10 reconstruction of public highways and bridges, acquisition  
11 of rights-of-way for and the cost of construction,  
12 reconstruction, maintenance, repair, and operation of  
13 public highways and bridges under the direction and  
14 supervision of the State, political subdivision, or  
15 municipality collecting those monies, or during fiscal  
16 year 2023 for the purposes of a grant not to exceed  
17 \$8,394,800 to the Regional Transportation Authority on  
18 behalf of PACE for the purpose of ADA/Para-transit  
19 expenses, or during fiscal year 2024 for the purposes of a  
20 grant not to exceed \$9,108,400 to the Regional  
21 Transportation Authority on behalf of PACE for the purpose  
22 of ADA/Para-transit expenses, and the costs for patrolling  
23 and policing the public highways (by the State, political  
24 subdivision, or municipality collecting that money) for  
25 enforcement of traffic laws. The separation of grades of  
26 such highways with railroads and costs associated with

1 protection of at-grade highway and railroad crossing shall  
2 also be permissible.

3 Appropriations for any of such purposes are payable from  
4 the Road Fund or the Grade Crossing Protection Fund as  
5 provided in Section 8 of the Motor Fuel Tax Law.

6 Except as provided in this paragraph, beginning with  
7 fiscal year 1991 and thereafter, no Road Fund monies shall be  
8 appropriated to the Illinois State Police for the purposes of  
9 this Section in excess of its total fiscal year 1990 Road Fund  
10 appropriations for those purposes unless otherwise provided in  
11 Section 5g of this Act. For fiscal years 2003, 2004, 2005,  
12 2006, and 2007 only, no Road Fund monies shall be appropriated  
13 to the Department of State Police for the purposes of this  
14 Section in excess of \$97,310,000. For fiscal year 2008 only,  
15 no Road Fund monies shall be appropriated to the Department of  
16 State Police for the purposes of this Section in excess of  
17 \$106,100,000. For fiscal year 2009 only, no Road Fund monies  
18 shall be appropriated to the Department of State Police for  
19 the purposes of this Section in excess of \$114,700,000.  
20 Beginning in fiscal year 2010, no Road Fund ~~road fund~~ moneys  
21 shall be appropriated to the Illinois State Police. It shall  
22 not be lawful to circumvent this limitation on appropriations  
23 by governmental reorganization or other methods unless  
24 otherwise provided in Section 5g of this Act.

25 In fiscal year 1994, no Road Fund monies shall be  
26 appropriated to the Secretary of State for the purposes of

1 this Section in excess of the total fiscal year 1991 Road Fund  
2 appropriations to the Secretary of State for those purposes,  
3 plus \$9,800,000. It shall not be lawful to circumvent this  
4 limitation on appropriations by governmental reorganization or  
5 other method.

6 Beginning with fiscal year 1995 and thereafter, no Road  
7 Fund monies shall be appropriated to the Secretary of State  
8 for the purposes of this Section in excess of the total fiscal  
9 year 1994 Road Fund appropriations to the Secretary of State  
10 for those purposes. It shall not be lawful to circumvent this  
11 limitation on appropriations by governmental reorganization or  
12 other methods.

13 Beginning with fiscal year 2000, total Road Fund  
14 appropriations to the Secretary of State for the purposes of  
15 this Section shall not exceed the amounts specified for the  
16 following fiscal years:

17	Fiscal Year 2000	\$80,500,000;
18	Fiscal Year 2001	\$80,500,000;
19	Fiscal Year 2002	\$80,500,000;
20	Fiscal Year 2003	\$130,500,000;
21	Fiscal Year 2004	\$130,500,000;
22	Fiscal Year 2005	\$130,500,000;
23	Fiscal Year 2006	\$130,500,000;
24	Fiscal Year 2007	\$130,500,000;
25	Fiscal Year 2008	\$130,500,000;
26	Fiscal Year 2009	\$130,500,000.



1           For fiscal year 2010, no road fund moneys shall be  
2 appropriated to the Secretary of State.

3           Beginning in fiscal year 2011, moneys in the Road Fund  
4 shall be appropriated to the Secretary of State for the  
5 exclusive purpose of paying refunds due to overpayment of fees  
6 related to Chapter 3 of the Illinois Vehicle Code unless  
7 otherwise provided for by law.

8           It shall not be lawful to circumvent this limitation on  
9 appropriations by governmental reorganization or other  
10 methods.

11           No new program may be initiated in fiscal year 1991 and  
12 thereafter that is not consistent with the limitations imposed  
13 by this Section for fiscal year 1984 and thereafter, insofar  
14 as appropriation of Road Fund monies is concerned.

15           Nothing in this Section prohibits transfers from the Road  
16 Fund to the State Construction Account Fund under Section 5e  
17 of this Act; nor to the General Revenue Fund, as authorized by  
18 Public Act 93-25.

19           The additional amounts authorized for expenditure in this  
20 Section by Public Acts 92-0600, 93-0025, 93-0839, and 94-91  
21 shall be repaid to the Road Fund from the General Revenue Fund  
22 in the next succeeding fiscal year that the General Revenue  
23 Fund has a positive budgetary balance, as determined by  
24 generally accepted accounting principles applicable to  
25 government.

26           The additional amounts authorized for expenditure by the

1 Secretary of State and the Department of State Police in this  
2 Section by Public Act 94-91 shall be repaid to the Road Fund  
3 from the General Revenue Fund in the next succeeding fiscal  
4 year that the General Revenue Fund has a positive budgetary  
5 balance, as determined by generally accepted accounting  
6 principles applicable to government.

7 (Source: P.A. 102-16, eff. 6-17-21; 102-538, eff. 8-20-21;  
8 102-699, eff. 4-19-22; 102-813, eff. 5-13-22; 103-8, eff.  
9 6-7-23; 103-34, eff. 1-1-24; revised 12-12-23.)

10 (30 ILCS 105/12-2) (from Ch. 127, par. 148-2)

11 Sec. 12-2. Travel Regulation Council; State travel  
12 reimbursement.

13 (a) The chairmen of the travel control boards established  
14 by Section 12-1, or their designees, shall together comprise  
15 the Travel Regulation Council. The Travel Regulation Council  
16 shall be chaired by the Director of Central Management  
17 Services, who shall be a nonvoting member of the Council,  
18 unless he is otherwise qualified to vote by virtue of being the  
19 designee of a voting member. No later than March 1, 1986, and  
20 at least biennially thereafter, the Council shall adopt State  
21 Travel Regulations and Reimbursement Rates which shall be  
22 applicable to all personnel subject to the jurisdiction of the  
23 travel control boards established by Section 12-1. An  
24 affirmative vote of a majority of the members of the Council  
25 shall be required to adopt regulations and reimbursement

1 rates. If the Council fails to adopt regulations by March 1 of  
2 any odd-numbered year, the Director of Central Management  
3 Services shall adopt emergency regulations and reimbursement  
4 rates pursuant to the Illinois Administrative Procedure Act.  
5 As soon as practicable after January 23, 2023 (the effective  
6 date of Public Act 102-1119) ~~this amendatory Act of the 102nd~~  
7 ~~General Assembly~~, the Travel Regulation Council and the Higher  
8 Education Travel Control Board shall adopt amendments to their  
9 existing rules to ensure that reimbursement rates for public  
10 institutions of higher education, as defined in Section 1-13  
11 of the Illinois Procurement Code, are set in accordance with  
12 the requirements of subsection (f) of this Section.

13 (b) (Blank).

14 (c) (Blank).

15 (d) Reimbursements to travelers shall be made pursuant to  
16 the rates and regulations applicable to the respective State  
17 agency as of January 1, 1986 (the effective date of Public Act  
18 84-345) ~~this amendatory Act~~, until the State Travel  
19 Regulations and Reimbursement Rates established by this  
20 Section are adopted and effective.

21 (e) (Blank).

22 (f) ~~(f)~~ Notwithstanding any rule or law to the contrary,  
23 State travel reimbursement rates for lodging and mileage for  
24 automobile travel, as well as allowances for meals, shall be  
25 set at the maximum rates established by the federal government  
26 for travel expenses, subsistence expenses, and mileage

1 allowances under 5 U.S.C. 5701 through 5711 and any  
2 regulations promulgated thereunder. If the rates set under  
3 federal regulations increase or decrease during the course of  
4 the State's fiscal year, the effective date of the new rate  
5 shall be the effective date of the change in the federal rate.  
6 (Source: P.A. 102-1119, eff. 1-23-23; 103-8, eff. 1-1-24;  
7 revised 1-2-24.)

8 Section 145. The General Obligation Bond Act is amended by  
9 changing Section 11 as follows:

10 (30 ILCS 330/11) (from Ch. 127, par. 661)

11 Sec. 11. Sale of Bonds. Except as otherwise provided in  
12 this Section, Bonds shall be sold from time to time pursuant to  
13 notice of sale and public bid or by negotiated sale in such  
14 amounts and at such times as is directed by the Governor, upon  
15 recommendation by the Director of the Governor's Office of  
16 Management and Budget. At least 25%, based on total principal  
17 amount, of all Bonds issued each fiscal year shall be sold  
18 pursuant to notice of sale and public bid. At all times during  
19 each fiscal year, no more than 75%, based on total principal  
20 amount, of the Bonds issued each fiscal year, shall have been  
21 sold by negotiated sale. Failure to satisfy the requirements  
22 in the preceding 2 sentences shall not affect the validity of  
23 any previously issued Bonds; provided that all Bonds  
24 authorized by Public Act 96-43 and Public Act 96-1497 shall

1 not be included in determining compliance for any fiscal year  
2 with the requirements of the preceding 2 sentences; and  
3 further provided that refunding Bonds satisfying the  
4 requirements of Section 16 of this Act shall not be subject to  
5 the requirements in the preceding 2 sentences.

6 The Director of the Governor's Office of Management and  
7 Budget shall comply in the selection of any bond counsel with  
8 the competitive request for proposal process set forth in the  
9 Illinois Procurement Code and all other applicable  
10 requirements of that Code. The Director of the Governor's  
11 Office of Management and Budget may select any financial  
12 advisor from a pool of qualified advisors established pursuant  
13 to a request for qualifications. If any Bonds, including  
14 refunding Bonds, are to be sold by negotiated sale, the  
15 Director of the Governor's Office of Management and Budget  
16 shall select any underwriter from a pool of qualified  
17 underwriters established pursuant to a request for  
18 qualifications.

19 If Bonds are to be sold pursuant to notice of sale and  
20 public bid, the Director of the Governor's Office of  
21 Management and Budget may, from time to time, as Bonds are to  
22 be sold, advertise the sale of the Bonds in at least 2 daily  
23 newspapers, one of which is published in the City of  
24 Springfield and one in the City of Chicago. The sale of the  
25 Bonds shall be advertised in the BidBuy eProcurement System or  
26 any successor procurement platform maintained by the Chief

1 Procurement Officer for General Services, and shall be  
2 published once at least 10 days prior to the date fixed for the  
3 opening of the bids. The Director of the Governor's Office of  
4 Management and Budget may reschedule the date of sale upon the  
5 giving of such additional notice as the Director deems  
6 adequate to inform prospective bidders of such change;  
7 provided, however, that all other conditions of the sale shall  
8 continue as originally advertised.

9 Executed Bonds shall, upon payment therefor, be delivered  
10 to the purchaser, and the proceeds of Bonds shall be paid into  
11 the State Treasury as directed by Section 12 of this Act.

12 All Income Tax Proceed Bonds shall comply with this  
13 Section. Notwithstanding anything to the contrary, however,  
14 for purposes of complying with this Section, Income Tax  
15 Proceed Bonds, regardless of the number of series or issuances  
16 sold thereunder, shall be considered a single issue or series.  
17 Furthermore, for purposes of complying with the competitive  
18 bidding requirements of this Section, the words "at all times"  
19 shall not apply to any such sale of the Income Tax Proceed  
20 Bonds. The Director of the Governor's Office of Management and  
21 Budget shall determine the time and manner of any competitive  
22 sale of the Income Tax Proceed Bonds; however, that sale shall  
23 under no circumstances take place later than 60 days after the  
24 State closes the sale of 75% of the Income Tax Proceed Bonds by  
25 negotiated sale.

26 All State Pension Obligation Acceleration Bonds shall

1 comply with this Section. Notwithstanding anything to the  
2 contrary, however, for purposes of complying with this  
3 Section, State Pension Obligation Acceleration Bonds,  
4 regardless of the number of series or issuances sold  
5 thereunder, shall be considered a single issue or series.  
6 Furthermore, for purposes of complying with the competitive  
7 bidding requirements of this Section, the words "at all times"  
8 shall not apply to any such sale of the State Pension  
9 Obligation Acceleration Bonds. The Director of the Governor's  
10 Office of Management and Budget shall determine the time and  
11 manner of any competitive sale of the State Pension Obligation  
12 Acceleration Bonds; however, that sale shall under no  
13 circumstances take place later than 60 days after the State  
14 closes the sale of 75% of the State Pension Obligation  
15 Acceleration Bonds by negotiated sale.

16 (Source: P.A. 103-7, eff. 7-1-23; revised 9-20-23.)

17 Section 150. The Capital Development Bond Act of 1972 is  
18 amended by changing Section 3 as follows:

19 (30 ILCS 420/3) (from Ch. 127, par. 753)

20 Sec. 3. The State of Illinois is authorized to issue, sell  
21 and provide for the retirement of general obligation bonds of  
22 the State of Illinois in the amount of \$1,737,000,000  
23 hereinafter called the "Bonds", for the specific purpose of  
24 providing funds for the acquisition, development,

1 construction, reconstruction, improvement, financing,  
2 architectural planning and installation of capital facilities  
3 consisting of buildings, structures, and durable equipment and  
4 for the acquisition and improvement of real property and  
5 interests in real property required, or expected to be  
6 required, in connection therewith and for the acquisition,  
7 protection and development of natural resources, including  
8 water related resources, within the State of Illinois for open  
9 spaces, water resource management, recreational and  
10 conservation purposes, all within the State of Illinois.

11 The Bonds shall be used in the following specific manner:

12 (a) \$636,697,287 for the acquisition, development,  
13 construction, reconstruction, improvement, financing,  
14 architectural planning and installation of capital facilities  
15 consisting of buildings, structures, durable equipment and  
16 land for educational purposes by State universities and  
17 colleges, the Illinois Community College Board created by the  
18 Public Community College Act ~~"An Act in relation to the~~  
19 ~~establishment, operation and maintenance of public community~~  
20 ~~colleges", approved July 15, 1965, as amended~~ and by the  
21 School Building Commission created by "An Act to provide for  
22 the acquisition, construction, rental, and disposition of  
23 buildings used for school purposes", approved June 21, 1957,  
24 as amended, or its successor, all within the State of  
25 Illinois, and for grants to public community colleges as  
26 authorized by Section 5-11 of the Public Community College



1 Act; and for the acquisition, development, construction,  
2 reconstruction rehabilitation, improvement, architectural  
3 planning and installation of capital facilities consisting of  
4 durable movable equipment, including antennas and structures  
5 necessarily relating thereto, for the Board of Governors of  
6 State Colleges and Universities to construct educational  
7 television facilities, which educational television facilities  
8 may be located upon land or structures not owned by the State  
9 providing that the Board of Governors has at least a 25-year  
10 lease for the use of such non-state owned land or structures,  
11 which lease may contain a provision making it subject to  
12 annual appropriations by the General Assembly;

13 (b) \$323,000,000 for the acquisition, development,  
14 construction, reconstruction, improvement, financing,  
15 architectural planning and installation of capital facilities  
16 consisting of buildings, structures, durable equipment and  
17 land for correctional purposes at State prisons and  
18 correctional centers, all within the State of Illinois;

19 (c) \$157,020,000 for the acquisition, development,  
20 construction, reconstruction, improvement, financing,  
21 architectural planning and installation of capital facilities  
22 consisting of buildings, structures, durable equipment, and  
23 land for open spaces, recreational and conservation purposes  
24 and the protection of land, all within the State of Illinois;

25 (d) \$146,580,000 for the acquisition, development,  
26 construction, reconstruction, improvement, financing,

1 architectural planning and installation of capital facilities  
2 consisting of buildings, structures, durable equipment and  
3 land for child care facilities, mental and public health  
4 facilities, and facilities for the care of veterans with  
5 disabilities and their spouses, all within the State of  
6 Illinois;

7 (e) \$348,846,200 for the acquisition, development,  
8 construction, reconstruction, improvement, financing,  
9 architectural planning and installation of capital facilities  
10 consisting of buildings, structures, durable equipment and  
11 land for use by the State, its departments, authorities,  
12 public corporations, commissions and agencies;

13 (f) To reimburse the Illinois Building Authority created  
14 by the Building Authority Act ~~"An Act to create the Illinois  
15 Building Authority and to define its powers and duties", as  
16 approved August 15, 1961, as amended,~~ for any and all costs and  
17 expenses incurred, and to be incurred, by the Illinois  
18 Building Authority in connection with the acquisition,  
19 construction, development, reconstruction, improvement,  
20 planning, installation and financing of capital facilities  
21 consisting of buildings, structures, equipment and land as  
22 enumerated in subsections (a) through (e) hereof, and in  
23 connection therewith to acquire from the Illinois Building  
24 Authority any such capital facilities; provided, however, that  
25 nothing in this subparagraph shall be construed to require or  
26 permit the acquisition of facilities financed by the Illinois

1 Building authority through the issuance of bonds;

2 (g) \$24,853,800 for the acquisition, development,  
3 construction, reconstruction, improvement, financing,  
4 architectural planning and installation of buildings,  
5 structures, durable equipment, and land for:

6 (1) Cargo handling facilities for use by port districts,  
7 and

8 (2) Breakwaters, including harbor entrances incident  
9 thereto, for use by port districts in conjunction with  
10 facilities for small boats and pleasure craft;

11 (h) \$39,900,000 for the acquisition, development,  
12 construction, reconstruction, modification, financing,  
13 architectural planning and installation of capital facilities  
14 consisting of buildings, structures, durable equipment and  
15 land for water resource management projects, all within the  
16 State of Illinois;

17 (i) \$9,852,713 for the acquisition, development,  
18 construction, reconstruction, improvement, financing,  
19 architectural planning and installation of capital facilities  
20 consisting of buildings, structures, durable equipment and  
21 land for educational purposes by nonprofit, nonpublic health  
22 service educational institutions;

23 (j) \$48,000,000 for the acquisition, development,  
24 construction, reconstruction, improvement, financing,  
25 architectural planning and installation of capital facilities  
26 consisting of buildings, structures, durable equipment and

1 land for the provision of facilities for food production  
2 research and related instructional and public service  
3 activities at the State universities and public community  
4 colleges, all within the State of Illinois;

5 (k) \$2,250,000 for grants by the Secretary of State, as  
6 State Librarian, for the construction, acquisition,  
7 development, reconstruction and improvement of central library  
8 facilities authorized under Section 8 of the ~~"The~~ Illinois  
9 Library System Act", ~~as amended.~~

10 (Source: P.A. 99-143, eff. 7-27-15; revised 9-20-23.)

11 Section 155. The Build Illinois Bond Act is amended by  
12 changing Section 5 as follows:

13 (30 ILCS 425/5) (from Ch. 127, par. 2805)

14 Sec. 5. Bond sale expenses.

15 (a) Costs for advertising, printing, bond rating, travel  
16 of outside vendors, security, delivery, and legal and  
17 financial advisory services, initial fees of trustees,  
18 registrars, paying agents, and other fiduciaries, initial  
19 costs of credit or liquidity enhancement arrangements, initial  
20 fees of indexing and remarketing agents, and initial costs of  
21 interest rate swaps, guarantees, or arrangements to limit  
22 interest rate risk, as determined in the related Bond Sale  
23 Order, may be paid as reasonable costs of issuance and sale  
24 from the proceeds of each Bond sale. An amount not to exceed 1%

1 of the principal amount of the proceeds of the sale of each  
2 bond sale is authorized to be used to pay additional  
3 reasonable costs of each issuance and sale of Bonds authorized  
4 and sold pursuant to this Act, including, without limitation,  
5 underwriter's discounts and fees, but excluding bond  
6 insurance; provided that no salaries of State employees or  
7 other State office operating expenses shall be paid out of  
8 non-appropriated proceeds. The Governor's Office of Management  
9 and Budget shall compile a summary of all costs of issuance on  
10 each sale (including both costs paid out of proceeds and those  
11 paid out of appropriated funds) and post that summary on its  
12 web site within 20 business days after the issuance of the  
13 bonds. The summary shall include, as applicable, the  
14 respective percentage of participation and compensation of  
15 each underwriter that is a member of the underwriting  
16 syndicate, legal counsel, financial advisors, and other  
17 professionals for the Bond issue, and an identification of all  
18 costs of issuance paid to minority-owned businesses,  
19 women-owned businesses, and businesses owned by persons with  
20 disabilities. The terms "minority-owned businesses",  
21 "women-owned businesses", and "business owned by a person with  
22 a disability" have the meanings given to those terms in the  
23 Business Enterprise for Minorities, Women, and Persons with  
24 Disabilities Act. The summary shall be posted on the website  
25 for a period of at least 30 days. In addition, the Governor's  
26 Office of Management and Budget shall provide a written copy

1 of each summary of costs to the Speaker and Minority Leader of  
2 the House of Representatives, the President and Minority  
3 Leader of the Senate, and the Commission on Government  
4 Forecasting and Accountability within 20 business days after  
5 each issuance of the bonds. In addition, the Governor's Office  
6 of Management and Budget shall provide copies of all contracts  
7 under which any costs of issuance are paid or to be paid to the  
8 Commission on Government Forecasting and Accountability within  
9 20 business days after the issuance of Bonds for which those  
10 costs are paid or to be paid. Instead of filing a second or  
11 subsequent copy of the same contract, the Governor's Office of  
12 Management and Budget may file a statement that specified  
13 costs are paid under specified contracts filed earlier with  
14 the Commission.

15 (b) The Director of the Governor's Office of Management  
16 and Budget shall not, in connection with the issuance of  
17 Bonds, contract with any underwriter, financial advisor, or  
18 attorney unless that underwriter, financial advisor, or  
19 attorney certifies that the underwriter, financial advisor, or  
20 attorney has not and will not pay a contingent fee, whether  
21 directly or indirectly, to any third party for having promoted  
22 the selection of the underwriter, financial advisor, or  
23 attorney for that contract. In the event that the Governor's  
24 Office of Management and Budget determines that an  
25 underwriter, financial advisor, or attorney has filed a false  
26 certification with respect to the payment of contingent fees,

1 the Governor's Office of Management and Budget shall not  
2 contract with that underwriter, financial advisor, or  
3 attorney, or with any firm employing any person who signed  
4 false certifications, for a period of 2 calendar years,  
5 beginning with the date the determination is made. The  
6 validity of Bonds issued under such circumstances of violation  
7 pursuant to this Section shall not be affected.

8 (Source: P.A. 103-7, eff. 7-1-23; revised 9-21-23.)

9 Section 160. The Illinois Procurement Code is amended by  
10 changing Sections 1-10 and 10-20 as follows:

11 (30 ILCS 500/1-10)

12 Sec. 1-10. Application.

13 (a) This Code applies only to procurements for which  
14 bidders, offerors, potential contractors, or contractors were  
15 first solicited on or after July 1, 1998. This Code shall not  
16 be construed to affect or impair any contract, or any  
17 provision of a contract, entered into based on a solicitation  
18 prior to the implementation date of this Code as described in  
19 Article 99, including, but not limited to, any covenant  
20 entered into with respect to any revenue bonds or similar  
21 instruments. All procurements for which contracts are  
22 solicited between the effective date of Articles 50 and 99 and  
23 July 1, 1998 shall be substantially in accordance with this  
24 Code and its intent.

1 (b) This Code shall apply regardless of the source of the  
2 funds with which the contracts are paid, including federal  
3 assistance moneys. This Code shall not apply to:

4 (1) Contracts between the State and its political  
5 subdivisions or other governments, or between State  
6 governmental bodies, except as specifically provided in  
7 this Code.

8 (2) Grants, except for the filing requirements of  
9 Section 20-80.

10 (3) Purchase of care, except as provided in Section  
11 5-30.6 of the Illinois Public Aid Code and this Section.

12 (4) Hiring of an individual as an employee and not as  
13 an independent contractor, whether pursuant to an  
14 employment code or policy or by contract directly with  
15 that individual.

16 (5) Collective bargaining contracts.

17 (6) Purchase of real estate, except that notice of  
18 this type of contract with a value of more than \$25,000  
19 must be published in the Procurement Bulletin within 10  
20 calendar days after the deed is recorded in the county of  
21 jurisdiction. The notice shall identify the real estate  
22 purchased, the names of all parties to the contract, the  
23 value of the contract, and the effective date of the  
24 contract.

25 (7) Contracts necessary to prepare for anticipated  
26 litigation, enforcement actions, or investigations,



1 provided that the chief legal counsel to the Governor  
2 shall give his or her prior approval when the procuring  
3 agency is one subject to the jurisdiction of the Governor,  
4 and provided that the chief legal counsel of any other  
5 procuring entity subject to this Code shall give his or  
6 her prior approval when the procuring entity is not one  
7 subject to the jurisdiction of the Governor.

8 (8) (Blank).

9 (9) Procurement expenditures by the Illinois  
10 Conservation Foundation when only private funds are used.

11 (10) (Blank).

12 (11) Public-private agreements entered into according  
13 to the procurement requirements of Section 20 of the  
14 Public-Private Partnerships for Transportation Act and  
15 design-build agreements entered into according to the  
16 procurement requirements of Section 25 of the  
17 Public-Private Partnerships for Transportation Act.

18 (12) (A) Contracts for legal, financial, and other  
19 professional and artistic services entered into by the  
20 Illinois Finance Authority in which the State of Illinois  
21 is not obligated. Such contracts shall be awarded through  
22 a competitive process authorized by the members of the  
23 Illinois Finance Authority and are subject to Sections  
24 5-30, 20-160, 50-13, 50-20, 50-35, and 50-37 of this Code,  
25 as well as the final approval by the members of the  
26 Illinois Finance Authority of the terms of the contract.

1 (B) Contracts for legal and financial services entered  
2 into by the Illinois Housing Development Authority in  
3 connection with the issuance of bonds in which the State  
4 of Illinois is not obligated. Such contracts shall be  
5 awarded through a competitive process authorized by the  
6 members of the Illinois Housing Development Authority and  
7 are subject to Sections 5-30, 20-160, 50-13, 50-20, 50-35,  
8 and 50-37 of this Code, as well as the final approval by  
9 the members of the Illinois Housing Development Authority  
10 of the terms of the contract.

11 (13) Contracts for services, commodities, and  
12 equipment to support the delivery of timely forensic  
13 science services in consultation with and subject to the  
14 approval of the Chief Procurement Officer as provided in  
15 subsection (d) of Section 5-4-3a of the Unified Code of  
16 Corrections, except for the requirements of Sections  
17 20-60, 20-65, 20-70, and 20-160 and Article 50 of this  
18 Code; however, the Chief Procurement Officer may, in  
19 writing with justification, waive any certification  
20 required under Article 50 of this Code. For any contracts  
21 for services which are currently provided by members of a  
22 collective bargaining agreement, the applicable terms of  
23 the collective bargaining agreement concerning  
24 subcontracting shall be followed.

25 On and after January 1, 2019, this paragraph (13),  
26 except for this sentence, is inoperative.

1           (14) Contracts for participation expenditures required  
2           by a domestic or international trade show or exhibition of  
3           an exhibitor, member, or sponsor.

4           (15) Contracts with a railroad or utility that  
5           requires the State to reimburse the railroad or utilities  
6           for the relocation of utilities for construction or other  
7           public purpose. Contracts included within this paragraph  
8           (15) shall include, but not be limited to, those  
9           associated with: relocations, crossings, installations,  
10          and maintenance. For the purposes of this paragraph (15),  
11          "railroad" means any form of non-highway ground  
12          transportation that runs on rails or electromagnetic  
13          guideways and "utility" means: (1) public utilities as  
14          defined in Section 3-105 of the Public Utilities Act, (2)  
15          telecommunications carriers as defined in Section 13-202  
16          of the Public Utilities Act, (3) electric cooperatives as  
17          defined in Section 3.4 of the Electric Supplier Act, (4)  
18          telephone or telecommunications cooperatives as defined in  
19          Section 13-212 of the Public Utilities Act, (5) rural  
20          water or waste water systems with 10,000 connections or  
21          less, (6) a holder as defined in Section 21-201 of the  
22          Public Utilities Act, and (7) municipalities owning or  
23          operating utility systems consisting of public utilities  
24          as that term is defined in Section 11-117-2 of the  
25          Illinois Municipal Code.

26          (16) Procurement expenditures necessary for the

1 Department of Public Health to provide the delivery of  
2 timely newborn screening services in accordance with the  
3 Newborn Metabolic Screening Act.

4 (17) Procurement expenditures necessary for the  
5 Department of Agriculture, the Department of Financial and  
6 Professional Regulation, the Department of Human Services,  
7 and the Department of Public Health to implement the  
8 Compassionate Use of Medical Cannabis Program and Opioid  
9 Alternative Pilot Program requirements and ensure access  
10 to medical cannabis for patients with debilitating medical  
11 conditions in accordance with the Compassionate Use of  
12 Medical Cannabis Program Act.

13 (18) This Code does not apply to any procurements  
14 necessary for the Department of Agriculture, the  
15 Department of Financial and Professional Regulation, the  
16 Department of Human Services, the Department of Commerce  
17 and Economic Opportunity, and the Department of Public  
18 Health to implement the Cannabis Regulation and Tax Act if  
19 the applicable agency has made a good faith determination  
20 that it is necessary and appropriate for the expenditure  
21 to fall within this exemption and if the process is  
22 conducted in a manner substantially in accordance with the  
23 requirements of Sections 20-160, 25-60, 30-22, 50-5,  
24 50-10, 50-10.5, 50-12, 50-13, 50-15, 50-20, 50-21, 50-35,  
25 50-36, 50-37, 50-38, and 50-50 of this Code; however, for  
26 Section 50-35, compliance applies only to contracts or

1 subcontracts over \$100,000. Notice of each contract  
2 entered into under this paragraph (18) that is related to  
3 the procurement of goods and services identified in  
4 paragraph (1) through (9) of this subsection shall be  
5 published in the Procurement Bulletin within 14 calendar  
6 days after contract execution. The Chief Procurement  
7 Officer shall prescribe the form and content of the  
8 notice. Each agency shall provide the Chief Procurement  
9 Officer, on a monthly basis, in the form and content  
10 prescribed by the Chief Procurement Officer, a report of  
11 contracts that are related to the procurement of goods and  
12 services identified in this subsection. At a minimum, this  
13 report shall include the name of the contractor, a  
14 description of the supply or service provided, the total  
15 amount of the contract, the term of the contract, and the  
16 exception to this Code utilized. A copy of any or all of  
17 these contracts shall be made available to the Chief  
18 Procurement Officer immediately upon request. The Chief  
19 Procurement Officer shall submit a report to the Governor  
20 and General Assembly no later than November 1 of each year  
21 that includes, at a minimum, an annual summary of the  
22 monthly information reported to the Chief Procurement  
23 Officer. This exemption becomes inoperative 5 years after  
24 June 25, 2019 (the effective date of Public Act 101-27).

25 (19) Acquisition of modifications or adjustments,  
26 limited to assistive technology devices and assistive

1 technology services, adaptive equipment, repairs, and  
2 replacement parts to provide reasonable accommodations (i)  
3 that enable a qualified applicant with a disability to  
4 complete the job application process and be considered for  
5 the position such qualified applicant desires, (ii) that  
6 modify or adjust the work environment to enable a  
7 qualified current employee with a disability to perform  
8 the essential functions of the position held by that  
9 employee, (iii) to enable a qualified current employee  
10 with a disability to enjoy equal benefits and privileges  
11 of employment as are enjoyed by other similarly situated  
12 employees without disabilities, and (iv) that allow a  
13 customer, client, claimant, or member of the public  
14 seeking State services full use and enjoyment of and  
15 access to its programs, services, or benefits.

16 For purposes of this paragraph (19):

17 "Assistive technology devices" means any item, piece  
18 of equipment, or product system, whether acquired  
19 commercially off the shelf, modified, or customized, that  
20 is used to increase, maintain, or improve functional  
21 capabilities of individuals with disabilities.

22 "Assistive technology services" means any service that  
23 directly assists an individual with a disability in  
24 selection, acquisition, or use of an assistive technology  
25 device.

26 "Qualified" has the same meaning and use as provided

1 under the federal Americans with Disabilities Act when  
2 describing an individual with a disability.

3 (20) Procurement expenditures necessary for the  
4 Illinois Commerce Commission to hire third-party  
5 facilitators pursuant to Sections 16-105.17 and 16-108.18  
6 of the Public Utilities Act or an ombudsman pursuant to  
7 Section 16-107.5 of the Public Utilities Act, a  
8 facilitator pursuant to Section 16-105.17 of the Public  
9 Utilities Act, or a grid auditor pursuant to Section  
10 16-105.10 of the Public Utilities Act.

11 (21) Procurement expenditures for the purchase,  
12 renewal, and expansion of software, software licenses, or  
13 software maintenance agreements that support the efforts  
14 of the Illinois State Police to enforce, regulate, and  
15 administer the Firearm Owners Identification Card Act, the  
16 Firearm Concealed Carry Act, the Firearms Restraining  
17 Order Act, the Firearm Dealer License Certification Act,  
18 the Law Enforcement Agencies Data System (LEADS), the  
19 Uniform Crime Reporting Act, the Criminal Identification  
20 Act, the Illinois Uniform Conviction Information Act, and  
21 the Gun Trafficking Information Act, or establish or  
22 maintain record management systems necessary to conduct  
23 human trafficking investigations or gun trafficking or  
24 other stolen firearm investigations. This paragraph (21)  
25 applies to contracts entered into on or after January 10,  
26 2023 (the effective date of Public Act 102-1116) and the

1 renewal of contracts that are in effect on January 10,  
2 2023 (the effective date of Public Act 102-1116).

3 (22) Contracts for project management services and  
4 system integration services required for the completion of  
5 the State's enterprise resource planning project. This  
6 exemption becomes inoperative 5 years after June 7, 2023  
7 (the effective date of the changes made to this Section by  
8 Public Act 103-8). This paragraph (22) applies to  
9 contracts entered into on or after June 7, 2023 (the  
10 effective date of the changes made to this Section by  
11 Public Act 103-8) and the renewal of contracts that are in  
12 effect on June 7, 2023 (the effective date of the changes  
13 made to this Section by Public Act 103-8).

14 (23) Procurements necessary for the Department of  
15 Insurance to implement the Illinois Health Benefits  
16 Exchange Law if the Department of Insurance has made a  
17 good faith determination that it is necessary and  
18 appropriate for the expenditure to fall within this  
19 exemption. The procurement process shall be conducted in a  
20 manner substantially in accordance with the requirements  
21 of Sections 20-160 and 25-60 and Article 50 of this Code. A  
22 copy of these contracts shall be made available to the  
23 Chief Procurement Officer immediately upon request. This  
24 paragraph is inoperative 5 years after June 27, 2023 (the  
25 effective date of Public Act 103-103).

26 (24) ~~(22)~~ Contracts for public education programming,



1 noncommercial sustaining announcements, public service  
2 announcements, and public awareness and education  
3 messaging with the nonprofit trade associations of the  
4 providers of those services that inform the public on  
5 immediate and ongoing health and safety risks and hazards.

6 Notwithstanding any other provision of law, for contracts  
7 with an annual value of more than \$100,000 entered into on or  
8 after October 1, 2017 under an exemption provided in any  
9 paragraph of this subsection (b), except paragraph (1), (2),  
10 or (5), each State agency shall post to the appropriate  
11 procurement bulletin the name of the contractor, a description  
12 of the supply or service provided, the total amount of the  
13 contract, the term of the contract, and the exception to the  
14 Code utilized. The chief procurement officer shall submit a  
15 report to the Governor and General Assembly no later than  
16 November 1 of each year that shall include, at a minimum, an  
17 annual summary of the monthly information reported to the  
18 chief procurement officer.

19 (c) This Code does not apply to the electric power  
20 procurement process provided for under Section 1-75 of the  
21 Illinois Power Agency Act and Section 16-111.5 of the Public  
22 Utilities Act. This Code does not apply to the procurement of  
23 technical and policy experts pursuant to Section 1-129 of the  
24 Illinois Power Agency Act.

25 (d) Except for Section 20-160 and Article 50 of this Code,  
26 and as expressly required by Section 9.1 of the Illinois

1 Lottery Law, the provisions of this Code do not apply to the  
2 procurement process provided for under Section 9.1 of the  
3 Illinois Lottery Law.

4 (e) This Code does not apply to the process used by the  
5 Capital Development Board to retain a person or entity to  
6 assist the Capital Development Board with its duties related  
7 to the determination of costs of a clean coal SNG brownfield  
8 facility, as defined by Section 1-10 of the Illinois Power  
9 Agency Act, as required in subsection (h-3) of Section 9-220  
10 of the Public Utilities Act, including calculating the range  
11 of capital costs, the range of operating and maintenance  
12 costs, or the sequestration costs or monitoring the  
13 construction of clean coal SNG brownfield facility for the  
14 full duration of construction.

15 (f) (Blank).

16 (g) (Blank).

17 (h) This Code does not apply to the process to procure or  
18 contracts entered into in accordance with Sections 11-5.2 and  
19 11-5.3 of the Illinois Public Aid Code.

20 (i) Each chief procurement officer may access records  
21 necessary to review whether a contract, purchase, or other  
22 expenditure is or is not subject to the provisions of this  
23 Code, unless such records would be subject to attorney-client  
24 privilege.

25 (j) This Code does not apply to the process used by the  
26 Capital Development Board to retain an artist or work or works

1 of art as required in Section 14 of the Capital Development  
2 Board Act.

3 (k) This Code does not apply to the process to procure  
4 contracts, or contracts entered into, by the State Board of  
5 Elections or the State Electoral Board for hearing officers  
6 appointed pursuant to the Election Code.

7 (l) This Code does not apply to the processes used by the  
8 Illinois Student Assistance Commission to procure supplies and  
9 services paid for from the private funds of the Illinois  
10 Prepaid Tuition Fund. As used in this subsection (l), "private  
11 funds" means funds derived from deposits paid into the  
12 Illinois Prepaid Tuition Trust Fund and the earnings thereon.

13 (m) This Code shall apply regardless of the source of  
14 funds with which contracts are paid, including federal  
15 assistance moneys. Except as specifically provided in this  
16 Code, this Code shall not apply to procurement expenditures  
17 necessary for the Department of Public Health to conduct the  
18 Healthy Illinois Survey in accordance with Section 2310-431 of  
19 the Department of Public Health Powers and Duties Law of the  
20 Civil Administrative Code of Illinois.

21 (Source: P.A. 102-175, eff. 7-29-21; 102-483, eff. 1-1-22;  
22 102-558, eff. 8-20-21; 102-600, eff. 8-27-21; 102-662, eff.  
23 9-15-21; 102-721, eff. 1-1-23; 102-813, eff. 5-13-22;  
24 102-1116, eff. 1-10-23; 103-8, eff. 6-7-23; 103-103, eff.  
25 6-27-23; 103-570, eff. 1-1-24; 103-580, eff. 12-8-23; revised  
26 1-2-24.)

1 (30 ILCS 500/10-20)

2 Sec. 10-20. Independent chief procurement officers.

3 (a) Appointment. Within 60 calendar days after July 1,  
4 2010 (the effective date of Public Act 96-795) ~~this amendatory~~  
5 ~~Act of the 96th General Assembly,~~ the Executive Ethics  
6 Commission, with the advice and consent of the Senate shall  
7 appoint or approve 4 chief procurement officers, one for each  
8 of the following categories:

9 (1) for procurements for construction and  
10 construction-related services committed by law to the  
11 jurisdiction or responsibility of the Capital Development  
12 Board;

13 (2) for procurements for all construction,  
14 construction-related services, operation of any facility,  
15 and the provision of any service or activity committed by  
16 law to the jurisdiction or responsibility of the Illinois  
17 Department of Transportation, including the direct or  
18 reimbursable expenditure of all federal funds for which  
19 the Department of Transportation is responsible or  
20 accountable for the use thereof in accordance with federal  
21 law, regulation, or procedure, the chief procurement  
22 officer recommended for approval under this item appointed  
23 by the Secretary of Transportation after consent by the  
24 Executive Ethics Commission;

25 (3) for all procurements made by a public institution

1 of higher education; and

2 (4) for all other procurement needs of State agencies.

3 For fiscal year 2024, the Executive Ethics Commission  
4 shall set aside from its appropriation those amounts necessary  
5 for the use of the 4 chief procurement officers for the  
6 ordinary and contingent expenses of their respective  
7 procurement offices. From the amounts set aside by the  
8 Commission, each chief procurement officer shall control the  
9 internal operations of his or her procurement office and shall  
10 procure the necessary equipment, materials, and services to  
11 perform the duties of that office, including hiring necessary  
12 procurement personnel, legal advisors, and other employees,  
13 and may establish, in the exercise of the chief procurement  
14 officer's discretion, the compensation of the office's  
15 employees, which includes the State purchasing officers and  
16 any legal advisors. The Executive Ethics Commission shall have  
17 no control over the employees of the chief procurement  
18 officers. The Executive Ethics Commission shall provide  
19 administrative support services, including payroll, for each  
20 procurement office.

21 (b) Terms and independence. Each chief procurement officer  
22 appointed under this Section shall serve for a term of 5 years  
23 beginning on the date of the officer's appointment. The chief  
24 procurement officer may be removed for cause after a hearing  
25 by the Executive Ethics Commission. The Governor or the  
26 director of a State agency directly responsible to the

1 Governor may institute a complaint against the officer by  
2 filing such complaint with the Commission. The Commission  
3 shall have a hearing based on the complaint. The officer and  
4 the complainant shall receive reasonable notice of the hearing  
5 and shall be permitted to present their respective arguments  
6 on the complaint. After the hearing, the Commission shall make  
7 a finding on the complaint and may take disciplinary action,  
8 including but not limited to removal of the officer.

9 The salary of a chief procurement officer shall be  
10 established by the Executive Ethics Commission and may not be  
11 diminished during the officer's term. The salary may not  
12 exceed the salary of the director of a State agency for which  
13 the officer serves as chief procurement officer.

14 (c) Qualifications. In addition to any other requirement  
15 or qualification required by State law, each chief procurement  
16 officer must within 12 months of employment be a Certified  
17 Professional Public Buyer or a Certified Public Purchasing  
18 Officer, pursuant to certification by the Universal Public  
19 Purchasing Certification Council, and must reside in Illinois.

20 (d) Fiduciary duty. Each chief procurement officer owes a  
21 fiduciary duty to the State.

22 (e) Vacancy. In case of a vacancy in one or more of the  
23 offices of a chief procurement officer under this Section  
24 during the recess of the Senate, the Executive Ethics  
25 Commission shall make a temporary appointment until the next  
26 meeting of the Senate, when the Executive Ethics Commission

1 shall nominate some person to fill the office, and any person  
2 so nominated who is confirmed by the Senate shall hold office  
3 during the remainder of the term and until his or her successor  
4 is appointed and qualified. If the Senate is not in session at  
5 the time Public Act 96-920 ~~this amendatory Act of the 96th~~  
6 ~~General Assembly~~ takes effect, the Executive Ethics Commission  
7 shall make a temporary appointment as in the case of a vacancy.

8 (f) (Blank).

9 (g) (Blank).

10 (Source: P.A. 103-8, eff. 6-7-23; revised 9-26-23.)

11 Section 165. The Illinois Works Jobs Program Act is  
12 amended by changing Section 20-15 as follows:

13 (30 ILCS 559/20-15)

14 Sec. 20-15. Illinois Works Preapprenticeship Program;  
15 Illinois Works Bid Credit Program.

16 (a) The Illinois Works Preapprenticeship Program is  
17 established and shall be administered by the Department. The  
18 goal of the Illinois Works Preapprenticeship Program is to  
19 create a network of community-based organizations throughout  
20 the State that will recruit, prescreen, and provide  
21 preapprenticeship skills training, for which participants may  
22 attend free of charge and receive a stipend, to create a  
23 qualified, diverse pipeline of workers who are prepared for  
24 careers in the construction and building trades. Upon

1 completion of the Illinois Works Preapprenticeship Program,  
2 the candidates will be skilled and work-ready.

3 (b) There is created the Illinois Works Fund, a special  
4 fund in the State treasury. The Illinois Works Fund shall be  
5 administered by the Department. The Illinois Works Fund shall  
6 be used to provide funding for community-based organizations  
7 throughout the State. In addition to any other transfers that  
8 may be provided for by law, on and after July 1, 2019 at the  
9 direction of the Director of the Governor's Office of  
10 Management and Budget, the State Comptroller shall direct and  
11 the State Treasurer shall transfer amounts not exceeding a  
12 total of \$50,000,000 from the Rebuild Illinois Projects Fund  
13 to the Illinois Works Fund.

14 (c) Each community-based organization that receives  
15 funding from the Illinois Works Fund shall provide an annual  
16 report to the Illinois Works Review Panel by April 1 of each  
17 calendar year. The annual report shall include the following  
18 information:

19 (1) a description of the community-based  
20 organization's recruitment, screening, and training  
21 efforts;

22 (2) the number of individuals who apply to,  
23 participate in, and complete the community-based  
24 organization's program, broken down by race, gender, age,  
25 and veteran status; and

26 (3) the number of the individuals referenced in item (2)



1 of this subsection who are initially accepted and placed  
2 into apprenticeship programs in the construction and  
3 building trades.

4 (d) The Department shall create and administer the  
5 Illinois Works Bid Credit Program that shall provide economic  
6 incentives, through bid credits, to encourage contractors and  
7 subcontractors to provide contracting and employment  
8 opportunities to historically underrepresented populations in  
9 the construction industry.

10 The Illinois Works Bid Credit Program shall allow  
11 contractors and subcontractors to earn bid credits for use  
12 toward future bids for public works projects contracted by the  
13 State or an agency of the State in order to increase the  
14 chances that the contractor and the subcontractors will be  
15 selected.

16 Contractors or subcontractors may be eligible to earn bid  
17 credits for employing apprentices who have completed the  
18 Illinois Works Preapprenticeship Program. Contractors or  
19 subcontractors shall earn bid credits at a rate established by  
20 the Department and based on labor hours worked by apprentices  
21 who have completed the Illinois Works Preapprenticeship  
22 Program. In order to earn bid credits, contractors and  
23 subcontractors shall provide the Department with certified  
24 payroll documenting the hours performed by apprentices who  
25 have completed the Illinois Works Preapprenticeship Program.  
26 Contractors and subcontractors can use bid credits toward

1 future bids for public works projects contracted or funded by  
2 the State or an agency of the State in order to increase the  
3 likelihood of being selected as the contractor for the public  
4 works project toward which they have applied the bid credit.  
5 The Department shall establish the rate by rule and shall  
6 publish it on the Department's website. The rule may include  
7 maximum bid credits allowed per contractor, per subcontractor,  
8 per apprentice, per bid, or per year.

9 The Illinois Works Credit Bank is hereby created and shall  
10 be administered by the Department. The Illinois Works Credit  
11 Bank shall track the bid credits.

12 A contractor or subcontractor who has been awarded bid  
13 credits under any other State program for employing  
14 apprentices who have completed the Illinois Works  
15 Preapprenticeship Program is not eligible to receive bid  
16 credits under the Illinois Works Bid Credit Program relating  
17 to the same contract.

18 The Department shall report to the Illinois Works Review  
19 Panel the following: (i) the number of bid credits awarded by  
20 the Department; (ii) the number of bid credits submitted by  
21 the contractor or subcontractor to the agency administering  
22 the public works contract; and (iii) the number of bid credits  
23 accepted by the agency for such contract. Any agency that  
24 awards bid credits pursuant to the Illinois Works Credit Bank  
25 Program shall report to the Department the number of bid  
26 credits it accepted for the public works contract.

1           Upon a finding that a contractor or subcontractor has  
2 reported falsified records to the Department in order to  
3 fraudulently obtain bid credits, the Department may bar the  
4 contractor or subcontractor from participating in the Illinois  
5 Works Bid Credit Program and may suspend the contractor or  
6 subcontractor from bidding on or participating in any public  
7 works project. False or fraudulent claims for payment relating  
8 to false bid credits may be subject to damages and penalties  
9 under applicable law.

10           (e) The Department shall adopt any rules deemed necessary  
11 to implement this Section. In order to provide for the  
12 expeditious and timely implementation of this Act, the  
13 Department may adopt emergency rules. The adoption of  
14 emergency rules authorized by this subsection is deemed to be  
15 necessary for the public interest, safety, and welfare.

16           (Source: P.A. 103-8, eff. 6-7-23; 103-305, eff. 7-28-23;  
17 revised 9-6-23.)

18           Section 170. The Build Illinois Act is amended by changing  
19 Section 10-6 as follows:

20           (30 ILCS 750/10-6) (from Ch. 127, par. 2710-6)

21           Sec. 10-6. Large Business Attraction Fund.

22           (a) There is created the Large Business Attraction Fund to  
23 be held as part of the State Treasury. The Department is  
24 authorized to make loans from the Fund for the purposes

1 established under this Article. The State Treasurer shall have  
2 custody of the Fund and may invest in securities constituting  
3 direct obligations of the United States Government, in  
4 obligations the principal of and interest on which are  
5 guaranteed by the United States Government, or in certificates  
6 of deposit of any State or national bank that are fully secured  
7 by obligations guaranteed as to principal and interest by the  
8 United States Government. The purpose of the Fund is to offer  
9 loans to finance large firms considering the location of a  
10 proposed plant in the State and to provide financing to carry  
11 out the purposes and provisions of paragraph (h) of Section  
12 10-3. Financing shall be in the form of a loan, mortgage, or  
13 other debt instrument. All loans shall be conditioned on the  
14 project receiving financing from participating lenders or  
15 other sources. Loan proceeds shall be available for project  
16 costs associated with an expansion of business capacity and  
17 employment, except for debt refinancing. Targeted companies  
18 for the program shall primarily consist of established  
19 industrial and service companies with proven records of  
20 earnings that will sell their product to markets beyond  
21 Illinois and have proven multistate location options. New  
22 ventures shall be considered only if the entity is protected  
23 with adequate security with regard to its financing and  
24 operation. The limitations and conditions with respect to the  
25 use of this Fund shall not apply in carrying out the purposes  
26 and provisions of paragraph (h) of Section 10-3.

1           (b) Deposits into the Fund shall include, but are not  
2 limited to:

3           (1) Any appropriations, grants, or gifts made to the  
4 Fund.

5           (2) Any income received from interest on investments  
6 of amounts from the Fund not currently needed to meet the  
7 obligations of the Fund.

8           (c) The State Comptroller and the State Treasurer shall  
9 from time to time, upon the written direction of the Governor,  
10 transfer from the Fund to the General Revenue Fund or the  
11 Budget Stabilization Fund, those amounts that the Governor  
12 determines are in excess of the amounts required to meet the  
13 obligations of the Fund. Any amounts transferred to the Budget  
14 Stabilization Fund may be transferred back to the Large  
15 Business Attraction Fund by the State Comptroller and the  
16 State Treasurer, upon the written direction of the Governor.

17           (d) Notwithstanding subsection (a) of this Section, the  
18 Large Business Attraction Fund may be used for the purposes  
19 established under the Invest in Illinois Act, including for  
20 awards, grants, loans, contracts, and administrative expenses.  
21 (Source: P.A. 102-1115, eff. 1-9-23; 102-1125, eff. 2-3-23;  
22 revised 2-23-23.)

23           Section 175. The State Mandates Act is amended by changing  
24 Sections 8.46 and 8.47 as follows:

1 (30 ILCS 805/8.46)

2 Sec. 8.46. Exempt mandate.

3 (a) Notwithstanding Sections 6 and 8 of this Act, no  
4 reimbursement by the State is required for the implementation  
5 of any mandate created by 102-707, 102-764, 102-806, 102-811,  
6 102-836, 102-856, 102-857, 102-884, 102-943, 102-1061,  
7 102-1064, 102-1088, or 102-1131 ~~this amendatory Act of the~~  
8 ~~102nd General Assembly.~~

9 (b) Notwithstanding Sections 6 and 8 of this Act, no  
10 reimbursement by the State is required for the implementation  
11 of any mandate created by the Decennial Committees on Local  
12 Government Efficiency Act.

13 (Source: P.A. 102-707, eff. 4-22-22; 102-764, eff. 5-13-22;  
14 102-806, eff. 5-13-22; 102-811, eff. 1-1-23; 102-836, eff.  
15 5-13-22; 102-856, eff. 1-1-23; 102-857, eff. 5-13-22; 102-884,  
16 eff. 5-13-22; 102-943, eff. 1-1-23; 102-1061, eff. 6-10-22;  
17 102-1064, eff. 6-10-22; 102-1088, eff. 6-10-22; 102-1131, eff.  
18 6-1-23; revised 9-19-23.)

19 (30 ILCS 805/8.47)

20 Sec. 8.47. Exempt mandate.

21 (a) Notwithstanding Sections 6 and 8 of this Act, no  
22 reimbursement by the State is required for the implementation  
23 of any mandate created by Public Act 103-2, 103-110, 103-409,  
24 103-455, 103-529, 103-552, 103-553, 103-579, or 103-582 ~~this~~  
25 ~~amendatory Act of the 103rd General Assembly.~~

1       **(b)** Notwithstanding Sections 6 and 8 of this Act, no  
2 reimbursement by the State is required for the implementation  
3 of any mandate created by the Decennial Committees on Local  
4 Government Efficiency Act.

5       **(c)** Notwithstanding Sections 6 and 8 of this Act, no  
6 reimbursement by the State is required for the implementation  
7 of the mandate created by Section 2.10a of the Regional  
8 Transportation Authority Act in Public Act 103-281 ~~this~~  
9 ~~amendatory Act of the 103rd General Assembly.~~

10 (Source: P.A. 102-1136, eff. 2-10-23; 103-2, eff. 5-10-23;  
11 103-110, eff. 6-29-23; 103-281, eff. 1-1-24; 103-409, eff.  
12 1-1-24; 103-455, eff. 1-1-24; 103-529, eff. 8-11-23; 103-552,  
13 eff. 8-11-23; 103-553, eff. 8-11-23; 103-579, eff. 12-8-23;  
14 103-582, eff. 12-8-23; revised 1-2-24.)

15       Section 180. The Illinois Income Tax Act is amended by  
16 changing Sections 201, 203, 228, and 237 as follows:

17       (35 ILCS 5/201)

18       Sec. 201. Tax imposed.

19       (a) In general. A tax measured by net income is hereby  
20 imposed on every individual, corporation, trust and estate for  
21 each taxable year ending after July 31, 1969 on the privilege  
22 of earning or receiving income in or as a resident of this  
23 State. Such tax shall be in addition to all other occupation or  
24 privilege taxes imposed by this State or by any municipal

1 corporation or political subdivision thereof.

2 (b) Rates. The tax imposed by subsection (a) of this  
3 Section shall be determined as follows, except as adjusted by  
4 subsection (d-1):

5 (1) In the case of an individual, trust or estate, for  
6 taxable years ending prior to July 1, 1989, an amount  
7 equal to 2 1/2% of the taxpayer's net income for the  
8 taxable year.

9 (2) In the case of an individual, trust or estate, for  
10 taxable years beginning prior to July 1, 1989 and ending  
11 after June 30, 1989, an amount equal to the sum of (i) 2  
12 1/2% of the taxpayer's net income for the period prior to  
13 July 1, 1989, as calculated under Section 202.3, and (ii)  
14 3% of the taxpayer's net income for the period after June  
15 30, 1989, as calculated under Section 202.3.

16 (3) In the case of an individual, trust or estate, for  
17 taxable years beginning after June 30, 1989, and ending  
18 prior to January 1, 2011, an amount equal to 3% of the  
19 taxpayer's net income for the taxable year.

20 (4) In the case of an individual, trust, or estate,  
21 for taxable years beginning prior to January 1, 2011, and  
22 ending after December 31, 2010, an amount equal to the sum  
23 of (i) 3% of the taxpayer's net income for the period prior  
24 to January 1, 2011, as calculated under Section 202.5, and  
25 (ii) 5% of the taxpayer's net income for the period after  
26 December 31, 2010, as calculated under Section 202.5.



1           (5) In the case of an individual, trust, or estate,  
2           for taxable years beginning on or after January 1, 2011,  
3           and ending prior to January 1, 2015, an amount equal to 5%  
4           of the taxpayer's net income for the taxable year.

5           (5.1) In the case of an individual, trust, or estate,  
6           for taxable years beginning prior to January 1, 2015, and  
7           ending after December 31, 2014, an amount equal to the sum  
8           of (i) 5% of the taxpayer's net income for the period prior  
9           to January 1, 2015, as calculated under Section 202.5, and  
10          (ii) 3.75% of the taxpayer's net income for the period  
11          after December 31, 2014, as calculated under Section  
12          202.5.

13          (5.2) In the case of an individual, trust, or estate,  
14          for taxable years beginning on or after January 1, 2015,  
15          and ending prior to July 1, 2017, an amount equal to 3.75%  
16          of the taxpayer's net income for the taxable year.

17          (5.3) In the case of an individual, trust, or estate,  
18          for taxable years beginning prior to July 1, 2017, and  
19          ending after June 30, 2017, an amount equal to the sum of  
20          (i) 3.75% of the taxpayer's net income for the period  
21          prior to July 1, 2017, as calculated under Section 202.5,  
22          and (ii) 4.95% of the taxpayer's net income for the period  
23          after June 30, 2017, as calculated under Section 202.5.

24          (5.4) In the case of an individual, trust, or estate,  
25          for taxable years beginning on or after July 1, 2017, an  
26          amount equal to 4.95% of the taxpayer's net income for the

1 taxable year.

2 (6) In the case of a corporation, for taxable years  
3 ending prior to July 1, 1989, an amount equal to 4% of the  
4 taxpayer's net income for the taxable year.

5 (7) In the case of a corporation, for taxable years  
6 beginning prior to July 1, 1989 and ending after June 30,  
7 1989, an amount equal to the sum of (i) 4% of the  
8 taxpayer's net income for the period prior to July 1,  
9 1989, as calculated under Section 202.3, and (ii) 4.8% of  
10 the taxpayer's net income for the period after June 30,  
11 1989, as calculated under Section 202.3.

12 (8) In the case of a corporation, for taxable years  
13 beginning after June 30, 1989, and ending prior to January  
14 1, 2011, an amount equal to 4.8% of the taxpayer's net  
15 income for the taxable year.

16 (9) In the case of a corporation, for taxable years  
17 beginning prior to January 1, 2011, and ending after  
18 December 31, 2010, an amount equal to the sum of (i) 4.8%  
19 of the taxpayer's net income for the period prior to  
20 January 1, 2011, as calculated under Section 202.5, and  
21 (ii) 7% of the taxpayer's net income for the period after  
22 December 31, 2010, as calculated under Section 202.5.

23 (10) In the case of a corporation, for taxable years  
24 beginning on or after January 1, 2011, and ending prior to  
25 January 1, 2015, an amount equal to 7% of the taxpayer's  
26 net income for the taxable year.

1           (11) In the case of a corporation, for taxable years  
2 beginning prior to January 1, 2015, and ending after  
3 December 31, 2014, an amount equal to the sum of (i) 7% of  
4 the taxpayer's net income for the period prior to January  
5 1, 2015, as calculated under Section 202.5, and (ii) 5.25%  
6 of the taxpayer's net income for the period after December  
7 31, 2014, as calculated under Section 202.5.

8           (12) In the case of a corporation, for taxable years  
9 beginning on or after January 1, 2015, and ending prior to  
10 July 1, 2017, an amount equal to 5.25% of the taxpayer's  
11 net income for the taxable year.

12           (13) In the case of a corporation, for taxable years  
13 beginning prior to July 1, 2017, and ending after June 30,  
14 2017, an amount equal to the sum of (i) 5.25% of the  
15 taxpayer's net income for the period prior to July 1,  
16 2017, as calculated under Section 202.5, and (ii) 7% of  
17 the taxpayer's net income for the period after June 30,  
18 2017, as calculated under Section 202.5.

19           (14) In the case of a corporation, for taxable years  
20 beginning on or after July 1, 2017, an amount equal to 7%  
21 of the taxpayer's net income for the taxable year.

22           The rates under this subsection (b) are subject to the  
23 provisions of Section 201.5.

24           (b-5) Surcharge; sale or exchange of assets, properties,  
25 and intangibles of organization gaming licensees. For each of  
26 taxable years 2019 through 2027, a surcharge is imposed on all

1 taxpayers on income arising from the sale or exchange of  
2 capital assets, depreciable business property, real property  
3 used in the trade or business, and Section 197 intangibles (i)  
4 of an organization licensee under the Illinois Horse Racing  
5 Act of 1975 and (ii) of an organization gaming licensee under  
6 the Illinois Gambling Act. The amount of the surcharge is  
7 equal to the amount of federal income tax liability for the  
8 taxable year attributable to those sales and exchanges. The  
9 surcharge imposed shall not apply if:

10 (1) the organization gaming license, organization  
11 license, or racetrack property is transferred as a result  
12 of any of the following:

13 (A) bankruptcy, a receivership, or a debt  
14 adjustment initiated by or against the initial  
15 licensee or the substantial owners of the initial  
16 licensee;

17 (B) cancellation, revocation, or termination of  
18 any such license by the Illinois Gaming Board or the  
19 Illinois Racing Board;

20 (C) a determination by the Illinois Gaming Board  
21 that transfer of the license is in the best interests  
22 of Illinois gaming;

23 (D) the death of an owner of the equity interest in  
24 a licensee;

25 (E) the acquisition of a controlling interest in  
26 the stock or substantially all of the assets of a

1 publicly traded company;

2 (F) a transfer by a parent company to a wholly  
3 owned subsidiary; or

4 (G) the transfer or sale to or by one person to  
5 another person where both persons were initial owners  
6 of the license when the license was issued; or

7 (2) the controlling interest in the organization  
8 gaming license, organization license, or racetrack  
9 property is transferred in a transaction to lineal  
10 descendants in which no gain or loss is recognized or as a  
11 result of a transaction in accordance with Section 351 of  
12 the Internal Revenue Code in which no gain or loss is  
13 recognized; or

14 (3) live horse racing was not conducted in 2010 at a  
15 racetrack located within 3 miles of the Mississippi River  
16 under a license issued pursuant to the Illinois Horse  
17 Racing Act of 1975.

18 The transfer of an organization gaming license,  
19 organization license, or racetrack property by a person other  
20 than the initial licensee to receive the organization gaming  
21 license is not subject to a surcharge. The Department shall  
22 adopt rules necessary to implement and administer this  
23 subsection.

24 (c) Personal Property Tax Replacement Income Tax.  
25 Beginning on July 1, 1979 and thereafter, in addition to such  
26 income tax, there is also hereby imposed the Personal Property

1 Tax Replacement Income Tax measured by net income on every  
2 corporation (including Subchapter S corporations), partnership  
3 and trust, for each taxable year ending after June 30, 1979.  
4 Such taxes are imposed on the privilege of earning or  
5 receiving income in or as a resident of this State. The  
6 Personal Property Tax Replacement Income Tax shall be in  
7 addition to the income tax imposed by subsections (a) and (b)  
8 of this Section and in addition to all other occupation or  
9 privilege taxes imposed by this State or by any municipal  
10 corporation or political subdivision thereof.

11 (d) Additional Personal Property Tax Replacement Income  
12 Tax Rates. The personal property tax replacement income tax  
13 imposed by this subsection and subsection (c) of this Section  
14 in the case of a corporation, other than a Subchapter S  
15 corporation and except as adjusted by subsection (d-1), shall  
16 be an additional amount equal to 2.85% of such taxpayer's net  
17 income for the taxable year, except that beginning on January  
18 1, 1981, and thereafter, the rate of 2.85% specified in this  
19 subsection shall be reduced to 2.5%, and in the case of a  
20 partnership, trust or a Subchapter S corporation shall be an  
21 additional amount equal to 1.5% of such taxpayer's net income  
22 for the taxable year.

23 (d-1) Rate reduction for certain foreign insurers. In the  
24 case of a foreign insurer, as defined by Section 35A-5 of the  
25 Illinois Insurance Code, whose state or country of domicile  
26 imposes on insurers domiciled in Illinois a retaliatory tax

1 (excluding any insurer whose premiums from reinsurance assumed  
2 are 50% or more of its total insurance premiums as determined  
3 under paragraph (2) of subsection (b) of Section 304, except  
4 that for purposes of this determination premiums from  
5 reinsurance do not include premiums from inter-affiliate  
6 reinsurance arrangements), beginning with taxable years ending  
7 on or after December 31, 1999, the sum of the rates of tax  
8 imposed by subsections (b) and (d) shall be reduced (but not  
9 increased) to the rate at which the total amount of tax imposed  
10 under this Act, net of all credits allowed under this Act,  
11 shall equal (i) the total amount of tax that would be imposed  
12 on the foreign insurer's net income allocable to Illinois for  
13 the taxable year by such foreign insurer's state or country of  
14 domicile if that net income were subject to all income taxes  
15 and taxes measured by net income imposed by such foreign  
16 insurer's state or country of domicile, net of all credits  
17 allowed or (ii) a rate of zero if no such tax is imposed on  
18 such income by the foreign insurer's state of domicile. For  
19 the purposes of this subsection (d-1), an inter-affiliate  
20 includes a mutual insurer under common management.

21 (1) For the purposes of subsection (d-1), in no event  
22 shall the sum of the rates of tax imposed by subsections  
23 (b) and (d) be reduced below the rate at which the sum of:

24 (A) the total amount of tax imposed on such  
25 foreign insurer under this Act for a taxable year, net  
26 of all credits allowed under this Act, plus

1           (B) the privilege tax imposed by Section 409 of  
2           the Illinois Insurance Code, the fire insurance  
3           company tax imposed by Section 12 of the Fire  
4           Investigation Act, and the fire department taxes  
5           imposed under Section 11-10-1 of the Illinois  
6           Municipal Code,  
7           equals 1.25% for taxable years ending prior to December  
8           31, 2003, or 1.75% for taxable years ending on or after  
9           December 31, 2003, of the net taxable premiums written for  
10          the taxable year, as described by subsection (1) of  
11          Section 409 of the Illinois Insurance Code. This paragraph  
12          will in no event increase the rates imposed under  
13          subsections (b) and (d).

14          (2) Any reduction in the rates of tax imposed by this  
15          subsection shall be applied first against the rates  
16          imposed by subsection (b) and only after the tax imposed  
17          by subsection (a) net of all credits allowed under this  
18          Section other than the credit allowed under subsection (i)  
19          has been reduced to zero, against the rates imposed by  
20          subsection (d).

21          This subsection (d-1) is exempt from the provisions of  
22          Section 250.

23          (e) Investment credit. A taxpayer shall be allowed a  
24          credit against the Personal Property Tax Replacement Income  
25          Tax for investment in qualified property.

26          (1) A taxpayer shall be allowed a credit equal to .5%



1 of the basis of qualified property placed in service  
2 during the taxable year, provided such property is placed  
3 in service on or after July 1, 1984. There shall be allowed  
4 an additional credit equal to .5% of the basis of  
5 qualified property placed in service during the taxable  
6 year, provided such property is placed in service on or  
7 after July 1, 1986, and the taxpayer's base employment  
8 within Illinois has increased by 1% or more over the  
9 preceding year as determined by the taxpayer's employment  
10 records filed with the Illinois Department of Employment  
11 Security. Taxpayers who are new to Illinois shall be  
12 deemed to have met the 1% growth in base employment for the  
13 first year in which they file employment records with the  
14 Illinois Department of Employment Security. The provisions  
15 added to this Section by Public Act 85-1200 (and restored  
16 by Public Act 87-895) shall be construed as declaratory of  
17 existing law and not as a new enactment. If, in any year,  
18 the increase in base employment within Illinois over the  
19 preceding year is less than 1%, the additional credit  
20 shall be limited to that percentage times a fraction, the  
21 numerator of which is .5% and the denominator of which is  
22 1%, but shall not exceed .5%. The investment credit shall  
23 not be allowed to the extent that it would reduce a  
24 taxpayer's liability in any tax year below zero, nor may  
25 any credit for qualified property be allowed for any year  
26 other than the year in which the property was placed in

1 service in Illinois. For tax years ending on or after  
2 December 31, 1987, and on or before December 31, 1988, the  
3 credit shall be allowed for the tax year in which the  
4 property is placed in service, or, if the amount of the  
5 credit exceeds the tax liability for that year, whether it  
6 exceeds the original liability or the liability as later  
7 amended, such excess may be carried forward and applied to  
8 the tax liability of the 5 taxable years following the  
9 excess credit years if the taxpayer (i) makes investments  
10 which cause the creation of a minimum of 2,000 full-time  
11 equivalent jobs in Illinois, (ii) is located in an  
12 enterprise zone established pursuant to the Illinois  
13 Enterprise Zone Act and (iii) is certified by the  
14 Department of Commerce and Community Affairs (now  
15 Department of Commerce and Economic Opportunity) as  
16 complying with the requirements specified in clause (i)  
17 and (ii) by July 1, 1986. The Department of Commerce and  
18 Community Affairs (now Department of Commerce and Economic  
19 Opportunity) shall notify the Department of Revenue of all  
20 such certifications immediately. For tax years ending  
21 after December 31, 1988, the credit shall be allowed for  
22 the tax year in which the property is placed in service,  
23 or, if the amount of the credit exceeds the tax liability  
24 for that year, whether it exceeds the original liability  
25 or the liability as later amended, such excess may be  
26 carried forward and applied to the tax liability of the 5

1 taxable years following the excess credit years. The  
2 credit shall be applied to the earliest year for which  
3 there is a liability. If there is credit from more than one  
4 tax year that is available to offset a liability, earlier  
5 credit shall be applied first.

6 (2) The term "qualified property" means property  
7 which:

8 (A) is tangible, whether new or used, including  
9 buildings and structural components of buildings and  
10 signs that are real property, but not including land  
11 or improvements to real property that are not a  
12 structural component of a building such as  
13 landscaping, sewer lines, local access roads, fencing,  
14 parking lots, and other appurtenances;

15 (B) is depreciable pursuant to Section 167 of the  
16 Internal Revenue Code, except that "3-year property"  
17 as defined in Section 168(c)(2)(A) of that Code is not  
18 eligible for the credit provided by this subsection  
19 (e);

20 (C) is acquired by purchase as defined in Section  
21 179(d) of the Internal Revenue Code;

22 (D) is used in Illinois by a taxpayer who is  
23 primarily engaged in manufacturing, or in mining coal  
24 or fluorite, or in retailing, or was placed in service  
25 on or after July 1, 2006 in a River Edge Redevelopment  
26 Zone established pursuant to the River Edge

1           Redevelopment Zone Act; and

2                   (E) has not previously been used in Illinois in  
3           such a manner and by such a person as would qualify for  
4           the credit provided by this subsection (e) or  
5           subsection (f).

6           (3) For purposes of this subsection (e),  
7           "manufacturing" means the material staging and production  
8           of tangible personal property by procedures commonly  
9           regarded as manufacturing, processing, fabrication, or  
10          assembling which changes some existing material into new  
11          shapes, new qualities, or new combinations. For purposes  
12          of this subsection (e) the term "mining" shall have the  
13          same meaning as the term "mining" in Section 613(c) of the  
14          Internal Revenue Code. For purposes of this subsection  
15          (e), the term "retailing" means the sale of tangible  
16          personal property for use or consumption and not for  
17          resale, or services rendered in conjunction with the sale  
18          of tangible personal property for use or consumption and  
19          not for resale. For purposes of this subsection (e),  
20          "tangible personal property" has the same meaning as when  
21          that term is used in the Retailers' Occupation Tax Act,  
22          and, for taxable years ending after December 31, 2008,  
23          does not include the generation, transmission, or  
24          distribution of electricity.

25          (4) The basis of qualified property shall be the basis  
26          used to compute the depreciation deduction for federal

1 income tax purposes.

2 (5) If the basis of the property for federal income  
3 tax depreciation purposes is increased after it has been  
4 placed in service in Illinois by the taxpayer, the amount  
5 of such increase shall be deemed property placed in  
6 service on the date of such increase in basis.

7 (6) The term "placed in service" shall have the same  
8 meaning as under Section 46 of the Internal Revenue Code.

9 (7) If during any taxable year, any property ceases to  
10 be qualified property in the hands of the taxpayer within  
11 48 months after being placed in service, or the situs of  
12 any qualified property is moved outside Illinois within 48  
13 months after being placed in service, the Personal  
14 Property Tax Replacement Income Tax for such taxable year  
15 shall be increased. Such increase shall be determined by  
16 (i) recomputing the investment credit which would have  
17 been allowed for the year in which credit for such  
18 property was originally allowed by eliminating such  
19 property from such computation and, (ii) subtracting such  
20 recomputed credit from the amount of credit previously  
21 allowed. For the purposes of this paragraph (7), a  
22 reduction of the basis of qualified property resulting  
23 from a redetermination of the purchase price shall be  
24 deemed a disposition of qualified property to the extent  
25 of such reduction.

26 (8) Unless the investment credit is extended by law,

1 the basis of qualified property shall not include costs  
2 incurred after December 31, 2018, except for costs  
3 incurred pursuant to a binding contract entered into on or  
4 before December 31, 2018.

5 (9) Each taxable year ending before December 31, 2000,  
6 a partnership may elect to pass through to its partners  
7 the credits to which the partnership is entitled under  
8 this subsection (e) for the taxable year. A partner may  
9 use the credit allocated to him or her under this  
10 paragraph only against the tax imposed in subsections (c)  
11 and (d) of this Section. If the partnership makes that  
12 election, those credits shall be allocated among the  
13 partners in the partnership in accordance with the rules  
14 set forth in Section 704(b) of the Internal Revenue Code,  
15 and the rules promulgated under that Section, and the  
16 allocated amount of the credits shall be allowed to the  
17 partners for that taxable year. The partnership shall make  
18 this election on its Personal Property Tax Replacement  
19 Income Tax return for that taxable year. The election to  
20 pass through the credits shall be irrevocable.

21 For taxable years ending on or after December 31,  
22 2000, a partner that qualifies its partnership for a  
23 subtraction under subparagraph (I) of paragraph (2) of  
24 subsection (d) of Section 203 or a shareholder that  
25 qualifies a Subchapter S corporation for a subtraction  
26 under subparagraph (S) of paragraph (2) of subsection (b)

1 of Section 203 shall be allowed a credit under this  
2 subsection (e) equal to its share of the credit earned  
3 under this subsection (e) during the taxable year by the  
4 partnership or Subchapter S corporation, determined in  
5 accordance with the determination of income and  
6 distributive share of income under Sections 702 and 704  
7 and Subchapter S of the Internal Revenue Code. This  
8 paragraph is exempt from the provisions of Section 250.

9 (f) Investment credit; Enterprise Zone; River Edge  
10 Redevelopment Zone.

11 (1) A taxpayer shall be allowed a credit against the  
12 tax imposed by subsections (a) and (b) of this Section for  
13 investment in qualified property which is placed in  
14 service in an Enterprise Zone created pursuant to the  
15 Illinois Enterprise Zone Act or, for property placed in  
16 service on or after July 1, 2006, a River Edge  
17 Redevelopment Zone established pursuant to the River Edge  
18 Redevelopment Zone Act. For partners, shareholders of  
19 Subchapter S corporations, and owners of limited liability  
20 companies, if the liability company is treated as a  
21 partnership for purposes of federal and State income  
22 taxation, for taxable years ending before December 31,  
23 2023, there shall be allowed a credit under this  
24 subsection (f) to be determined in accordance with the  
25 determination of income and distributive share of income  
26 under Sections 702 and 704 and Subchapter S of the

1 Internal Revenue Code. For taxable years ending on or  
2 after December 31, 2023, for partners and shareholders of  
3 Subchapter S corporations, the provisions of Section 251  
4 shall apply with respect to the credit under this  
5 subsection. The credit shall be .5% of the basis for such  
6 property. The credit shall be available only in the  
7 taxable year in which the property is placed in service in  
8 the Enterprise Zone or River Edge Redevelopment Zone and  
9 shall not be allowed to the extent that it would reduce a  
10 taxpayer's liability for the tax imposed by subsections  
11 (a) and (b) of this Section to below zero. For tax years  
12 ending on or after December 31, 1985, the credit shall be  
13 allowed for the tax year in which the property is placed in  
14 service, or, if the amount of the credit exceeds the tax  
15 liability for that year, whether it exceeds the original  
16 liability or the liability as later amended, such excess  
17 may be carried forward and applied to the tax liability of  
18 the 5 taxable years following the excess credit year. The  
19 credit shall be applied to the earliest year for which  
20 there is a liability. If there is credit from more than one  
21 tax year that is available to offset a liability, the  
22 credit accruing first in time shall be applied first.

23 (2) The term qualified property means property which:

24 (A) is tangible, whether new or used, including  
25 buildings and structural components of buildings;

26 (B) is depreciable pursuant to Section 167 of the



1 Internal Revenue Code, except that "3-year property"  
2 as defined in Section 168(c)(2)(A) of that Code is not  
3 eligible for the credit provided by this subsection  
4 (f);

5 (C) is acquired by purchase as defined in Section  
6 179(d) of the Internal Revenue Code;

7 (D) is used in the Enterprise Zone or River Edge  
8 Redevelopment Zone by the taxpayer; and

9 (E) has not been previously used in Illinois in  
10 such a manner and by such a person as would qualify for  
11 the credit provided by this subsection (f) or  
12 subsection (e).

13 (3) The basis of qualified property shall be the basis  
14 used to compute the depreciation deduction for federal  
15 income tax purposes.

16 (4) If the basis of the property for federal income  
17 tax depreciation purposes is increased after it has been  
18 placed in service in the Enterprise Zone or River Edge  
19 Redevelopment Zone by the taxpayer, the amount of such  
20 increase shall be deemed property placed in service on the  
21 date of such increase in basis.

22 (5) The term "placed in service" shall have the same  
23 meaning as under Section 46 of the Internal Revenue Code.

24 (6) If during any taxable year, any property ceases to  
25 be qualified property in the hands of the taxpayer within  
26 48 months after being placed in service, or the situs of

1 any qualified property is moved outside the Enterprise  
2 Zone or River Edge Redevelopment Zone within 48 months  
3 after being placed in service, the tax imposed under  
4 subsections (a) and (b) of this Section for such taxable  
5 year shall be increased. Such increase shall be determined  
6 by (i) recomputing the investment credit which would have  
7 been allowed for the year in which credit for such  
8 property was originally allowed by eliminating such  
9 property from such computation, and (ii) subtracting such  
10 recomputed credit from the amount of credit previously  
11 allowed. For the purposes of this paragraph (6), a  
12 reduction of the basis of qualified property resulting  
13 from a redetermination of the purchase price shall be  
14 deemed a disposition of qualified property to the extent  
15 of such reduction.

16 (7) There shall be allowed an additional credit equal  
17 to 0.5% of the basis of qualified property placed in  
18 service during the taxable year in a River Edge  
19 Redevelopment Zone, provided such property is placed in  
20 service on or after July 1, 2006, and the taxpayer's base  
21 employment within Illinois has increased by 1% or more  
22 over the preceding year as determined by the taxpayer's  
23 employment records filed with the Illinois Department of  
24 Employment Security. Taxpayers who are new to Illinois  
25 shall be deemed to have met the 1% growth in base  
26 employment for the first year in which they file

1 employment records with the Illinois Department of  
2 Employment Security. If, in any year, the increase in base  
3 employment within Illinois over the preceding year is less  
4 than 1%, the additional credit shall be limited to that  
5 percentage times a fraction, the numerator of which is  
6 0.5% and the denominator of which is 1%, but shall not  
7 exceed 0.5%.

8 (8) For taxable years beginning on or after January 1,  
9 2021, there shall be allowed an Enterprise Zone  
10 construction jobs credit against the taxes imposed under  
11 subsections (a) and (b) of this Section as provided in  
12 Section 13 of the Illinois Enterprise Zone Act.

13 The credit or credits may not reduce the taxpayer's  
14 liability to less than zero. If the amount of the credit or  
15 credits exceeds the taxpayer's liability, the excess may  
16 be carried forward and applied against the taxpayer's  
17 liability in succeeding calendar years in the same manner  
18 provided under paragraph (4) of Section 211 of this Act.  
19 The credit or credits shall be applied to the earliest  
20 year for which there is a tax liability. If there are  
21 credits from more than one taxable year that are available  
22 to offset a liability, the earlier credit shall be applied  
23 first.

24 For partners, shareholders of Subchapter S  
25 corporations, and owners of limited liability companies,  
26 if the liability company is treated as a partnership for

1 the purposes of federal and State income taxation, for  
2 taxable years ending before December 31, 2023, there shall  
3 be allowed a credit under this Section to be determined in  
4 accordance with the determination of income and  
5 distributive share of income under Sections 702 and 704  
6 and Subchapter S of the Internal Revenue Code. For taxable  
7 years ending on or after December 31, 2023, for partners  
8 and shareholders of Subchapter S corporations, the  
9 provisions of Section 251 shall apply with respect to the  
10 credit under this subsection.

11 The total aggregate amount of credits awarded under  
12 the Blue Collar Jobs Act (Article 20 of Public Act 101-9)  
13 shall not exceed \$20,000,000 in any State fiscal year.

14 This paragraph (8) is exempt from the provisions of  
15 Section 250.

16 (g) (Blank).

17 (h) Investment credit; High Impact Business.

18 (1) Subject to subsections (b) and (b-5) of Section  
19 5.5 of the Illinois Enterprise Zone Act, a taxpayer shall  
20 be allowed a credit against the tax imposed by subsections  
21 (a) and (b) of this Section for investment in qualified  
22 property which is placed in service by a Department of  
23 Commerce and Economic Opportunity designated High Impact  
24 Business. The credit shall be .5% of the basis for such  
25 property. The credit shall not be available (i) until the  
26 minimum investments in qualified property set forth in

1 subdivision (a)(3)(A) of Section 5.5 of the Illinois  
2 Enterprise Zone Act have been satisfied or (ii) until the  
3 time authorized in subsection (b-5) of the Illinois  
4 Enterprise Zone Act for entities designated as High Impact  
5 Businesses under subdivisions (a)(3)(B), (a)(3)(C), and  
6 (a)(3)(D) of Section 5.5 of the Illinois Enterprise Zone  
7 Act, and shall not be allowed to the extent that it would  
8 reduce a taxpayer's liability for the tax imposed by  
9 subsections (a) and (b) of this Section to below zero. The  
10 credit applicable to such investments shall be taken in  
11 the taxable year in which such investments have been  
12 completed. The credit for additional investments beyond  
13 the minimum investment by a designated high impact  
14 business authorized under subdivision (a)(3)(A) of Section  
15 5.5 of the Illinois Enterprise Zone Act shall be available  
16 only in the taxable year in which the property is placed in  
17 service and shall not be allowed to the extent that it  
18 would reduce a taxpayer's liability for the tax imposed by  
19 subsections (a) and (b) of this Section to below zero. For  
20 tax years ending on or after December 31, 1987, the credit  
21 shall be allowed for the tax year in which the property is  
22 placed in service, or, if the amount of the credit exceeds  
23 the tax liability for that year, whether it exceeds the  
24 original liability or the liability as later amended, such  
25 excess may be carried forward and applied to the tax  
26 liability of the 5 taxable years following the excess

1 credit year. The credit shall be applied to the earliest  
2 year for which there is a liability. If there is credit  
3 from more than one tax year that is available to offset a  
4 liability, the credit accruing first in time shall be  
5 applied first.

6 Changes made in this subdivision (h)(1) by Public Act  
7 88-670 restore changes made by Public Act 85-1182 and  
8 reflect existing law.

9 (2) The term qualified property means property which:

10 (A) is tangible, whether new or used, including  
11 buildings and structural components of buildings;

12 (B) is depreciable pursuant to Section 167 of the  
13 Internal Revenue Code, except that "3-year property"  
14 as defined in Section 168(c)(2)(A) of that Code is not  
15 eligible for the credit provided by this subsection  
16 (h);

17 (C) is acquired by purchase as defined in Section  
18 179(d) of the Internal Revenue Code; and

19 (D) is not eligible for the Enterprise Zone  
20 Investment Credit provided by subsection (f) of this  
21 Section.

22 (3) The basis of qualified property shall be the basis  
23 used to compute the depreciation deduction for federal  
24 income tax purposes.

25 (4) If the basis of the property for federal income  
26 tax depreciation purposes is increased after it has been

1 placed in service in a federally designated Foreign Trade  
2 Zone or Sub-Zone located in Illinois by the taxpayer, the  
3 amount of such increase shall be deemed property placed in  
4 service on the date of such increase in basis.

5 (5) The term "placed in service" shall have the same  
6 meaning as under Section 46 of the Internal Revenue Code.

7 (6) If during any taxable year ending on or before  
8 December 31, 1996, any property ceases to be qualified  
9 property in the hands of the taxpayer within 48 months  
10 after being placed in service, or the situs of any  
11 qualified property is moved outside Illinois within 48  
12 months after being placed in service, the tax imposed  
13 under subsections (a) and (b) of this Section for such  
14 taxable year shall be increased. Such increase shall be  
15 determined by (i) recomputing the investment credit which  
16 would have been allowed for the year in which credit for  
17 such property was originally allowed by eliminating such  
18 property from such computation, and (ii) subtracting such  
19 recomputed credit from the amount of credit previously  
20 allowed. For the purposes of this paragraph (6), a  
21 reduction of the basis of qualified property resulting  
22 from a redetermination of the purchase price shall be  
23 deemed a disposition of qualified property to the extent  
24 of such reduction.

25 (7) Beginning with tax years ending after December 31,  
26 1996, if a taxpayer qualifies for the credit under this

1 subsection (h) and thereby is granted a tax abatement and  
2 the taxpayer relocates its entire facility in violation of  
3 the explicit terms and length of the contract under  
4 Section 18-183 of the Property Tax Code, the tax imposed  
5 under subsections (a) and (b) of this Section shall be  
6 increased for the taxable year in which the taxpayer  
7 relocated its facility by an amount equal to the amount of  
8 credit received by the taxpayer under this subsection (h).

9 (h-5) High Impact Business construction jobs credit. For  
10 taxable years beginning on or after January 1, 2021, there  
11 shall also be allowed a High Impact Business construction jobs  
12 credit against the tax imposed under subsections (a) and (b)  
13 of this Section as provided in subsections (i) and (j) of  
14 Section 5.5 of the Illinois Enterprise Zone Act.

15 The credit or credits may not reduce the taxpayer's  
16 liability to less than zero. If the amount of the credit or  
17 credits exceeds the taxpayer's liability, the excess may be  
18 carried forward and applied against the taxpayer's liability  
19 in succeeding calendar years in the manner provided under  
20 paragraph (4) of Section 211 of this Act. The credit or credits  
21 shall be applied to the earliest year for which there is a tax  
22 liability. If there are credits from more than one taxable  
23 year that are available to offset a liability, the earlier  
24 credit shall be applied first.

25 For partners, shareholders of Subchapter S corporations,  
26 and owners of limited liability companies, for taxable years



1 ending before December 31, 2023, if the liability company is  
2 treated as a partnership for the purposes of federal and State  
3 income taxation, there shall be allowed a credit under this  
4 Section to be determined in accordance with the determination  
5 of income and distributive share of income under Sections 702  
6 and 704 and Subchapter S of the Internal Revenue Code. For  
7 taxable years ending on or after December 31, 2023, for  
8 partners and shareholders of Subchapter S corporations, the  
9 provisions of Section 251 shall apply with respect to the  
10 credit under this subsection.

11 The total aggregate amount of credits awarded under the  
12 Blue Collar Jobs Act (Article 20 of Public Act 101-9) shall not  
13 exceed \$20,000,000 in any State fiscal year.

14 This subsection (h-5) is exempt from the provisions of  
15 Section 250.

16 (i) Credit for Personal Property Tax Replacement Income  
17 Tax. For tax years ending prior to December 31, 2003, a credit  
18 shall be allowed against the tax imposed by subsections (a)  
19 and (b) of this Section for the tax imposed by subsections (c)  
20 and (d) of this Section. This credit shall be computed by  
21 multiplying the tax imposed by subsections (c) and (d) of this  
22 Section by a fraction, the numerator of which is base income  
23 allocable to Illinois and the denominator of which is Illinois  
24 base income, and further multiplying the product by the tax  
25 rate imposed by subsections (a) and (b) of this Section.

26 Any credit earned on or after December 31, 1986 under this

1 subsection which is unused in the year the credit is computed  
2 because it exceeds the tax liability imposed by subsections  
3 (a) and (b) for that year (whether it exceeds the original  
4 liability or the liability as later amended) may be carried  
5 forward and applied to the tax liability imposed by  
6 subsections (a) and (b) of the 5 taxable years following the  
7 excess credit year, provided that no credit may be carried  
8 forward to any year ending on or after December 31, 2003. This  
9 credit shall be applied first to the earliest year for which  
10 there is a liability. If there is a credit under this  
11 subsection from more than one tax year that is available to  
12 offset a liability the earliest credit arising under this  
13 subsection shall be applied first.

14 If, during any taxable year ending on or after December  
15 31, 1986, the tax imposed by subsections (c) and (d) of this  
16 Section for which a taxpayer has claimed a credit under this  
17 subsection (i) is reduced, the amount of credit for such tax  
18 shall also be reduced. Such reduction shall be determined by  
19 recomputing the credit to take into account the reduced tax  
20 imposed by subsections (c) and (d). If any portion of the  
21 reduced amount of credit has been carried to a different  
22 taxable year, an amended return shall be filed for such  
23 taxable year to reduce the amount of credit claimed.

24 (j) Training expense credit. Beginning with tax years  
25 ending on or after December 31, 1986 and prior to December 31,  
26 2003, a taxpayer shall be allowed a credit against the tax

1 imposed by subsections (a) and (b) under this Section for all  
2 amounts paid or accrued, on behalf of all persons employed by  
3 the taxpayer in Illinois or Illinois residents employed  
4 outside of Illinois by a taxpayer, for educational or  
5 vocational training in semi-technical or technical fields or  
6 semi-skilled or skilled fields, which were deducted from gross  
7 income in the computation of taxable income. The credit  
8 against the tax imposed by subsections (a) and (b) shall be  
9 1.6% of such training expenses. For partners, shareholders of  
10 subchapter S corporations, and owners of limited liability  
11 companies, if the liability company is treated as a  
12 partnership for purposes of federal and State income taxation,  
13 for taxable years ending before December 31, 2023, there shall  
14 be allowed a credit under this subsection (j) to be determined  
15 in accordance with the determination of income and  
16 distributive share of income under Sections 702 and 704 and  
17 subchapter S of the Internal Revenue Code. For taxable years  
18 ending on or after December 31, 2023, for partners and  
19 shareholders of Subchapter S corporations, the provisions of  
20 Section 251 shall apply with respect to the credit under this  
21 subsection.

22 Any credit allowed under this subsection which is unused  
23 in the year the credit is earned may be carried forward to each  
24 of the 5 taxable years following the year for which the credit  
25 is first computed until it is used. This credit shall be  
26 applied first to the earliest year for which there is a

1 liability. If there is a credit under this subsection from  
2 more than one tax year that is available to offset a liability,  
3 the earliest credit arising under this subsection shall be  
4 applied first. No carryforward credit may be claimed in any  
5 tax year ending on or after December 31, 2003.

6 (k) Research and development credit. For tax years ending  
7 after July 1, 1990 and prior to December 31, 2003, and  
8 beginning again for tax years ending on or after December 31,  
9 2004, and ending prior to January 1, 2027, a taxpayer shall be  
10 allowed a credit against the tax imposed by subsections (a)  
11 and (b) of this Section for increasing research activities in  
12 this State. The credit allowed against the tax imposed by  
13 subsections (a) and (b) shall be equal to 6 1/2% of the  
14 qualifying expenditures for increasing research activities in  
15 this State. For partners, shareholders of subchapter S  
16 corporations, and owners of limited liability companies, if  
17 the liability company is treated as a partnership for purposes  
18 of federal and State income taxation, for taxable years ending  
19 before December 31, 2023, there shall be allowed a credit  
20 under this subsection to be determined in accordance with the  
21 determination of income and distributive share of income under  
22 Sections 702 and 704 and subchapter S of the Internal Revenue  
23 Code. For taxable years ending on or after December 31, 2023,  
24 for partners and shareholders of Subchapter S corporations,  
25 the provisions of Section 251 shall apply with respect to the  
26 credit under this subsection.

1           For purposes of this subsection, "qualifying expenditures"  
2 means the qualifying expenditures as defined for the federal  
3 credit for increasing research activities which would be  
4 allowable under Section 41 of the Internal Revenue Code and  
5 which are conducted in this State, "qualifying expenditures  
6 for increasing research activities in this State" means the  
7 excess of qualifying expenditures for the taxable year in  
8 which incurred over qualifying expenditures for the base  
9 period, "qualifying expenditures for the base period" means  
10 the average of the qualifying expenditures for each year in  
11 the base period, and "base period" means the 3 taxable years  
12 immediately preceding the taxable year for which the  
13 determination is being made.

14           Any credit in excess of the tax liability for the taxable  
15 year may be carried forward. A taxpayer may elect to have the  
16 unused credit shown on its final completed return carried over  
17 as a credit against the tax liability for the following 5  
18 taxable years or until it has been fully used, whichever  
19 occurs first; provided that no credit earned in a tax year  
20 ending prior to December 31, 2003 may be carried forward to any  
21 year ending on or after December 31, 2003.

22           If an unused credit is carried forward to a given year from  
23 2 or more earlier years, that credit arising in the earliest  
24 year will be applied first against the tax liability for the  
25 given year. If a tax liability for the given year still  
26 remains, the credit from the next earliest year will then be

1 applied, and so on, until all credits have been used or no tax  
2 liability for the given year remains. Any remaining unused  
3 credit or credits then will be carried forward to the next  
4 following year in which a tax liability is incurred, except  
5 that no credit can be carried forward to a year which is more  
6 than 5 years after the year in which the expense for which the  
7 credit is given was incurred.

8 No inference shall be drawn from Public Act 91-644 in  
9 construing this Section for taxable years beginning before  
10 January 1, 1999.

11 It is the intent of the General Assembly that the research  
12 and development credit under this subsection (k) shall apply  
13 continuously for all tax years ending on or after December 31,  
14 2004 and ending prior to January 1, 2027, including, but not  
15 limited to, the period beginning on January 1, 2016 and ending  
16 on July 6, 2017 (the effective date of Public Act 100-22). All  
17 actions taken in reliance on the continuation of the credit  
18 under this subsection (k) by any taxpayer are hereby  
19 validated.

20 (l) Environmental Remediation Tax Credit.

21 (i) For tax years ending after December 31, 1997 and  
22 on or before December 31, 2001, a taxpayer shall be  
23 allowed a credit against the tax imposed by subsections  
24 (a) and (b) of this Section for certain amounts paid for  
25 unreimbursed eligible remediation costs, as specified in  
26 this subsection. For purposes of this Section,

1 "unreimbursed eligible remediation costs" means costs  
2 approved by the Illinois Environmental Protection Agency  
3 ("Agency") under Section 58.14 of the Environmental  
4 Protection Act that were paid in performing environmental  
5 remediation at a site for which a No Further Remediation  
6 Letter was issued by the Agency and recorded under Section  
7 58.10 of the Environmental Protection Act. The credit must  
8 be claimed for the taxable year in which Agency approval  
9 of the eligible remediation costs is granted. The credit  
10 is not available to any taxpayer if the taxpayer or any  
11 related party caused or contributed to, in any material  
12 respect, a release of regulated substances on, in, or  
13 under the site that was identified and addressed by the  
14 remedial action pursuant to the Site Remediation Program  
15 of the Environmental Protection Act. After the Pollution  
16 Control Board rules are adopted pursuant to the Illinois  
17 Administrative Procedure Act for the administration and  
18 enforcement of Section 58.9 of the Environmental  
19 Protection Act, determinations as to credit availability  
20 for purposes of this Section shall be made consistent with  
21 those rules. For purposes of this Section, "taxpayer"  
22 includes a person whose tax attributes the taxpayer has  
23 succeeded to under Section 381 of the Internal Revenue  
24 Code and "related party" includes the persons disallowed a  
25 deduction for losses by paragraphs (b), (c), and (f)(1) of  
26 Section 267 of the Internal Revenue Code by virtue of

1 being a related taxpayer, as well as any of its partners.  
2 The credit allowed against the tax imposed by subsections  
3 (a) and (b) shall be equal to 25% of the unreimbursed  
4 eligible remediation costs in excess of \$100,000 per site,  
5 except that the \$100,000 threshold shall not apply to any  
6 site contained in an enterprise zone as determined by the  
7 Department of Commerce and Community Affairs (now  
8 Department of Commerce and Economic Opportunity). The  
9 total credit allowed shall not exceed \$40,000 per year  
10 with a maximum total of \$150,000 per site. For partners  
11 and shareholders of subchapter S corporations, there shall  
12 be allowed a credit under this subsection to be determined  
13 in accordance with the determination of income and  
14 distributive share of income under Sections 702 and 704  
15 and subchapter S of the Internal Revenue Code.

16 (ii) A credit allowed under this subsection that is  
17 unused in the year the credit is earned may be carried  
18 forward to each of the 5 taxable years following the year  
19 for which the credit is first earned until it is used. The  
20 term "unused credit" does not include any amounts of  
21 unreimbursed eligible remediation costs in excess of the  
22 maximum credit per site authorized under paragraph (i).  
23 This credit shall be applied first to the earliest year  
24 for which there is a liability. If there is a credit under  
25 this subsection from more than one tax year that is  
26 available to offset a liability, the earliest credit



1            arising under this subsection shall be applied first. A  
2            credit allowed under this subsection may be sold to a  
3            buyer as part of a sale of all or part of the remediation  
4            site for which the credit was granted. The purchaser of a  
5            remediation site and the tax credit shall succeed to the  
6            unused credit and remaining carry-forward period of the  
7            seller. To perfect the transfer, the assignor shall record  
8            the transfer in the chain of title for the site and provide  
9            written notice to the Director of the Illinois Department  
10           of Revenue of the assignor's intent to sell the  
11           remediation site and the amount of the tax credit to be  
12           transferred as a portion of the sale. In no event may a  
13           credit be transferred to any taxpayer if the taxpayer or a  
14           related party would not be eligible under the provisions  
15           of subsection (i).

16           (iii) For purposes of this Section, the term "site"  
17           shall have the same meaning as under Section 58.2 of the  
18           Environmental Protection Act.

19           (m) Education expense credit. Beginning with tax years  
20           ending after December 31, 1999, a taxpayer who is the  
21           custodian of one or more qualifying pupils shall be allowed a  
22           credit against the tax imposed by subsections (a) and (b) of  
23           this Section for qualified education expenses incurred on  
24           behalf of the qualifying pupils. The credit shall be equal to  
25           25% of qualified education expenses, but in no event may the  
26           total credit under this subsection claimed by a family that is

1 the custodian of qualifying pupils exceed (i) \$500 for tax  
2 years ending prior to December 31, 2017, and (ii) \$750 for tax  
3 years ending on or after December 31, 2017. In no event shall a  
4 credit under this subsection reduce the taxpayer's liability  
5 under this Act to less than zero. Notwithstanding any other  
6 provision of law, for taxable years beginning on or after  
7 January 1, 2017, no taxpayer may claim a credit under this  
8 subsection (m) if the taxpayer's adjusted gross income for the  
9 taxable year exceeds (i) \$500,000, in the case of spouses  
10 filing a joint federal tax return or (ii) \$250,000, in the case  
11 of all other taxpayers. This subsection is exempt from the  
12 provisions of Section 250 of this Act.

13 For purposes of this subsection:

14 "Qualifying pupils" means individuals who (i) are  
15 residents of the State of Illinois, (ii) are under the age of  
16 21 at the close of the school year for which a credit is  
17 sought, and (iii) during the school year for which a credit is  
18 sought were full-time pupils enrolled in a kindergarten  
19 through twelfth grade education program at any school, as  
20 defined in this subsection.

21 "Qualified education expense" means the amount incurred on  
22 behalf of a qualifying pupil in excess of \$250 for tuition,  
23 book fees, and lab fees at the school in which the pupil is  
24 enrolled during the regular school year.

25 "School" means any public or nonpublic elementary or  
26 secondary school in Illinois that is in compliance with Title

1 VI of the Civil Rights Act of 1964 and attendance at which  
2 satisfies the requirements of Section 26-1 of the School Code,  
3 except that nothing shall be construed to require a child to  
4 attend any particular public or nonpublic school to qualify  
5 for the credit under this Section.

6 "Custodian" means, with respect to qualifying pupils, an  
7 Illinois resident who is a parent, the parents, a legal  
8 guardian, or the legal guardians of the qualifying pupils.

9 (n) River Edge Redevelopment Zone site remediation tax  
10 credit.

11 (i) For tax years ending on or after December 31,  
12 2006, a taxpayer shall be allowed a credit against the tax  
13 imposed by subsections (a) and (b) of this Section for  
14 certain amounts paid for unreimbursed eligible remediation  
15 costs, as specified in this subsection. For purposes of  
16 this Section, "unreimbursed eligible remediation costs"  
17 means costs approved by the Illinois Environmental  
18 Protection Agency ("Agency") under Section 58.14a of the  
19 Environmental Protection Act that were paid in performing  
20 environmental remediation at a site within a River Edge  
21 Redevelopment Zone for which a No Further Remediation  
22 Letter was issued by the Agency and recorded under Section  
23 58.10 of the Environmental Protection Act. The credit must  
24 be claimed for the taxable year in which Agency approval  
25 of the eligible remediation costs is granted. The credit  
26 is not available to any taxpayer if the taxpayer or any

1 related party caused or contributed to, in any material  
2 respect, a release of regulated substances on, in, or  
3 under the site that was identified and addressed by the  
4 remedial action pursuant to the Site Remediation Program  
5 of the Environmental Protection Act. Determinations as to  
6 credit availability for purposes of this Section shall be  
7 made consistent with rules adopted by the Pollution  
8 Control Board pursuant to the Illinois Administrative  
9 Procedure Act for the administration and enforcement of  
10 Section 58.9 of the Environmental Protection Act. For  
11 purposes of this Section, "taxpayer" includes a person  
12 whose tax attributes the taxpayer has succeeded to under  
13 Section 381 of the Internal Revenue Code and "related  
14 party" includes the persons disallowed a deduction for  
15 losses by paragraphs (b), (c), and (f)(1) of Section 267  
16 of the Internal Revenue Code by virtue of being a related  
17 taxpayer, as well as any of its partners. The credit  
18 allowed against the tax imposed by subsections (a) and (b)  
19 shall be equal to 25% of the unreimbursed eligible  
20 remediation costs in excess of \$100,000 per site.

21 (ii) A credit allowed under this subsection that is  
22 unused in the year the credit is earned may be carried  
23 forward to each of the 5 taxable years following the year  
24 for which the credit is first earned until it is used. This  
25 credit shall be applied first to the earliest year for  
26 which there is a liability. If there is a credit under this

1 subsection from more than one tax year that is available  
2 to offset a liability, the earliest credit arising under  
3 this subsection shall be applied first. A credit allowed  
4 under this subsection may be sold to a buyer as part of a  
5 sale of all or part of the remediation site for which the  
6 credit was granted. The purchaser of a remediation site  
7 and the tax credit shall succeed to the unused credit and  
8 remaining carry-forward period of the seller. To perfect  
9 the transfer, the assignor shall record the transfer in  
10 the chain of title for the site and provide written notice  
11 to the Director of the Illinois Department of Revenue of  
12 the assignor's intent to sell the remediation site and the  
13 amount of the tax credit to be transferred as a portion of  
14 the sale. In no event may a credit be transferred to any  
15 taxpayer if the taxpayer or a related party would not be  
16 eligible under the provisions of subsection (i).

17 (iii) For purposes of this Section, the term "site"  
18 shall have the same meaning as under Section 58.2 of the  
19 Environmental Protection Act.

20 (o) For each of taxable years during the Compassionate Use  
21 of Medical Cannabis Program, a surcharge is imposed on all  
22 taxpayers on income arising from the sale or exchange of  
23 capital assets, depreciable business property, real property  
24 used in the trade or business, and Section 197 intangibles of  
25 an organization registrant under the Compassionate Use of  
26 Medical Cannabis Program Act. The amount of the surcharge is

1 equal to the amount of federal income tax liability for the  
2 taxable year attributable to those sales and exchanges. The  
3 surcharge imposed does not apply if:

4 (1) the medical cannabis cultivation center  
5 registration, medical cannabis dispensary registration, or  
6 the property of a registration is transferred as a result  
7 of any of the following:

8 (A) bankruptcy, a receivership, or a debt  
9 adjustment initiated by or against the initial  
10 registration or the substantial owners of the initial  
11 registration;

12 (B) cancellation, revocation, or termination of  
13 any registration by the Illinois Department of Public  
14 Health;

15 (C) a determination by the Illinois Department of  
16 Public Health that transfer of the registration is in  
17 the best interests of Illinois qualifying patients as  
18 defined by the Compassionate Use of Medical Cannabis  
19 Program Act;

20 (D) the death of an owner of the equity interest in  
21 a registrant;

22 (E) the acquisition of a controlling interest in  
23 the stock or substantially all of the assets of a  
24 publicly traded company;

25 (F) a transfer by a parent company to a wholly  
26 owned subsidiary; or

1 (G) the transfer or sale to or by one person to  
2 another person where both persons were initial owners  
3 of the registration when the registration was issued;  
4 or

5 (2) the cannabis cultivation center registration,  
6 medical cannabis dispensary registration, or the  
7 controlling interest in a registrant's property is  
8 transferred in a transaction to lineal descendants in  
9 which no gain or loss is recognized or as a result of a  
10 transaction in accordance with Section 351 of the Internal  
11 Revenue Code in which no gain or loss is recognized.

12 (p) Pass-through entity tax.

13 (1) For taxable years ending on or after December 31,  
14 2021 and beginning prior to January 1, 2026, a partnership  
15 (other than a publicly traded partnership under Section  
16 7704 of the Internal Revenue Code) or Subchapter S  
17 corporation may elect to apply the provisions of this  
18 subsection. A separate election shall be made for each  
19 taxable year. Such election shall be made at such time,  
20 and in such form and manner as prescribed by the  
21 Department, and, once made, is irrevocable.

22 (2) Entity-level tax. A partnership or Subchapter S  
23 corporation electing to apply the provisions of this  
24 subsection shall be subject to a tax for the privilege of  
25 earning or receiving income in this State in an amount  
26 equal to 4.95% of the taxpayer's net income for the

1 taxable year.

2 (3) Net income defined.

3 (A) In general. For purposes of paragraph (2), the  
4 term net income has the same meaning as defined in  
5 Section 202 of this Act, except that, for tax years  
6 ending on or after December 31, 2023, a deduction  
7 shall be allowed in computing base income for  
8 distributions to a retired partner to the extent that  
9 the partner's distributions are exempt from tax under  
10 Section 203(a)(2)(F) of this Act. In addition, the  
11 following modifications shall not apply:

12 (i) the standard exemption allowed under  
13 Section 204;

14 (ii) the deduction for net losses allowed  
15 under Section 207;

16 (iii) in the case of an S corporation, the  
17 modification under Section 203(b)(2)(S); and

18 (iv) in the case of a partnership, the  
19 modifications under Section 203(d)(2)(H) and  
20 Section 203(d)(2)(I).

21 (B) Special rule for tiered partnerships. If a  
22 taxpayer making the election under paragraph (1) is a  
23 partner of another taxpayer making the election under  
24 paragraph (1), net income shall be computed as  
25 provided in subparagraph (A), except that the taxpayer  
26 shall subtract its distributive share of the net



1 income of the electing partnership (including its  
2 distributive share of the net income of the electing  
3 partnership derived as a distributive share from  
4 electing partnerships in which it is a partner).

5 (4) Credit for entity level tax. Each partner or  
6 shareholder of a taxpayer making the election under this  
7 Section shall be allowed a credit against the tax imposed  
8 under subsections (a) and (b) of Section 201 of this Act  
9 for the taxable year of the partnership or Subchapter S  
10 corporation for which an election is in effect ending  
11 within or with the taxable year of the partner or  
12 shareholder in an amount equal to 4.95% times the partner  
13 or shareholder's distributive share of the net income of  
14 the electing partnership or Subchapter S corporation, but  
15 not to exceed the partner's or shareholder's share of the  
16 tax imposed under paragraph (1) which is actually paid by  
17 the partnership or Subchapter S corporation. If the  
18 taxpayer is a partnership or Subchapter S corporation that  
19 is itself a partner of a partnership making the election  
20 under paragraph (1), the credit under this paragraph shall  
21 be allowed to the taxpayer's partners or shareholders (or  
22 if the partner is a partnership or Subchapter S  
23 corporation then its partners or shareholders) in  
24 accordance with the determination of income and  
25 distributive share of income under Sections 702 and 704  
26 and Subchapter S of the Internal Revenue Code. If the

1 amount of the credit allowed under this paragraph exceeds  
2 the partner's or shareholder's liability for tax imposed  
3 under subsections (a) and (b) of Section 201 of this Act  
4 for the taxable year, such excess shall be treated as an  
5 overpayment for purposes of Section 909 of this Act.

6 (5) Nonresidents. A nonresident individual who is a  
7 partner or shareholder of a partnership or Subchapter S  
8 corporation for a taxable year for which an election is in  
9 effect under paragraph (1) shall not be required to file  
10 an income tax return under this Act for such taxable year  
11 if the only source of net income of the individual (or the  
12 individual and the individual's spouse in the case of a  
13 joint return) is from an entity making the election under  
14 paragraph (1) and the credit allowed to the partner or  
15 shareholder under paragraph (4) equals or exceeds the  
16 individual's liability for the tax imposed under  
17 subsections (a) and (b) of Section 201 of this Act for the  
18 taxable year.

19 (6) Liability for tax. Except as provided in this  
20 paragraph, a partnership or Subchapter S making the  
21 election under paragraph (1) is liable for the  
22 entity-level tax imposed under paragraph (2). If the  
23 electing partnership or corporation fails to pay the full  
24 amount of tax deemed assessed under paragraph (2), the  
25 partners or shareholders shall be liable to pay the tax  
26 assessed (including penalties and interest). Each partner

1 or shareholder shall be liable for the unpaid assessment  
2 based on the ratio of the partner's or shareholder's share  
3 of the net income of the partnership over the total net  
4 income of the partnership. If the partnership or  
5 Subchapter S corporation fails to pay the tax assessed  
6 (including penalties and interest) and thereafter an  
7 amount of such tax is paid by the partners or  
8 shareholders, such amount shall not be collected from the  
9 partnership or corporation.

10 (7) Foreign tax. For purposes of the credit allowed  
11 under Section 601(b)(3) of this Act, tax paid by a  
12 partnership or Subchapter S corporation to another state  
13 which, as determined by the Department, is substantially  
14 similar to the tax imposed under this subsection, shall be  
15 considered tax paid by the partner or shareholder to the  
16 extent that the partner's or shareholder's share of the  
17 income of the partnership or Subchapter S corporation  
18 allocated and apportioned to such other state bears to the  
19 total income of the partnership or Subchapter S  
20 corporation allocated or apportioned to such other state.

21 (8) Suspension of withholding. The provisions of  
22 Section 709.5 of this Act shall not apply to a partnership  
23 or Subchapter S corporation for the taxable year for which  
24 an election under paragraph (1) is in effect.

25 (9) Requirement to pay estimated tax. For each taxable  
26 year for which an election under paragraph (1) is in

1 effect, a partnership or Subchapter S corporation is  
2 required to pay estimated tax for such taxable year under  
3 Sections 803 and 804 of this Act if the amount payable as  
4 estimated tax can reasonably be expected to exceed \$500.

5 (10) The provisions of this subsection shall apply  
6 only with respect to taxable years for which the  
7 limitation on individual deductions applies under Section  
8 164(b)(6) of the Internal Revenue Code.

9 (Source: P.A. 102-558, eff. 8-20-21; 102-658, eff. 8-27-21;  
10 103-9, eff. 6-7-23; 103-396, eff. 1-1-24; revised 12-12-23.)

11 (35 ILCS 5/203)

12 Sec. 203. Base income defined.

13 (a) Individuals.

14 (1) In general. In the case of an individual, base  
15 income means an amount equal to the taxpayer's adjusted  
16 gross income for the taxable year as modified by paragraph  
17 (2).

18 (2) Modifications. The adjusted gross income referred  
19 to in paragraph (1) shall be modified by adding thereto  
20 the sum of the following amounts:

21 (A) An amount equal to all amounts paid or accrued  
22 to the taxpayer as interest or dividends during the  
23 taxable year to the extent excluded from gross income  
24 in the computation of adjusted gross income, except  
25 stock dividends of qualified public utilities

1 described in Section 305(e) of the Internal Revenue  
2 Code;

3 (B) An amount equal to the amount of tax imposed by  
4 this Act to the extent deducted from gross income in  
5 the computation of adjusted gross income for the  
6 taxable year;

7 (C) An amount equal to the amount received during  
8 the taxable year as a recovery or refund of real  
9 property taxes paid with respect to the taxpayer's  
10 principal residence under the Revenue Act of 1939 and  
11 for which a deduction was previously taken under  
12 subparagraph (L) of this paragraph (2) prior to July  
13 1, 1991, the retrospective application date of Article  
14 4 of Public Act 87-17. In the case of multi-unit or  
15 multi-use structures and farm dwellings, the taxes on  
16 the taxpayer's principal residence shall be that  
17 portion of the total taxes for the entire property  
18 which is attributable to such principal residence;

19 (D) An amount equal to the amount of the capital  
20 gain deduction allowable under the Internal Revenue  
21 Code, to the extent deducted from gross income in the  
22 computation of adjusted gross income;

23 (D-5) An amount, to the extent not included in  
24 adjusted gross income, equal to the amount of money  
25 withdrawn by the taxpayer in the taxable year from a  
26 medical care savings account and the interest earned

1 on the account in the taxable year of a withdrawal  
2 pursuant to subsection (b) of Section 20 of the  
3 Medical Care Savings Account Act or subsection (b) of  
4 Section 20 of the Medical Care Savings Account Act of  
5 2000;

6 (D-10) For taxable years ending after December 31,  
7 1997, an amount equal to any eligible remediation  
8 costs that the individual deducted in computing  
9 adjusted gross income and for which the individual  
10 claims a credit under subsection (l) of Section 201;

11 (D-15) For taxable years 2001 and thereafter, an  
12 amount equal to the bonus depreciation deduction taken  
13 on the taxpayer's federal income tax return for the  
14 taxable year under subsection (k) of Section 168 of  
15 the Internal Revenue Code;

16 (D-16) If the taxpayer sells, transfers, abandons,  
17 or otherwise disposes of property for which the  
18 taxpayer was required in any taxable year to make an  
19 addition modification under subparagraph (D-15), then  
20 an amount equal to the aggregate amount of the  
21 deductions taken in all taxable years under  
22 subparagraph (Z) with respect to that property.

23 If the taxpayer continues to own property through  
24 the last day of the last tax year for which a  
25 subtraction is allowed with respect to that property  
26 under subparagraph (Z) and for which the taxpayer was

1           allowed in any taxable year to make a subtraction  
2           modification under subparagraph (Z), then an amount  
3           equal to that subtraction modification.

4           The taxpayer is required to make the addition  
5           modification under this subparagraph only once with  
6           respect to any one piece of property;

7           (D-17) An amount equal to the amount otherwise  
8           allowed as a deduction in computing base income for  
9           interest paid, accrued, or incurred, directly or  
10          indirectly, (i) for taxable years ending on or after  
11          December 31, 2004, to a foreign person who would be a  
12          member of the same unitary business group but for the  
13          fact that foreign person's business activity outside  
14          the United States is 80% or more of the foreign  
15          person's total business activity and (ii) for taxable  
16          years ending on or after December 31, 2008, to a person  
17          who would be a member of the same unitary business  
18          group but for the fact that the person is prohibited  
19          under Section 1501(a)(27) from being included in the  
20          unitary business group because he or she is ordinarily  
21          required to apportion business income under different  
22          subsections of Section 304. The addition modification  
23          required by this subparagraph shall be reduced to the  
24          extent that dividends were included in base income of  
25          the unitary group for the same taxable year and  
26          received by the taxpayer or by a member of the

1 taxpayer's unitary business group (including amounts  
2 included in gross income under Sections 951 through  
3 964 of the Internal Revenue Code and amounts included  
4 in gross income under Section 78 of the Internal  
5 Revenue Code) with respect to the stock of the same  
6 person to whom the interest was paid, accrued, or  
7 incurred.

8 This paragraph shall not apply to the following:

9 (i) an item of interest paid, accrued, or  
10 incurred, directly or indirectly, to a person who  
11 is subject in a foreign country or state, other  
12 than a state which requires mandatory unitary  
13 reporting, to a tax on or measured by net income  
14 with respect to such interest; or

15 (ii) an item of interest paid, accrued, or  
16 incurred, directly or indirectly, to a person if  
17 the taxpayer can establish, based on a  
18 preponderance of the evidence, both of the  
19 following:

20 (a) the person, during the same taxable  
21 year, paid, accrued, or incurred, the interest  
22 to a person that is not a related member, and

23 (b) the transaction giving rise to the  
24 interest expense between the taxpayer and the  
25 person did not have as a principal purpose the  
26 avoidance of Illinois income tax, and is paid



1           pursuant to a contract or agreement that  
2           reflects an arm's-length interest rate and  
3           terms; or

4           (iii) the taxpayer can establish, based on  
5           clear and convincing evidence, that the interest  
6           paid, accrued, or incurred relates to a contract  
7           or agreement entered into at arm's-length rates  
8           and terms and the principal purpose for the  
9           payment is not federal or Illinois tax avoidance;  
10          or

11          (iv) an item of interest paid, accrued, or  
12          incurred, directly or indirectly, to a person if  
13          the taxpayer establishes by clear and convincing  
14          evidence that the adjustments are unreasonable; or  
15          if the taxpayer and the Director agree in writing  
16          to the application or use of an alternative method  
17          of apportionment under Section 304(f).

18          Nothing in this subsection shall preclude the  
19          Director from making any other adjustment  
20          otherwise allowed under Section 404 of this Act  
21          for any tax year beginning after the effective  
22          date of this amendment provided such adjustment is  
23          made pursuant to regulation adopted by the  
24          Department and such regulations provide methods  
25          and standards by which the Department will utilize  
26          its authority under Section 404 of this Act;

1 (D-18) An amount equal to the amount of intangible  
2 expenses and costs otherwise allowed as a deduction in  
3 computing base income, and that were paid, accrued, or  
4 incurred, directly or indirectly, (i) for taxable  
5 years ending on or after December 31, 2004, to a  
6 foreign person who would be a member of the same  
7 unitary business group but for the fact that the  
8 foreign person's business activity outside the United  
9 States is 80% or more of that person's total business  
10 activity and (ii) for taxable years ending on or after  
11 December 31, 2008, to a person who would be a member of  
12 the same unitary business group but for the fact that  
13 the person is prohibited under Section 1501(a)(27)  
14 from being included in the unitary business group  
15 because he or she is ordinarily required to apportion  
16 business income under different subsections of Section  
17 304. The addition modification required by this  
18 subparagraph shall be reduced to the extent that  
19 dividends were included in base income of the unitary  
20 group for the same taxable year and received by the  
21 taxpayer or by a member of the taxpayer's unitary  
22 business group (including amounts included in gross  
23 income under Sections 951 through 964 of the Internal  
24 Revenue Code and amounts included in gross income  
25 under Section 78 of the Internal Revenue Code) with  
26 respect to the stock of the same person to whom the

1 intangible expenses and costs were directly or  
2 indirectly paid, incurred, or accrued. The preceding  
3 sentence does not apply to the extent that the same  
4 dividends caused a reduction to the addition  
5 modification required under Section 203(a)(2)(D-17) of  
6 this Act. As used in this subparagraph, the term  
7 "intangible expenses and costs" includes (1) expenses,  
8 losses, and costs for, or related to, the direct or  
9 indirect acquisition, use, maintenance or management,  
10 ownership, sale, exchange, or any other disposition of  
11 intangible property; (2) losses incurred, directly or  
12 indirectly, from factoring transactions or discounting  
13 transactions; (3) royalty, patent, technical, and  
14 copyright fees; (4) licensing fees; and (5) other  
15 similar expenses and costs. For purposes of this  
16 subparagraph, "intangible property" includes patents,  
17 patent applications, trade names, trademarks, service  
18 marks, copyrights, mask works, trade secrets, and  
19 similar types of intangible assets.

20 This paragraph shall not apply to the following:

21 (i) any item of intangible expenses or costs  
22 paid, accrued, or incurred, directly or  
23 indirectly, from a transaction with a person who  
24 is subject in a foreign country or state, other  
25 than a state which requires mandatory unitary  
26 reporting, to a tax on or measured by net income

1 with respect to such item; or

2 (ii) any item of intangible expense or cost  
3 paid, accrued, or incurred, directly or  
4 indirectly, if the taxpayer can establish, based  
5 on a preponderance of the evidence, both of the  
6 following:

7 (a) the person during the same taxable  
8 year paid, accrued, or incurred, the  
9 intangible expense or cost to a person that is  
10 not a related member, and

11 (b) the transaction giving rise to the  
12 intangible expense or cost between the  
13 taxpayer and the person did not have as a  
14 principal purpose the avoidance of Illinois  
15 income tax, and is paid pursuant to a contract  
16 or agreement that reflects arm's-length terms;  
17 or

18 (iii) any item of intangible expense or cost  
19 paid, accrued, or incurred, directly or  
20 indirectly, from a transaction with a person if  
21 the taxpayer establishes by clear and convincing  
22 evidence, that the adjustments are unreasonable;  
23 or if the taxpayer and the Director agree in  
24 writing to the application or use of an  
25 alternative method of apportionment under Section  
26 304(f);

1           Nothing in this subsection shall preclude the  
2           Director from making any other adjustment  
3           otherwise allowed under Section 404 of this Act  
4           for any tax year beginning after the effective  
5           date of this amendment provided such adjustment is  
6           made pursuant to regulation adopted by the  
7           Department and such regulations provide methods  
8           and standards by which the Department will utilize  
9           its authority under Section 404 of this Act;

10           (D-19) For taxable years ending on or after  
11           December 31, 2008, an amount equal to the amount of  
12           insurance premium expenses and costs otherwise allowed  
13           as a deduction in computing base income, and that were  
14           paid, accrued, or incurred, directly or indirectly, to  
15           a person who would be a member of the same unitary  
16           business group but for the fact that the person is  
17           prohibited under Section 1501(a)(27) from being  
18           included in the unitary business group because he or  
19           she is ordinarily required to apportion business  
20           income under different subsections of Section 304. The  
21           addition modification required by this subparagraph  
22           shall be reduced to the extent that dividends were  
23           included in base income of the unitary group for the  
24           same taxable year and received by the taxpayer or by a  
25           member of the taxpayer's unitary business group  
26           (including amounts included in gross income under

1 Sections 951 through 964 of the Internal Revenue Code  
2 and amounts included in gross income under Section 78  
3 of the Internal Revenue Code) with respect to the  
4 stock of the same person to whom the premiums and costs  
5 were directly or indirectly paid, incurred, or  
6 accrued. The preceding sentence does not apply to the  
7 extent that the same dividends caused a reduction to  
8 the addition modification required under Section  
9 203(a)(2)(D-17) or Section 203(a)(2)(D-18) of this  
10 Act;

11 (D-20) For taxable years beginning on or after  
12 January 1, 2002 and ending on or before December 31,  
13 2006, in the case of a distribution from a qualified  
14 tuition program under Section 529 of the Internal  
15 Revenue Code, other than (i) a distribution from a  
16 College Savings Pool created under Section 16.5 of the  
17 State Treasurer Act or (ii) a distribution from the  
18 Illinois Prepaid Tuition Trust Fund, an amount equal  
19 to the amount excluded from gross income under Section  
20 529(c)(3)(B). For taxable years beginning on or after  
21 January 1, 2007, in the case of a distribution from a  
22 qualified tuition program under Section 529 of the  
23 Internal Revenue Code, other than (i) a distribution  
24 from a College Savings Pool created under Section 16.5  
25 of the State Treasurer Act, (ii) a distribution from  
26 the Illinois Prepaid Tuition Trust Fund, or (iii) a

1 distribution from a qualified tuition program under  
2 Section 529 of the Internal Revenue Code that (I)  
3 adopts and determines that its offering materials  
4 comply with the College Savings Plans Network's  
5 disclosure principles and (II) has made reasonable  
6 efforts to inform in-state residents of the existence  
7 of in-state qualified tuition programs by informing  
8 Illinois residents directly and, where applicable, to  
9 inform financial intermediaries distributing the  
10 program to inform in-state residents of the existence  
11 of in-state qualified tuition programs at least  
12 annually, an amount equal to the amount excluded from  
13 gross income under Section 529(c)(3)(B).

14 For the purposes of this subparagraph (D-20), a  
15 qualified tuition program has made reasonable efforts  
16 if it makes disclosures (which may use the term  
17 "in-state program" or "in-state plan" and need not  
18 specifically refer to Illinois or its qualified  
19 programs by name) (i) directly to prospective  
20 participants in its offering materials or makes a  
21 public disclosure, such as a website posting; and (ii)  
22 where applicable, to intermediaries selling the  
23 out-of-state program in the same manner that the  
24 out-of-state program distributes its offering  
25 materials;

26 (D-20.5) For taxable years beginning on or after

1           January 1, 2018, in the case of a distribution from a  
2           qualified ABLE program under Section 529A of the  
3           Internal Revenue Code, other than a distribution from  
4           a qualified ABLE program created under Section 16.6 of  
5           the State Treasurer Act, an amount equal to the amount  
6           excluded from gross income under Section 529A(c) (1) (B)  
7           of the Internal Revenue Code;

8           (D-21) For taxable years beginning on or after  
9           January 1, 2007, in the case of transfer of moneys from  
10          a qualified tuition program under Section 529 of the  
11          Internal Revenue Code that is administered by the  
12          State to an out-of-state program, an amount equal to  
13          the amount of moneys previously deducted from base  
14          income under subsection (a) (2) (Y) of this Section;

15          (D-21.5) For taxable years beginning on or after  
16          January 1, 2018, in the case of the transfer of moneys  
17          from a qualified tuition program under Section 529 or  
18          a qualified ABLE program under Section 529A of the  
19          Internal Revenue Code that is administered by this  
20          State to an ABLE account established under an  
21          out-of-state ABLE account program, an amount equal to  
22          the contribution component of the transferred amount  
23          that was previously deducted from base income under  
24          subsection (a) (2) (Y) or subsection (a) (2) (HH) of this  
25          Section;

26          (D-22) For taxable years beginning on or after



1           January 1, 2009, and prior to January 1, 2018, in the  
2           case of a nonqualified withdrawal or refund of moneys  
3           from a qualified tuition program under Section 529 of  
4           the Internal Revenue Code administered by the State  
5           that is not used for qualified expenses at an eligible  
6           education institution, an amount equal to the  
7           contribution component of the nonqualified withdrawal  
8           or refund that was previously deducted from base  
9           income under subsection (a)(2)(y) of this Section,  
10          provided that the withdrawal or refund did not result  
11          from the beneficiary's death or disability. For  
12          taxable years beginning on or after January 1, 2018:  
13          (1) in the case of a nonqualified withdrawal or  
14          refund, as defined under Section 16.5 of the State  
15          Treasurer Act, of moneys from a qualified tuition  
16          program under Section 529 of the Internal Revenue Code  
17          administered by the State, an amount equal to the  
18          contribution component of the nonqualified withdrawal  
19          or refund that was previously deducted from base  
20          income under subsection (a)(2)(Y) of this Section, and  
21          (2) in the case of a nonqualified withdrawal or refund  
22          from a qualified ABLE program under Section 529A of  
23          the Internal Revenue Code administered by the State  
24          that is not used for qualified disability expenses, an  
25          amount equal to the contribution component of the  
26          nonqualified withdrawal or refund that was previously

1           deducted from base income under subsection (a) (2) (HH)  
2           of this Section;

3           (D-23) An amount equal to the credit allowable to  
4           the taxpayer under Section 218(a) of this Act,  
5           determined without regard to Section 218(c) of this  
6           Act;

7           (D-24) For taxable years ending on or after  
8           December 31, 2017, an amount equal to the deduction  
9           allowed under Section 199 of the Internal Revenue Code  
10          for the taxable year;

11          (D-25) In the case of a resident, an amount equal  
12          to the amount of tax for which a credit is allowed  
13          pursuant to Section 201(p) (7) of this Act;

14          and by deducting from the total so obtained the sum of the  
15          following amounts:

16          (E) For taxable years ending before December 31,  
17          2001, any amount included in such total in respect of  
18          any compensation (including but not limited to any  
19          compensation paid or accrued to a serviceman while a  
20          prisoner of war or missing in action) paid to a  
21          resident by reason of being on active duty in the Armed  
22          Forces of the United States and in respect of any  
23          compensation paid or accrued to a resident who as a  
24          governmental employee was a prisoner of war or missing  
25          in action, and in respect of any compensation paid to a  
26          resident in 1971 or thereafter for annual training

1 performed pursuant to Sections 502 and 503, Title 32,  
2 United States Code as a member of the Illinois  
3 National Guard or, beginning with taxable years ending  
4 on or after December 31, 2007, the National Guard of  
5 any other state. For taxable years ending on or after  
6 December 31, 2001, any amount included in such total  
7 in respect of any compensation (including but not  
8 limited to any compensation paid or accrued to a  
9 serviceman while a prisoner of war or missing in  
10 action) paid to a resident by reason of being a member  
11 of any component of the Armed Forces of the United  
12 States and in respect of any compensation paid or  
13 accrued to a resident who as a governmental employee  
14 was a prisoner of war or missing in action, and in  
15 respect of any compensation paid to a resident in 2001  
16 or thereafter by reason of being a member of the  
17 Illinois National Guard or, beginning with taxable  
18 years ending on or after December 31, 2007, the  
19 National Guard of any other state. The provisions of  
20 this subparagraph (E) are exempt from the provisions  
21 of Section 250;

22 (F) An amount equal to all amounts included in  
23 such total pursuant to the provisions of Sections  
24 402(a), 402(c), 403(a), 403(b), 406(a), 407(a), and  
25 408 of the Internal Revenue Code, or included in such  
26 total as distributions under the provisions of any

1 retirement or disability plan for employees of any  
2 governmental agency or unit, or retirement payments to  
3 retired partners, which payments are excluded in  
4 computing net earnings from self employment by Section  
5 1402 of the Internal Revenue Code and regulations  
6 adopted pursuant thereto;

7 (G) The valuation limitation amount;

8 (H) An amount equal to the amount of any tax  
9 imposed by this Act which was refunded to the taxpayer  
10 and included in such total for the taxable year;

11 (I) An amount equal to all amounts included in  
12 such total pursuant to the provisions of Section 111  
13 of the Internal Revenue Code as a recovery of items  
14 previously deducted from adjusted gross income in the  
15 computation of taxable income;

16 (J) An amount equal to those dividends included in  
17 such total which were paid by a corporation which  
18 conducts business operations in a River Edge  
19 Redevelopment Zone or zones created under the River  
20 Edge Redevelopment Zone Act, and conducts  
21 substantially all of its operations in a River Edge  
22 Redevelopment Zone or zones. This subparagraph (J) is  
23 exempt from the provisions of Section 250;

24 (K) An amount equal to those dividends included in  
25 such total that were paid by a corporation that  
26 conducts business operations in a federally designated

1 Foreign Trade Zone or Sub-Zone and that is designated  
2 a High Impact Business located in Illinois; provided  
3 that dividends eligible for the deduction provided in  
4 subparagraph (J) of paragraph (2) of this subsection  
5 shall not be eligible for the deduction provided under  
6 this subparagraph (K);

7 (L) For taxable years ending after December 31,  
8 1983, an amount equal to all social security benefits  
9 and railroad retirement benefits included in such  
10 total pursuant to Sections 72(r) and 86 of the  
11 Internal Revenue Code;

12 (M) With the exception of any amounts subtracted  
13 under subparagraph (N), an amount equal to the sum of  
14 all amounts disallowed as deductions by (i) Sections  
15 171(a)(2) and 265(a)(2) of the Internal Revenue Code,  
16 and all amounts of expenses allocable to interest and  
17 disallowed as deductions by Section 265(a)(1) of the  
18 Internal Revenue Code; and (ii) for taxable years  
19 ending on or after August 13, 1999, Sections  
20 171(a)(2), 265, 280C, and 832(b)(5)(B)(i) of the  
21 Internal Revenue Code, plus, for taxable years ending  
22 on or after December 31, 2011, Section 45G(e)(3) of  
23 the Internal Revenue Code and, for taxable years  
24 ending on or after December 31, 2008, any amount  
25 included in gross income under Section 87 of the  
26 Internal Revenue Code; the provisions of this

1           subparagraph are exempt from the provisions of Section  
2           250;

3           (N) An amount equal to all amounts included in  
4           such total which are exempt from taxation by this  
5           State either by reason of its statutes or Constitution  
6           or by reason of the Constitution, treaties or statutes  
7           of the United States; provided that, in the case of any  
8           statute of this State that exempts income derived from  
9           bonds or other obligations from the tax imposed under  
10          this Act, the amount exempted shall be the interest  
11          net of bond premium amortization;

12          (O) An amount equal to any contribution made to a  
13          job training project established pursuant to the Tax  
14          Increment Allocation Redevelopment Act;

15          (P) An amount equal to the amount of the deduction  
16          used to compute the federal income tax credit for  
17          restoration of substantial amounts held under claim of  
18          right for the taxable year pursuant to Section 1341 of  
19          the Internal Revenue Code or of any itemized deduction  
20          taken from adjusted gross income in the computation of  
21          taxable income for restoration of substantial amounts  
22          held under claim of right for the taxable year;

23          (Q) An amount equal to any amounts included in  
24          such total, received by the taxpayer as an  
25          acceleration in the payment of life, endowment or  
26          annuity benefits in advance of the time they would

1 otherwise be payable as an indemnity for a terminal  
2 illness;

3 (R) An amount equal to the amount of any federal or  
4 State bonus paid to veterans of the Persian Gulf War;

5 (S) An amount, to the extent included in adjusted  
6 gross income, equal to the amount of a contribution  
7 made in the taxable year on behalf of the taxpayer to a  
8 medical care savings account established under the  
9 Medical Care Savings Account Act or the Medical Care  
10 Savings Account Act of 2000 to the extent the  
11 contribution is accepted by the account administrator  
12 as provided in that Act;

13 (T) An amount, to the extent included in adjusted  
14 gross income, equal to the amount of interest earned  
15 in the taxable year on a medical care savings account  
16 established under the Medical Care Savings Account Act  
17 or the Medical Care Savings Account Act of 2000 on  
18 behalf of the taxpayer, other than interest added  
19 pursuant to item (D-5) of this paragraph (2);

20 (U) For one taxable year beginning on or after  
21 January 1, 1994, an amount equal to the total amount of  
22 tax imposed and paid under subsections (a) and (b) of  
23 Section 201 of this Act on grant amounts received by  
24 the taxpayer under the Nursing Home Grant Assistance  
25 Act during the taxpayer's taxable years 1992 and 1993;

26 (V) Beginning with tax years ending on or after

1 December 31, 1995 and ending with tax years ending on  
2 or before December 31, 2004, an amount equal to the  
3 amount paid by a taxpayer who is a self-employed  
4 taxpayer, a partner of a partnership, or a shareholder  
5 in a Subchapter S corporation for health insurance or  
6 long-term care insurance for that taxpayer or that  
7 taxpayer's spouse or dependents, to the extent that  
8 the amount paid for that health insurance or long-term  
9 care insurance may be deducted under Section 213 of  
10 the Internal Revenue Code, has not been deducted on  
11 the federal income tax return of the taxpayer, and  
12 does not exceed the taxable income attributable to  
13 that taxpayer's income, self-employment income, or  
14 Subchapter S corporation income; except that no  
15 deduction shall be allowed under this item (V) if the  
16 taxpayer is eligible to participate in any health  
17 insurance or long-term care insurance plan of an  
18 employer of the taxpayer or the taxpayer's spouse. The  
19 amount of the health insurance and long-term care  
20 insurance subtracted under this item (V) shall be  
21 determined by multiplying total health insurance and  
22 long-term care insurance premiums paid by the taxpayer  
23 times a number that represents the fractional  
24 percentage of eligible medical expenses under Section  
25 213 of the Internal Revenue Code of 1986 not actually  
26 deducted on the taxpayer's federal income tax return;



1           (W) For taxable years beginning on or after  
2           January 1, 1998, all amounts included in the  
3           taxpayer's federal gross income in the taxable year  
4           from amounts converted from a regular IRA to a Roth  
5           IRA. This paragraph is exempt from the provisions of  
6           Section 250;

7           (X) For taxable year 1999 and thereafter, an  
8           amount equal to the amount of any (i) distributions,  
9           to the extent includible in gross income for federal  
10          income tax purposes, made to the taxpayer because of  
11          his or her status as a victim of persecution for racial  
12          or religious reasons by Nazi Germany or any other Axis  
13          regime or as an heir of the victim and (ii) items of  
14          income, to the extent includible in gross income for  
15          federal income tax purposes, attributable to, derived  
16          from or in any way related to assets stolen from,  
17          hidden from, or otherwise lost to a victim of  
18          persecution for racial or religious reasons by Nazi  
19          Germany or any other Axis regime immediately prior to,  
20          during, and immediately after World War II, including,  
21          but not limited to, interest on the proceeds  
22          receivable as insurance under policies issued to a  
23          victim of persecution for racial or religious reasons  
24          by Nazi Germany or any other Axis regime by European  
25          insurance companies immediately prior to and during  
26          World War II; provided, however, this subtraction from

1 federal adjusted gross income does not apply to assets  
2 acquired with such assets or with the proceeds from  
3 the sale of such assets; provided, further, this  
4 paragraph shall only apply to a taxpayer who was the  
5 first recipient of such assets after their recovery  
6 and who is a victim of persecution for racial or  
7 religious reasons by Nazi Germany or any other Axis  
8 regime or as an heir of the victim. The amount of and  
9 the eligibility for any public assistance, benefit, or  
10 similar entitlement is not affected by the inclusion  
11 of items (i) and (ii) of this paragraph in gross income  
12 for federal income tax purposes. This paragraph is  
13 exempt from the provisions of Section 250;

14 (Y) For taxable years beginning on or after  
15 January 1, 2002 and ending on or before December 31,  
16 2004, moneys contributed in the taxable year to a  
17 College Savings Pool account under Section 16.5 of the  
18 State Treasurer Act, except that amounts excluded from  
19 gross income under Section 529(c)(3)(C)(i) of the  
20 Internal Revenue Code shall not be considered moneys  
21 contributed under this subparagraph (Y). For taxable  
22 years beginning on or after January 1, 2005, a maximum  
23 of \$10,000 contributed in the taxable year to (i) a  
24 College Savings Pool account under Section 16.5 of the  
25 State Treasurer Act or (ii) the Illinois Prepaid  
26 Tuition Trust Fund, except that amounts excluded from

1 gross income under Section 529(c)(3)(C)(i) of the  
2 Internal Revenue Code shall not be considered moneys  
3 contributed under this subparagraph (Y). For purposes  
4 of this subparagraph, contributions made by an  
5 employer on behalf of an employee, or matching  
6 contributions made by an employee, shall be treated as  
7 made by the employee. This subparagraph (Y) is exempt  
8 from the provisions of Section 250;

9 (Z) For taxable years 2001 and thereafter, for the  
10 taxable year in which the bonus depreciation deduction  
11 is taken on the taxpayer's federal income tax return  
12 under subsection (k) of Section 168 of the Internal  
13 Revenue Code and for each applicable taxable year  
14 thereafter, an amount equal to "x", where:

15 (1) "y" equals the amount of the depreciation  
16 deduction taken for the taxable year on the  
17 taxpayer's federal income tax return on property  
18 for which the bonus depreciation deduction was  
19 taken in any year under subsection (k) of Section  
20 168 of the Internal Revenue Code, but not  
21 including the bonus depreciation deduction;

22 (2) for taxable years ending on or before  
23 December 31, 2005, "x" equals "y" multiplied by 30  
24 and then divided by 70 (or "y" multiplied by  
25 0.429); and

26 (3) for taxable years ending after December

1                   31, 2005:

2                   (i) for property on which a bonus  
3                   depreciation deduction of 30% of the adjusted  
4                   basis was taken, "x" equals "y" multiplied by  
5                   30 and then divided by 70 (or "y" multiplied  
6                   by 0.429);

7                   (ii) for property on which a bonus  
8                   depreciation deduction of 50% of the adjusted  
9                   basis was taken, "x" equals "y" multiplied by  
10                  1.0;

11                  (iii) for property on which a bonus  
12                  depreciation deduction of 100% of the adjusted  
13                  basis was taken in a taxable year ending on or  
14                  after December 31, 2021, "x" equals the  
15                  depreciation deduction that would be allowed  
16                  on that property if the taxpayer had made the  
17                  election under Section 168(k)(7) of the  
18                  Internal Revenue Code to not claim bonus  
19                  depreciation on that property; and

20                  (iv) for property on which a bonus  
21                  depreciation deduction of a percentage other  
22                  than 30%, 50% or 100% of the adjusted basis  
23                  was taken in a taxable year ending on or after  
24                  December 31, 2021, "x" equals "y" multiplied  
25                  by 100 times the percentage bonus depreciation  
26                  on the property (that is,  $100(\text{bonus}\%)$ ) and

1           then divided by 100 times 1 minus the  
2           percentage bonus depreciation on the property  
3           (that is,  $100(1-\text{bonus}\%)$ ).

4           The aggregate amount deducted under this  
5           subparagraph in all taxable years for any one piece of  
6           property may not exceed the amount of the bonus  
7           depreciation deduction taken on that property on the  
8           taxpayer's federal income tax return under subsection  
9           (k) of Section 168 of the Internal Revenue Code. This  
10          subparagraph (Z) is exempt from the provisions of  
11          Section 250;

12          (AA) If the taxpayer sells, transfers, abandons,  
13          or otherwise disposes of property for which the  
14          taxpayer was required in any taxable year to make an  
15          addition modification under subparagraph (D-15), then  
16          an amount equal to that addition modification.

17          If the taxpayer continues to own property through  
18          the last day of the last tax year for which a  
19          subtraction is allowed with respect to that property  
20          under subparagraph (Z) and for which the taxpayer was  
21          required in any taxable year to make an addition  
22          modification under subparagraph (D-15), then an amount  
23          equal to that addition modification.

24          The taxpayer is allowed to take the deduction  
25          under this subparagraph only once with respect to any  
26          one piece of property.

1           This subparagraph (AA) is exempt from the  
2 provisions of Section 250;

3           (BB) Any amount included in adjusted gross income,  
4 other than salary, received by a driver in a  
5 ridesharing arrangement using a motor vehicle;

6           (CC) The amount of (i) any interest income (net of  
7 the deductions allocable thereto) taken into account  
8 for the taxable year with respect to a transaction  
9 with a taxpayer that is required to make an addition  
10 modification with respect to such transaction under  
11 Section 203(a)(2)(D-17), 203(b)(2)(E-12),  
12 203(c)(2)(G-12), or 203(d)(2)(D-7), but not to exceed  
13 the amount of that addition modification, and (ii) any  
14 income from intangible property (net of the deductions  
15 allocable thereto) taken into account for the taxable  
16 year with respect to a transaction with a taxpayer  
17 that is required to make an addition modification with  
18 respect to such transaction under Section  
19 203(a)(2)(D-18), 203(b)(2)(E-13), 203(c)(2)(G-13), or  
20 203(d)(2)(D-8), but not to exceed the amount of that  
21 addition modification. This subparagraph (CC) is  
22 exempt from the provisions of Section 250;

23           (DD) An amount equal to the interest income taken  
24 into account for the taxable year (net of the  
25 deductions allocable thereto) with respect to  
26 transactions with (i) a foreign person who would be a

1 member of the taxpayer's unitary business group but  
2 for the fact that the foreign person's business  
3 activity outside the United States is 80% or more of  
4 that person's total business activity and (ii) for  
5 taxable years ending on or after December 31, 2008, to  
6 a person who would be a member of the same unitary  
7 business group but for the fact that the person is  
8 prohibited under Section 1501(a)(27) from being  
9 included in the unitary business group because he or  
10 she is ordinarily required to apportion business  
11 income under different subsections of Section 304, but  
12 not to exceed the addition modification required to be  
13 made for the same taxable year under Section  
14 203(a)(2)(D-17) for interest paid, accrued, or  
15 incurred, directly or indirectly, to the same person.  
16 This subparagraph (DD) is exempt from the provisions  
17 of Section 250;

18 (EE) An amount equal to the income from intangible  
19 property taken into account for the taxable year (net  
20 of the deductions allocable thereto) with respect to  
21 transactions with (i) a foreign person who would be a  
22 member of the taxpayer's unitary business group but  
23 for the fact that the foreign person's business  
24 activity outside the United States is 80% or more of  
25 that person's total business activity and (ii) for  
26 taxable years ending on or after December 31, 2008, to

1 a person who would be a member of the same unitary  
2 business group but for the fact that the person is  
3 prohibited under Section 1501(a)(27) from being  
4 included in the unitary business group because he or  
5 she is ordinarily required to apportion business  
6 income under different subsections of Section 304, but  
7 not to exceed the addition modification required to be  
8 made for the same taxable year under Section  
9 203(a)(2)(D-18) for intangible expenses and costs  
10 paid, accrued, or incurred, directly or indirectly, to  
11 the same foreign person. This subparagraph (EE) is  
12 exempt from the provisions of Section 250;

13 (FF) An amount equal to any amount awarded to the  
14 taxpayer during the taxable year by the Court of  
15 Claims under subsection (c) of Section 8 of the Court  
16 of Claims Act for time unjustly served in a State  
17 prison. This subparagraph (FF) is exempt from the  
18 provisions of Section 250;

19 (GG) For taxable years ending on or after December  
20 31, 2011, in the case of a taxpayer who was required to  
21 add back any insurance premiums under Section  
22 203(a)(2)(D-19), such taxpayer may elect to subtract  
23 that part of a reimbursement received from the  
24 insurance company equal to the amount of the expense  
25 or loss (including expenses incurred by the insurance  
26 company) that would have been taken into account as a



1 deduction for federal income tax purposes if the  
2 expense or loss had been uninsured. If a taxpayer  
3 makes the election provided for by this subparagraph  
4 (GG), the insurer to which the premiums were paid must  
5 add back to income the amount subtracted by the  
6 taxpayer pursuant to this subparagraph (GG). This  
7 subparagraph (GG) is exempt from the provisions of  
8 Section 250;

9 (HH) For taxable years beginning on or after  
10 January 1, 2018 and prior to January 1, 2028, a maximum  
11 of \$10,000 contributed in the taxable year to a  
12 qualified ABLE account under Section 16.6 of the State  
13 Treasurer Act, except that amounts excluded from gross  
14 income under Section 529(c)(3)(C)(i) or Section  
15 529A(c)(1)(C) of the Internal Revenue Code shall not  
16 be considered moneys contributed under this  
17 subparagraph (HH). For purposes of this subparagraph  
18 (HH), contributions made by an employer on behalf of  
19 an employee, or matching contributions made by an  
20 employee, shall be treated as made by the employee;

21 (II) For taxable years that begin on or after  
22 January 1, 2021 and begin before January 1, 2026, the  
23 amount that is included in the taxpayer's federal  
24 adjusted gross income pursuant to Section 61 of the  
25 Internal Revenue Code as discharge of indebtedness  
26 attributable to student loan forgiveness and that is

1 not excluded from the taxpayer's federal adjusted  
2 gross income pursuant to paragraph (5) of subsection  
3 (f) of Section 108 of the Internal Revenue Code; ~~and~~

4 (JJ) For taxable years beginning on or after  
5 January 1, 2023, for any cannabis establishment  
6 operating in this State and licensed under the  
7 Cannabis Regulation and Tax Act or any cannabis  
8 cultivation center or medical cannabis dispensing  
9 organization operating in this State and licensed  
10 under the Compassionate Use of Medical Cannabis  
11 Program Act, an amount equal to the deductions that  
12 were disallowed under Section 280E of the Internal  
13 Revenue Code for the taxable year and that would not be  
14 added back under this subsection. The provisions of  
15 this subparagraph (JJ) are exempt from the provisions  
16 of Section 250; ~~and~~.

17 (KK) ~~(JJ)~~ To the extent includible in gross income  
18 for federal income tax purposes, any amount awarded or  
19 paid to the taxpayer as a result of a judgment or  
20 settlement for fertility fraud as provided in Section  
21 15 of the Illinois Fertility Fraud Act, donor  
22 fertility fraud as provided in Section 20 of the  
23 Illinois Fertility Fraud Act, or similar action in  
24 another state.

25 (b) Corporations.

1           (1) In general. In the case of a corporation, base  
2 income means an amount equal to the taxpayer's taxable  
3 income for the taxable year as modified by paragraph (2).

4           (2) Modifications. The taxable income referred to in  
5 paragraph (1) shall be modified by adding thereto the sum  
6 of the following amounts:

7           (A) An amount equal to all amounts paid or accrued  
8 to the taxpayer as interest and all distributions  
9 received from regulated investment companies during  
10 the taxable year to the extent excluded from gross  
11 income in the computation of taxable income;

12           (B) An amount equal to the amount of tax imposed by  
13 this Act to the extent deducted from gross income in  
14 the computation of taxable income for the taxable  
15 year;

16           (C) In the case of a regulated investment company,  
17 an amount equal to the excess of (i) the net long-term  
18 capital gain for the taxable year, over (ii) the  
19 amount of the capital gain dividends designated as  
20 such in accordance with Section 852(b)(3)(C) of the  
21 Internal Revenue Code and any amount designated under  
22 Section 852(b)(3)(D) of the Internal Revenue Code,  
23 attributable to the taxable year (this amendatory Act  
24 of 1995 (Public Act 89-89) is declarative of existing  
25 law and is not a new enactment);

26           (D) The amount of any net operating loss deduction

1 taken in arriving at taxable income, other than a net  
2 operating loss carried forward from a taxable year  
3 ending prior to December 31, 1986;

4 (E) For taxable years in which a net operating  
5 loss carryback or carryforward from a taxable year  
6 ending prior to December 31, 1986 is an element of  
7 taxable income under paragraph (1) of subsection (e)  
8 or subparagraph (E) of paragraph (2) of subsection  
9 (e), the amount by which addition modifications other  
10 than those provided by this subparagraph (E) exceeded  
11 subtraction modifications in such earlier taxable  
12 year, with the following limitations applied in the  
13 order that they are listed:

14 (i) the addition modification relating to the  
15 net operating loss carried back or forward to the  
16 taxable year from any taxable year ending prior to  
17 December 31, 1986 shall be reduced by the amount  
18 of addition modification under this subparagraph  
19 (E) which related to that net operating loss and  
20 which was taken into account in calculating the  
21 base income of an earlier taxable year, and

22 (ii) the addition modification relating to the  
23 net operating loss carried back or forward to the  
24 taxable year from any taxable year ending prior to  
25 December 31, 1986 shall not exceed the amount of  
26 such carryback or carryforward;

1           For taxable years in which there is a net  
2           operating loss carryback or carryforward from more  
3           than one other taxable year ending prior to December  
4           31, 1986, the addition modification provided in this  
5           subparagraph (E) shall be the sum of the amounts  
6           computed independently under the preceding provisions  
7           of this subparagraph (E) for each such taxable year;

8           (E-5) For taxable years ending after December 31,  
9           1997, an amount equal to any eligible remediation  
10          costs that the corporation deducted in computing  
11          adjusted gross income and for which the corporation  
12          claims a credit under subsection (l) of Section 201;

13          (E-10) For taxable years 2001 and thereafter, an  
14          amount equal to the bonus depreciation deduction taken  
15          on the taxpayer's federal income tax return for the  
16          taxable year under subsection (k) of Section 168 of  
17          the Internal Revenue Code;

18          (E-11) If the taxpayer sells, transfers, abandons,  
19          or otherwise disposes of property for which the  
20          taxpayer was required in any taxable year to make an  
21          addition modification under subparagraph (E-10), then  
22          an amount equal to the aggregate amount of the  
23          deductions taken in all taxable years under  
24          subparagraph (T) with respect to that property.

25          If the taxpayer continues to own property through  
26          the last day of the last tax year for which a

1 subtraction is allowed with respect to that property  
2 under subparagraph (T) and for which the taxpayer was  
3 allowed in any taxable year to make a subtraction  
4 modification under subparagraph (T), then an amount  
5 equal to that subtraction modification.

6 The taxpayer is required to make the addition  
7 modification under this subparagraph only once with  
8 respect to any one piece of property;

9 (E-12) An amount equal to the amount otherwise  
10 allowed as a deduction in computing base income for  
11 interest paid, accrued, or incurred, directly or  
12 indirectly, (i) for taxable years ending on or after  
13 December 31, 2004, to a foreign person who would be a  
14 member of the same unitary business group but for the  
15 fact the foreign person's business activity outside  
16 the United States is 80% or more of the foreign  
17 person's total business activity and (ii) for taxable  
18 years ending on or after December 31, 2008, to a person  
19 who would be a member of the same unitary business  
20 group but for the fact that the person is prohibited  
21 under Section 1501(a)(27) from being included in the  
22 unitary business group because he or she is ordinarily  
23 required to apportion business income under different  
24 subsections of Section 304. The addition modification  
25 required by this subparagraph shall be reduced to the  
26 extent that dividends were included in base income of

1           the unitary group for the same taxable year and  
2           received by the taxpayer or by a member of the  
3           taxpayer's unitary business group (including amounts  
4           included in gross income pursuant to Sections 951  
5           through 964 of the Internal Revenue Code and amounts  
6           included in gross income under Section 78 of the  
7           Internal Revenue Code) with respect to the stock of  
8           the same person to whom the interest was paid,  
9           accrued, or incurred.

10           This paragraph shall not apply to the following:

11           (i) an item of interest paid, accrued, or  
12           incurred, directly or indirectly, to a person who  
13           is subject in a foreign country or state, other  
14           than a state which requires mandatory unitary  
15           reporting, to a tax on or measured by net income  
16           with respect to such interest; or

17           (ii) an item of interest paid, accrued, or  
18           incurred, directly or indirectly, to a person if  
19           the taxpayer can establish, based on a  
20           preponderance of the evidence, both of the  
21           following:

22           (a) the person, during the same taxable  
23           year, paid, accrued, or incurred, the interest  
24           to a person that is not a related member, and

25           (b) the transaction giving rise to the  
26           interest expense between the taxpayer and the

1 person did not have as a principal purpose the  
2 avoidance of Illinois income tax, and is paid  
3 pursuant to a contract or agreement that  
4 reflects an arm's-length interest rate and  
5 terms; or

6 (iii) the taxpayer can establish, based on  
7 clear and convincing evidence, that the interest  
8 paid, accrued, or incurred relates to a contract  
9 or agreement entered into at arm's-length rates  
10 and terms and the principal purpose for the  
11 payment is not federal or Illinois tax avoidance;  
12 or

13 (iv) an item of interest paid, accrued, or  
14 incurred, directly or indirectly, to a person if  
15 the taxpayer establishes by clear and convincing  
16 evidence that the adjustments are unreasonable; or  
17 if the taxpayer and the Director agree in writing  
18 to the application or use of an alternative method  
19 of apportionment under Section 304(f).

20 Nothing in this subsection shall preclude the  
21 Director from making any other adjustment  
22 otherwise allowed under Section 404 of this Act  
23 for any tax year beginning after the effective  
24 date of this amendment provided such adjustment is  
25 made pursuant to regulation adopted by the  
26 Department and such regulations provide methods



1           and standards by which the Department will utilize  
2           its authority under Section 404 of this Act;

3           (E-13) An amount equal to the amount of intangible  
4           expenses and costs otherwise allowed as a deduction in  
5           computing base income, and that were paid, accrued, or  
6           incurred, directly or indirectly, (i) for taxable  
7           years ending on or after December 31, 2004, to a  
8           foreign person who would be a member of the same  
9           unitary business group but for the fact that the  
10          foreign person's business activity outside the United  
11          States is 80% or more of that person's total business  
12          activity and (ii) for taxable years ending on or after  
13          December 31, 2008, to a person who would be a member of  
14          the same unitary business group but for the fact that  
15          the person is prohibited under Section 1501(a)(27)  
16          from being included in the unitary business group  
17          because he or she is ordinarily required to apportion  
18          business income under different subsections of Section  
19          304. The addition modification required by this  
20          subparagraph shall be reduced to the extent that  
21          dividends were included in base income of the unitary  
22          group for the same taxable year and received by the  
23          taxpayer or by a member of the taxpayer's unitary  
24          business group (including amounts included in gross  
25          income pursuant to Sections 951 through 964 of the  
26          Internal Revenue Code and amounts included in gross

1 income under Section 78 of the Internal Revenue Code)  
2 with respect to the stock of the same person to whom  
3 the intangible expenses and costs were directly or  
4 indirectly paid, incurred, or accrued. The preceding  
5 sentence shall not apply to the extent that the same  
6 dividends caused a reduction to the addition  
7 modification required under Section 203(b)(2)(E-12) of  
8 this Act. As used in this subparagraph, the term  
9 "intangible expenses and costs" includes (1) expenses,  
10 losses, and costs for, or related to, the direct or  
11 indirect acquisition, use, maintenance or management,  
12 ownership, sale, exchange, or any other disposition of  
13 intangible property; (2) losses incurred, directly or  
14 indirectly, from factoring transactions or discounting  
15 transactions; (3) royalty, patent, technical, and  
16 copyright fees; (4) licensing fees; and (5) other  
17 similar expenses and costs. For purposes of this  
18 subparagraph, "intangible property" includes patents,  
19 patent applications, trade names, trademarks, service  
20 marks, copyrights, mask works, trade secrets, and  
21 similar types of intangible assets.

22 This paragraph shall not apply to the following:

23 (i) any item of intangible expenses or costs  
24 paid, accrued, or incurred, directly or  
25 indirectly, from a transaction with a person who  
26 is subject in a foreign country or state, other

1 than a state which requires mandatory unitary  
2 reporting, to a tax on or measured by net income  
3 with respect to such item; or

4 (ii) any item of intangible expense or cost  
5 paid, accrued, or incurred, directly or  
6 indirectly, if the taxpayer can establish, based  
7 on a preponderance of the evidence, both of the  
8 following:

9 (a) the person during the same taxable  
10 year paid, accrued, or incurred, the  
11 intangible expense or cost to a person that is  
12 not a related member, and

13 (b) the transaction giving rise to the  
14 intangible expense or cost between the  
15 taxpayer and the person did not have as a  
16 principal purpose the avoidance of Illinois  
17 income tax, and is paid pursuant to a contract  
18 or agreement that reflects arm's-length terms;  
19 or

20 (iii) any item of intangible expense or cost  
21 paid, accrued, or incurred, directly or  
22 indirectly, from a transaction with a person if  
23 the taxpayer establishes by clear and convincing  
24 evidence, that the adjustments are unreasonable;  
25 or if the taxpayer and the Director agree in  
26 writing to the application or use of an

1 alternative method of apportionment under Section  
2 304(f);

3 Nothing in this subsection shall preclude the  
4 Director from making any other adjustment  
5 otherwise allowed under Section 404 of this Act  
6 for any tax year beginning after the effective  
7 date of this amendment provided such adjustment is  
8 made pursuant to regulation adopted by the  
9 Department and such regulations provide methods  
10 and standards by which the Department will utilize  
11 its authority under Section 404 of this Act;

12 (E-14) For taxable years ending on or after  
13 December 31, 2008, an amount equal to the amount of  
14 insurance premium expenses and costs otherwise allowed  
15 as a deduction in computing base income, and that were  
16 paid, accrued, or incurred, directly or indirectly, to  
17 a person who would be a member of the same unitary  
18 business group but for the fact that the person is  
19 prohibited under Section 1501(a)(27) from being  
20 included in the unitary business group because he or  
21 she is ordinarily required to apportion business  
22 income under different subsections of Section 304. The  
23 addition modification required by this subparagraph  
24 shall be reduced to the extent that dividends were  
25 included in base income of the unitary group for the  
26 same taxable year and received by the taxpayer or by a

1 member of the taxpayer's unitary business group  
2 (including amounts included in gross income under  
3 Sections 951 through 964 of the Internal Revenue Code  
4 and amounts included in gross income under Section 78  
5 of the Internal Revenue Code) with respect to the  
6 stock of the same person to whom the premiums and costs  
7 were directly or indirectly paid, incurred, or  
8 accrued. The preceding sentence does not apply to the  
9 extent that the same dividends caused a reduction to  
10 the addition modification required under Section  
11 203(b)(2)(E-12) or Section 203(b)(2)(E-13) of this  
12 Act;

13 (E-15) For taxable years beginning after December  
14 31, 2008, any deduction for dividends paid by a  
15 captive real estate investment trust that is allowed  
16 to a real estate investment trust under Section  
17 857(b)(2)(B) of the Internal Revenue Code for  
18 dividends paid;

19 (E-16) An amount equal to the credit allowable to  
20 the taxpayer under Section 218(a) of this Act,  
21 determined without regard to Section 218(c) of this  
22 Act;

23 (E-17) For taxable years ending on or after  
24 December 31, 2017, an amount equal to the deduction  
25 allowed under Section 199 of the Internal Revenue Code  
26 for the taxable year;

1 (E-18) for taxable years beginning after December  
2 31, 2018, an amount equal to the deduction allowed  
3 under Section 250(a)(1)(A) of the Internal Revenue  
4 Code for the taxable year;

5 (E-19) for taxable years ending on or after June  
6 30, 2021, an amount equal to the deduction allowed  
7 under Section 250(a)(1)(B)(i) of the Internal Revenue  
8 Code for the taxable year;

9 (E-20) for taxable years ending on or after June  
10 30, 2021, an amount equal to the deduction allowed  
11 under Sections 243(e) and 245A(a) of the Internal  
12 Revenue Code for the taxable year.

13 and by deducting from the total so obtained the sum of the  
14 following amounts:

15 (F) An amount equal to the amount of any tax  
16 imposed by this Act which was refunded to the taxpayer  
17 and included in such total for the taxable year;

18 (G) An amount equal to any amount included in such  
19 total under Section 78 of the Internal Revenue Code;

20 (H) In the case of a regulated investment company,  
21 an amount equal to the amount of exempt interest  
22 dividends as defined in subsection (b)(5) of Section  
23 852 of the Internal Revenue Code, paid to shareholders  
24 for the taxable year;

25 (I) With the exception of any amounts subtracted  
26 under subparagraph (J), an amount equal to the sum of

1 all amounts disallowed as deductions by (i) Sections  
2 171(a)(2) and 265(a)(2) and amounts disallowed as  
3 interest expense by Section 291(a)(3) of the Internal  
4 Revenue Code, and all amounts of expenses allocable to  
5 interest and disallowed as deductions by Section  
6 265(a)(1) of the Internal Revenue Code; and (ii) for  
7 taxable years ending on or after August 13, 1999,  
8 Sections 171(a)(2), 265, 280C, 291(a)(3), and  
9 832(b)(5)(B)(i) of the Internal Revenue Code, plus,  
10 for tax years ending on or after December 31, 2011,  
11 amounts disallowed as deductions by Section 45G(e)(3)  
12 of the Internal Revenue Code and, for taxable years  
13 ending on or after December 31, 2008, any amount  
14 included in gross income under Section 87 of the  
15 Internal Revenue Code and the policyholders' share of  
16 tax-exempt interest of a life insurance company under  
17 Section 807(a)(2)(B) of the Internal Revenue Code (in  
18 the case of a life insurance company with gross income  
19 from a decrease in reserves for the tax year) or  
20 Section 807(b)(1)(B) of the Internal Revenue Code (in  
21 the case of a life insurance company allowed a  
22 deduction for an increase in reserves for the tax  
23 year); the provisions of this subparagraph are exempt  
24 from the provisions of Section 250;

25 (J) An amount equal to all amounts included in  
26 such total which are exempt from taxation by this

1 State either by reason of its statutes or Constitution  
2 or by reason of the Constitution, treaties or statutes  
3 of the United States; provided that, in the case of any  
4 statute of this State that exempts income derived from  
5 bonds or other obligations from the tax imposed under  
6 this Act, the amount exempted shall be the interest  
7 net of bond premium amortization;

8 (K) An amount equal to those dividends included in  
9 such total which were paid by a corporation which  
10 conducts business operations in a River Edge  
11 Redevelopment Zone or zones created under the River  
12 Edge Redevelopment Zone Act and conducts substantially  
13 all of its operations in a River Edge Redevelopment  
14 Zone or zones. This subparagraph (K) is exempt from  
15 the provisions of Section 250;

16 (L) An amount equal to those dividends included in  
17 such total that were paid by a corporation that  
18 conducts business operations in a federally designated  
19 Foreign Trade Zone or Sub-Zone and that is designated  
20 a High Impact Business located in Illinois; provided  
21 that dividends eligible for the deduction provided in  
22 subparagraph (K) of paragraph 2 of this subsection  
23 shall not be eligible for the deduction provided under  
24 this subparagraph (L);

25 (M) For any taxpayer that is a financial  
26 organization within the meaning of Section 304(c) of



1           this Act, an amount included in such total as interest  
2           income from a loan or loans made by such taxpayer to a  
3           borrower, to the extent that such a loan is secured by  
4           property which is eligible for the River Edge  
5           Redevelopment Zone Investment Credit. To determine the  
6           portion of a loan or loans that is secured by property  
7           eligible for a Section 201(f) investment credit to the  
8           borrower, the entire principal amount of the loan or  
9           loans between the taxpayer and the borrower should be  
10          divided into the basis of the Section 201(f)  
11          investment credit property which secures the loan or  
12          loans, using for this purpose the original basis of  
13          such property on the date that it was placed in service  
14          in the River Edge Redevelopment Zone. The subtraction  
15          modification available to the taxpayer in any year  
16          under this subsection shall be that portion of the  
17          total interest paid by the borrower with respect to  
18          such loan attributable to the eligible property as  
19          calculated under the previous sentence. This  
20          subparagraph (M) is exempt from the provisions of  
21          Section 250;

22                 (M-1) For any taxpayer that is a financial  
23                 organization within the meaning of Section 304(c) of  
24                 this Act, an amount included in such total as interest  
25                 income from a loan or loans made by such taxpayer to a  
26                 borrower, to the extent that such a loan is secured by

1 property which is eligible for the High Impact  
2 Business Investment Credit. To determine the portion  
3 of a loan or loans that is secured by property eligible  
4 for a Section 201(h) investment credit to the  
5 borrower, the entire principal amount of the loan or  
6 loans between the taxpayer and the borrower should be  
7 divided into the basis of the Section 201(h)  
8 investment credit property which secures the loan or  
9 loans, using for this purpose the original basis of  
10 such property on the date that it was placed in service  
11 in a federally designated Foreign Trade Zone or  
12 Sub-Zone located in Illinois. No taxpayer that is  
13 eligible for the deduction provided in subparagraph  
14 (M) of paragraph (2) of this subsection shall be  
15 eligible for the deduction provided under this  
16 subparagraph (M-1). The subtraction modification  
17 available to taxpayers in any year under this  
18 subsection shall be that portion of the total interest  
19 paid by the borrower with respect to such loan  
20 attributable to the eligible property as calculated  
21 under the previous sentence;

22 (N) Two times any contribution made during the  
23 taxable year to a designated zone organization to the  
24 extent that the contribution (i) qualifies as a  
25 charitable contribution under subsection (c) of  
26 Section 170 of the Internal Revenue Code and (ii)

1 must, by its terms, be used for a project approved by  
2 the Department of Commerce and Economic Opportunity  
3 under Section 11 of the Illinois Enterprise Zone Act  
4 or under Section 10-10 of the River Edge Redevelopment  
5 Zone Act. This subparagraph (N) is exempt from the  
6 provisions of Section 250;

7 (O) An amount equal to: (i) 85% for taxable years  
8 ending on or before December 31, 1992, or, a  
9 percentage equal to the percentage allowable under  
10 Section 243(a)(1) of the Internal Revenue Code of 1986  
11 for taxable years ending after December 31, 1992, of  
12 the amount by which dividends included in taxable  
13 income and received from a corporation that is not  
14 created or organized under the laws of the United  
15 States or any state or political subdivision thereof,  
16 including, for taxable years ending on or after  
17 December 31, 1988, dividends received or deemed  
18 received or paid or deemed paid under Sections 951  
19 through 965 of the Internal Revenue Code, exceed the  
20 amount of the modification provided under subparagraph  
21 (G) of paragraph (2) of this subsection (b) which is  
22 related to such dividends, and including, for taxable  
23 years ending on or after December 31, 2008, dividends  
24 received from a captive real estate investment trust;  
25 plus (ii) 100% of the amount by which dividends,  
26 included in taxable income and received, including,

1 for taxable years ending on or after December 31,  
2 1988, dividends received or deemed received or paid or  
3 deemed paid under Sections 951 through 964 of the  
4 Internal Revenue Code and including, for taxable years  
5 ending on or after December 31, 2008, dividends  
6 received from a captive real estate investment trust,  
7 from any such corporation specified in clause (i) that  
8 would but for the provisions of Section 1504(b)(3) of  
9 the Internal Revenue Code be treated as a member of the  
10 affiliated group which includes the dividend  
11 recipient, exceed the amount of the modification  
12 provided under subparagraph (G) of paragraph (2) of  
13 this subsection (b) which is related to such  
14 dividends. For taxable years ending on or after June  
15 30, 2021, (i) for purposes of this subparagraph, the  
16 term "dividend" does not include any amount treated as  
17 a dividend under Section 1248 of the Internal Revenue  
18 Code, and (ii) this subparagraph shall not apply to  
19 dividends for which a deduction is allowed under  
20 Section 245(a) of the Internal Revenue Code. This  
21 subparagraph (O) is exempt from the provisions of  
22 Section 250 of this Act;

23 (P) An amount equal to any contribution made to a  
24 job training project established pursuant to the Tax  
25 Increment Allocation Redevelopment Act;

26 (Q) An amount equal to the amount of the deduction

1           used to compute the federal income tax credit for  
2           restoration of substantial amounts held under claim of  
3           right for the taxable year pursuant to Section 1341 of  
4           the Internal Revenue Code;

5           (R) On and after July 20, 1999, in the case of an  
6           attorney-in-fact with respect to whom an interinsurer  
7           or a reciprocal insurer has made the election under  
8           Section 835 of the Internal Revenue Code, 26 U.S.C.  
9           835, an amount equal to the excess, if any, of the  
10          amounts paid or incurred by that interinsurer or  
11          reciprocal insurer in the taxable year to the  
12          attorney-in-fact over the deduction allowed to that  
13          interinsurer or reciprocal insurer with respect to the  
14          attorney-in-fact under Section 835(b) of the Internal  
15          Revenue Code for the taxable year; the provisions of  
16          this subparagraph are exempt from the provisions of  
17          Section 250;

18          (S) For taxable years ending on or after December  
19          31, 1997, in the case of a Subchapter S corporation, an  
20          amount equal to all amounts of income allocable to a  
21          shareholder subject to the Personal Property Tax  
22          Replacement Income Tax imposed by subsections (c) and  
23          (d) of Section 201 of this Act, including amounts  
24          allocable to organizations exempt from federal income  
25          tax by reason of Section 501(a) of the Internal  
26          Revenue Code. This subparagraph (S) is exempt from the

1 provisions of Section 250;

2 (T) For taxable years 2001 and thereafter, for the  
3 taxable year in which the bonus depreciation deduction  
4 is taken on the taxpayer's federal income tax return  
5 under subsection (k) of Section 168 of the Internal  
6 Revenue Code and for each applicable taxable year  
7 thereafter, an amount equal to "x", where:

8 (1) "y" equals the amount of the depreciation  
9 deduction taken for the taxable year on the  
10 taxpayer's federal income tax return on property  
11 for which the bonus depreciation deduction was  
12 taken in any year under subsection (k) of Section  
13 168 of the Internal Revenue Code, but not  
14 including the bonus depreciation deduction;

15 (2) for taxable years ending on or before  
16 December 31, 2005, "x" equals "y" multiplied by 30  
17 and then divided by 70 (or "y" multiplied by  
18 0.429); and

19 (3) for taxable years ending after December  
20 31, 2005:

21 (i) for property on which a bonus  
22 depreciation deduction of 30% of the adjusted  
23 basis was taken, "x" equals "y" multiplied by  
24 30 and then divided by 70 (or "y" multiplied  
25 by 0.429);

26 (ii) for property on which a bonus

1 depreciation deduction of 50% of the adjusted  
2 basis was taken, "x" equals "y" multiplied by  
3 1.0;

4 (iii) for property on which a bonus  
5 depreciation deduction of 100% of the adjusted  
6 basis was taken in a taxable year ending on or  
7 after December 31, 2021, "x" equals the  
8 depreciation deduction that would be allowed  
9 on that property if the taxpayer had made the  
10 election under Section 168(k)(7) of the  
11 Internal Revenue Code to not claim bonus  
12 depreciation on that property; and

13 (iv) for property on which a bonus  
14 depreciation deduction of a percentage other  
15 than 30%, 50% or 100% of the adjusted basis  
16 was taken in a taxable year ending on or after  
17 December 31, 2021, "x" equals "y" multiplied  
18 by 100 times the percentage bonus depreciation  
19 on the property (that is,  $100(\text{bonus}\%)$ ) and  
20 then divided by 100 times 1 minus the  
21 percentage bonus depreciation on the property  
22 (that is,  $100(1-\text{bonus}\%)$ ).

23 The aggregate amount deducted under this  
24 subparagraph in all taxable years for any one piece of  
25 property may not exceed the amount of the bonus  
26 depreciation deduction taken on that property on the

1 taxpayer's federal income tax return under subsection  
2 (k) of Section 168 of the Internal Revenue Code. This  
3 subparagraph (T) is exempt from the provisions of  
4 Section 250;

5 (U) If the taxpayer sells, transfers, abandons, or  
6 otherwise disposes of property for which the taxpayer  
7 was required in any taxable year to make an addition  
8 modification under subparagraph (E-10), then an amount  
9 equal to that addition modification.

10 If the taxpayer continues to own property through  
11 the last day of the last tax year for which a  
12 subtraction is allowed with respect to that property  
13 under subparagraph (T) and for which the taxpayer was  
14 required in any taxable year to make an addition  
15 modification under subparagraph (E-10), then an amount  
16 equal to that addition modification.

17 The taxpayer is allowed to take the deduction  
18 under this subparagraph only once with respect to any  
19 one piece of property.

20 This subparagraph (U) is exempt from the  
21 provisions of Section 250;

22 (V) The amount of: (i) any interest income (net of  
23 the deductions allocable thereto) taken into account  
24 for the taxable year with respect to a transaction  
25 with a taxpayer that is required to make an addition  
26 modification with respect to such transaction under



1           Section           203(a)(2)(D-17),           203(b)(2)(E-12),  
2           203(c)(2)(G-12), or 203(d)(2)(D-7), but not to exceed  
3           the amount of such addition modification, (ii) any  
4           income from intangible property (net of the deductions  
5           allocable thereto) taken into account for the taxable  
6           year with respect to a transaction with a taxpayer  
7           that is required to make an addition modification with  
8           respect to such transaction under Section  
9           203(a)(2)(D-18), 203(b)(2)(E-13), 203(c)(2)(G-13), or  
10          203(d)(2)(D-8), but not to exceed the amount of such  
11          addition modification, and (iii) any insurance premium  
12          income (net of deductions allocable thereto) taken  
13          into account for the taxable year with respect to a  
14          transaction with a taxpayer that is required to make  
15          an addition modification with respect to such  
16          transaction under Section 203(a)(2)(D-19), Section  
17          203(b)(2)(E-14), Section 203(c)(2)(G-14), or Section  
18          203(d)(2)(D-9), but not to exceed the amount of that  
19          addition modification. This subparagraph (V) is exempt  
20          from the provisions of Section 250;

21                 (W) An amount equal to the interest income taken  
22                 into account for the taxable year (net of the  
23                 deductions allocable thereto) with respect to  
24                 transactions with (i) a foreign person who would be a  
25                 member of the taxpayer's unitary business group but  
26                 for the fact that the foreign person's business

1 activity outside the United States is 80% or more of  
2 that person's total business activity and (ii) for  
3 taxable years ending on or after December 31, 2008, to  
4 a person who would be a member of the same unitary  
5 business group but for the fact that the person is  
6 prohibited under Section 1501(a)(27) from being  
7 included in the unitary business group because he or  
8 she is ordinarily required to apportion business  
9 income under different subsections of Section 304, but  
10 not to exceed the addition modification required to be  
11 made for the same taxable year under Section  
12 203(b)(2)(E-12) for interest paid, accrued, or  
13 incurred, directly or indirectly, to the same person.  
14 This subparagraph (W) is exempt from the provisions of  
15 Section 250;

16 (X) An amount equal to the income from intangible  
17 property taken into account for the taxable year (net  
18 of the deductions allocable thereto) with respect to  
19 transactions with (i) a foreign person who would be a  
20 member of the taxpayer's unitary business group but  
21 for the fact that the foreign person's business  
22 activity outside the United States is 80% or more of  
23 that person's total business activity and (ii) for  
24 taxable years ending on or after December 31, 2008, to  
25 a person who would be a member of the same unitary  
26 business group but for the fact that the person is

1 prohibited under Section 1501(a)(27) from being  
2 included in the unitary business group because he or  
3 she is ordinarily required to apportion business  
4 income under different subsections of Section 304, but  
5 not to exceed the addition modification required to be  
6 made for the same taxable year under Section  
7 203(b)(2)(E-13) for intangible expenses and costs  
8 paid, accrued, or incurred, directly or indirectly, to  
9 the same foreign person. This subparagraph (X) is  
10 exempt from the provisions of Section 250;

11 (Y) For taxable years ending on or after December  
12 31, 2011, in the case of a taxpayer who was required to  
13 add back any insurance premiums under Section  
14 203(b)(2)(E-14), such taxpayer may elect to subtract  
15 that part of a reimbursement received from the  
16 insurance company equal to the amount of the expense  
17 or loss (including expenses incurred by the insurance  
18 company) that would have been taken into account as a  
19 deduction for federal income tax purposes if the  
20 expense or loss had been uninsured. If a taxpayer  
21 makes the election provided for by this subparagraph  
22 (Y), the insurer to which the premiums were paid must  
23 add back to income the amount subtracted by the  
24 taxpayer pursuant to this subparagraph (Y). This  
25 subparagraph (Y) is exempt from the provisions of  
26 Section 250;

1           (Z) The difference between the nondeductible  
2 controlled foreign corporation dividends under Section  
3 965(e)(3) of the Internal Revenue Code over the  
4 taxable income of the taxpayer, computed without  
5 regard to Section 965(e)(2)(A) of the Internal Revenue  
6 Code, and without regard to any net operating loss  
7 deduction. This subparagraph (Z) is exempt from the  
8 provisions of Section 250; and

9           (AA) For taxable years beginning on or after  
10 January 1, 2023, for any cannabis establishment  
11 operating in this State and licensed under the  
12 Cannabis Regulation and Tax Act or any cannabis  
13 cultivation center or medical cannabis dispensing  
14 organization operating in this State and licensed  
15 under the Compassionate Use of Medical Cannabis  
16 Program Act, an amount equal to the deductions that  
17 were disallowed under Section 280E of the Internal  
18 Revenue Code for the taxable year and that would not be  
19 added back under this subsection. The provisions of  
20 this subparagraph (AA) are exempt from the provisions  
21 of Section 250.

22           (3) Special rule. For purposes of paragraph (2)(A),  
23 "gross income" in the case of a life insurance company,  
24 for tax years ending on and after December 31, 1994, and  
25 prior to December 31, 2011, shall mean the gross  
26 investment income for the taxable year and, for tax years

1 ending on or after December 31, 2011, shall mean all  
2 amounts included in life insurance gross income under  
3 Section 803(a)(3) of the Internal Revenue Code.

4 (c) Trusts and estates.

5 (1) In general. In the case of a trust or estate, base  
6 income means an amount equal to the taxpayer's taxable  
7 income for the taxable year as modified by paragraph (2).

8 (2) Modifications. Subject to the provisions of  
9 paragraph (3), the taxable income referred to in paragraph  
10 (1) shall be modified by adding thereto the sum of the  
11 following amounts:

12 (A) An amount equal to all amounts paid or accrued  
13 to the taxpayer as interest or dividends during the  
14 taxable year to the extent excluded from gross income  
15 in the computation of taxable income;

16 (B) In the case of (i) an estate, \$600; (ii) a  
17 trust which, under its governing instrument, is  
18 required to distribute all of its income currently,  
19 \$300; and (iii) any other trust, \$100, but in each such  
20 case, only to the extent such amount was deducted in  
21 the computation of taxable income;

22 (C) An amount equal to the amount of tax imposed by  
23 this Act to the extent deducted from gross income in  
24 the computation of taxable income for the taxable  
25 year;

1           (D) The amount of any net operating loss deduction  
2 taken in arriving at taxable income, other than a net  
3 operating loss carried forward from a taxable year  
4 ending prior to December 31, 1986;

5           (E) For taxable years in which a net operating  
6 loss carryback or carryforward from a taxable year  
7 ending prior to December 31, 1986 is an element of  
8 taxable income under paragraph (1) of subsection (e)  
9 or subparagraph (E) of paragraph (2) of subsection  
10 (e), the amount by which addition modifications other  
11 than those provided by this subparagraph (E) exceeded  
12 subtraction modifications in such taxable year, with  
13 the following limitations applied in the order that  
14 they are listed:

15           (i) the addition modification relating to the  
16 net operating loss carried back or forward to the  
17 taxable year from any taxable year ending prior to  
18 December 31, 1986 shall be reduced by the amount  
19 of addition modification under this subparagraph  
20 (E) which related to that net operating loss and  
21 which was taken into account in calculating the  
22 base income of an earlier taxable year, and

23           (ii) the addition modification relating to the  
24 net operating loss carried back or forward to the  
25 taxable year from any taxable year ending prior to  
26 December 31, 1986 shall not exceed the amount of

1           such carryback or carryforward;

2           For taxable years in which there is a net  
3           operating loss carryback or carryforward from more  
4           than one other taxable year ending prior to December  
5           31, 1986, the addition modification provided in this  
6           subparagraph (E) shall be the sum of the amounts  
7           computed independently under the preceding provisions  
8           of this subparagraph (E) for each such taxable year;

9           (F) For taxable years ending on or after January  
10          1, 1989, an amount equal to the tax deducted pursuant  
11          to Section 164 of the Internal Revenue Code if the  
12          trust or estate is claiming the same tax for purposes  
13          of the Illinois foreign tax credit under Section 601  
14          of this Act;

15          (G) An amount equal to the amount of the capital  
16          gain deduction allowable under the Internal Revenue  
17          Code, to the extent deducted from gross income in the  
18          computation of taxable income;

19          (G-5) For taxable years ending after December 31,  
20          1997, an amount equal to any eligible remediation  
21          costs that the trust or estate deducted in computing  
22          adjusted gross income and for which the trust or  
23          estate claims a credit under subsection (1) of Section  
24          201;

25          (G-10) For taxable years 2001 and thereafter, an  
26          amount equal to the bonus depreciation deduction taken

1 on the taxpayer's federal income tax return for the  
2 taxable year under subsection (k) of Section 168 of  
3 the Internal Revenue Code; and

4 (G-11) If the taxpayer sells, transfers, abandons,  
5 or otherwise disposes of property for which the  
6 taxpayer was required in any taxable year to make an  
7 addition modification under subparagraph (G-10), then  
8 an amount equal to the aggregate amount of the  
9 deductions taken in all taxable years under  
10 subparagraph (R) with respect to that property.

11 If the taxpayer continues to own property through  
12 the last day of the last tax year for which a  
13 subtraction is allowed with respect to that property  
14 under subparagraph (R) and for which the taxpayer was  
15 allowed in any taxable year to make a subtraction  
16 modification under subparagraph (R), then an amount  
17 equal to that subtraction modification.

18 The taxpayer is required to make the addition  
19 modification under this subparagraph only once with  
20 respect to any one piece of property;

21 (G-12) An amount equal to the amount otherwise  
22 allowed as a deduction in computing base income for  
23 interest paid, accrued, or incurred, directly or  
24 indirectly, (i) for taxable years ending on or after  
25 December 31, 2004, to a foreign person who would be a  
26 member of the same unitary business group but for the



1 fact that the foreign person's business activity  
2 outside the United States is 80% or more of the foreign  
3 person's total business activity and (ii) for taxable  
4 years ending on or after December 31, 2008, to a person  
5 who would be a member of the same unitary business  
6 group but for the fact that the person is prohibited  
7 under Section 1501(a)(27) from being included in the  
8 unitary business group because he or she is ordinarily  
9 required to apportion business income under different  
10 subsections of Section 304. The addition modification  
11 required by this subparagraph shall be reduced to the  
12 extent that dividends were included in base income of  
13 the unitary group for the same taxable year and  
14 received by the taxpayer or by a member of the  
15 taxpayer's unitary business group (including amounts  
16 included in gross income pursuant to Sections 951  
17 through 964 of the Internal Revenue Code and amounts  
18 included in gross income under Section 78 of the  
19 Internal Revenue Code) with respect to the stock of  
20 the same person to whom the interest was paid,  
21 accrued, or incurred.

22 This paragraph shall not apply to the following:

23 (i) an item of interest paid, accrued, or  
24 incurred, directly or indirectly, to a person who  
25 is subject in a foreign country or state, other  
26 than a state which requires mandatory unitary

1 reporting, to a tax on or measured by net income  
2 with respect to such interest; or

3 (ii) an item of interest paid, accrued, or  
4 incurred, directly or indirectly, to a person if  
5 the taxpayer can establish, based on a  
6 preponderance of the evidence, both of the  
7 following:

8 (a) the person, during the same taxable  
9 year, paid, accrued, or incurred, the interest  
10 to a person that is not a related member, and

11 (b) the transaction giving rise to the  
12 interest expense between the taxpayer and the  
13 person did not have as a principal purpose the  
14 avoidance of Illinois income tax, and is paid  
15 pursuant to a contract or agreement that  
16 reflects an arm's-length interest rate and  
17 terms; or

18 (iii) the taxpayer can establish, based on  
19 clear and convincing evidence, that the interest  
20 paid, accrued, or incurred relates to a contract  
21 or agreement entered into at arm's-length rates  
22 and terms and the principal purpose for the  
23 payment is not federal or Illinois tax avoidance;  
24 or

25 (iv) an item of interest paid, accrued, or  
26 incurred, directly or indirectly, to a person if

1           the taxpayer establishes by clear and convincing  
2           evidence that the adjustments are unreasonable; or  
3           if the taxpayer and the Director agree in writing  
4           to the application or use of an alternative method  
5           of apportionment under Section 304(f).

6           Nothing in this subsection shall preclude the  
7           Director from making any other adjustment  
8           otherwise allowed under Section 404 of this Act  
9           for any tax year beginning after the effective  
10          date of this amendment provided such adjustment is  
11          made pursuant to regulation adopted by the  
12          Department and such regulations provide methods  
13          and standards by which the Department will utilize  
14          its authority under Section 404 of this Act;

15          (G-13) An amount equal to the amount of intangible  
16          expenses and costs otherwise allowed as a deduction in  
17          computing base income, and that were paid, accrued, or  
18          incurred, directly or indirectly, (i) for taxable  
19          years ending on or after December 31, 2004, to a  
20          foreign person who would be a member of the same  
21          unitary business group but for the fact that the  
22          foreign person's business activity outside the United  
23          States is 80% or more of that person's total business  
24          activity and (ii) for taxable years ending on or after  
25          December 31, 2008, to a person who would be a member of  
26          the same unitary business group but for the fact that

1           the person is prohibited under Section 1501(a)(27)  
2           from being included in the unitary business group  
3           because he or she is ordinarily required to apportion  
4           business income under different subsections of Section  
5           304. The addition modification required by this  
6           subparagraph shall be reduced to the extent that  
7           dividends were included in base income of the unitary  
8           group for the same taxable year and received by the  
9           taxpayer or by a member of the taxpayer's unitary  
10          business group (including amounts included in gross  
11          income pursuant to Sections 951 through 964 of the  
12          Internal Revenue Code and amounts included in gross  
13          income under Section 78 of the Internal Revenue Code)  
14          with respect to the stock of the same person to whom  
15          the intangible expenses and costs were directly or  
16          indirectly paid, incurred, or accrued. The preceding  
17          sentence shall not apply to the extent that the same  
18          dividends caused a reduction to the addition  
19          modification required under Section 203(c)(2)(G-12) of  
20          this Act. As used in this subparagraph, the term  
21          "intangible expenses and costs" includes: (1)  
22          expenses, losses, and costs for or related to the  
23          direct or indirect acquisition, use, maintenance or  
24          management, ownership, sale, exchange, or any other  
25          disposition of intangible property; (2) losses  
26          incurred, directly or indirectly, from factoring

1 transactions or discounting transactions; (3) royalty,  
2 patent, technical, and copyright fees; (4) licensing  
3 fees; and (5) other similar expenses and costs. For  
4 purposes of this subparagraph, "intangible property"  
5 includes patents, patent applications, trade names,  
6 trademarks, service marks, copyrights, mask works,  
7 trade secrets, and similar types of intangible assets.

8 This paragraph shall not apply to the following:

9 (i) any item of intangible expenses or costs  
10 paid, accrued, or incurred, directly or  
11 indirectly, from a transaction with a person who  
12 is subject in a foreign country or state, other  
13 than a state which requires mandatory unitary  
14 reporting, to a tax on or measured by net income  
15 with respect to such item; or

16 (ii) any item of intangible expense or cost  
17 paid, accrued, or incurred, directly or  
18 indirectly, if the taxpayer can establish, based  
19 on a preponderance of the evidence, both of the  
20 following:

21 (a) the person during the same taxable  
22 year paid, accrued, or incurred, the  
23 intangible expense or cost to a person that is  
24 not a related member, and

25 (b) the transaction giving rise to the  
26 intangible expense or cost between the

1 taxpayer and the person did not have as a  
2 principal purpose the avoidance of Illinois  
3 income tax, and is paid pursuant to a contract  
4 or agreement that reflects arm's-length terms;  
5 or

6 (iii) any item of intangible expense or cost  
7 paid, accrued, or incurred, directly or  
8 indirectly, from a transaction with a person if  
9 the taxpayer establishes by clear and convincing  
10 evidence, that the adjustments are unreasonable;  
11 or if the taxpayer and the Director agree in  
12 writing to the application or use of an  
13 alternative method of apportionment under Section  
14 304(f);

15 Nothing in this subsection shall preclude the  
16 Director from making any other adjustment  
17 otherwise allowed under Section 404 of this Act  
18 for any tax year beginning after the effective  
19 date of this amendment provided such adjustment is  
20 made pursuant to regulation adopted by the  
21 Department and such regulations provide methods  
22 and standards by which the Department will utilize  
23 its authority under Section 404 of this Act;

24 (G-14) For taxable years ending on or after  
25 December 31, 2008, an amount equal to the amount of  
26 insurance premium expenses and costs otherwise allowed

1 as a deduction in computing base income, and that were  
2 paid, accrued, or incurred, directly or indirectly, to  
3 a person who would be a member of the same unitary  
4 business group but for the fact that the person is  
5 prohibited under Section 1501(a)(27) from being  
6 included in the unitary business group because he or  
7 she is ordinarily required to apportion business  
8 income under different subsections of Section 304. The  
9 addition modification required by this subparagraph  
10 shall be reduced to the extent that dividends were  
11 included in base income of the unitary group for the  
12 same taxable year and received by the taxpayer or by a  
13 member of the taxpayer's unitary business group  
14 (including amounts included in gross income under  
15 Sections 951 through 964 of the Internal Revenue Code  
16 and amounts included in gross income under Section 78  
17 of the Internal Revenue Code) with respect to the  
18 stock of the same person to whom the premiums and costs  
19 were directly or indirectly paid, incurred, or  
20 accrued. The preceding sentence does not apply to the  
21 extent that the same dividends caused a reduction to  
22 the addition modification required under Section  
23 203(c)(2)(G-12) or Section 203(c)(2)(G-13) of this  
24 Act;

25 (G-15) An amount equal to the credit allowable to  
26 the taxpayer under Section 218(a) of this Act,

1           determined without regard to Section 218(c) of this  
2           Act;

3           (G-16) For taxable years ending on or after  
4           December 31, 2017, an amount equal to the deduction  
5           allowed under Section 199 of the Internal Revenue Code  
6           for the taxable year;

7           and by deducting from the total so obtained the sum of the  
8           following amounts:

9           (H) An amount equal to all amounts included in  
10          such total pursuant to the provisions of Sections  
11          402(a), 402(c), 403(a), 403(b), 406(a), 407(a) and 408  
12          of the Internal Revenue Code or included in such total  
13          as distributions under the provisions of any  
14          retirement or disability plan for employees of any  
15          governmental agency or unit, or retirement payments to  
16          retired partners, which payments are excluded in  
17          computing net earnings from self employment by Section  
18          1402 of the Internal Revenue Code and regulations  
19          adopted pursuant thereto;

20          (I) The valuation limitation amount;

21          (J) An amount equal to the amount of any tax  
22          imposed by this Act which was refunded to the taxpayer  
23          and included in such total for the taxable year;

24          (K) An amount equal to all amounts included in  
25          taxable income as modified by subparagraphs (A), (B),  
26          (C), (D), (E), (F) and (G) which are exempt from



1           taxation by this State either by reason of its  
2           statutes or Constitution or by reason of the  
3           Constitution, treaties or statutes of the United  
4           States; provided that, in the case of any statute of  
5           this State that exempts income derived from bonds or  
6           other obligations from the tax imposed under this Act,  
7           the amount exempted shall be the interest net of bond  
8           premium amortization;

9           (L) With the exception of any amounts subtracted  
10          under subparagraph (K), an amount equal to the sum of  
11          all amounts disallowed as deductions by (i) Sections  
12          171(a)(2) and 265(a)(2) of the Internal Revenue Code,  
13          and all amounts of expenses allocable to interest and  
14          disallowed as deductions by Section 265(a)(1) of the  
15          Internal Revenue Code; and (ii) for taxable years  
16          ending on or after August 13, 1999, Sections  
17          171(a)(2), 265, 280C, and 832(b)(5)(B)(i) of the  
18          Internal Revenue Code, plus, (iii) for taxable years  
19          ending on or after December 31, 2011, Section  
20          45G(e)(3) of the Internal Revenue Code and, for  
21          taxable years ending on or after December 31, 2008,  
22          any amount included in gross income under Section 87  
23          of the Internal Revenue Code; the provisions of this  
24          subparagraph are exempt from the provisions of Section  
25          250;

26          (M) An amount equal to those dividends included in

1           such total which were paid by a corporation which  
2           conducts business operations in a River Edge  
3           Redevelopment Zone or zones created under the River  
4           Edge Redevelopment Zone Act and conducts substantially  
5           all of its operations in a River Edge Redevelopment  
6           Zone or zones. This subparagraph (M) is exempt from  
7           the provisions of Section 250;

8           (N) An amount equal to any contribution made to a  
9           job training project established pursuant to the Tax  
10          Increment Allocation Redevelopment Act;

11          (O) An amount equal to those dividends included in  
12          such total that were paid by a corporation that  
13          conducts business operations in a federally designated  
14          Foreign Trade Zone or Sub-Zone and that is designated  
15          a High Impact Business located in Illinois; provided  
16          that dividends eligible for the deduction provided in  
17          subparagraph (M) of paragraph (2) of this subsection  
18          shall not be eligible for the deduction provided under  
19          this subparagraph (O);

20          (P) An amount equal to the amount of the deduction  
21          used to compute the federal income tax credit for  
22          restoration of substantial amounts held under claim of  
23          right for the taxable year pursuant to Section 1341 of  
24          the Internal Revenue Code;

25          (Q) For taxable year 1999 and thereafter, an  
26          amount equal to the amount of any (i) distributions,

1 to the extent includible in gross income for federal  
2 income tax purposes, made to the taxpayer because of  
3 his or her status as a victim of persecution for racial  
4 or religious reasons by Nazi Germany or any other Axis  
5 regime or as an heir of the victim and (ii) items of  
6 income, to the extent includible in gross income for  
7 federal income tax purposes, attributable to, derived  
8 from or in any way related to assets stolen from,  
9 hidden from, or otherwise lost to a victim of  
10 persecution for racial or religious reasons by Nazi  
11 Germany or any other Axis regime immediately prior to,  
12 during, and immediately after World War II, including,  
13 but not limited to, interest on the proceeds  
14 receivable as insurance under policies issued to a  
15 victim of persecution for racial or religious reasons  
16 by Nazi Germany or any other Axis regime by European  
17 insurance companies immediately prior to and during  
18 World War II; provided, however, this subtraction from  
19 federal adjusted gross income does not apply to assets  
20 acquired with such assets or with the proceeds from  
21 the sale of such assets; provided, further, this  
22 paragraph shall only apply to a taxpayer who was the  
23 first recipient of such assets after their recovery  
24 and who is a victim of persecution for racial or  
25 religious reasons by Nazi Germany or any other Axis  
26 regime or as an heir of the victim. The amount of and

1 the eligibility for any public assistance, benefit, or  
2 similar entitlement is not affected by the inclusion  
3 of items (i) and (ii) of this paragraph in gross income  
4 for federal income tax purposes. This paragraph is  
5 exempt from the provisions of Section 250;

6 (R) For taxable years 2001 and thereafter, for the  
7 taxable year in which the bonus depreciation deduction  
8 is taken on the taxpayer's federal income tax return  
9 under subsection (k) of Section 168 of the Internal  
10 Revenue Code and for each applicable taxable year  
11 thereafter, an amount equal to "x", where:

12 (1) "y" equals the amount of the depreciation  
13 deduction taken for the taxable year on the  
14 taxpayer's federal income tax return on property  
15 for which the bonus depreciation deduction was  
16 taken in any year under subsection (k) of Section  
17 168 of the Internal Revenue Code, but not  
18 including the bonus depreciation deduction;

19 (2) for taxable years ending on or before  
20 December 31, 2005, "x" equals "y" multiplied by 30  
21 and then divided by 70 (or "y" multiplied by  
22 0.429); and

23 (3) for taxable years ending after December  
24 31, 2005:

25 (i) for property on which a bonus  
26 depreciation deduction of 30% of the adjusted

1 basis was taken, "x" equals "y" multiplied by  
2 30 and then divided by 70 (or "y" multiplied  
3 by 0.429);

4 (ii) for property on which a bonus  
5 depreciation deduction of 50% of the adjusted  
6 basis was taken, "x" equals "y" multiplied by  
7 1.0;

8 (iii) for property on which a bonus  
9 depreciation deduction of 100% of the adjusted  
10 basis was taken in a taxable year ending on or  
11 after December 31, 2021, "x" equals the  
12 depreciation deduction that would be allowed  
13 on that property if the taxpayer had made the  
14 election under Section 168(k)(7) of the  
15 Internal Revenue Code to not claim bonus  
16 depreciation on that property; and

17 (iv) for property on which a bonus  
18 depreciation deduction of a percentage other  
19 than 30%, 50% or 100% of the adjusted basis  
20 was taken in a taxable year ending on or after  
21 December 31, 2021, "x" equals "y" multiplied  
22 by 100 times the percentage bonus depreciation  
23 on the property (that is,  $100(\text{bonus}\%)$ ) and  
24 then divided by 100 times 1 minus the  
25 percentage bonus depreciation on the property  
26 (that is,  $100(1-\text{bonus}\%)$ ).

1           The aggregate amount deducted under this  
2           subparagraph in all taxable years for any one piece of  
3           property may not exceed the amount of the bonus  
4           depreciation deduction taken on that property on the  
5           taxpayer's federal income tax return under subsection  
6           (k) of Section 168 of the Internal Revenue Code. This  
7           subparagraph (R) is exempt from the provisions of  
8           Section 250;

9           (S) If the taxpayer sells, transfers, abandons, or  
10          otherwise disposes of property for which the taxpayer  
11          was required in any taxable year to make an addition  
12          modification under subparagraph (G-10), then an amount  
13          equal to that addition modification.

14          If the taxpayer continues to own property through  
15          the last day of the last tax year for which a  
16          subtraction is allowed with respect to that property  
17          under subparagraph (R) and for which the taxpayer was  
18          required in any taxable year to make an addition  
19          modification under subparagraph (G-10), then an amount  
20          equal to that addition modification.

21          The taxpayer is allowed to take the deduction  
22          under this subparagraph only once with respect to any  
23          one piece of property.

24          This subparagraph (S) is exempt from the  
25          provisions of Section 250;

26          (T) The amount of (i) any interest income (net of

1 the deductions allocable thereto) taken into account  
2 for the taxable year with respect to a transaction  
3 with a taxpayer that is required to make an addition  
4 modification with respect to such transaction under  
5 Section 203(a)(2)(D-17), 203(b)(2)(E-12),  
6 203(c)(2)(G-12), or 203(d)(2)(D-7), but not to exceed  
7 the amount of such addition modification and (ii) any  
8 income from intangible property (net of the deductions  
9 allocable thereto) taken into account for the taxable  
10 year with respect to a transaction with a taxpayer  
11 that is required to make an addition modification with  
12 respect to such transaction under Section  
13 203(a)(2)(D-18), 203(b)(2)(E-13), 203(c)(2)(G-13), or  
14 203(d)(2)(D-8), but not to exceed the amount of such  
15 addition modification. This subparagraph (T) is exempt  
16 from the provisions of Section 250;

17 (U) An amount equal to the interest income taken  
18 into account for the taxable year (net of the  
19 deductions allocable thereto) with respect to  
20 transactions with (i) a foreign person who would be a  
21 member of the taxpayer's unitary business group but  
22 for the fact the foreign person's business activity  
23 outside the United States is 80% or more of that  
24 person's total business activity and (ii) for taxable  
25 years ending on or after December 31, 2008, to a person  
26 who would be a member of the same unitary business

1 group but for the fact that the person is prohibited  
2 under Section 1501(a)(27) from being included in the  
3 unitary business group because he or she is ordinarily  
4 required to apportion business income under different  
5 subsections of Section 304, but not to exceed the  
6 addition modification required to be made for the same  
7 taxable year under Section 203(c)(2)(G-12) for  
8 interest paid, accrued, or incurred, directly or  
9 indirectly, to the same person. This subparagraph (U)  
10 is exempt from the provisions of Section 250;

11 (V) An amount equal to the income from intangible  
12 property taken into account for the taxable year (net  
13 of the deductions allocable thereto) with respect to  
14 transactions with (i) a foreign person who would be a  
15 member of the taxpayer's unitary business group but  
16 for the fact that the foreign person's business  
17 activity outside the United States is 80% or more of  
18 that person's total business activity and (ii) for  
19 taxable years ending on or after December 31, 2008, to  
20 a person who would be a member of the same unitary  
21 business group but for the fact that the person is  
22 prohibited under Section 1501(a)(27) from being  
23 included in the unitary business group because he or  
24 she is ordinarily required to apportion business  
25 income under different subsections of Section 304, but  
26 not to exceed the addition modification required to be



1           made for the same taxable year under Section  
2           203(c)(2)(G-13) for intangible expenses and costs  
3           paid, accrued, or incurred, directly or indirectly, to  
4           the same foreign person. This subparagraph (V) is  
5           exempt from the provisions of Section 250;

6           (W) in the case of an estate, an amount equal to  
7           all amounts included in such total pursuant to the  
8           provisions of Section 111 of the Internal Revenue Code  
9           as a recovery of items previously deducted by the  
10          decedent from adjusted gross income in the computation  
11          of taxable income. This subparagraph (W) is exempt  
12          from Section 250;

13          (X) an amount equal to the refund included in such  
14          total of any tax deducted for federal income tax  
15          purposes, to the extent that deduction was added back  
16          under subparagraph (F). This subparagraph (X) is  
17          exempt from the provisions of Section 250;

18          (Y) For taxable years ending on or after December  
19          31, 2011, in the case of a taxpayer who was required to  
20          add back any insurance premiums under Section  
21          203(c)(2)(G-14), such taxpayer may elect to subtract  
22          that part of a reimbursement received from the  
23          insurance company equal to the amount of the expense  
24          or loss (including expenses incurred by the insurance  
25          company) that would have been taken into account as a  
26          deduction for federal income tax purposes if the

1 expense or loss had been uninsured. If a taxpayer  
2 makes the election provided for by this subparagraph  
3 (Y), the insurer to which the premiums were paid must  
4 add back to income the amount subtracted by the  
5 taxpayer pursuant to this subparagraph (Y). This  
6 subparagraph (Y) is exempt from the provisions of  
7 Section 250;

8 (Z) For taxable years beginning after December 31,  
9 2018 and before January 1, 2026, the amount of excess  
10 business loss of the taxpayer disallowed as a  
11 deduction by Section 461(1)(1)(B) of the Internal  
12 Revenue Code; and

13 (AA) For taxable years beginning on or after  
14 January 1, 2023, for any cannabis establishment  
15 operating in this State and licensed under the  
16 Cannabis Regulation and Tax Act or any cannabis  
17 cultivation center or medical cannabis dispensing  
18 organization operating in this State and licensed  
19 under the Compassionate Use of Medical Cannabis  
20 Program Act, an amount equal to the deductions that  
21 were disallowed under Section 280E of the Internal  
22 Revenue Code for the taxable year and that would not be  
23 added back under this subsection. The provisions of  
24 this subparagraph (AA) are exempt from the provisions  
25 of Section 250.

26 (3) Limitation. The amount of any modification

1 otherwise required under this subsection shall, under  
2 regulations prescribed by the Department, be adjusted by  
3 any amounts included therein which were properly paid,  
4 credited, or required to be distributed, or permanently  
5 set aside for charitable purposes pursuant to Internal  
6 Revenue Code Section 642(c) during the taxable year.

7 (d) Partnerships.

8 (1) In general. In the case of a partnership, base  
9 income means an amount equal to the taxpayer's taxable  
10 income for the taxable year as modified by paragraph (2).

11 (2) Modifications. The taxable income referred to in  
12 paragraph (1) shall be modified by adding thereto the sum  
13 of the following amounts:

14 (A) An amount equal to all amounts paid or accrued  
15 to the taxpayer as interest or dividends during the  
16 taxable year to the extent excluded from gross income  
17 in the computation of taxable income;

18 (B) An amount equal to the amount of tax imposed by  
19 this Act to the extent deducted from gross income for  
20 the taxable year;

21 (C) The amount of deductions allowed to the  
22 partnership pursuant to Section 707 (c) of the  
23 Internal Revenue Code in calculating its taxable  
24 income;

25 (D) An amount equal to the amount of the capital

1 gain deduction allowable under the Internal Revenue  
2 Code, to the extent deducted from gross income in the  
3 computation of taxable income;

4 (D-5) For taxable years 2001 and thereafter, an  
5 amount equal to the bonus depreciation deduction taken  
6 on the taxpayer's federal income tax return for the  
7 taxable year under subsection (k) of Section 168 of  
8 the Internal Revenue Code;

9 (D-6) If the taxpayer sells, transfers, abandons,  
10 or otherwise disposes of property for which the  
11 taxpayer was required in any taxable year to make an  
12 addition modification under subparagraph (D-5), then  
13 an amount equal to the aggregate amount of the  
14 deductions taken in all taxable years under  
15 subparagraph (O) with respect to that property.

16 If the taxpayer continues to own property through  
17 the last day of the last tax year for which a  
18 subtraction is allowed with respect to that property  
19 under subparagraph (O) and for which the taxpayer was  
20 allowed in any taxable year to make a subtraction  
21 modification under subparagraph (O), then an amount  
22 equal to that subtraction modification.

23 The taxpayer is required to make the addition  
24 modification under this subparagraph only once with  
25 respect to any one piece of property;

26 (D-7) An amount equal to the amount otherwise

1 allowed as a deduction in computing base income for  
2 interest paid, accrued, or incurred, directly or  
3 indirectly, (i) for taxable years ending on or after  
4 December 31, 2004, to a foreign person who would be a  
5 member of the same unitary business group but for the  
6 fact the foreign person's business activity outside  
7 the United States is 80% or more of the foreign  
8 person's total business activity and (ii) for taxable  
9 years ending on or after December 31, 2008, to a person  
10 who would be a member of the same unitary business  
11 group but for the fact that the person is prohibited  
12 under Section 1501(a)(27) from being included in the  
13 unitary business group because he or she is ordinarily  
14 required to apportion business income under different  
15 subsections of Section 304. The addition modification  
16 required by this subparagraph shall be reduced to the  
17 extent that dividends were included in base income of  
18 the unitary group for the same taxable year and  
19 received by the taxpayer or by a member of the  
20 taxpayer's unitary business group (including amounts  
21 included in gross income pursuant to Sections 951  
22 through 964 of the Internal Revenue Code and amounts  
23 included in gross income under Section 78 of the  
24 Internal Revenue Code) with respect to the stock of  
25 the same person to whom the interest was paid,  
26 accrued, or incurred.

1 This paragraph shall not apply to the following:

2 (i) an item of interest paid, accrued, or  
3 incurred, directly or indirectly, to a person who  
4 is subject in a foreign country or state, other  
5 than a state which requires mandatory unitary  
6 reporting, to a tax on or measured by net income  
7 with respect to such interest; or

8 (ii) an item of interest paid, accrued, or  
9 incurred, directly or indirectly, to a person if  
10 the taxpayer can establish, based on a  
11 preponderance of the evidence, both of the  
12 following:

13 (a) the person, during the same taxable  
14 year, paid, accrued, or incurred, the interest  
15 to a person that is not a related member, and

16 (b) the transaction giving rise to the  
17 interest expense between the taxpayer and the  
18 person did not have as a principal purpose the  
19 avoidance of Illinois income tax, and is paid  
20 pursuant to a contract or agreement that  
21 reflects an arm's-length interest rate and  
22 terms; or

23 (iii) the taxpayer can establish, based on  
24 clear and convincing evidence, that the interest  
25 paid, accrued, or incurred relates to a contract  
26 or agreement entered into at arm's-length rates

1           and terms and the principal purpose for the  
2           payment is not federal or Illinois tax avoidance;  
3           or

4                   (iv) an item of interest paid, accrued, or  
5           incurred, directly or indirectly, to a person if  
6           the taxpayer establishes by clear and convincing  
7           evidence that the adjustments are unreasonable; or  
8           if the taxpayer and the Director agree in writing  
9           to the application or use of an alternative method  
10          of apportionment under Section 304(f).

11           Nothing in this subsection shall preclude the  
12          Director from making any other adjustment  
13          otherwise allowed under Section 404 of this Act  
14          for any tax year beginning after the effective  
15          date of this amendment provided such adjustment is  
16          made pursuant to regulation adopted by the  
17          Department and such regulations provide methods  
18          and standards by which the Department will utilize  
19          its authority under Section 404 of this Act; and

20           (D-8) An amount equal to the amount of intangible  
21          expenses and costs otherwise allowed as a deduction in  
22          computing base income, and that were paid, accrued, or  
23          incurred, directly or indirectly, (i) for taxable  
24          years ending on or after December 31, 2004, to a  
25          foreign person who would be a member of the same  
26          unitary business group but for the fact that the

1 foreign person's business activity outside the United  
2 States is 80% or more of that person's total business  
3 activity and (ii) for taxable years ending on or after  
4 December 31, 2008, to a person who would be a member of  
5 the same unitary business group but for the fact that  
6 the person is prohibited under Section 1501(a)(27)  
7 from being included in the unitary business group  
8 because he or she is ordinarily required to apportion  
9 business income under different subsections of Section  
10 304. The addition modification required by this  
11 subparagraph shall be reduced to the extent that  
12 dividends were included in base income of the unitary  
13 group for the same taxable year and received by the  
14 taxpayer or by a member of the taxpayer's unitary  
15 business group (including amounts included in gross  
16 income pursuant to Sections 951 through 964 of the  
17 Internal Revenue Code and amounts included in gross  
18 income under Section 78 of the Internal Revenue Code)  
19 with respect to the stock of the same person to whom  
20 the intangible expenses and costs were directly or  
21 indirectly paid, incurred or accrued. The preceding  
22 sentence shall not apply to the extent that the same  
23 dividends caused a reduction to the addition  
24 modification required under Section 203(d)(2)(D-7) of  
25 this Act. As used in this subparagraph, the term  
26 "intangible expenses and costs" includes (1) expenses,



1 losses, and costs for, or related to, the direct or  
2 indirect acquisition, use, maintenance or management,  
3 ownership, sale, exchange, or any other disposition of  
4 intangible property; (2) losses incurred, directly or  
5 indirectly, from factoring transactions or discounting  
6 transactions; (3) royalty, patent, technical, and  
7 copyright fees; (4) licensing fees; and (5) other  
8 similar expenses and costs. For purposes of this  
9 subparagraph, "intangible property" includes patents,  
10 patent applications, trade names, trademarks, service  
11 marks, copyrights, mask works, trade secrets, and  
12 similar types of intangible assets;

13 This paragraph shall not apply to the following:

14 (i) any item of intangible expenses or costs  
15 paid, accrued, or incurred, directly or  
16 indirectly, from a transaction with a person who  
17 is subject in a foreign country or state, other  
18 than a state which requires mandatory unitary  
19 reporting, to a tax on or measured by net income  
20 with respect to such item; or

21 (ii) any item of intangible expense or cost  
22 paid, accrued, or incurred, directly or  
23 indirectly, if the taxpayer can establish, based  
24 on a preponderance of the evidence, both of the  
25 following:

26 (a) the person during the same taxable

1           year paid, accrued, or incurred, the  
2           intangible expense or cost to a person that is  
3           not a related member, and

4           (b) the transaction giving rise to the  
5           intangible expense or cost between the  
6           taxpayer and the person did not have as a  
7           principal purpose the avoidance of Illinois  
8           income tax, and is paid pursuant to a contract  
9           or agreement that reflects arm's-length terms;  
10          or

11          (iii) any item of intangible expense or cost  
12          paid, accrued, or incurred, directly or  
13          indirectly, from a transaction with a person if  
14          the taxpayer establishes by clear and convincing  
15          evidence, that the adjustments are unreasonable;  
16          or if the taxpayer and the Director agree in  
17          writing to the application or use of an  
18          alternative method of apportionment under Section  
19          304(f);

20          Nothing in this subsection shall preclude the  
21          Director from making any other adjustment  
22          otherwise allowed under Section 404 of this Act  
23          for any tax year beginning after the effective  
24          date of this amendment provided such adjustment is  
25          made pursuant to regulation adopted by the  
26          Department and such regulations provide methods

1           and standards by which the Department will utilize  
2           its authority under Section 404 of this Act;

3           (D-9) For taxable years ending on or after  
4           December 31, 2008, an amount equal to the amount of  
5           insurance premium expenses and costs otherwise allowed  
6           as a deduction in computing base income, and that were  
7           paid, accrued, or incurred, directly or indirectly, to  
8           a person who would be a member of the same unitary  
9           business group but for the fact that the person is  
10          prohibited under Section 1501(a)(27) from being  
11          included in the unitary business group because he or  
12          she is ordinarily required to apportion business  
13          income under different subsections of Section 304. The  
14          addition modification required by this subparagraph  
15          shall be reduced to the extent that dividends were  
16          included in base income of the unitary group for the  
17          same taxable year and received by the taxpayer or by a  
18          member of the taxpayer's unitary business group  
19          (including amounts included in gross income under  
20          Sections 951 through 964 of the Internal Revenue Code  
21          and amounts included in gross income under Section 78  
22          of the Internal Revenue Code) with respect to the  
23          stock of the same person to whom the premiums and costs  
24          were directly or indirectly paid, incurred, or  
25          accrued. The preceding sentence does not apply to the  
26          extent that the same dividends caused a reduction to

1 the addition modification required under Section  
2 203(d)(2)(D-7) or Section 203(d)(2)(D-8) of this Act;

3 (D-10) An amount equal to the credit allowable to  
4 the taxpayer under Section 218(a) of this Act,  
5 determined without regard to Section 218(c) of this  
6 Act;

7 (D-11) For taxable years ending on or after  
8 December 31, 2017, an amount equal to the deduction  
9 allowed under Section 199 of the Internal Revenue Code  
10 for the taxable year;

11 and by deducting from the total so obtained the following  
12 amounts:

13 (E) The valuation limitation amount;

14 (F) An amount equal to the amount of any tax  
15 imposed by this Act which was refunded to the taxpayer  
16 and included in such total for the taxable year;

17 (G) An amount equal to all amounts included in  
18 taxable income as modified by subparagraphs (A), (B),  
19 (C) and (D) which are exempt from taxation by this  
20 State either by reason of its statutes or Constitution  
21 or by reason of the Constitution, treaties or statutes  
22 of the United States; provided that, in the case of any  
23 statute of this State that exempts income derived from  
24 bonds or other obligations from the tax imposed under  
25 this Act, the amount exempted shall be the interest  
26 net of bond premium amortization;

1           (H) Any income of the partnership which  
2           constitutes personal service income as defined in  
3           Section 1348(b)(1) of the Internal Revenue Code (as in  
4           effect December 31, 1981) or a reasonable allowance  
5           for compensation paid or accrued for services rendered  
6           by partners to the partnership, whichever is greater;  
7           this subparagraph (H) is exempt from the provisions of  
8           Section 250;

9           (I) An amount equal to all amounts of income  
10          distributable to an entity subject to the Personal  
11          Property Tax Replacement Income Tax imposed by  
12          subsections (c) and (d) of Section 201 of this Act  
13          including amounts distributable to organizations  
14          exempt from federal income tax by reason of Section  
15          501(a) of the Internal Revenue Code; this subparagraph  
16          (I) is exempt from the provisions of Section 250;

17          (J) With the exception of any amounts subtracted  
18          under subparagraph (G), an amount equal to the sum of  
19          all amounts disallowed as deductions by (i) Sections  
20          171(a)(2) and 265(a)(2) of the Internal Revenue Code,  
21          and all amounts of expenses allocable to interest and  
22          disallowed as deductions by Section 265(a)(1) of the  
23          Internal Revenue Code; and (ii) for taxable years  
24          ending on or after August 13, 1999, Sections  
25          171(a)(2), 265, 280C, and 832(b)(5)(B)(i) of the  
26          Internal Revenue Code, plus, (iii) for taxable years

1 ending on or after December 31, 2011, Section  
2 45G(e)(3) of the Internal Revenue Code and, for  
3 taxable years ending on or after December 31, 2008,  
4 any amount included in gross income under Section 87  
5 of the Internal Revenue Code; the provisions of this  
6 subparagraph are exempt from the provisions of Section  
7 250;

8 (K) An amount equal to those dividends included in  
9 such total which were paid by a corporation which  
10 conducts business operations in a River Edge  
11 Redevelopment Zone or zones created under the River  
12 Edge Redevelopment Zone Act and conducts substantially  
13 all of its operations from a River Edge Redevelopment  
14 Zone or zones. This subparagraph (K) is exempt from  
15 the provisions of Section 250;

16 (L) An amount equal to any contribution made to a  
17 job training project established pursuant to the Real  
18 Property Tax Increment Allocation Redevelopment Act;

19 (M) An amount equal to those dividends included in  
20 such total that were paid by a corporation that  
21 conducts business operations in a federally designated  
22 Foreign Trade Zone or Sub-Zone and that is designated  
23 a High Impact Business located in Illinois; provided  
24 that dividends eligible for the deduction provided in  
25 subparagraph (K) of paragraph (2) of this subsection  
26 shall not be eligible for the deduction provided under

1           this subparagraph (M);

2           (N) An amount equal to the amount of the deduction  
3           used to compute the federal income tax credit for  
4           restoration of substantial amounts held under claim of  
5           right for the taxable year pursuant to Section 1341 of  
6           the Internal Revenue Code;

7           (O) For taxable years 2001 and thereafter, for the  
8           taxable year in which the bonus depreciation deduction  
9           is taken on the taxpayer's federal income tax return  
10          under subsection (k) of Section 168 of the Internal  
11          Revenue Code and for each applicable taxable year  
12          thereafter, an amount equal to "x", where:

13           (1) "y" equals the amount of the depreciation  
14           deduction taken for the taxable year on the  
15           taxpayer's federal income tax return on property  
16           for which the bonus depreciation deduction was  
17           taken in any year under subsection (k) of Section  
18           168 of the Internal Revenue Code, but not  
19           including the bonus depreciation deduction;

20           (2) for taxable years ending on or before  
21           December 31, 2005, "x" equals "y" multiplied by 30  
22           and then divided by 70 (or "y" multiplied by  
23           0.429); and

24           (3) for taxable years ending after December  
25           31, 2005:

26           (i) for property on which a bonus

1 depreciation deduction of 30% of the adjusted  
2 basis was taken, "x" equals "y" multiplied by  
3 30 and then divided by 70 (or "y" multiplied  
4 by 0.429);

5 (ii) for property on which a bonus  
6 depreciation deduction of 50% of the adjusted  
7 basis was taken, "x" equals "y" multiplied by  
8 1.0;

9 (iii) for property on which a bonus  
10 depreciation deduction of 100% of the adjusted  
11 basis was taken in a taxable year ending on or  
12 after December 31, 2021, "x" equals the  
13 depreciation deduction that would be allowed  
14 on that property if the taxpayer had made the  
15 election under Section 168(k)(7) of the  
16 Internal Revenue Code to not claim bonus  
17 depreciation on that property; and

18 (iv) for property on which a bonus  
19 depreciation deduction of a percentage other  
20 than 30%, 50% or 100% of the adjusted basis  
21 was taken in a taxable year ending on or after  
22 December 31, 2021, "x" equals "y" multiplied  
23 by 100 times the percentage bonus depreciation  
24 on the property (that is,  $100(\text{bonus}\%)$ ) and  
25 then divided by 100 times 1 minus the  
26 percentage bonus depreciation on the property



1 (that is,  $100(1-\text{bonus}\%)$ ).

2 The aggregate amount deducted under this  
3 subparagraph in all taxable years for any one piece of  
4 property may not exceed the amount of the bonus  
5 depreciation deduction taken on that property on the  
6 taxpayer's federal income tax return under subsection  
7 (k) of Section 168 of the Internal Revenue Code. This  
8 subparagraph (O) is exempt from the provisions of  
9 Section 250;

10 (P) If the taxpayer sells, transfers, abandons, or  
11 otherwise disposes of property for which the taxpayer  
12 was required in any taxable year to make an addition  
13 modification under subparagraph (D-5), then an amount  
14 equal to that addition modification.

15 If the taxpayer continues to own property through  
16 the last day of the last tax year for which a  
17 subtraction is allowed with respect to that property  
18 under subparagraph (O) and for which the taxpayer was  
19 required in any taxable year to make an addition  
20 modification under subparagraph (D-5), then an amount  
21 equal to that addition modification.

22 The taxpayer is allowed to take the deduction  
23 under this subparagraph only once with respect to any  
24 one piece of property.

25 This subparagraph (P) is exempt from the  
26 provisions of Section 250;

1           (Q) The amount of (i) any interest income (net of  
2           the deductions allocable thereto) taken into account  
3           for the taxable year with respect to a transaction  
4           with a taxpayer that is required to make an addition  
5           modification with respect to such transaction under  
6           Section           203(a)(2)(D-17),           203(b)(2)(E-12),  
7           203(c)(2)(G-12), or 203(d)(2)(D-7), but not to exceed  
8           the amount of such addition modification and (ii) any  
9           income from intangible property (net of the deductions  
10          allocable thereto) taken into account for the taxable  
11          year with respect to a transaction with a taxpayer  
12          that is required to make an addition modification with  
13          respect    to    such    transaction    under    Section  
14          203(a)(2)(D-18), 203(b)(2)(E-13), 203(c)(2)(G-13), or  
15          203(d)(2)(D-8), but not to exceed the amount of such  
16          addition modification. This subparagraph (Q) is exempt  
17          from Section 250;

18          (R) An amount equal to the interest income taken  
19          into account for the taxable year (net of the  
20          deductions allocable thereto) with respect to  
21          transactions with (i) a foreign person who would be a  
22          member of the taxpayer's unitary business group but  
23          for the fact that the foreign person's business  
24          activity outside the United States is 80% or more of  
25          that person's total business activity and (ii) for  
26          taxable years ending on or after December 31, 2008, to

1 a person who would be a member of the same unitary  
2 business group but for the fact that the person is  
3 prohibited under Section 1501(a)(27) from being  
4 included in the unitary business group because he or  
5 she is ordinarily required to apportion business  
6 income under different subsections of Section 304, but  
7 not to exceed the addition modification required to be  
8 made for the same taxable year under Section  
9 203(d)(2)(D-7) for interest paid, accrued, or  
10 incurred, directly or indirectly, to the same person.  
11 This subparagraph (R) is exempt from Section 250;

12 (S) An amount equal to the income from intangible  
13 property taken into account for the taxable year (net  
14 of the deductions allocable thereto) with respect to  
15 transactions with (i) a foreign person who would be a  
16 member of the taxpayer's unitary business group but  
17 for the fact that the foreign person's business  
18 activity outside the United States is 80% or more of  
19 that person's total business activity and (ii) for  
20 taxable years ending on or after December 31, 2008, to  
21 a person who would be a member of the same unitary  
22 business group but for the fact that the person is  
23 prohibited under Section 1501(a)(27) from being  
24 included in the unitary business group because he or  
25 she is ordinarily required to apportion business  
26 income under different subsections of Section 304, but

1 not to exceed the addition modification required to be  
2 made for the same taxable year under Section  
3 203(d)(2)(D-8) for intangible expenses and costs paid,  
4 accrued, or incurred, directly or indirectly, to the  
5 same person. This subparagraph (S) is exempt from  
6 Section 250;

7 (T) For taxable years ending on or after December  
8 31, 2011, in the case of a taxpayer who was required to  
9 add back any insurance premiums under Section  
10 203(d)(2)(D-9), such taxpayer may elect to subtract  
11 that part of a reimbursement received from the  
12 insurance company equal to the amount of the expense  
13 or loss (including expenses incurred by the insurance  
14 company) that would have been taken into account as a  
15 deduction for federal income tax purposes if the  
16 expense or loss had been uninsured. If a taxpayer  
17 makes the election provided for by this subparagraph  
18 (T), the insurer to which the premiums were paid must  
19 add back to income the amount subtracted by the  
20 taxpayer pursuant to this subparagraph (T). This  
21 subparagraph (T) is exempt from the provisions of  
22 Section 250; and

23 (U) For taxable years beginning on or after  
24 January 1, 2023, for any cannabis establishment  
25 operating in this State and licensed under the  
26 Cannabis Regulation and Tax Act or any cannabis

1 cultivation center or medical cannabis dispensing  
2 organization operating in this State and licensed  
3 under the Compassionate Use of Medical Cannabis  
4 Program Act, an amount equal to the deductions that  
5 were disallowed under Section 280E of the Internal  
6 Revenue Code for the taxable year and that would not be  
7 added back under this subsection. The provisions of  
8 this subparagraph (U) are exempt from the provisions  
9 of Section 250.

10 (e) Gross income; adjusted gross income; taxable income.

11 (1) In general. Subject to the provisions of paragraph  
12 (2) and subsection (b) (3), for purposes of this Section  
13 and Section 803(e), a taxpayer's gross income, adjusted  
14 gross income, or taxable income for the taxable year shall  
15 mean the amount of gross income, adjusted gross income or  
16 taxable income properly reportable for federal income tax  
17 purposes for the taxable year under the provisions of the  
18 Internal Revenue Code. Taxable income may be less than  
19 zero. However, for taxable years ending on or after  
20 December 31, 1986, net operating loss carryforwards from  
21 taxable years ending prior to December 31, 1986, may not  
22 exceed the sum of federal taxable income for the taxable  
23 year before net operating loss deduction, plus the excess  
24 of addition modifications over subtraction modifications  
25 for the taxable year. For taxable years ending prior to

1 December 31, 1986, taxable income may never be an amount  
2 in excess of the net operating loss for the taxable year as  
3 defined in subsections (c) and (d) of Section 172 of the  
4 Internal Revenue Code, provided that when taxable income  
5 of a corporation (other than a Subchapter S corporation),  
6 trust, or estate is less than zero and addition  
7 modifications, other than those provided by subparagraph  
8 (E) of paragraph (2) of subsection (b) for corporations or  
9 subparagraph (E) of paragraph (2) of subsection (c) for  
10 trusts and estates, exceed subtraction modifications, an  
11 addition modification must be made under those  
12 subparagraphs for any other taxable year to which the  
13 taxable income less than zero (net operating loss) is  
14 applied under Section 172 of the Internal Revenue Code or  
15 under subparagraph (E) of paragraph (2) of this subsection  
16 (e) applied in conjunction with Section 172 of the  
17 Internal Revenue Code.

18 (2) Special rule. For purposes of paragraph (1) of  
19 this subsection, the taxable income properly reportable  
20 for federal income tax purposes shall mean:

21 (A) Certain life insurance companies. In the case  
22 of a life insurance company subject to the tax imposed  
23 by Section 801 of the Internal Revenue Code, life  
24 insurance company taxable income, plus the amount of  
25 distribution from pre-1984 policyholder surplus  
26 accounts as calculated under Section 815a of the

1 Internal Revenue Code;

2 (B) Certain other insurance companies. In the case  
3 of mutual insurance companies subject to the tax  
4 imposed by Section 831 of the Internal Revenue Code,  
5 insurance company taxable income;

6 (C) Regulated investment companies. In the case of  
7 a regulated investment company subject to the tax  
8 imposed by Section 852 of the Internal Revenue Code,  
9 investment company taxable income;

10 (D) Real estate investment trusts. In the case of  
11 a real estate investment trust subject to the tax  
12 imposed by Section 857 of the Internal Revenue Code,  
13 real estate investment trust taxable income;

14 (E) Consolidated corporations. In the case of a  
15 corporation which is a member of an affiliated group  
16 of corporations filing a consolidated income tax  
17 return for the taxable year for federal income tax  
18 purposes, taxable income determined as if such  
19 corporation had filed a separate return for federal  
20 income tax purposes for the taxable year and each  
21 preceding taxable year for which it was a member of an  
22 affiliated group. For purposes of this subparagraph,  
23 the taxpayer's separate taxable income shall be  
24 determined as if the election provided by Section  
25 243(b)(2) of the Internal Revenue Code had been in  
26 effect for all such years;

1 (F) Cooperatives. In the case of a cooperative  
2 corporation or association, the taxable income of such  
3 organization determined in accordance with the  
4 provisions of Section 1381 through 1388 of the  
5 Internal Revenue Code, but without regard to the  
6 prohibition against offsetting losses from patronage  
7 activities against income from nonpatronage  
8 activities; except that a cooperative corporation or  
9 association may make an election to follow its federal  
10 income tax treatment of patronage losses and  
11 nonpatronage losses. In the event such election is  
12 made, such losses shall be computed and carried over  
13 in a manner consistent with subsection (a) of Section  
14 207 of this Act and apportioned by the apportionment  
15 factor reported by the cooperative on its Illinois  
16 income tax return filed for the taxable year in which  
17 the losses are incurred. The election shall be  
18 effective for all taxable years with original returns  
19 due on or after the date of the election. In addition,  
20 the cooperative may file an amended return or returns,  
21 as allowed under this Act, to provide that the  
22 election shall be effective for losses incurred or  
23 carried forward for taxable years occurring prior to  
24 the date of the election. Once made, the election may  
25 only be revoked upon approval of the Director. The  
26 Department shall adopt rules setting forth



1 requirements for documenting the elections and any  
2 resulting Illinois net loss and the standards to be  
3 used by the Director in evaluating requests to revoke  
4 elections. Public Act 96-932 is declaratory of  
5 existing law;

6 (G) Subchapter S corporations. In the case of: (i)  
7 a Subchapter S corporation for which there is in  
8 effect an election for the taxable year under Section  
9 1362 of the Internal Revenue Code, the taxable income  
10 of such corporation determined in accordance with  
11 Section 1363(b) of the Internal Revenue Code, except  
12 that taxable income shall take into account those  
13 items which are required by Section 1363(b)(1) of the  
14 Internal Revenue Code to be separately stated; and  
15 (ii) a Subchapter S corporation for which there is in  
16 effect a federal election to opt out of the provisions  
17 of the Subchapter S Revision Act of 1982 and have  
18 applied instead the prior federal Subchapter S rules  
19 as in effect on July 1, 1982, the taxable income of  
20 such corporation determined in accordance with the  
21 federal Subchapter S rules as in effect on July 1,  
22 1982; and

23 (H) Partnerships. In the case of a partnership,  
24 taxable income determined in accordance with Section  
25 703 of the Internal Revenue Code, except that taxable  
26 income shall take into account those items which are

1           required by Section 703(a)(1) to be separately stated  
2           but which would be taken into account by an individual  
3           in calculating his taxable income.

4           (3) Recapture of business expenses on disposition of  
5           asset or business. Notwithstanding any other law to the  
6           contrary, if in prior years income from an asset or  
7           business has been classified as business income and in a  
8           later year is demonstrated to be non-business income, then  
9           all expenses, without limitation, deducted in such later  
10          year and in the 2 immediately preceding taxable years  
11          related to that asset or business that generated the  
12          non-business income shall be added back and recaptured as  
13          business income in the year of the disposition of the  
14          asset or business. Such amount shall be apportioned to  
15          Illinois using the greater of the apportionment fraction  
16          computed for the business under Section 304 of this Act  
17          for the taxable year or the average of the apportionment  
18          fractions computed for the business under Section 304 of  
19          this Act for the taxable year and for the 2 immediately  
20          preceding taxable years.

21          (f) Valuation limitation amount.

22                 (1) In general. The valuation limitation amount  
23                 referred to in subsections (a)(2)(G), (c)(2)(I) and  
24                 (d)(2)(E) is an amount equal to:

25                         (A) The sum of the pre-August 1, 1969 appreciation

1 amounts (to the extent consisting of gain reportable  
2 under the provisions of Section 1245 or 1250 of the  
3 Internal Revenue Code) for all property in respect of  
4 which such gain was reported for the taxable year;  
5 plus

6 (B) The lesser of (i) the sum of the pre-August 1,  
7 1969 appreciation amounts (to the extent consisting of  
8 capital gain) for all property in respect of which  
9 such gain was reported for federal income tax purposes  
10 for the taxable year, or (ii) the net capital gain for  
11 the taxable year, reduced in either case by any amount  
12 of such gain included in the amount determined under  
13 subsection (a) (2) (F) or (c) (2) (H).

14 (2) Pre-August 1, 1969 appreciation amount.

15 (A) If the fair market value of property referred  
16 to in paragraph (1) was readily ascertainable on  
17 August 1, 1969, the pre-August 1, 1969 appreciation  
18 amount for such property is the lesser of (i) the  
19 excess of such fair market value over the taxpayer's  
20 basis (for determining gain) for such property on that  
21 date (determined under the Internal Revenue Code as in  
22 effect on that date), or (ii) the total gain realized  
23 and reportable for federal income tax purposes in  
24 respect of the sale, exchange or other disposition of  
25 such property.

26 (B) If the fair market value of property referred

1 to in paragraph (1) was not readily ascertainable on  
2 August 1, 1969, the pre-August 1, 1969 appreciation  
3 amount for such property is that amount which bears  
4 the same ratio to the total gain reported in respect of  
5 the property for federal income tax purposes for the  
6 taxable year, as the number of full calendar months in  
7 that part of the taxpayer's holding period for the  
8 property ending July 31, 1969 bears to the number of  
9 full calendar months in the taxpayer's entire holding  
10 period for the property.

11 (C) The Department shall prescribe such  
12 regulations as may be necessary to carry out the  
13 purposes of this paragraph.

14 (g) Double deductions. Unless specifically provided  
15 otherwise, nothing in this Section shall permit the same item  
16 to be deducted more than once.

17 (h) Legislative intention. Except as expressly provided by  
18 this Section there shall be no modifications or limitations on  
19 the amounts of income, gain, loss or deduction taken into  
20 account in determining gross income, adjusted gross income or  
21 taxable income for federal income tax purposes for the taxable  
22 year, or in the amount of such items entering into the  
23 computation of base income and net income under this Act for  
24 such taxable year, whether in respect of property values as of

1 August 1, 1969 or otherwise.

2 (Source: P.A. 102-16, eff. 6-17-21; 102-558, eff. 8-20-21;  
3 102-658, eff. 8-27-21; 102-813, eff. 5-13-22; 102-1112, eff.  
4 12-21-22; 103-8, eff. 6-7-23; 103-478, eff. 1-1-24; revised  
5 9-26-23.)

6 (35 ILCS 5/228)

7 Sec. 228. Historic preservation credit. For tax years  
8 beginning on or after January 1, 2019 and ending on or before  
9 December 31, 2028, a taxpayer who qualifies for a credit under  
10 the Historic Preservation Tax Credit Act is entitled to a  
11 credit against the taxes imposed under subsections (a) and (b)  
12 of Section 201 of this Act as provided in that Act. For taxable  
13 years ending before December 31, 2023, if the taxpayer is a  
14 partnership, Subchapter S corporation, or a limited liability  
15 company, the credit shall be allowed to the partners,  
16 shareholders, or members in accordance with the determination  
17 of income and distributive share of income under Sections 702  
18 and 704 and Subchapter S of the Internal Revenue Code provided  
19 that credits granted to a partnership, a limited liability  
20 company taxed as a partnership, or other multiple owners of  
21 property shall be passed through to the partners, members, or  
22 owners respectively on a pro rata basis or pursuant to an  
23 executed agreement among the partners, members, or owners  
24 documenting any alternate distribution method. For taxable  
25 years ending on or after December 31, 2023, if the taxpayer is

1 a partnership or a Subchapter S corporation, then the  
2 provisions of Section 251 apply. If the amount of any tax  
3 credit awarded under this Section exceeds the qualified  
4 taxpayer's income tax liability for the year in which the  
5 qualified rehabilitation plan was placed in service, the  
6 excess amount may be carried forward as provided in the  
7 Historic Preservation Tax Credit Act.

8 (Source: P.A. 102-741, eff. 5-6-22; 103-9, eff. 6-7-23;  
9 103-396, eff. 1-1-24; revised 12-12-23.)

10 (35 ILCS 5/237)

11 Sec. 237. REV Illinois Investment Tax credits.

12 (a) For tax years beginning on or after November 16, 2021  
13 (the effective date of Public Act 102-669) ~~this amendatory Act~~  
14 ~~of the 102nd General Assembly~~, a taxpayer shall be allowed a  
15 credit against the tax imposed by subsections (a) and (b) of  
16 Section 201 for investment in qualified property which is  
17 placed in service at the site of a REV Illinois Project subject  
18 to an agreement between the taxpayer and the Department of  
19 Commerce and Economic Opportunity pursuant to the Reimagining  
20 Energy and Vehicles in Illinois Act. For taxable years ending  
21 before December 31, 2023, for partners, shareholders of  
22 Subchapter S corporations, and owners of limited liability  
23 companies, if the liability company is treated as a  
24 partnership for purposes of federal and State income taxation,  
25 there shall be allowed a credit under this Section to be

1 determined in accordance with the determination of income and  
2 distributive share of income under Sections 702 and 704 and  
3 Subchapter S of the Internal Revenue Code. For taxable years  
4 ending on or after December 31, 2023, partners and  
5 shareholders of subchapter S corporations are entitled to a  
6 credit under this Section as provided in Section 251. The  
7 credit shall be 0.5% of the basis for such property. The credit  
8 shall be available only in the taxable year in which the  
9 property is placed in service and shall not be allowed to the  
10 extent that it would reduce a taxpayer's liability for the tax  
11 imposed by subsections (a) and (b) of Section 201 to below  
12 zero. The credit shall be allowed for the tax year in which the  
13 property is placed in service, or, if the amount of the credit  
14 exceeds the tax liability for that year, whether it exceeds  
15 the original liability or the liability as later amended, such  
16 excess may be carried forward and applied to the tax liability  
17 of the 5 taxable years following the excess credit year. The  
18 credit shall be applied to the earliest year for which there is  
19 a liability. If there is credit from more than one tax year  
20 that is available to offset a liability, the credit accruing  
21 first in time shall be applied first.

22 (b) The term qualified property means property which:

23 (1) is tangible, whether new or used, including  
24 buildings and structural components of buildings;

25 (2) is depreciable pursuant to Section 167 of the  
26 Internal Revenue Code, except that "3-year property" as

1 defined in Section 168(c)(2)(A) of that Code is not  
2 eligible for the credit provided by this Section;

3 (3) is acquired by purchase as defined in Section  
4 179(d) of the Internal Revenue Code;

5 (4) is used at the site of the REV Illinois Project by  
6 the taxpayer; and

7 (5) has not been previously used in Illinois in such a  
8 manner and by such a person as would qualify for the credit  
9 provided by this Section.

10 (c) The basis of qualified property shall be the basis  
11 used to compute the depreciation deduction for federal income  
12 tax purposes.

13 (d) If the basis of the property for federal income tax  
14 depreciation purposes is increased after it has been placed in  
15 service at the site of the REV Illinois Project by the  
16 taxpayer, the amount of such increase shall be deemed property  
17 placed in service on the date of such increase in basis.

18 (e) The term "placed in service" shall have the same  
19 meaning as under Section 46 of the Internal Revenue Code.

20 (f) If during any taxable year, any property ceases to be  
21 qualified property in the hands of the taxpayer within 48  
22 months after being placed in service, or the situs of any  
23 qualified property is moved from the REV Illinois Project site  
24 within 48 months after being placed in service, the tax  
25 imposed under subsections (a) and (b) of Section 201 for such  
26 taxable year shall be increased. Such increase shall be



1 determined by (i) recomputing the investment credit which  
2 would have been allowed for the year in which credit for such  
3 property was originally allowed by eliminating such property  
4 from such computation, and (ii) subtracting such recomputed  
5 credit from the amount of credit previously allowed. For the  
6 purposes of this subsection (f), a reduction of the basis of  
7 qualified property resulting from a redetermination of the  
8 purchase price shall be deemed a disposition of qualified  
9 property to the extent of such reduction.

10 (Source: P.A. 102-669, eff. 11-16-21; 102-1125, eff. 2-3-23;  
11 103-396, eff. 1-1-24; revised 12-12-23.)

12 Section 185. The Manufacturing Illinois Chips for Real  
13 Opportunity (MICRO) Act is amended by changing Sections 110-30  
14 and 110-40 as follows:

15 (35 ILCS 45/110-30)

16 Sec. 110-30. Tax credit awards.

17 (a) Subject to the conditions set forth in this Act, a  
18 taxpayer is entitled to a credit against the tax imposed  
19 pursuant to subsections (a) and (b) of Section 201 of the  
20 Illinois Income Tax Act for a taxable year beginning on or  
21 after January 1, 2025 if the taxpayer is awarded a credit by  
22 the Department in accordance with an agreement under this Act.  
23 The Department has authority to award credits under this Act  
24 on and after January 1, 2023.

1 (b) A taxpayer may receive a tax credit against the tax  
2 imposed under subsections (a) and (b) of Section 201 of the  
3 Illinois Income Tax Act, not to exceed the sum of (i) 75% of  
4 the incremental income tax attributable to new employees at  
5 the applicant's project and (ii) 10% of the training costs of  
6 the new employees. If the project is located in an underserved  
7 area or an energy transition area, then the amount of the  
8 credit may not exceed the sum of (i) 100% of the incremental  
9 income tax attributable to new employees at the applicant's  
10 project; and (ii) 10% of the training costs of the new  
11 employees. The percentage of training costs includable in the  
12 calculation may be increased by an additional 15% for training  
13 costs associated with new employees that are recent (2 years  
14 or less) graduates, certificate holders, or credential  
15 recipients from an institution of higher education in  
16 Illinois, or, if the training is provided by an institution of  
17 higher education in Illinois, the Clean Jobs Workforce Network  
18 Program, or an apprenticeship and training program located in  
19 Illinois and approved by and registered with the United States  
20 Department of Labor's Bureau of Apprenticeship and Training.  
21 An applicant is also eligible for a training credit that shall  
22 not exceed 10% of the training costs of retained employees for  
23 the purpose of upskilling to meet the operational needs of the  
24 applicant or the project. The percentage of training costs  
25 includable in the calculation shall not exceed a total of 25%.  
26 If an applicant agrees to hire the required number of new

1 employees, then the maximum amount of the credit for that  
2 applicant may be increased by an amount not to exceed 75% of  
3 the incremental income tax attributable to retained employees  
4 at the applicant's project; provided that, in order to receive  
5 the increase for retained employees, the applicant must, if  
6 applicable, meet or exceed the statewide baseline. If the  
7 Project is in an underserved area or an energy transition  
8 area, the maximum amount of the credit attributable to  
9 retained employees for the applicant may be increased to an  
10 amount not to exceed 100% of the incremental income tax  
11 attributable to retained employees at the applicant's project;  
12 provided that, in order to receive the increase for retained  
13 employees, the applicant must meet or exceed the statewide  
14 baseline. Credits awarded may include credit earned for  
15 incremental income tax withheld and training costs incurred by  
16 the taxpayer beginning on or after January 1, 2023. Credits so  
17 earned and certified by the Department may be applied against  
18 the tax imposed by subsections (a) and (b) of Section 201 of  
19 the Illinois Income Tax Act for taxable years beginning on or  
20 after January 1, 2025.

21 (c) MICRO Construction Jobs Credit. For construction wages  
22 associated with a project that qualified for a credit under  
23 subsection (b), the taxpayer may receive a tax credit against  
24 the tax imposed under subsections (a) and (b) of Section 201 of  
25 the Illinois Income Tax Act in an amount equal to 50% of the  
26 incremental income tax attributable to construction wages paid

1 in connection with construction of the project facilities, as  
2 a jobs credit for workers hired to construct the project.

3 The MICRO Construction Jobs Credit may not exceed 75% of  
4 the amount of the incremental income tax attributable to  
5 construction wages paid in connection with construction of the  
6 project facilities if the project is in an underserved area or  
7 an energy transition area.

8 (d) The Department shall certify to the Department of  
9 Revenue: (1) the identity of taxpayers that are eligible for  
10 the MICRO Credit and MICRO Construction Jobs Credit; (2) the  
11 amount of the MICRO Credits and MICRO Construction Jobs  
12 Credits awarded in each calendar year; and (3) the amount of  
13 the MICRO Credit and MICRO Construction Jobs Credit claimed in  
14 each calendar year. MICRO Credits awarded may include credit  
15 earned for incremental income tax withheld and training costs  
16 incurred by the taxpayer beginning on or after January 1,  
17 2023. Credits so earned and certified by the Department may be  
18 applied against the tax imposed by Section 201(a) and (b) of  
19 the Illinois Income Tax Act for taxable years beginning on or  
20 after January 1, 2025.

21 (e) Applicants seeking certification for ~~a~~ tax credits  
22 related to the construction of the project facilities in the  
23 State shall require the contractor to enter into a project  
24 labor agreement that conforms with the Project Labor  
25 Agreements Act.

26 (f) Any applicant issued a certificate for a tax credit or

1 tax exemption under this Act must annually report to the  
2 Department the total project tax benefits received. Reports  
3 are due no later than May 31 of each year and shall cover the  
4 previous calendar year. The first report is for the 2023  
5 calendar year and is due no later than May 31, 2023. For  
6 applicants issued a certificate of exemption under Section  
7 110-105 of this Act, the report shall be the same as required  
8 for a High Impact Business under subsection (a-5) of Section  
9 8.1 of the Illinois Enterprise Zone Act. Each person required  
10 to file a return under the Gas Revenue Tax Act, the Electricity  
11 Excise Tax Act, or the Telecommunications Excise Tax Act shall  
12 file a report on customers issued an exemption certificate  
13 under Section 110-95 of this Act in the same manner and form as  
14 they are required to report under subsection (b) of Section  
15 8.1 of the Illinois Enterprise Zone Act.

16 (g) Nothing in this Act shall prohibit an award of credit  
17 to an applicant that uses a PEO if all other award criteria are  
18 satisfied.

19 (h) With respect to any portion of a credit that is based  
20 on the incremental income tax attributable to new employees or  
21 retained employees, in lieu of the credit allowed under this  
22 Act against the taxes imposed pursuant to subsections (a) and  
23 (b) of Section 201 of the Illinois Income Tax Act, a taxpayer  
24 that otherwise meets the criteria set forth in this Section,  
25 the taxpayer may elect to claim the credit, on or after January  
26 1, 2025, against its obligation to pay over withholding under

1 Section 704A of the Illinois Income Tax Act. The election  
2 shall be made in the manner prescribed by the Department of  
3 Revenue and once made shall be irrevocable.

4 (Source: P.A. 102-700, eff. 4-19-22; 102-1125, eff. 2-3-23;  
5 revised 4-5-23.)

6 (35 ILCS 45/110-40)

7 Sec. 110-40. Amount and duration of the credits;  
8 limitation to amount of costs of specified items. The  
9 Department shall determine the amount and duration of the  
10 credit awarded under this Act, subject to the limitations set  
11 forth in this Act. For a project that qualified under  
12 paragraph (1), (2), or (4) of subsection (c) of Section  
13 110-20, the duration of the credit may not exceed 15 taxable  
14 years, with an option to renew the agreement for no more than  
15 one term not to exceed an additional 15 taxable years. For a  
16 project that qualified under paragraph (3) of subsection (c)  
17 of Section 110-20, the duration of the credit may not exceed 10  
18 taxable years, with an option to renew the agreement for no  
19 more than one term not to exceed an additional 10 taxable  
20 years. The credit may be stated as a percentage of the  
21 incremental income tax and training costs attributable to the  
22 applicant's project and may include a fixed dollar limitation.

23 Nothing in this Section shall prevent the Department, in  
24 consultation with the Department of Revenue, from adopting  
25 rules to extend the sunset of any earned, existing, and unused

1 tax credit or credits a taxpayer may be in possession of.  
2 (Source: P.A. 102-700, eff. 4-19-22; 102-1125, eff. 2-3-23;  
3 revised 4-5-23.)

4 Section 190. The Use Tax Act is amended by changing  
5 Section 3-5 as follows:

6 (35 ILCS 105/3-5)

7 Sec. 3-5. Exemptions. Use of the following tangible  
8 personal property is exempt from the tax imposed by this Act:

9 (1) Personal property purchased from a corporation,  
10 society, association, foundation, institution, or  
11 organization, other than a limited liability company, that is  
12 organized and operated as a not-for-profit service enterprise  
13 for the benefit of persons 65 years of age or older if the  
14 personal property was not purchased by the enterprise for the  
15 purpose of resale by the enterprise.

16 (2) Personal property purchased by a not-for-profit  
17 Illinois county fair association for use in conducting,  
18 operating, or promoting the county fair.

19 (3) Personal property purchased by a not-for-profit arts  
20 or cultural organization that establishes, by proof required  
21 by the Department by rule, that it has received an exemption  
22 under Section 501(c)(3) of the Internal Revenue Code and that  
23 is organized and operated primarily for the presentation or  
24 support of arts or cultural programming, activities, or

1 services. These organizations include, but are not limited to,  
2 music and dramatic arts organizations such as symphony  
3 orchestras and theatrical groups, arts and cultural service  
4 organizations, local arts councils, visual arts organizations,  
5 and media arts organizations. On and after July 1, 2001 (the  
6 effective date of Public Act 92-35), however, an entity  
7 otherwise eligible for this exemption shall not make tax-free  
8 purchases unless it has an active identification number issued  
9 by the Department.

10 (4) Except as otherwise provided in this Act, personal  
11 property purchased by a governmental body, by a corporation,  
12 society, association, foundation, or institution organized and  
13 operated exclusively for charitable, religious, or educational  
14 purposes, or by a not-for-profit corporation, society,  
15 association, foundation, institution, or organization that has  
16 no compensated officers or employees and that is organized and  
17 operated primarily for the recreation of persons 55 years of  
18 age or older. A limited liability company may qualify for the  
19 exemption under this paragraph only if the limited liability  
20 company is organized and operated exclusively for educational  
21 purposes. On and after July 1, 1987, however, no entity  
22 otherwise eligible for this exemption shall make tax-free  
23 purchases unless it has an active exemption identification  
24 number issued by the Department.

25 (5) Until July 1, 2003, a passenger car that is a  
26 replacement vehicle to the extent that the purchase price of



1 the car is subject to the Replacement Vehicle Tax.

2 (6) Until July 1, 2003 and beginning again on September 1,  
3 2004 through August 30, 2014, graphic arts machinery and  
4 equipment, including repair and replacement parts, both new  
5 and used, and including that manufactured on special order,  
6 certified by the purchaser to be used primarily for graphic  
7 arts production, and including machinery and equipment  
8 purchased for lease. Equipment includes chemicals or chemicals  
9 acting as catalysts but only if the chemicals or chemicals  
10 acting as catalysts effect a direct and immediate change upon  
11 a graphic arts product. Beginning on July 1, 2017, graphic  
12 arts machinery and equipment is included in the manufacturing  
13 and assembling machinery and equipment exemption under  
14 paragraph (18).

15 (7) Farm chemicals.

16 (8) Legal tender, currency, medallions, or gold or silver  
17 coinage issued by the State of Illinois, the government of the  
18 United States of America, or the government of any foreign  
19 country, and bullion.

20 (9) Personal property purchased from a teacher-sponsored  
21 student organization affiliated with an elementary or  
22 secondary school located in Illinois.

23 (10) A motor vehicle that is used for automobile renting,  
24 as defined in the Automobile Renting Occupation and Use Tax  
25 Act.

26 (11) Farm machinery and equipment, both new and used,

1 including that manufactured on special order, certified by the  
2 purchaser to be used primarily for production agriculture or  
3 State or federal agricultural programs, including individual  
4 replacement parts for the machinery and equipment, including  
5 machinery and equipment purchased for lease, and including  
6 implements of husbandry defined in Section 1-130 of the  
7 Illinois Vehicle Code, farm machinery and agricultural  
8 chemical and fertilizer spreaders, and nurse wagons required  
9 to be registered under Section 3-809 of the Illinois Vehicle  
10 Code, but excluding other motor vehicles required to be  
11 registered under the Illinois Vehicle Code. Horticultural  
12 polyhouses or hoop houses used for propagating, growing, or  
13 overwintering plants shall be considered farm machinery and  
14 equipment under this item (11). Agricultural chemical tender  
15 tanks and dry boxes shall include units sold separately from a  
16 motor vehicle required to be licensed and units sold mounted  
17 on a motor vehicle required to be licensed if the selling price  
18 of the tender is separately stated.

19 Farm machinery and equipment shall include precision  
20 farming equipment that is installed or purchased to be  
21 installed on farm machinery and equipment, including, but not  
22 limited to, tractors, harvesters, sprayers, planters, seeders,  
23 or spreaders. Precision farming equipment includes, but is not  
24 limited to, soil testing sensors, computers, monitors,  
25 software, global positioning and mapping systems, and other  
26 such equipment.

1 Farm machinery and equipment also includes computers,  
2 sensors, software, and related equipment used primarily in the  
3 computer-assisted operation of production agriculture  
4 facilities, equipment, and activities such as, but not limited  
5 to, the collection, monitoring, and correlation of animal and  
6 crop data for the purpose of formulating animal diets and  
7 agricultural chemicals.

8 Beginning on January 1, 2024, farm machinery and equipment  
9 also includes electrical power generation equipment used  
10 primarily for production agriculture.

11 This item (11) is exempt from the provisions of Section  
12 3-90.

13 (12) Until June 30, 2013, fuel and petroleum products sold  
14 to or used by an air common carrier, certified by the carrier  
15 to be used for consumption, shipment, or storage in the  
16 conduct of its business as an air common carrier, for a flight  
17 destined for or returning from a location or locations outside  
18 the United States without regard to previous or subsequent  
19 domestic stopovers.

20 Beginning July 1, 2013, fuel and petroleum products sold  
21 to or used by an air carrier, certified by the carrier to be  
22 used for consumption, shipment, or storage in the conduct of  
23 its business as an air common carrier, for a flight that (i) is  
24 engaged in foreign trade or is engaged in trade between the  
25 United States and any of its possessions and (ii) transports  
26 at least one individual or package for hire from the city of

1 origination to the city of final destination on the same  
2 aircraft, without regard to a change in the flight number of  
3 that aircraft.

4 (13) Proceeds of mandatory service charges separately  
5 stated on customers' bills for the purchase and consumption of  
6 food and beverages purchased at retail from a retailer, to the  
7 extent that the proceeds of the service charge are in fact  
8 turned over as tips or as a substitute for tips to the  
9 employees who participate directly in preparing, serving,  
10 hosting or cleaning up the food or beverage function with  
11 respect to which the service charge is imposed.

12 (14) Until July 1, 2003, oil field exploration, drilling,  
13 and production equipment, including (i) rigs and parts of  
14 rigs, rotary rigs, cable tool rigs, and workover rigs, (ii)  
15 pipe and tubular goods, including casing and drill strings,  
16 (iii) pumps and pump-jack units, (iv) storage tanks and flow  
17 lines, (v) any individual replacement part for oil field  
18 exploration, drilling, and production equipment, and (vi)  
19 machinery and equipment purchased for lease; but excluding  
20 motor vehicles required to be registered under the Illinois  
21 Vehicle Code.

22 (15) Photoprocessing machinery and equipment, including  
23 repair and replacement parts, both new and used, including  
24 that manufactured on special order, certified by the purchaser  
25 to be used primarily for photoprocessing, and including  
26 photoprocessing machinery and equipment purchased for lease.

1           (16) Until July 1, 2028, coal and aggregate exploration,  
2 mining, off-highway hauling, processing, maintenance, and  
3 reclamation equipment, including replacement parts and  
4 equipment, and including equipment purchased for lease, but  
5 excluding motor vehicles required to be registered under the  
6 Illinois Vehicle Code. The changes made to this Section by  
7 Public Act 97-767 apply on and after July 1, 2003, but no claim  
8 for credit or refund is allowed on or after August 16, 2013  
9 (the effective date of Public Act 98-456) for such taxes paid  
10 during the period beginning July 1, 2003 and ending on August  
11 16, 2013 (the effective date of Public Act 98-456).

12           (17) Until July 1, 2003, distillation machinery and  
13 equipment, sold as a unit or kit, assembled or installed by the  
14 retailer, certified by the user to be used only for the  
15 production of ethyl alcohol that will be used for consumption  
16 as motor fuel or as a component of motor fuel for the personal  
17 use of the user, and not subject to sale or resale.

18           (18) Manufacturing and assembling machinery and equipment  
19 used primarily in the process of manufacturing or assembling  
20 tangible personal property for wholesale or retail sale or  
21 lease, whether that sale or lease is made directly by the  
22 manufacturer or by some other person, whether the materials  
23 used in the process are owned by the manufacturer or some other  
24 person, or whether that sale or lease is made apart from or as  
25 an incident to the seller's engaging in the service occupation  
26 of producing machines, tools, dies, jigs, patterns, gauges, or

1 other similar items of no commercial value on special order  
2 for a particular purchaser. The exemption provided by this  
3 paragraph (18) includes production related tangible personal  
4 property, as defined in Section 3-50, purchased on or after  
5 July 1, 2019. The exemption provided by this paragraph (18)  
6 does not include machinery and equipment used in (i) the  
7 generation of electricity for wholesale or retail sale; (ii)  
8 the generation or treatment of natural or artificial gas for  
9 wholesale or retail sale that is delivered to customers  
10 through pipes, pipelines, or mains; or (iii) the treatment of  
11 water for wholesale or retail sale that is delivered to  
12 customers through pipes, pipelines, or mains. The provisions  
13 of Public Act 98-583 are declaratory of existing law as to the  
14 meaning and scope of this exemption. Beginning on July 1,  
15 2017, the exemption provided by this paragraph (18) includes,  
16 but is not limited to, graphic arts machinery and equipment,  
17 as defined in paragraph (6) of this Section.

18 (19) Personal property delivered to a purchaser or  
19 purchaser's donee inside Illinois when the purchase order for  
20 that personal property was received by a florist located  
21 outside Illinois who has a florist located inside Illinois  
22 deliver the personal property.

23 (20) Semen used for artificial insemination of livestock  
24 for direct agricultural production.

25 (21) Horses, or interests in horses, registered with and  
26 meeting the requirements of any of the Arabian Horse Club

1 Registry of America, Appaloosa Horse Club, American Quarter  
2 Horse Association, United States Trotting Association, or  
3 Jockey Club, as appropriate, used for purposes of breeding or  
4 racing for prizes. This item (21) is exempt from the  
5 provisions of Section 3-90, and the exemption provided for  
6 under this item (21) applies for all periods beginning May 30,  
7 1995, but no claim for credit or refund is allowed on or after  
8 January 1, 2008 for such taxes paid during the period  
9 beginning May 30, 2000 and ending on January 1, 2008.

10 (22) Computers and communications equipment utilized for  
11 any hospital purpose and equipment used in the diagnosis,  
12 analysis, or treatment of hospital patients purchased by a  
13 lessor who leases the equipment, under a lease of one year or  
14 longer executed or in effect at the time the lessor would  
15 otherwise be subject to the tax imposed by this Act, to a  
16 hospital that has been issued an active tax exemption  
17 identification number by the Department under Section 1g of  
18 the Retailers' Occupation Tax Act. If the equipment is leased  
19 in a manner that does not qualify for this exemption or is used  
20 in any other non-exempt manner, the lessor shall be liable for  
21 the tax imposed under this Act or the Service Use Tax Act, as  
22 the case may be, based on the fair market value of the property  
23 at the time the non-qualifying use occurs. No lessor shall  
24 collect or attempt to collect an amount (however designated)  
25 that purports to reimburse that lessor for the tax imposed by  
26 this Act or the Service Use Tax Act, as the case may be, if the

1 tax has not been paid by the lessor. If a lessor improperly  
2 collects any such amount from the lessee, the lessee shall  
3 have a legal right to claim a refund of that amount from the  
4 lessor. If, however, that amount is not refunded to the lessee  
5 for any reason, the lessor is liable to pay that amount to the  
6 Department.

7 (23) Personal property purchased by a lessor who leases  
8 the property, under a lease of one year or longer executed or  
9 in effect at the time the lessor would otherwise be subject to  
10 the tax imposed by this Act, to a governmental body that has  
11 been issued an active sales tax exemption identification  
12 number by the Department under Section 1g of the Retailers'  
13 Occupation Tax Act. If the property is leased in a manner that  
14 does not qualify for this exemption or used in any other  
15 non-exempt manner, the lessor shall be liable for the tax  
16 imposed under this Act or the Service Use Tax Act, as the case  
17 may be, based on the fair market value of the property at the  
18 time the non-qualifying use occurs. No lessor shall collect or  
19 attempt to collect an amount (however designated) that  
20 purports to reimburse that lessor for the tax imposed by this  
21 Act or the Service Use Tax Act, as the case may be, if the tax  
22 has not been paid by the lessor. If a lessor improperly  
23 collects any such amount from the lessee, the lessee shall  
24 have a legal right to claim a refund of that amount from the  
25 lessor. If, however, that amount is not refunded to the lessee  
26 for any reason, the lessor is liable to pay that amount to the



1 Department.

2 (24) Beginning with taxable years ending on or after  
3 December 31, 1995 and ending with taxable years ending on or  
4 before December 31, 2004, personal property that is donated  
5 for disaster relief to be used in a State or federally declared  
6 disaster area in Illinois or bordering Illinois by a  
7 manufacturer or retailer that is registered in this State to a  
8 corporation, society, association, foundation, or institution  
9 that has been issued a sales tax exemption identification  
10 number by the Department that assists victims of the disaster  
11 who reside within the declared disaster area.

12 (25) Beginning with taxable years ending on or after  
13 December 31, 1995 and ending with taxable years ending on or  
14 before December 31, 2004, personal property that is used in  
15 the performance of infrastructure repairs in this State,  
16 including, but not limited to, municipal roads and streets,  
17 access roads, bridges, sidewalks, waste disposal systems,  
18 water and sewer line extensions, water distribution and  
19 purification facilities, storm water drainage and retention  
20 facilities, and sewage treatment facilities, resulting from a  
21 State or federally declared disaster in Illinois or bordering  
22 Illinois when such repairs are initiated on facilities located  
23 in the declared disaster area within 6 months after the  
24 disaster.

25 (26) Beginning July 1, 1999, game or game birds purchased  
26 at a "game breeding and hunting preserve area" as that term is

1 used in the Wildlife Code. This paragraph is exempt from the  
2 provisions of Section 3-90.

3 (27) A motor vehicle, as that term is defined in Section  
4 1-146 of the Illinois Vehicle Code, that is donated to a  
5 corporation, limited liability company, society, association,  
6 foundation, or institution that is determined by the  
7 Department to be organized and operated exclusively for  
8 educational purposes. For purposes of this exemption, "a  
9 corporation, limited liability company, society, association,  
10 foundation, or institution organized and operated exclusively  
11 for educational purposes" means all tax-supported public  
12 schools, private schools that offer systematic instruction in  
13 useful branches of learning by methods common to public  
14 schools and that compare favorably in their scope and  
15 intensity with the course of study presented in tax-supported  
16 schools, and vocational or technical schools or institutes  
17 organized and operated exclusively to provide a course of  
18 study of not less than 6 weeks duration and designed to prepare  
19 individuals to follow a trade or to pursue a manual,  
20 technical, mechanical, industrial, business, or commercial  
21 occupation.

22 (28) Beginning January 1, 2000, personal property,  
23 including food, purchased through fundraising events for the  
24 benefit of a public or private elementary or secondary school,  
25 a group of those schools, or one or more school districts if  
26 the events are sponsored by an entity recognized by the school

1 district that consists primarily of volunteers and includes  
2 parents and teachers of the school children. This paragraph  
3 does not apply to fundraising events (i) for the benefit of  
4 private home instruction or (ii) for which the fundraising  
5 entity purchases the personal property sold at the events from  
6 another individual or entity that sold the property for the  
7 purpose of resale by the fundraising entity and that profits  
8 from the sale to the fundraising entity. This paragraph is  
9 exempt from the provisions of Section 3-90.

10 (29) Beginning January 1, 2000 and through December 31,  
11 2001, new or used automatic vending machines that prepare and  
12 serve hot food and beverages, including coffee, soup, and  
13 other items, and replacement parts for these machines.  
14 Beginning January 1, 2002 and through June 30, 2003, machines  
15 and parts for machines used in commercial, coin-operated  
16 amusement and vending business if a use or occupation tax is  
17 paid on the gross receipts derived from the use of the  
18 commercial, coin-operated amusement and vending machines. This  
19 paragraph is exempt from the provisions of Section 3-90.

20 (30) Beginning January 1, 2001 and through June 30, 2016,  
21 food for human consumption that is to be consumed off the  
22 premises where it is sold (other than alcoholic beverages,  
23 soft drinks, and food that has been prepared for immediate  
24 consumption) and prescription and nonprescription medicines,  
25 drugs, medical appliances, and insulin, urine testing  
26 materials, syringes, and needles used by diabetics, for human

1 use, when purchased for use by a person receiving medical  
2 assistance under Article V of the Illinois Public Aid Code who  
3 resides in a licensed long-term care facility, as defined in  
4 the Nursing Home Care Act, or in a licensed facility as defined  
5 in the ID/DD Community Care Act, the MC/DD Act, or the  
6 Specialized Mental Health Rehabilitation Act of 2013.

7 (31) Beginning on August 2, 2001 (the effective date of  
8 Public Act 92-227), computers and communications equipment  
9 utilized for any hospital purpose and equipment used in the  
10 diagnosis, analysis, or treatment of hospital patients  
11 purchased by a lessor who leases the equipment, under a lease  
12 of one year or longer executed or in effect at the time the  
13 lessor would otherwise be subject to the tax imposed by this  
14 Act, to a hospital that has been issued an active tax exemption  
15 identification number by the Department under Section 1g of  
16 the Retailers' Occupation Tax Act. If the equipment is leased  
17 in a manner that does not qualify for this exemption or is used  
18 in any other nonexempt manner, the lessor shall be liable for  
19 the tax imposed under this Act or the Service Use Tax Act, as  
20 the case may be, based on the fair market value of the property  
21 at the time the nonqualifying use occurs. No lessor shall  
22 collect or attempt to collect an amount (however designated)  
23 that purports to reimburse that lessor for the tax imposed by  
24 this Act or the Service Use Tax Act, as the case may be, if the  
25 tax has not been paid by the lessor. If a lessor improperly  
26 collects any such amount from the lessee, the lessee shall

1 have a legal right to claim a refund of that amount from the  
2 lessor. If, however, that amount is not refunded to the lessee  
3 for any reason, the lessor is liable to pay that amount to the  
4 Department. This paragraph is exempt from the provisions of  
5 Section 3-90.

6 (32) Beginning on August 2, 2001 (the effective date of  
7 Public Act 92-227), personal property purchased by a lessor  
8 who leases the property, under a lease of one year or longer  
9 executed or in effect at the time the lessor would otherwise be  
10 subject to the tax imposed by this Act, to a governmental body  
11 that has been issued an active sales tax exemption  
12 identification number by the Department under Section 1g of  
13 the Retailers' Occupation Tax Act. If the property is leased  
14 in a manner that does not qualify for this exemption or used in  
15 any other nonexempt manner, the lessor shall be liable for the  
16 tax imposed under this Act or the Service Use Tax Act, as the  
17 case may be, based on the fair market value of the property at  
18 the time the nonqualifying use occurs. No lessor shall collect  
19 or attempt to collect an amount (however designated) that  
20 purports to reimburse that lessor for the tax imposed by this  
21 Act or the Service Use Tax Act, as the case may be, if the tax  
22 has not been paid by the lessor. If a lessor improperly  
23 collects any such amount from the lessee, the lessee shall  
24 have a legal right to claim a refund of that amount from the  
25 lessor. If, however, that amount is not refunded to the lessee  
26 for any reason, the lessor is liable to pay that amount to the

1 Department. This paragraph is exempt from the provisions of  
2 Section 3-90.

3 (33) On and after July 1, 2003 and through June 30, 2004,  
4 the use in this State of motor vehicles of the second division  
5 with a gross vehicle weight in excess of 8,000 pounds and that  
6 are subject to the commercial distribution fee imposed under  
7 Section 3-815.1 of the Illinois Vehicle Code. Beginning on  
8 July 1, 2004 and through June 30, 2005, the use in this State  
9 of motor vehicles of the second division: (i) with a gross  
10 vehicle weight rating in excess of 8,000 pounds; (ii) that are  
11 subject to the commercial distribution fee imposed under  
12 Section 3-815.1 of the Illinois Vehicle Code; and (iii) that  
13 are primarily used for commercial purposes. Through June 30,  
14 2005, this exemption applies to repair and replacement parts  
15 added after the initial purchase of such a motor vehicle if  
16 that motor vehicle is used in a manner that would qualify for  
17 the rolling stock exemption otherwise provided for in this  
18 Act. For purposes of this paragraph, the term "used for  
19 commercial purposes" means the transportation of persons or  
20 property in furtherance of any commercial or industrial  
21 enterprise, whether for-hire or not.

22 (34) Beginning January 1, 2008, tangible personal property  
23 used in the construction or maintenance of a community water  
24 supply, as defined under Section 3.145 of the Environmental  
25 Protection Act, that is operated by a not-for-profit  
26 corporation that holds a valid water supply permit issued

1 under Title IV of the Environmental Protection Act. This  
2 paragraph is exempt from the provisions of Section 3-90.

3 (35) Beginning January 1, 2010 and continuing through  
4 December 31, 2029, materials, parts, equipment, components,  
5 and furnishings incorporated into or upon an aircraft as part  
6 of the modification, refurbishment, completion, replacement,  
7 repair, or maintenance of the aircraft. This exemption  
8 includes consumable supplies used in the modification,  
9 refurbishment, completion, replacement, repair, and  
10 maintenance of aircraft. However, until January 1, 2024, this  
11 exemption excludes any materials, parts, equipment,  
12 components, and consumable supplies used in the modification,  
13 replacement, repair, and maintenance of aircraft engines or  
14 power plants, whether such engines or power plants are  
15 installed or uninstalled upon any such aircraft. "Consumable  
16 supplies" include, but are not limited to, adhesive, tape,  
17 sandpaper, general purpose lubricants, cleaning solution,  
18 latex gloves, and protective films.

19 Beginning January 1, 2010 and continuing through December  
20 31, 2023, this exemption applies only to the use of qualifying  
21 tangible personal property by persons who modify, refurbish,  
22 complete, repair, replace, or maintain aircraft and who (i)  
23 hold an Air Agency Certificate and are empowered to operate an  
24 approved repair station by the Federal Aviation  
25 Administration, (ii) have a Class IV Rating, and (iii) conduct  
26 operations in accordance with Part 145 of the Federal Aviation

1 Regulations. From January 1, 2024 through December 31, 2029,  
2 this exemption applies only to the use of qualifying tangible  
3 personal property by: (A) persons who modify, refurbish,  
4 complete, repair, replace, or maintain aircraft and who (i)  
5 hold an Air Agency Certificate and are empowered to operate an  
6 approved repair station by the Federal Aviation  
7 Administration, (ii) have a Class IV Rating, and (iii) conduct  
8 operations in accordance with Part 145 of the Federal Aviation  
9 Regulations; and (B) persons who engage in the modification,  
10 replacement, repair, and maintenance of aircraft engines or  
11 power plants without regard to whether or not those persons  
12 meet the qualifications of item (A).

13 The exemption does not include aircraft operated by a  
14 commercial air carrier providing scheduled passenger air  
15 service pursuant to authority issued under Part 121 or Part  
16 129 of the Federal Aviation Regulations. The changes made to  
17 this paragraph (35) by Public Act 98-534 are declarative of  
18 existing law. It is the intent of the General Assembly that the  
19 exemption under this paragraph (35) applies continuously from  
20 January 1, 2010 through December 31, 2024; however, no claim  
21 for credit or refund is allowed for taxes paid as a result of  
22 the disallowance of this exemption on or after January 1, 2015  
23 and prior to February 5, 2020 (the effective date of Public Act  
24 101-629).

25 (36) Tangible personal property purchased by a  
26 public-facilities corporation, as described in Section



1 11-65-10 of the Illinois Municipal Code, for purposes of  
2 constructing or furnishing a municipal convention hall, but  
3 only if the legal title to the municipal convention hall is  
4 transferred to the municipality without any further  
5 consideration by or on behalf of the municipality at the time  
6 of the completion of the municipal convention hall or upon the  
7 retirement or redemption of any bonds or other debt  
8 instruments issued by the public-facilities corporation in  
9 connection with the development of the municipal convention  
10 hall. This exemption includes existing public-facilities  
11 corporations as provided in Section 11-65-25 of the Illinois  
12 Municipal Code. This paragraph is exempt from the provisions  
13 of Section 3-90.

14 (37) Beginning January 1, 2017 and through December 31,  
15 2026, menstrual pads, tampons, and menstrual cups.

16 (38) Merchandise that is subject to the Rental Purchase  
17 Agreement Occupation and Use Tax. The purchaser must certify  
18 that the item is purchased to be rented subject to a  
19 rental-purchase ~~rental-purchase~~ agreement, as defined in the  
20 Rental-Purchase ~~Rental-Purchase~~ Agreement Act, and provide  
21 proof of registration under the Rental Purchase Agreement  
22 Occupation and Use Tax Act. This paragraph is exempt from the  
23 provisions of Section 3-90.

24 (39) Tangible personal property purchased by a purchaser  
25 who is exempt from the tax imposed by this Act by operation of  
26 federal law. This paragraph is exempt from the provisions of

1 Section 3-90.

2 (40) Qualified tangible personal property used in the  
3 construction or operation of a data center that has been  
4 granted a certificate of exemption by the Department of  
5 Commerce and Economic Opportunity, whether that tangible  
6 personal property is purchased by the owner, operator, or  
7 tenant of the data center or by a contractor or subcontractor  
8 of the owner, operator, or tenant. Data centers that would  
9 have qualified for a certificate of exemption prior to January  
10 1, 2020 had Public Act 101-31 been in effect may apply for and  
11 obtain an exemption for subsequent purchases of computer  
12 equipment or enabling software purchased or leased to upgrade,  
13 supplement, or replace computer equipment or enabling software  
14 purchased or leased in the original investment that would have  
15 qualified.

16 The Department of Commerce and Economic Opportunity shall  
17 grant a certificate of exemption under this item (40) to  
18 qualified data centers as defined by Section 605-1025 of the  
19 Department of Commerce and Economic Opportunity Law of the  
20 Civil Administrative Code of Illinois.

21 For the purposes of this item (40):

22 "Data center" means a building or a series of  
23 buildings rehabilitated or constructed to house working  
24 servers in one physical location or multiple sites within  
25 the State of Illinois.

26 "Qualified tangible personal property" means:

1 electrical systems and equipment; climate control and  
2 chilling equipment and systems; mechanical systems and  
3 equipment; monitoring and secure systems; emergency  
4 generators; hardware; computers; servers; data storage  
5 devices; network connectivity equipment; racks; cabinets;  
6 telecommunications cabling infrastructure; raised floor  
7 systems; peripheral components or systems; software;  
8 mechanical, electrical, or plumbing systems; battery  
9 systems; cooling systems and towers; temperature control  
10 systems; other cabling; and other data center  
11 infrastructure equipment and systems necessary to operate  
12 qualified tangible personal property, including fixtures;  
13 and component parts of any of the foregoing, including  
14 installation, maintenance, repair, refurbishment, and  
15 replacement of qualified tangible personal property to  
16 generate, transform, transmit, distribute, or manage  
17 electricity necessary to operate qualified tangible  
18 personal property; and all other tangible personal  
19 property that is essential to the operations of a computer  
20 data center. The term "qualified tangible personal  
21 property" also includes building materials physically  
22 incorporated into ~~in to~~ the qualifying data center. To  
23 document the exemption allowed under this Section, the  
24 retailer must obtain from the purchaser a copy of the  
25 certificate of eligibility issued by the Department of  
26 Commerce and Economic Opportunity.

1           This item (40) is exempt from the provisions of Section  
2 3-90.

3           (41) Beginning July 1, 2022, breast pumps, breast pump  
4 collection and storage supplies, and breast pump kits. This  
5 item (41) is exempt from the provisions of Section 3-90. As  
6 used in this item (41):

7           "Breast pump" means an electrically controlled or  
8 manually controlled pump device designed or marketed to be  
9 used to express milk from a human breast during lactation,  
10 including the pump device and any battery, AC adapter, or  
11 other power supply unit that is used to power the pump  
12 device and is packaged and sold with the pump device at the  
13 time of sale.

14           "Breast pump collection and storage supplies" means  
15 items of tangible personal property designed or marketed  
16 to be used in conjunction with a breast pump to collect  
17 milk expressed from a human breast and to store collected  
18 milk until it is ready for consumption.

19           "Breast pump collection and storage supplies"  
20 includes, but is not limited to: breast shields and breast  
21 shield connectors; breast pump tubes and tubing adapters;  
22 breast pump valves and membranes; backflow protectors and  
23 backflow protector adaptors; bottles and bottle caps  
24 specific to the operation of the breast pump; and breast  
25 milk storage bags.

26           "Breast pump collection and storage supplies" does not

1 include: (1) bottles and bottle caps not specific to the  
2 operation of the breast pump; (2) breast pump travel bags  
3 and other similar carrying accessories, including ice  
4 packs, labels, and other similar products; (3) breast pump  
5 cleaning supplies; (4) nursing bras, bra pads, breast  
6 shells, and other similar products; and (5) creams,  
7 ointments, and other similar products that relieve  
8 breastfeeding-related symptoms or conditions of the  
9 breasts or nipples, unless sold as part of a breast pump  
10 kit that is pre-packaged by the breast pump manufacturer  
11 or distributor.

12 "Breast pump kit" means a kit that: (1) contains no  
13 more than a breast pump, breast pump collection and  
14 storage supplies, a rechargeable battery for operating the  
15 breast pump, a breastmilk cooler, bottle stands, ice  
16 packs, and a breast pump carrying case; and (2) is  
17 pre-packaged as a breast pump kit by the breast pump  
18 manufacturer or distributor.

19 (42) Tangible personal property sold by or on behalf of  
20 the State Treasurer pursuant to the Revised Uniform Unclaimed  
21 Property Act. This item (42) is exempt from the provisions of  
22 Section 3-90.

23 (43) Beginning on January 1, 2024, tangible personal  
24 property purchased by an active duty member of the armed  
25 forces of the United States who presents valid military  
26 identification and purchases the property using a form of

1 payment where the federal government is the payor. The member  
2 of the armed forces must complete, at the point of sale, a form  
3 prescribed by the Department of Revenue documenting that the  
4 transaction is eligible for the exemption under this  
5 paragraph. Retailers must keep the form as documentation of  
6 the exemption in their records for a period of not less than 6  
7 years. "Armed forces of the United States" means the United  
8 States Army, Navy, Air Force, Marine Corps, or Coast Guard.  
9 This paragraph is exempt from the provisions of Section 3-90.

10 (Source: P.A. 102-16, eff. 6-17-21; 102-700, Article 70,  
11 Section 70-5, eff. 4-19-22; 102-700, Article 75, Section 75-5,  
12 eff. 4-19-22; 102-1026, eff. 5-27-22; 103-9, Article 5,  
13 Section 5-5, eff. 6-7-23; 103-9, Article 15, Section 15-5,  
14 eff. 6-7-23; 103-154, eff. 6-30-23; 103-384, eff. 1-1-24;  
15 revised 12-12-23.)

16 Section 195. The Service Use Tax Act is amended by  
17 changing Section 3-5 as follows:

18 (35 ILCS 110/3-5)

19 Sec. 3-5. Exemptions. Use of the following tangible  
20 personal property is exempt from the tax imposed by this Act:

21 (1) Personal property purchased from a corporation,  
22 society, association, foundation, institution, or  
23 organization, other than a limited liability company, that is  
24 organized and operated as a not-for-profit service enterprise

1 for the benefit of persons 65 years of age or older if the  
2 personal property was not purchased by the enterprise for the  
3 purpose of resale by the enterprise.

4 (2) Personal property purchased by a non-profit Illinois  
5 county fair association for use in conducting, operating, or  
6 promoting the county fair.

7 (3) Personal property purchased by a not-for-profit arts  
8 or cultural organization that establishes, by proof required  
9 by the Department by rule, that it has received an exemption  
10 under Section 501(c)(3) of the Internal Revenue Code and that  
11 is organized and operated primarily for the presentation or  
12 support of arts or cultural programming, activities, or  
13 services. These organizations include, but are not limited to,  
14 music and dramatic arts organizations such as symphony  
15 orchestras and theatrical groups, arts and cultural service  
16 organizations, local arts councils, visual arts organizations,  
17 and media arts organizations. On and after July 1, 2001 (the  
18 effective date of Public Act 92-35), however, an entity  
19 otherwise eligible for this exemption shall not make tax-free  
20 purchases unless it has an active identification number issued  
21 by the Department.

22 (4) Legal tender, currency, medallions, or gold or silver  
23 coinage issued by the State of Illinois, the government of the  
24 United States of America, or the government of any foreign  
25 country, and bullion.

26 (5) Until July 1, 2003 and beginning again on September 1,

1 2004 through August 30, 2014, graphic arts machinery and  
2 equipment, including repair and replacement parts, both new  
3 and used, and including that manufactured on special order or  
4 purchased for lease, certified by the purchaser to be used  
5 primarily for graphic arts production. Equipment includes  
6 chemicals or chemicals acting as catalysts but only if the  
7 chemicals or chemicals acting as catalysts effect a direct and  
8 immediate change upon a graphic arts product. Beginning on  
9 July 1, 2017, graphic arts machinery and equipment is included  
10 in the manufacturing and assembling machinery and equipment  
11 exemption under Section 2 of this Act.

12 (6) Personal property purchased from a teacher-sponsored  
13 student organization affiliated with an elementary or  
14 secondary school located in Illinois.

15 (7) Farm machinery and equipment, both new and used,  
16 including that manufactured on special order, certified by the  
17 purchaser to be used primarily for production agriculture or  
18 State or federal agricultural programs, including individual  
19 replacement parts for the machinery and equipment, including  
20 machinery and equipment purchased for lease, and including  
21 implements of husbandry defined in Section 1-130 of the  
22 Illinois Vehicle Code, farm machinery and agricultural  
23 chemical and fertilizer spreaders, and nurse wagons required  
24 to be registered under Section 3-809 of the Illinois Vehicle  
25 Code, but excluding other motor vehicles required to be  
26 registered under the Illinois Vehicle Code. Horticultural



1 polyhouses or hoop houses used for propagating, growing, or  
2 overwintering plants shall be considered farm machinery and  
3 equipment under this item (7). Agricultural chemical tender  
4 tanks and dry boxes shall include units sold separately from a  
5 motor vehicle required to be licensed and units sold mounted  
6 on a motor vehicle required to be licensed if the selling price  
7 of the tender is separately stated.

8 Farm machinery and equipment shall include precision  
9 farming equipment that is installed or purchased to be  
10 installed on farm machinery and equipment, including, but not  
11 limited to, tractors, harvesters, sprayers, planters, seeders,  
12 or spreaders. Precision farming equipment includes, but is not  
13 limited to, soil testing sensors, computers, monitors,  
14 software, global positioning and mapping systems, and other  
15 such equipment.

16 Farm machinery and equipment also includes computers,  
17 sensors, software, and related equipment used primarily in the  
18 computer-assisted operation of production agriculture  
19 facilities, equipment, and activities such as, but not limited  
20 to, the collection, monitoring, and correlation of animal and  
21 crop data for the purpose of formulating animal diets and  
22 agricultural chemicals.

23 Beginning on January 1, 2024, farm machinery and equipment  
24 also includes electrical power generation equipment used  
25 primarily for production agriculture.

26 This item (7) is exempt from the provisions of Section

1 3-75.

2 (8) Until June 30, 2013, fuel and petroleum products sold  
3 to or used by an air common carrier, certified by the carrier  
4 to be used for consumption, shipment, or storage in the  
5 conduct of its business as an air common carrier, for a flight  
6 destined for or returning from a location or locations outside  
7 the United States without regard to previous or subsequent  
8 domestic stopovers.

9 Beginning July 1, 2013, fuel and petroleum products sold  
10 to or used by an air carrier, certified by the carrier to be  
11 used for consumption, shipment, or storage in the conduct of  
12 its business as an air common carrier, for a flight that (i) is  
13 engaged in foreign trade or is engaged in trade between the  
14 United States and any of its possessions and (ii) transports  
15 at least one individual or package for hire from the city of  
16 origination to the city of final destination on the same  
17 aircraft, without regard to a change in the flight number of  
18 that aircraft.

19 (9) Proceeds of mandatory service charges separately  
20 stated on customers' bills for the purchase and consumption of  
21 food and beverages acquired as an incident to the purchase of a  
22 service from a serviceman, to the extent that the proceeds of  
23 the service charge are in fact turned over as tips or as a  
24 substitute for tips to the employees who participate directly  
25 in preparing, serving, hosting or cleaning up the food or  
26 beverage function with respect to which the service charge is

1 imposed.

2 (10) Until July 1, 2003, oil field exploration, drilling,  
3 and production equipment, including (i) rigs and parts of  
4 rigs, rotary rigs, cable tool rigs, and workover rigs, (ii)  
5 pipe and tubular goods, including casing and drill strings,  
6 (iii) pumps and pump-jack units, (iv) storage tanks and flow  
7 lines, (v) any individual replacement part for oil field  
8 exploration, drilling, and production equipment, and (vi)  
9 machinery and equipment purchased for lease; but excluding  
10 motor vehicles required to be registered under the Illinois  
11 Vehicle Code.

12 (11) Proceeds from the sale of photoprocessing machinery  
13 and equipment, including repair and replacement parts, both  
14 new and used, including that manufactured on special order,  
15 certified by the purchaser to be used primarily for  
16 photoprocessing, and including photoprocessing machinery and  
17 equipment purchased for lease.

18 (12) Until July 1, 2028, coal and aggregate exploration,  
19 mining, off-highway hauling, processing, maintenance, and  
20 reclamation equipment, including replacement parts and  
21 equipment, and including equipment purchased for lease, but  
22 excluding motor vehicles required to be registered under the  
23 Illinois Vehicle Code. The changes made to this Section by  
24 Public Act 97-767 apply on and after July 1, 2003, but no claim  
25 for credit or refund is allowed on or after August 16, 2013  
26 (the effective date of Public Act 98-456) for such taxes paid

1 during the period beginning July 1, 2003 and ending on August  
2 16, 2013 (the effective date of Public Act 98-456).

3 (13) Semen used for artificial insemination of livestock  
4 for direct agricultural production.

5 (14) Horses, or interests in horses, registered with and  
6 meeting the requirements of any of the Arabian Horse Club  
7 Registry of America, Appaloosa Horse Club, American Quarter  
8 Horse Association, United States Trotting Association, or  
9 Jockey Club, as appropriate, used for purposes of breeding or  
10 racing for prizes. This item (14) is exempt from the  
11 provisions of Section 3-75, and the exemption provided for  
12 under this item (14) applies for all periods beginning May 30,  
13 1995, but no claim for credit or refund is allowed on or after  
14 January 1, 2008 (the effective date of Public Act 95-88) for  
15 such taxes paid during the period beginning May 30, 2000 and  
16 ending on January 1, 2008 (the effective date of Public Act  
17 95-88).

18 (15) Computers and communications equipment utilized for  
19 any hospital purpose and equipment used in the diagnosis,  
20 analysis, or treatment of hospital patients purchased by a  
21 lessor who leases the equipment, under a lease of one year or  
22 longer executed or in effect at the time the lessor would  
23 otherwise be subject to the tax imposed by this Act, to a  
24 hospital that has been issued an active tax exemption  
25 identification number by the Department under Section 1g of  
26 the Retailers' Occupation Tax Act. If the equipment is leased

1 in a manner that does not qualify for this exemption or is used  
2 in any other non-exempt manner, the lessor shall be liable for  
3 the tax imposed under this Act or the Use Tax Act, as the case  
4 may be, based on the fair market value of the property at the  
5 time the non-qualifying use occurs. No lessor shall collect or  
6 attempt to collect an amount (however designated) that  
7 purports to reimburse that lessor for the tax imposed by this  
8 Act or the Use Tax Act, as the case may be, if the tax has not  
9 been paid by the lessor. If a lessor improperly collects any  
10 such amount from the lessee, the lessee shall have a legal  
11 right to claim a refund of that amount from the lessor. If,  
12 however, that amount is not refunded to the lessee for any  
13 reason, the lessor is liable to pay that amount to the  
14 Department.

15 (16) Personal property purchased by a lessor who leases  
16 the property, under a lease of one year or longer executed or  
17 in effect at the time the lessor would otherwise be subject to  
18 the tax imposed by this Act, to a governmental body that has  
19 been issued an active tax exemption identification number by  
20 the Department under Section 1g of the Retailers' Occupation  
21 Tax Act. If the property is leased in a manner that does not  
22 qualify for this exemption or is used in any other non-exempt  
23 manner, the lessor shall be liable for the tax imposed under  
24 this Act or the Use Tax Act, as the case may be, based on the  
25 fair market value of the property at the time the  
26 non-qualifying use occurs. No lessor shall collect or attempt

1 to collect an amount (however designated) that purports to  
2 reimburse that lessor for the tax imposed by this Act or the  
3 Use Tax Act, as the case may be, if the tax has not been paid  
4 by the lessor. If a lessor improperly collects any such amount  
5 from the lessee, the lessee shall have a legal right to claim a  
6 refund of that amount from the lessor. If, however, that  
7 amount is not refunded to the lessee for any reason, the lessor  
8 is liable to pay that amount to the Department.

9 (17) Beginning with taxable years ending on or after  
10 December 31, 1995 and ending with taxable years ending on or  
11 before December 31, 2004, personal property that is donated  
12 for disaster relief to be used in a State or federally declared  
13 disaster area in Illinois or bordering Illinois by a  
14 manufacturer or retailer that is registered in this State to a  
15 corporation, society, association, foundation, or institution  
16 that has been issued a sales tax exemption identification  
17 number by the Department that assists victims of the disaster  
18 who reside within the declared disaster area.

19 (18) Beginning with taxable years ending on or after  
20 December 31, 1995 and ending with taxable years ending on or  
21 before December 31, 2004, personal property that is used in  
22 the performance of infrastructure repairs in this State,  
23 including, but not limited to, municipal roads and streets,  
24 access roads, bridges, sidewalks, waste disposal systems,  
25 water and sewer line extensions, water distribution and  
26 purification facilities, storm water drainage and retention

1 facilities, and sewage treatment facilities, resulting from a  
2 State or federally declared disaster in Illinois or bordering  
3 Illinois when such repairs are initiated on facilities located  
4 in the declared disaster area within 6 months after the  
5 disaster.

6 (19) Beginning July 1, 1999, game or game birds purchased  
7 at a "game breeding and hunting preserve area" as that term is  
8 used in the Wildlife Code. This paragraph is exempt from the  
9 provisions of Section 3-75.

10 (20) A motor vehicle, as that term is defined in Section  
11 1-146 of the Illinois Vehicle Code, that is donated to a  
12 corporation, limited liability company, society, association,  
13 foundation, or institution that is determined by the  
14 Department to be organized and operated exclusively for  
15 educational purposes. For purposes of this exemption, "a  
16 corporation, limited liability company, society, association,  
17 foundation, or institution organized and operated exclusively  
18 for educational purposes" means all tax-supported public  
19 schools, private schools that offer systematic instruction in  
20 useful branches of learning by methods common to public  
21 schools and that compare favorably in their scope and  
22 intensity with the course of study presented in tax-supported  
23 schools, and vocational or technical schools or institutes  
24 organized and operated exclusively to provide a course of  
25 study of not less than 6 weeks duration and designed to prepare  
26 individuals to follow a trade or to pursue a manual,

1 technical, mechanical, industrial, business, or commercial  
2 occupation.

3 (21) Beginning January 1, 2000, personal property,  
4 including food, purchased through fundraising events for the  
5 benefit of a public or private elementary or secondary school,  
6 a group of those schools, or one or more school districts if  
7 the events are sponsored by an entity recognized by the school  
8 district that consists primarily of volunteers and includes  
9 parents and teachers of the school children. This paragraph  
10 does not apply to fundraising events (i) for the benefit of  
11 private home instruction or (ii) for which the fundraising  
12 entity purchases the personal property sold at the events from  
13 another individual or entity that sold the property for the  
14 purpose of resale by the fundraising entity and that profits  
15 from the sale to the fundraising entity. This paragraph is  
16 exempt from the provisions of Section 3-75.

17 (22) Beginning January 1, 2000 and through December 31,  
18 2001, new or used automatic vending machines that prepare and  
19 serve hot food and beverages, including coffee, soup, and  
20 other items, and replacement parts for these machines.  
21 Beginning January 1, 2002 and through June 30, 2003, machines  
22 and parts for machines used in commercial, coin-operated  
23 amusement and vending business if a use or occupation tax is  
24 paid on the gross receipts derived from the use of the  
25 commercial, coin-operated amusement and vending machines. This  
26 paragraph is exempt from the provisions of Section 3-75.



1           (23) Beginning August 23, 2001 and through June 30, 2016,  
2 food for human consumption that is to be consumed off the  
3 premises where it is sold (other than alcoholic beverages,  
4 soft drinks, and food that has been prepared for immediate  
5 consumption) and prescription and nonprescription medicines,  
6 drugs, medical appliances, and insulin, urine testing  
7 materials, syringes, and needles used by diabetics, for human  
8 use, when purchased for use by a person receiving medical  
9 assistance under Article V of the Illinois Public Aid Code who  
10 resides in a licensed long-term care facility, as defined in  
11 the Nursing Home Care Act, or in a licensed facility as defined  
12 in the ID/DD Community Care Act, the MC/DD Act, or the  
13 Specialized Mental Health Rehabilitation Act of 2013.

14           (24) Beginning on August 2, 2001 (the effective date of  
15 Public Act 92-227), computers and communications equipment  
16 utilized for any hospital purpose and equipment used in the  
17 diagnosis, analysis, or treatment of hospital patients  
18 purchased by a lessor who leases the equipment, under a lease  
19 of one year or longer executed or in effect at the time the  
20 lessor would otherwise be subject to the tax imposed by this  
21 Act, to a hospital that has been issued an active tax exemption  
22 identification number by the Department under Section 1g of  
23 the Retailers' Occupation Tax Act. If the equipment is leased  
24 in a manner that does not qualify for this exemption or is used  
25 in any other nonexempt manner, the lessor shall be liable for  
26 the tax imposed under this Act or the Use Tax Act, as the case

1 may be, based on the fair market value of the property at the  
2 time the nonqualifying use occurs. No lessor shall collect or  
3 attempt to collect an amount (however designated) that  
4 purports to reimburse that lessor for the tax imposed by this  
5 Act or the Use Tax Act, as the case may be, if the tax has not  
6 been paid by the lessor. If a lessor improperly collects any  
7 such amount from the lessee, the lessee shall have a legal  
8 right to claim a refund of that amount from the lessor. If,  
9 however, that amount is not refunded to the lessee for any  
10 reason, the lessor is liable to pay that amount to the  
11 Department. This paragraph is exempt from the provisions of  
12 Section 3-75.

13 (25) Beginning on August 2, 2001 (the effective date of  
14 Public Act 92-227), personal property purchased by a lessor  
15 who leases the property, under a lease of one year or longer  
16 executed or in effect at the time the lessor would otherwise be  
17 subject to the tax imposed by this Act, to a governmental body  
18 that has been issued an active tax exemption identification  
19 number by the Department under Section 1g of the Retailers'  
20 Occupation Tax Act. If the property is leased in a manner that  
21 does not qualify for this exemption or is used in any other  
22 nonexempt manner, the lessor shall be liable for the tax  
23 imposed under this Act or the Use Tax Act, as the case may be,  
24 based on the fair market value of the property at the time the  
25 nonqualifying use occurs. No lessor shall collect or attempt  
26 to collect an amount (however designated) that purports to

1 reimburse that lessor for the tax imposed by this Act or the  
2 Use Tax Act, as the case may be, if the tax has not been paid  
3 by the lessor. If a lessor improperly collects any such amount  
4 from the lessee, the lessee shall have a legal right to claim a  
5 refund of that amount from the lessor. If, however, that  
6 amount is not refunded to the lessee for any reason, the lessor  
7 is liable to pay that amount to the Department. This paragraph  
8 is exempt from the provisions of Section 3-75.

9 (26) Beginning January 1, 2008, tangible personal property  
10 used in the construction or maintenance of a community water  
11 supply, as defined under Section 3.145 of the Environmental  
12 Protection Act, that is operated by a not-for-profit  
13 corporation that holds a valid water supply permit issued  
14 under Title IV of the Environmental Protection Act. This  
15 paragraph is exempt from the provisions of Section 3-75.

16 (27) Beginning January 1, 2010 and continuing through  
17 December 31, 2029, materials, parts, equipment, components,  
18 and furnishings incorporated into or upon an aircraft as part  
19 of the modification, refurbishment, completion, replacement,  
20 repair, or maintenance of the aircraft. This exemption  
21 includes consumable supplies used in the modification,  
22 refurbishment, completion, replacement, repair, and  
23 maintenance of aircraft. However, until January 1, 2024, this  
24 exemption excludes any materials, parts, equipment,  
25 components, and consumable supplies used in the modification,  
26 replacement, repair, and maintenance of aircraft engines or

1 power plants, whether such engines or power plants are  
2 installed or uninstalled upon any such aircraft. "Consumable  
3 supplies" include, but are not limited to, adhesive, tape,  
4 sandpaper, general purpose lubricants, cleaning solution,  
5 latex gloves, and protective films.

6 Beginning January 1, 2010 and continuing through December  
7 31, 2023, this exemption applies only to the use of qualifying  
8 tangible personal property transferred incident to the  
9 modification, refurbishment, completion, replacement, repair,  
10 or maintenance of aircraft by persons who (i) hold an Air  
11 Agency Certificate and are empowered to operate an approved  
12 repair station by the Federal Aviation Administration, (ii)  
13 have a Class IV Rating, and (iii) conduct operations in  
14 accordance with Part 145 of the Federal Aviation Regulations.  
15 From January 1, 2024 through December 31, 2029, this exemption  
16 applies only to the use of qualifying tangible personal  
17 property by: (A) persons who modify, refurbish, complete,  
18 repair, replace, or maintain aircraft and who (i) hold an Air  
19 Agency Certificate and are empowered to operate an approved  
20 repair station by the Federal Aviation Administration, (ii)  
21 have a Class IV Rating, and (iii) conduct operations in  
22 accordance with Part 145 of the Federal Aviation Regulations;  
23 and (B) persons who engage in the modification, replacement,  
24 repair, and maintenance of aircraft engines or power plants  
25 without regard to whether or not those persons meet the  
26 qualifications of item (A).

1           The exemption does not include aircraft operated by a  
2 commercial air carrier providing scheduled passenger air  
3 service pursuant to authority issued under Part 121 or Part  
4 129 of the Federal Aviation Regulations. The changes made to  
5 this paragraph (27) by Public Act 98-534 are declarative of  
6 existing law. It is the intent of the General Assembly that the  
7 exemption under this paragraph (27) applies continuously from  
8 January 1, 2010 through December 31, 2024; however, no claim  
9 for credit or refund is allowed for taxes paid as a result of  
10 the disallowance of this exemption on or after January 1, 2015  
11 and prior to February 5, 2020 (the effective date of Public Act  
12 101-629).

13           (28) Tangible personal property purchased by a  
14 public-facilities corporation, as described in Section  
15 11-65-10 of the Illinois Municipal Code, for purposes of  
16 constructing or furnishing a municipal convention hall, but  
17 only if the legal title to the municipal convention hall is  
18 transferred to the municipality without any further  
19 consideration by or on behalf of the municipality at the time  
20 of the completion of the municipal convention hall or upon the  
21 retirement or redemption of any bonds or other debt  
22 instruments issued by the public-facilities corporation in  
23 connection with the development of the municipal convention  
24 hall. This exemption includes existing public-facilities  
25 corporations as provided in Section 11-65-25 of the Illinois  
26 Municipal Code. This paragraph is exempt from the provisions

1 of Section 3-75.

2 (29) Beginning January 1, 2017 and through December 31,  
3 2026, menstrual pads, tampons, and menstrual cups.

4 (30) Tangible personal property transferred to a purchaser  
5 who is exempt from the tax imposed by this Act by operation of  
6 federal law. This paragraph is exempt from the provisions of  
7 Section 3-75.

8 (31) Qualified tangible personal property used in the  
9 construction or operation of a data center that has been  
10 granted a certificate of exemption by the Department of  
11 Commerce and Economic Opportunity, whether that tangible  
12 personal property is purchased by the owner, operator, or  
13 tenant of the data center or by a contractor or subcontractor  
14 of the owner, operator, or tenant. Data centers that would  
15 have qualified for a certificate of exemption prior to January  
16 1, 2020 had Public Act 101-31 been in effect, may apply for and  
17 obtain an exemption for subsequent purchases of computer  
18 equipment or enabling software purchased or leased to upgrade,  
19 supplement, or replace computer equipment or enabling software  
20 purchased or leased in the original investment that would have  
21 qualified.

22 The Department of Commerce and Economic Opportunity shall  
23 grant a certificate of exemption under this item (31) to  
24 qualified data centers as defined by Section 605-1025 of the  
25 Department of Commerce and Economic Opportunity Law of the  
26 Civil Administrative Code of Illinois.

1 For the purposes of this item (31):

2 "Data center" means a building or a series of  
3 buildings rehabilitated or constructed to house working  
4 servers in one physical location or multiple sites within  
5 the State of Illinois.

6 "Qualified tangible personal property" means:  
7 electrical systems and equipment; climate control and  
8 chilling equipment and systems; mechanical systems and  
9 equipment; monitoring and secure systems; emergency  
10 generators; hardware; computers; servers; data storage  
11 devices; network connectivity equipment; racks; cabinets;  
12 telecommunications cabling infrastructure; raised floor  
13 systems; peripheral components or systems; software;  
14 mechanical, electrical, or plumbing systems; battery  
15 systems; cooling systems and towers; temperature control  
16 systems; other cabling; and other data center  
17 infrastructure equipment and systems necessary to operate  
18 qualified tangible personal property, including fixtures;  
19 and component parts of any of the foregoing, including  
20 installation, maintenance, repair, refurbishment, and  
21 replacement of qualified tangible personal property to  
22 generate, transform, transmit, distribute, or manage  
23 electricity necessary to operate qualified tangible  
24 personal property; and all other tangible personal  
25 property that is essential to the operations of a computer  
26 data center. The term "qualified tangible personal

1 property" also includes building materials physically  
2 incorporated into ~~in to~~ the qualifying data center. To  
3 document the exemption allowed under this Section, the  
4 retailer must obtain from the purchaser a copy of the  
5 certificate of eligibility issued by the Department of  
6 Commerce and Economic Opportunity.

7 This item (31) is exempt from the provisions of Section  
8 3-75.

9 (32) Beginning July 1, 2022, breast pumps, breast pump  
10 collection and storage supplies, and breast pump kits. This  
11 item (32) is exempt from the provisions of Section 3-75. As  
12 used in this item (32):

13 "Breast pump" means an electrically controlled or  
14 manually controlled pump device designed or marketed to be  
15 used to express milk from a human breast during lactation,  
16 including the pump device and any battery, AC adapter, or  
17 other power supply unit that is used to power the pump  
18 device and is packaged and sold with the pump device at the  
19 time of sale.

20 "Breast pump collection and storage supplies" means  
21 items of tangible personal property designed or marketed  
22 to be used in conjunction with a breast pump to collect  
23 milk expressed from a human breast and to store collected  
24 milk until it is ready for consumption.

25 "Breast pump collection and storage supplies"  
26 includes, but is not limited to: breast shields and breast



1 shield connectors; breast pump tubes and tubing adapters;  
2 breast pump valves and membranes; backflow protectors and  
3 backflow protector adaptors; bottles and bottle caps  
4 specific to the operation of the breast pump; and breast  
5 milk storage bags.

6 "Breast pump collection and storage supplies" does not  
7 include: (1) bottles and bottle caps not specific to the  
8 operation of the breast pump; (2) breast pump travel bags  
9 and other similar carrying accessories, including ice  
10 packs, labels, and other similar products; (3) breast pump  
11 cleaning supplies; (4) nursing bras, bra pads, breast  
12 shells, and other similar products; and (5) creams,  
13 ointments, and other similar products that relieve  
14 breastfeeding-related symptoms or conditions of the  
15 breasts or nipples, unless sold as part of a breast pump  
16 kit that is pre-packaged by the breast pump manufacturer  
17 or distributor.

18 "Breast pump kit" means a kit that: (1) contains no  
19 more than a breast pump, breast pump collection and  
20 storage supplies, a rechargeable battery for operating the  
21 breast pump, a breastmilk cooler, bottle stands, ice  
22 packs, and a breast pump carrying case; and (2) is  
23 pre-packaged as a breast pump kit by the breast pump  
24 manufacturer or distributor.

25 (33) Tangible personal property sold by or on behalf of  
26 the State Treasurer pursuant to the Revised Uniform Unclaimed

1 Property Act. This item (33) is exempt from the provisions of  
2 Section 3-75.

3 (34) Beginning on January 1, 2024, tangible personal  
4 property purchased by an active duty member of the armed  
5 forces of the United States who presents valid military  
6 identification and purchases the property using a form of  
7 payment where the federal government is the payor. The member  
8 of the armed forces must complete, at the point of sale, a form  
9 prescribed by the Department of Revenue documenting that the  
10 transaction is eligible for the exemption under this  
11 paragraph. Retailers must keep the form as documentation of  
12 the exemption in their records for a period of not less than 6  
13 years. "Armed forces of the United States" means the United  
14 States Army, Navy, Air Force, Marine Corps, or Coast Guard.  
15 This paragraph is exempt from the provisions of Section 3-75.

16 (Source: P.A. 102-16, eff. 6-17-21; 102-700, Article 70,  
17 Section 70-10, eff. 4-19-22; 102-700, Article 75, Section  
18 75-10, eff. 4-19-22; 102-1026, eff. 5-27-22; 103-9, Article 5,  
19 Section 5-10, eff. 6-7-23; 103-9, Article 15, Section 15-10,  
20 eff. 6-7-23; 103-154, eff. 6-30-23; 103-384, eff. 1-1-24;  
21 revised 12-12-23.)

22 Section 200. The Service Occupation Tax Act is amended by  
23 changing Sections 3-5, 9, and 12 as follows:

24 (35 ILCS 115/3-5)

1           Sec. 3-5. Exemptions. The following tangible personal  
2 property is exempt from the tax imposed by this Act:

3           (1) Personal property sold by a corporation, society,  
4 association, foundation, institution, or organization, other  
5 than a limited liability company, that is organized and  
6 operated as a not-for-profit service enterprise for the  
7 benefit of persons 65 years of age or older if the personal  
8 property was not purchased by the enterprise for the purpose  
9 of resale by the enterprise.

10           (2) Personal property purchased by a not-for-profit  
11 Illinois county fair association for use in conducting,  
12 operating, or promoting the county fair.

13           (3) Personal property purchased by any not-for-profit arts  
14 or cultural organization that establishes, by proof required  
15 by the Department by rule, that it has received an exemption  
16 under Section 501(c)(3) of the Internal Revenue Code and that  
17 is organized and operated primarily for the presentation or  
18 support of arts or cultural programming, activities, or  
19 services. These organizations include, but are not limited to,  
20 music and dramatic arts organizations such as symphony  
21 orchestras and theatrical groups, arts and cultural service  
22 organizations, local arts councils, visual arts organizations,  
23 and media arts organizations. On and after July 1, 2001 (the  
24 effective date of Public Act 92-35), however, an entity  
25 otherwise eligible for this exemption shall not make tax-free  
26 purchases unless it has an active identification number issued

1 by the Department.

2 (4) Legal tender, currency, medallions, or gold or silver  
3 coinage issued by the State of Illinois, the government of the  
4 United States of America, or the government of any foreign  
5 country, and bullion.

6 (5) Until July 1, 2003 and beginning again on September 1,  
7 2004 through August 30, 2014, graphic arts machinery and  
8 equipment, including repair and replacement parts, both new  
9 and used, and including that manufactured on special order or  
10 purchased for lease, certified by the purchaser to be used  
11 primarily for graphic arts production. Equipment includes  
12 chemicals or chemicals acting as catalysts but only if the  
13 chemicals or chemicals acting as catalysts effect a direct and  
14 immediate change upon a graphic arts product. Beginning on  
15 July 1, 2017, graphic arts machinery and equipment is included  
16 in the manufacturing and assembling machinery and equipment  
17 exemption under Section 2 of this Act.

18 (6) Personal property sold by a teacher-sponsored student  
19 organization affiliated with an elementary or secondary school  
20 located in Illinois.

21 (7) Farm machinery and equipment, both new and used,  
22 including that manufactured on special order, certified by the  
23 purchaser to be used primarily for production agriculture or  
24 State or federal agricultural programs, including individual  
25 replacement parts for the machinery and equipment, including  
26 machinery and equipment purchased for lease, and including

1 implements of husbandry defined in Section 1-130 of the  
2 Illinois Vehicle Code, farm machinery and agricultural  
3 chemical and fertilizer spreaders, and nurse wagons required  
4 to be registered under Section 3-809 of the Illinois Vehicle  
5 Code, but excluding other motor vehicles required to be  
6 registered under the Illinois Vehicle Code. Horticultural  
7 polyhouses or hoop houses used for propagating, growing, or  
8 overwintering plants shall be considered farm machinery and  
9 equipment under this item (7). Agricultural chemical tender  
10 tanks and dry boxes shall include units sold separately from a  
11 motor vehicle required to be licensed and units sold mounted  
12 on a motor vehicle required to be licensed if the selling price  
13 of the tender is separately stated.

14 Farm machinery and equipment shall include precision  
15 farming equipment that is installed or purchased to be  
16 installed on farm machinery and equipment, including, but not  
17 limited to, tractors, harvesters, sprayers, planters, seeders,  
18 or spreaders. Precision farming equipment includes, but is not  
19 limited to, soil testing sensors, computers, monitors,  
20 software, global positioning and mapping systems, and other  
21 such equipment.

22 Farm machinery and equipment also includes computers,  
23 sensors, software, and related equipment used primarily in the  
24 computer-assisted operation of production agriculture  
25 facilities, equipment, and activities such as, but not limited  
26 to, the collection, monitoring, and correlation of animal and

1 crop data for the purpose of formulating animal diets and  
2 agricultural chemicals.

3 Beginning on January 1, 2024, farm machinery and equipment  
4 also includes electrical power generation equipment used  
5 primarily for production agriculture.

6 This item (7) is exempt from the provisions of Section  
7 3-55.

8 (8) Until June 30, 2013, fuel and petroleum products sold  
9 to or used by an air common carrier, certified by the carrier  
10 to be used for consumption, shipment, or storage in the  
11 conduct of its business as an air common carrier, for a flight  
12 destined for or returning from a location or locations outside  
13 the United States without regard to previous or subsequent  
14 domestic stopovers.

15 Beginning July 1, 2013, fuel and petroleum products sold  
16 to or used by an air carrier, certified by the carrier to be  
17 used for consumption, shipment, or storage in the conduct of  
18 its business as an air common carrier, for a flight that (i) is  
19 engaged in foreign trade or is engaged in trade between the  
20 United States and any of its possessions and (ii) transports  
21 at least one individual or package for hire from the city of  
22 origination to the city of final destination on the same  
23 aircraft, without regard to a change in the flight number of  
24 that aircraft.

25 (9) Proceeds of mandatory service charges separately  
26 stated on customers' bills for the purchase and consumption of

1 food and beverages, to the extent that the proceeds of the  
2 service charge are in fact turned over as tips or as a  
3 substitute for tips to the employees who participate directly  
4 in preparing, serving, hosting or cleaning up the food or  
5 beverage function with respect to which the service charge is  
6 imposed.

7 (10) Until July 1, 2003, oil field exploration, drilling,  
8 and production equipment, including (i) rigs and parts of  
9 rigs, rotary rigs, cable tool rigs, and workover rigs, (ii)  
10 pipe and tubular goods, including casing and drill strings,  
11 (iii) pumps and pump-jack units, (iv) storage tanks and flow  
12 lines, (v) any individual replacement part for oil field  
13 exploration, drilling, and production equipment, and (vi)  
14 machinery and equipment purchased for lease; but excluding  
15 motor vehicles required to be registered under the Illinois  
16 Vehicle Code.

17 (11) Photoprocessing machinery and equipment, including  
18 repair and replacement parts, both new and used, including  
19 that manufactured on special order, certified by the purchaser  
20 to be used primarily for photoprocessing, and including  
21 photoprocessing machinery and equipment purchased for lease.

22 (12) Until July 1, 2028, coal and aggregate exploration,  
23 mining, off-highway hauling, processing, maintenance, and  
24 reclamation equipment, including replacement parts and  
25 equipment, and including equipment purchased for lease, but  
26 excluding motor vehicles required to be registered under the

1 Illinois Vehicle Code. The changes made to this Section by  
2 Public Act 97-767 apply on and after July 1, 2003, but no claim  
3 for credit or refund is allowed on or after August 16, 2013  
4 (the effective date of Public Act 98-456) for such taxes paid  
5 during the period beginning July 1, 2003 and ending on August  
6 16, 2013 (the effective date of Public Act 98-456).

7 (13) Beginning January 1, 1992 and through June 30, 2016,  
8 food for human consumption that is to be consumed off the  
9 premises where it is sold (other than alcoholic beverages,  
10 soft drinks and food that has been prepared for immediate  
11 consumption) and prescription and non-prescription medicines,  
12 drugs, medical appliances, and insulin, urine testing  
13 materials, syringes, and needles used by diabetics, for human  
14 use, when purchased for use by a person receiving medical  
15 assistance under Article V of the Illinois Public Aid Code who  
16 resides in a licensed long-term care facility, as defined in  
17 the Nursing Home Care Act, or in a licensed facility as defined  
18 in the ID/DD Community Care Act, the MC/DD Act, or the  
19 Specialized Mental Health Rehabilitation Act of 2013.

20 (14) Semen used for artificial insemination of livestock  
21 for direct agricultural production.

22 (15) Horses, or interests in horses, registered with and  
23 meeting the requirements of any of the Arabian Horse Club  
24 Registry of America, Appaloosa Horse Club, American Quarter  
25 Horse Association, United States Trotting Association, or  
26 Jockey Club, as appropriate, used for purposes of breeding or



1 racing for prizes. This item (15) is exempt from the  
2 provisions of Section 3-55, and the exemption provided for  
3 under this item (15) applies for all periods beginning May 30,  
4 1995, but no claim for credit or refund is allowed on or after  
5 January 1, 2008 (the effective date of Public Act 95-88) for  
6 such taxes paid during the period beginning May 30, 2000 and  
7 ending on January 1, 2008 (the effective date of Public Act  
8 95-88).

9 (16) Computers and communications equipment utilized for  
10 any hospital purpose and equipment used in the diagnosis,  
11 analysis, or treatment of hospital patients sold to a lessor  
12 who leases the equipment, under a lease of one year or longer  
13 executed or in effect at the time of the purchase, to a  
14 hospital that has been issued an active tax exemption  
15 identification number by the Department under Section 1g of  
16 the Retailers' Occupation Tax Act.

17 (17) Personal property sold to a lessor who leases the  
18 property, under a lease of one year or longer executed or in  
19 effect at the time of the purchase, to a governmental body that  
20 has been issued an active tax exemption identification number  
21 by the Department under Section 1g of the Retailers'  
22 Occupation Tax Act.

23 (18) Beginning with taxable years ending on or after  
24 December 31, 1995 and ending with taxable years ending on or  
25 before December 31, 2004, personal property that is donated  
26 for disaster relief to be used in a State or federally declared

1 disaster area in Illinois or bordering Illinois by a  
2 manufacturer or retailer that is registered in this State to a  
3 corporation, society, association, foundation, or institution  
4 that has been issued a sales tax exemption identification  
5 number by the Department that assists victims of the disaster  
6 who reside within the declared disaster area.

7 (19) Beginning with taxable years ending on or after  
8 December 31, 1995 and ending with taxable years ending on or  
9 before December 31, 2004, personal property that is used in  
10 the performance of infrastructure repairs in this State,  
11 including, but not limited to, municipal roads and streets,  
12 access roads, bridges, sidewalks, waste disposal systems,  
13 water and sewer line extensions, water distribution and  
14 purification facilities, storm water drainage and retention  
15 facilities, and sewage treatment facilities, resulting from a  
16 State or federally declared disaster in Illinois or bordering  
17 Illinois when such repairs are initiated on facilities located  
18 in the declared disaster area within 6 months after the  
19 disaster.

20 (20) Beginning July 1, 1999, game or game birds sold at a  
21 "game breeding and hunting preserve area" as that term is used  
22 in the Wildlife Code. This paragraph is exempt from the  
23 provisions of Section 3-55.

24 (21) A motor vehicle, as that term is defined in Section  
25 1-146 of the Illinois Vehicle Code, that is donated to a  
26 corporation, limited liability company, society, association,

1 foundation, or institution that is determined by the  
2 Department to be organized and operated exclusively for  
3 educational purposes. For purposes of this exemption, "a  
4 corporation, limited liability company, society, association,  
5 foundation, or institution organized and operated exclusively  
6 for educational purposes" means all tax-supported public  
7 schools, private schools that offer systematic instruction in  
8 useful branches of learning by methods common to public  
9 schools and that compare favorably in their scope and  
10 intensity with the course of study presented in tax-supported  
11 schools, and vocational or technical schools or institutes  
12 organized and operated exclusively to provide a course of  
13 study of not less than 6 weeks duration and designed to prepare  
14 individuals to follow a trade or to pursue a manual,  
15 technical, mechanical, industrial, business, or commercial  
16 occupation.

17 (22) Beginning January 1, 2000, personal property,  
18 including food, purchased through fundraising events for the  
19 benefit of a public or private elementary or secondary school,  
20 a group of those schools, or one or more school districts if  
21 the events are sponsored by an entity recognized by the school  
22 district that consists primarily of volunteers and includes  
23 parents and teachers of the school children. This paragraph  
24 does not apply to fundraising events (i) for the benefit of  
25 private home instruction or (ii) for which the fundraising  
26 entity purchases the personal property sold at the events from

1 another individual or entity that sold the property for the  
2 purpose of resale by the fundraising entity and that profits  
3 from the sale to the fundraising entity. This paragraph is  
4 exempt from the provisions of Section 3-55.

5 (23) Beginning January 1, 2000 and through December 31,  
6 2001, new or used automatic vending machines that prepare and  
7 serve hot food and beverages, including coffee, soup, and  
8 other items, and replacement parts for these machines.  
9 Beginning January 1, 2002 and through June 30, 2003, machines  
10 and parts for machines used in commercial, coin-operated  
11 amusement and vending business if a use or occupation tax is  
12 paid on the gross receipts derived from the use of the  
13 commercial, coin-operated amusement and vending machines. This  
14 paragraph is exempt from the provisions of Section 3-55.

15 (24) Beginning on August 2, 2001 (the effective date of  
16 Public Act 92-227), computers and communications equipment  
17 utilized for any hospital purpose and equipment used in the  
18 diagnosis, analysis, or treatment of hospital patients sold to  
19 a lessor who leases the equipment, under a lease of one year or  
20 longer executed or in effect at the time of the purchase, to a  
21 hospital that has been issued an active tax exemption  
22 identification number by the Department under Section 1g of  
23 the Retailers' Occupation Tax Act. This paragraph is exempt  
24 from the provisions of Section 3-55.

25 (25) Beginning on August 2, 2001 (the effective date of  
26 Public Act 92-227), personal property sold to a lessor who

1 leases the property, under a lease of one year or longer  
2 executed or in effect at the time of the purchase, to a  
3 governmental body that has been issued an active tax exemption  
4 identification number by the Department under Section 1g of  
5 the Retailers' Occupation Tax Act. This paragraph is exempt  
6 from the provisions of Section 3-55.

7 (26) Beginning on January 1, 2002 and through June 30,  
8 2016, tangible personal property purchased from an Illinois  
9 retailer by a taxpayer engaged in centralized purchasing  
10 activities in Illinois who will, upon receipt of the property  
11 in Illinois, temporarily store the property in Illinois (i)  
12 for the purpose of subsequently transporting it outside this  
13 State for use or consumption thereafter solely outside this  
14 State or (ii) for the purpose of being processed, fabricated,  
15 or manufactured into, attached to, or incorporated into other  
16 tangible personal property to be transported outside this  
17 State and thereafter used or consumed solely outside this  
18 State. The Director of Revenue shall, pursuant to rules  
19 adopted in accordance with the Illinois Administrative  
20 Procedure Act, issue a permit to any taxpayer in good standing  
21 with the Department who is eligible for the exemption under  
22 this paragraph (26). The permit issued under this paragraph  
23 (26) shall authorize the holder, to the extent and in the  
24 manner specified in the rules adopted under this Act, to  
25 purchase tangible personal property from a retailer exempt  
26 from the taxes imposed by this Act. Taxpayers shall maintain

1 all necessary books and records to substantiate the use and  
2 consumption of all such tangible personal property outside of  
3 the State of Illinois.

4 (27) Beginning January 1, 2008, tangible personal property  
5 used in the construction or maintenance of a community water  
6 supply, as defined under Section 3.145 of the Environmental  
7 Protection Act, that is operated by a not-for-profit  
8 corporation that holds a valid water supply permit issued  
9 under Title IV of the Environmental Protection Act. This  
10 paragraph is exempt from the provisions of Section 3-55.

11 (28) Tangible personal property sold to a  
12 public-facilities corporation, as described in Section  
13 11-65-10 of the Illinois Municipal Code, for purposes of  
14 constructing or furnishing a municipal convention hall, but  
15 only if the legal title to the municipal convention hall is  
16 transferred to the municipality without any further  
17 consideration by or on behalf of the municipality at the time  
18 of the completion of the municipal convention hall or upon the  
19 retirement or redemption of any bonds or other debt  
20 instruments issued by the public-facilities corporation in  
21 connection with the development of the municipal convention  
22 hall. This exemption includes existing public-facilities  
23 corporations as provided in Section 11-65-25 of the Illinois  
24 Municipal Code. This paragraph is exempt from the provisions  
25 of Section 3-55.

26 (29) Beginning January 1, 2010 and continuing through

1 December 31, 2029, materials, parts, equipment, components,  
2 and furnishings incorporated into or upon an aircraft as part  
3 of the modification, refurbishment, completion, replacement,  
4 repair, or maintenance of the aircraft. This exemption  
5 includes consumable supplies used in the modification,  
6 refurbishment, completion, replacement, repair, and  
7 maintenance of aircraft. However, until January 1, 2024, this  
8 exemption excludes any materials, parts, equipment,  
9 components, and consumable supplies used in the modification,  
10 replacement, repair, and maintenance of aircraft engines or  
11 power plants, whether such engines or power plants are  
12 installed or uninstalled upon any such aircraft. "Consumable  
13 supplies" include, but are not limited to, adhesive, tape,  
14 sandpaper, general purpose lubricants, cleaning solution,  
15 latex gloves, and protective films.

16 Beginning January 1, 2010 and continuing through December  
17 31, 2023, this exemption applies only to the transfer of  
18 qualifying tangible personal property incident to the  
19 modification, refurbishment, completion, replacement, repair,  
20 or maintenance of an aircraft by persons who (i) hold an Air  
21 Agency Certificate and are empowered to operate an approved  
22 repair station by the Federal Aviation Administration, (ii)  
23 have a Class IV Rating, and (iii) conduct operations in  
24 accordance with Part 145 of the Federal Aviation Regulations.  
25 The exemption does not include aircraft operated by a  
26 commercial air carrier providing scheduled passenger air

1 service pursuant to authority issued under Part 121 or Part  
2 129 of the Federal Aviation Regulations. From January 1, 2024  
3 through December 31, 2029, this exemption applies only to the  
4 use of qualifying tangible personal property by: (A) persons  
5 who modify, refurbish, complete, repair, replace, or maintain  
6 aircraft and who (i) hold an Air Agency Certificate and are  
7 empowered to operate an approved repair station by the Federal  
8 Aviation Administration, (ii) have a Class IV Rating, and  
9 (iii) conduct operations in accordance with Part 145 of the  
10 Federal Aviation Regulations; and (B) persons who engage in  
11 the modification, replacement, repair, and maintenance of  
12 aircraft engines or power plants without regard to whether or  
13 not those persons meet the qualifications of item (A).

14 The changes made to this paragraph (29) by Public Act  
15 98-534 are declarative of existing law. It is the intent of the  
16 General Assembly that the exemption under this paragraph (29)  
17 applies continuously from January 1, 2010 through December 31,  
18 2024; however, no claim for credit or refund is allowed for  
19 taxes paid as a result of the disallowance of this exemption on  
20 or after January 1, 2015 and prior to February 5, 2020 (the  
21 effective date of Public Act 101-629).

22 (30) Beginning January 1, 2017 and through December 31,  
23 2026, menstrual pads, tampons, and menstrual cups.

24 (31) Tangible personal property transferred to a purchaser  
25 who is exempt from tax by operation of federal law. This  
26 paragraph is exempt from the provisions of Section 3-55.



1 (32) Qualified tangible personal property used in the  
2 construction or operation of a data center that has been  
3 granted a certificate of exemption by the Department of  
4 Commerce and Economic Opportunity, whether that tangible  
5 personal property is purchased by the owner, operator, or  
6 tenant of the data center or by a contractor or subcontractor  
7 of the owner, operator, or tenant. Data centers that would  
8 have qualified for a certificate of exemption prior to January  
9 1, 2020 had Public Act 101-31 been in effect, may apply for and  
10 obtain an exemption for subsequent purchases of computer  
11 equipment or enabling software purchased or leased to upgrade,  
12 supplement, or replace computer equipment or enabling software  
13 purchased or leased in the original investment that would have  
14 qualified.

15 The Department of Commerce and Economic Opportunity shall  
16 grant a certificate of exemption under this item (32) to  
17 qualified data centers as defined by Section 605-1025 of the  
18 Department of Commerce and Economic Opportunity Law of the  
19 Civil Administrative Code of Illinois.

20 For the purposes of this item (32):

21 "Data center" means a building or a series of  
22 buildings rehabilitated or constructed to house working  
23 servers in one physical location or multiple sites within  
24 the State of Illinois.

25 "Qualified tangible personal property" means:  
26 electrical systems and equipment; climate control and

1 chilling equipment and systems; mechanical systems and  
2 equipment; monitoring and secure systems; emergency  
3 generators; hardware; computers; servers; data storage  
4 devices; network connectivity equipment; racks; cabinets;  
5 telecommunications cabling infrastructure; raised floor  
6 systems; peripheral components or systems; software;  
7 mechanical, electrical, or plumbing systems; battery  
8 systems; cooling systems and towers; temperature control  
9 systems; other cabling; and other data center  
10 infrastructure equipment and systems necessary to operate  
11 qualified tangible personal property, including fixtures;  
12 and component parts of any of the foregoing, including  
13 installation, maintenance, repair, refurbishment, and  
14 replacement of qualified tangible personal property to  
15 generate, transform, transmit, distribute, or manage  
16 electricity necessary to operate qualified tangible  
17 personal property; and all other tangible personal  
18 property that is essential to the operations of a computer  
19 data center. The term "qualified tangible personal  
20 property" also includes building materials physically  
21 incorporated into ~~in to~~ the qualifying data center. To  
22 document the exemption allowed under this Section, the  
23 retailer must obtain from the purchaser a copy of the  
24 certificate of eligibility issued by the Department of  
25 Commerce and Economic Opportunity.

26 This item (32) is exempt from the provisions of Section

1 3-55.

2 (33) Beginning July 1, 2022, breast pumps, breast pump  
3 collection and storage supplies, and breast pump kits. This  
4 item (33) is exempt from the provisions of Section 3-55. As  
5 used in this item (33):

6 "Breast pump" means an electrically controlled or  
7 manually controlled pump device designed or marketed to be  
8 used to express milk from a human breast during lactation,  
9 including the pump device and any battery, AC adapter, or  
10 other power supply unit that is used to power the pump  
11 device and is packaged and sold with the pump device at the  
12 time of sale.

13 "Breast pump collection and storage supplies" means  
14 items of tangible personal property designed or marketed  
15 to be used in conjunction with a breast pump to collect  
16 milk expressed from a human breast and to store collected  
17 milk until it is ready for consumption.

18 "Breast pump collection and storage supplies"  
19 includes, but is not limited to: breast shields and breast  
20 shield connectors; breast pump tubes and tubing adapters;  
21 breast pump valves and membranes; backflow protectors and  
22 backflow protector adaptors; bottles and bottle caps  
23 specific to the operation of the breast pump; and breast  
24 milk storage bags.

25 "Breast pump collection and storage supplies" does not  
26 include: (1) bottles and bottle caps not specific to the

1 operation of the breast pump; (2) breast pump travel bags  
2 and other similar carrying accessories, including ice  
3 packs, labels, and other similar products; (3) breast pump  
4 cleaning supplies; (4) nursing bras, bra pads, breast  
5 shells, and other similar products; and (5) creams,  
6 ointments, and other similar products that relieve  
7 breastfeeding-related symptoms or conditions of the  
8 breasts or nipples, unless sold as part of a breast pump  
9 kit that is pre-packaged by the breast pump manufacturer  
10 or distributor.

11 "Breast pump kit" means a kit that: (1) contains no  
12 more than a breast pump, breast pump collection and  
13 storage supplies, a rechargeable battery for operating the  
14 breast pump, a breastmilk cooler, bottle stands, ice  
15 packs, and a breast pump carrying case; and (2) is  
16 pre-packaged as a breast pump kit by the breast pump  
17 manufacturer or distributor.

18 (34) Tangible personal property sold by or on behalf of  
19 the State Treasurer pursuant to the Revised Uniform Unclaimed  
20 Property Act. This item (34) is exempt from the provisions of  
21 Section 3-55.

22 (35) Beginning on January 1, 2024, tangible personal  
23 property purchased by an active duty member of the armed  
24 forces of the United States who presents valid military  
25 identification and purchases the property using a form of  
26 payment where the federal government is the payor. The member

1 of the armed forces must complete, at the point of sale, a form  
2 prescribed by the Department of Revenue documenting that the  
3 transaction is eligible for the exemption under this  
4 paragraph. Retailers must keep the form as documentation of  
5 the exemption in their records for a period of not less than 6  
6 years. "Armed forces of the United States" means the United  
7 States Army, Navy, Air Force, Marine Corps, or Coast Guard.  
8 This paragraph is exempt from the provisions of Section 3-55.

9 (Source: P.A. 102-16, eff. 6-17-21; 102-700, Article 70,  
10 Section 70-15, eff. 4-19-22; 102-700, Article 75, Section  
11 75-15, eff. 4-19-22; 102-1026, eff. 5-27-22; 103-9, Article 5,  
12 Section 5-15, eff. 6-7-23; 103-9, Article 15, Section 15-15,  
13 eff. 6-7-23; 103-154, eff. 6-30-23; 103-384, eff. 1-1-24;  
14 revised 12-12-23.)

15 (35 ILCS 115/9) (from Ch. 120, par. 439.109)

16 Sec. 9. Each serviceman required or authorized to collect  
17 the tax herein imposed shall pay to the Department the amount  
18 of such tax at the time when he is required to file his return  
19 for the period during which such tax was collectible, less a  
20 discount of 2.1% prior to January 1, 1990, and 1.75% on and  
21 after January 1, 1990, or \$5 per calendar year, whichever is  
22 greater, which is allowed to reimburse the serviceman for  
23 expenses incurred in collecting the tax, keeping records,  
24 preparing and filing returns, remitting the tax, and supplying  
25 data to the Department on request. When determining the

1 discount allowed under this Section, servicemen shall include  
2 the amount of tax that would have been due at the 1% rate but  
3 for the 0% rate imposed under Public Act 102-700 ~~this~~  
4 ~~amendatory Act of the 102nd General Assembly~~. The discount  
5 under this Section is not allowed for the 1.25% portion of  
6 taxes paid on aviation fuel that is subject to the revenue use  
7 requirements of 49 U.S.C. 47107(b) and 49 U.S.C. 47133. The  
8 discount allowed under this Section is allowed only for  
9 returns that are filed in the manner required by this Act. The  
10 Department may disallow the discount for servicemen whose  
11 certificate of registration is revoked at the time the return  
12 is filed, but only if the Department's decision to revoke the  
13 certificate of registration has become final.

14 Where such tangible personal property is sold under a  
15 conditional sales contract, or under any other form of sale  
16 wherein the payment of the principal sum, or a part thereof, is  
17 extended beyond the close of the period for which the return is  
18 filed, the serviceman, in collecting the tax may collect, for  
19 each tax return period, only the tax applicable to the part of  
20 the selling price actually received during such tax return  
21 period.

22 Except as provided hereinafter in this Section, on or  
23 before the twentieth day of each calendar month, such  
24 serviceman shall file a return for the preceding calendar  
25 month in accordance with reasonable rules and regulations to  
26 be promulgated by the Department of Revenue. Such return shall

1 be filed on a form prescribed by the Department and shall  
2 contain such information as the Department may reasonably  
3 require. The return shall include the gross receipts which  
4 were received during the preceding calendar month or quarter  
5 on the following items upon which tax would have been due but  
6 for the 0% rate imposed under Public Act 102-700 ~~this~~  
7 ~~amendatory Act of the 102nd General Assembly~~: (i) food for  
8 human consumption that is to be consumed off the premises  
9 where it is sold (other than alcoholic beverages, food  
10 consisting of or infused with adult use cannabis, soft drinks,  
11 and food that has been prepared for immediate consumption);  
12 and (ii) food prepared for immediate consumption and  
13 transferred incident to a sale of service subject to this Act  
14 or the Service Use Tax Act by an entity licensed under the  
15 Hospital Licensing Act, the Nursing Home Care Act, the  
16 Assisted Living and Shared Housing Act, the ID/DD Community  
17 Care Act, the MC/DD Act, the Specialized Mental Health  
18 Rehabilitation Act of 2013, or the Child Care Act of 1969, or  
19 an entity that holds a permit issued pursuant to the Life Care  
20 Facilities Act. The return shall also include the amount of  
21 tax that would have been due on the items listed in the  
22 previous sentence but for the 0% rate imposed under Public Act  
23 102-700 ~~this amendatory Act of the 102nd General Assembly~~.

24 On and after January 1, 2018, with respect to servicemen  
25 whose annual gross receipts average \$20,000 or more, all  
26 returns required to be filed pursuant to this Act shall be

1 filed electronically. Servicemen who demonstrate that they do  
2 not have access to the Internet or demonstrate hardship in  
3 filing electronically may petition the Department to waive the  
4 electronic filing requirement.

5 The Department may require returns to be filed on a  
6 quarterly basis. If so required, a return for each calendar  
7 quarter shall be filed on or before the twentieth day of the  
8 calendar month following the end of such calendar quarter. The  
9 taxpayer shall also file a return with the Department for each  
10 of the first two months of each calendar quarter, on or before  
11 the twentieth day of the following calendar month, stating:

- 12 1. The name of the seller;
- 13 2. The address of the principal place of business from  
14 which he engages in business as a serviceman in this  
15 State;
- 16 3. The total amount of taxable receipts received by  
17 him during the preceding calendar month, including  
18 receipts from charge and time sales, but less all  
19 deductions allowed by law;
- 20 4. The amount of credit provided in Section 2d of this  
21 Act;
- 22 5. The amount of tax due;
- 23 5-5. The signature of the taxpayer; and
- 24 6. Such other reasonable information as the Department  
25 may require.

26 Each serviceman required or authorized to collect the tax



1 herein imposed on aviation fuel acquired as an incident to the  
2 purchase of a service in this State during the preceding  
3 calendar month shall, instead of reporting and paying tax as  
4 otherwise required by this Section, report and pay such tax on  
5 a separate aviation fuel tax return. The requirements related  
6 to the return shall be as otherwise provided in this Section.  
7 Notwithstanding any other provisions of this Act to the  
8 contrary, servicemen transferring aviation fuel incident to  
9 sales of service shall file all aviation fuel tax returns and  
10 shall make all aviation fuel tax payments by electronic means  
11 in the manner and form required by the Department. For  
12 purposes of this Section, "aviation fuel" means jet fuel and  
13 aviation gasoline.

14 If a taxpayer fails to sign a return within 30 days after  
15 the proper notice and demand for signature by the Department,  
16 the return shall be considered valid and any amount shown to be  
17 due on the return shall be deemed assessed.

18 Notwithstanding any other provision of this Act to the  
19 contrary, servicemen subject to tax on cannabis shall file all  
20 cannabis tax returns and shall make all cannabis tax payments  
21 by electronic means in the manner and form required by the  
22 Department.

23 Prior to October 1, 2003, and on and after September 1,  
24 2004 a serviceman may accept a Manufacturer's Purchase Credit  
25 certification from a purchaser in satisfaction of Service Use  
26 Tax as provided in Section 3-70 of the Service Use Tax Act if

1 the purchaser provides the appropriate documentation as  
2 required by Section 3-70 of the Service Use Tax Act. A  
3 Manufacturer's Purchase Credit certification, accepted prior  
4 to October 1, 2003 or on or after September 1, 2004 by a  
5 serviceman as provided in Section 3-70 of the Service Use Tax  
6 Act, may be used by that serviceman to satisfy Service  
7 Occupation Tax liability in the amount claimed in the  
8 certification, not to exceed 6.25% of the receipts subject to  
9 tax from a qualifying purchase. A Manufacturer's Purchase  
10 Credit reported on any original or amended return filed under  
11 this Act after October 20, 2003 for reporting periods prior to  
12 September 1, 2004 shall be disallowed. Manufacturer's Purchase  
13 Credit reported on annual returns due on or after January 1,  
14 2005 will be disallowed for periods prior to September 1,  
15 2004. No Manufacturer's Purchase Credit may be used after  
16 September 30, 2003 through August 31, 2004 to satisfy any tax  
17 liability imposed under this Act, including any audit  
18 liability.

19 Beginning on July 1, 2023 and through December 31, 2032, a  
20 serviceman may accept a Sustainable Aviation Fuel Purchase  
21 Credit certification from an air common carrier-purchaser in  
22 satisfaction of Service Use Tax as provided in Section 3-72 of  
23 the Service Use Tax Act if the purchaser provides the  
24 appropriate documentation as required by Section 3-72 of the  
25 Service Use Tax Act. A Sustainable Aviation Fuel Purchase  
26 Credit certification accepted by a serviceman in accordance

1 with this paragraph may be used by that serviceman to satisfy  
2 service occupation tax liability (but not in satisfaction of  
3 penalty or interest) in the amount claimed in the  
4 certification, not to exceed 6.25% of the receipts subject to  
5 tax from a sale of aviation fuel. In addition, for a sale of  
6 aviation fuel to qualify to earn the Sustainable Aviation Fuel  
7 Purchase Credit, servicemen must retain in their books and  
8 records a certification from the producer of the aviation fuel  
9 that the aviation fuel sold by the serviceman and for which a  
10 sustainable aviation fuel purchase credit was earned meets the  
11 definition of sustainable aviation fuel under Section 3-72 of  
12 the Service Use Tax Act. The documentation must include detail  
13 sufficient for the Department to determine the number of  
14 gallons of sustainable aviation fuel sold.

15 If the serviceman's average monthly tax liability to the  
16 Department does not exceed \$200, the Department may authorize  
17 his returns to be filed on a quarter annual basis, with the  
18 return for January, February, and March of a given year being  
19 due by April 20 of such year; with the return for April, May,  
20 and June of a given year being due by July 20 of such year;  
21 with the return for July, August, and September of a given year  
22 being due by October 20 of such year, and with the return for  
23 October, November, and December of a given year being due by  
24 January 20 of the following year.

25 If the serviceman's average monthly tax liability to the  
26 Department does not exceed \$50, the Department may authorize

1 his returns to be filed on an annual basis, with the return for  
2 a given year being due by January 20 of the following year.

3 Such quarter annual and annual returns, as to form and  
4 substance, shall be subject to the same requirements as  
5 monthly returns.

6 Notwithstanding any other provision in this Act concerning  
7 the time within which a serviceman may file his return, in the  
8 case of any serviceman who ceases to engage in a kind of  
9 business which makes him responsible for filing returns under  
10 this Act, such serviceman shall file a final return under this  
11 Act with the Department not more than one ~~±~~ month after  
12 discontinuing such business.

13 Beginning October 1, 1993, a taxpayer who has an average  
14 monthly tax liability of \$150,000 or more shall make all  
15 payments required by rules of the Department by electronic  
16 funds transfer. Beginning October 1, 1994, a taxpayer who has  
17 an average monthly tax liability of \$100,000 or more shall  
18 make all payments required by rules of the Department by  
19 electronic funds transfer. Beginning October 1, 1995, a  
20 taxpayer who has an average monthly tax liability of \$50,000  
21 or more shall make all payments required by rules of the  
22 Department by electronic funds transfer. Beginning October 1,  
23 2000, a taxpayer who has an annual tax liability of \$200,000 or  
24 more shall make all payments required by rules of the  
25 Department by electronic funds transfer. The term "annual tax  
26 liability" shall be the sum of the taxpayer's liabilities

1 under this Act, and under all other State and local occupation  
2 and use tax laws administered by the Department, for the  
3 immediately preceding calendar year. The term "average monthly  
4 tax liability" means the sum of the taxpayer's liabilities  
5 under this Act, and under all other State and local occupation  
6 and use tax laws administered by the Department, for the  
7 immediately preceding calendar year divided by 12. Beginning  
8 on October 1, 2002, a taxpayer who has a tax liability in the  
9 amount set forth in subsection (b) of Section 2505-210 of the  
10 Department of Revenue Law shall make all payments required by  
11 rules of the Department by electronic funds transfer.

12 Before August 1 of each year beginning in 1993, the  
13 Department shall notify all taxpayers required to make  
14 payments by electronic funds transfer. All taxpayers required  
15 to make payments by electronic funds transfer shall make those  
16 payments for a minimum of one year beginning on October 1.

17 Any taxpayer not required to make payments by electronic  
18 funds transfer may make payments by electronic funds transfer  
19 with the permission of the Department.

20 All taxpayers required to make payment by electronic funds  
21 transfer and any taxpayers authorized to voluntarily make  
22 payments by electronic funds transfer shall make those  
23 payments in the manner authorized by the Department.

24 The Department shall adopt such rules as are necessary to  
25 effectuate a program of electronic funds transfer and the  
26 requirements of this Section.

1           Where a serviceman collects the tax with respect to the  
2 selling price of tangible personal property which he sells and  
3 the purchaser thereafter returns such tangible personal  
4 property and the serviceman refunds the selling price thereof  
5 to the purchaser, such serviceman shall also refund, to the  
6 purchaser, the tax so collected from the purchaser. When  
7 filing his return for the period in which he refunds such tax  
8 to the purchaser, the serviceman may deduct the amount of the  
9 tax so refunded by him to the purchaser from any other Service  
10 Occupation Tax, Service Use Tax, Retailers' Occupation Tax, or  
11 Use Tax which such serviceman may be required to pay or remit  
12 to the Department, as shown by such return, provided that the  
13 amount of the tax to be deducted shall previously have been  
14 remitted to the Department by such serviceman. If the  
15 serviceman shall not previously have remitted the amount of  
16 such tax to the Department, he shall be entitled to no  
17 deduction hereunder upon refunding such tax to the purchaser.

18           If experience indicates such action to be practicable, the  
19 Department may prescribe and furnish a combination or joint  
20 return which will enable servicemen, who are required to file  
21 returns hereunder and also under the Retailers' Occupation Tax  
22 Act, the Use Tax Act, or the Service Use Tax Act, to furnish  
23 all the return information required by all said Acts on the one  
24 form.

25           Where the serviceman has more than one business registered  
26 with the Department under separate registrations hereunder,

1 such serviceman shall file separate returns for each  
2 registered business.

3 Beginning January 1, 1990, each month the Department shall  
4 pay into the Local Government Tax Fund the revenue realized  
5 for the preceding month from the 1% tax imposed under this Act.

6 Beginning January 1, 1990, each month the Department shall  
7 pay into the County and Mass Transit District Fund 4% of the  
8 revenue realized for the preceding month from the 6.25%  
9 general rate on sales of tangible personal property other than  
10 aviation fuel sold on or after December 1, 2019. This  
11 exception for aviation fuel only applies for so long as the  
12 revenue use requirements of 49 U.S.C. 47107(b) and 49 U.S.C.  
13 47133 are binding on the State.

14 Beginning August 1, 2000, each month the Department shall  
15 pay into the County and Mass Transit District Fund 20% of the  
16 net revenue realized for the preceding month from the 1.25%  
17 rate on the selling price of motor fuel and gasohol.

18 Beginning January 1, 1990, each month the Department shall  
19 pay into the Local Government Tax Fund 16% of the revenue  
20 realized for the preceding month from the 6.25% general rate  
21 on transfers of tangible personal property other than aviation  
22 fuel sold on or after December 1, 2019. This exception for  
23 aviation fuel only applies for so long as the revenue use  
24 requirements of 49 U.S.C. 47107(b) and 49 U.S.C. 47133 are  
25 binding on the State.

26 For aviation fuel sold on or after December 1, 2019, each

1 month the Department shall pay into the State Aviation Program  
2 Fund 20% of the net revenue realized for the preceding month  
3 from the 6.25% general rate on the selling price of aviation  
4 fuel, less an amount estimated by the Department to be  
5 required for refunds of the 20% portion of the tax on aviation  
6 fuel under this Act, which amount shall be deposited into the  
7 Aviation Fuel Sales Tax Refund Fund. The Department shall only  
8 pay moneys into the State Aviation Program Fund and the  
9 Aviation Fuel Sales Tax Refund Fund under this Act for so long  
10 as the revenue use requirements of 49 U.S.C. 47107(b) and 49  
11 U.S.C. 47133 are binding on the State.

12 Beginning August 1, 2000, each month the Department shall  
13 pay into the Local Government Tax Fund 80% of the net revenue  
14 realized for the preceding month from the 1.25% rate on the  
15 selling price of motor fuel and gasohol.

16 Beginning October 1, 2009, each month the Department shall  
17 pay into the Capital Projects Fund an amount that is equal to  
18 an amount estimated by the Department to represent 80% of the  
19 net revenue realized for the preceding month from the sale of  
20 candy, grooming and hygiene products, and soft drinks that had  
21 been taxed at a rate of 1% prior to September 1, 2009 but that  
22 are now taxed at 6.25%.

23 Beginning July 1, 2013, each month the Department shall  
24 pay into the Underground Storage Tank Fund from the proceeds  
25 collected under this Act, the Use Tax Act, the Service Use Tax  
26 Act, and the Retailers' Occupation Tax Act an amount equal to



1 the average monthly deficit in the Underground Storage Tank  
2 Fund during the prior year, as certified annually by the  
3 Illinois Environmental Protection Agency, but the total  
4 payment into the Underground Storage Tank Fund under this Act,  
5 the Use Tax Act, the Service Use Tax Act, and the Retailers'  
6 Occupation Tax Act shall not exceed \$18,000,000 in any State  
7 fiscal year. As used in this paragraph, the "average monthly  
8 deficit" shall be equal to the difference between the average  
9 monthly claims for payment by the fund and the average monthly  
10 revenues deposited into the fund, excluding payments made  
11 pursuant to this paragraph.

12 Beginning July 1, 2015, of the remainder of the moneys  
13 received by the Department under the Use Tax Act, the Service  
14 Use Tax Act, this Act, and the Retailers' Occupation Tax Act,  
15 each month the Department shall deposit \$500,000 into the  
16 State Crime Laboratory Fund.

17 Of the remainder of the moneys received by the Department  
18 pursuant to this Act, (a) 1.75% thereof shall be paid into the  
19 Build Illinois Fund and (b) prior to July 1, 1989, 2.2% and on  
20 and after July 1, 1989, 3.8% thereof shall be paid into the  
21 Build Illinois Fund; provided, however, that if in any fiscal  
22 year the sum of (1) the aggregate of 2.2% or 3.8%, as the case  
23 may be, of the moneys received by the Department and required  
24 to be paid into the Build Illinois Fund pursuant to Section 3  
25 of the Retailers' Occupation Tax Act, Section 9 of the Use Tax  
26 Act, Section 9 of the Service Use Tax Act, and Section 9 of the

1 Service Occupation Tax Act, such Acts being hereinafter called  
2 the "Tax Acts" and such aggregate of 2.2% or 3.8%, as the case  
3 may be, of moneys being hereinafter called the "Tax Act  
4 Amount", and (2) the amount transferred to the Build Illinois  
5 Fund from the State and Local Sales Tax Reform Fund shall be  
6 less than the Annual Specified Amount (as defined in Section 3  
7 of the Retailers' Occupation Tax Act), an amount equal to the  
8 difference shall be immediately paid into the Build Illinois  
9 Fund from other moneys received by the Department pursuant to  
10 the Tax Acts; and further provided, that if on the last  
11 business day of any month the sum of (1) the Tax Act Amount  
12 required to be deposited into the Build Illinois Account in  
13 the Build Illinois Fund during such month and (2) the amount  
14 transferred during such month to the Build Illinois Fund from  
15 the State and Local Sales Tax Reform Fund shall have been less  
16 than 1/12 of the Annual Specified Amount, an amount equal to  
17 the difference shall be immediately paid into the Build  
18 Illinois Fund from other moneys received by the Department  
19 pursuant to the Tax Acts; and, further provided, that in no  
20 event shall the payments required under the preceding proviso  
21 result in aggregate payments into the Build Illinois Fund  
22 pursuant to this clause (b) for any fiscal year in excess of  
23 the greater of (i) the Tax Act Amount or (ii) the Annual  
24 Specified Amount for such fiscal year; and, further provided,  
25 that the amounts payable into the Build Illinois Fund under  
26 this clause (b) shall be payable only until such time as the

1 aggregate amount on deposit under each trust indenture  
2 securing Bonds issued and outstanding pursuant to the Build  
3 Illinois Bond Act is sufficient, taking into account any  
4 future investment income, to fully provide, in accordance with  
5 such indenture, for the defeasance of or the payment of the  
6 principal of, premium, if any, and interest on the Bonds  
7 secured by such indenture and on any Bonds expected to be  
8 issued thereafter and all fees and costs payable with respect  
9 thereto, all as certified by the Director of the Bureau of the  
10 Budget (now Governor's Office of Management and Budget). If on  
11 the last business day of any month in which Bonds are  
12 outstanding pursuant to the Build Illinois Bond Act, the  
13 aggregate of the moneys deposited in the Build Illinois Bond  
14 Account in the Build Illinois Fund in such month shall be less  
15 than the amount required to be transferred in such month from  
16 the Build Illinois Bond Account to the Build Illinois Bond  
17 Retirement and Interest Fund pursuant to Section 13 of the  
18 Build Illinois Bond Act, an amount equal to such deficiency  
19 shall be immediately paid from other moneys received by the  
20 Department pursuant to the Tax Acts to the Build Illinois  
21 Fund; provided, however, that any amounts paid to the Build  
22 Illinois Fund in any fiscal year pursuant to this sentence  
23 shall be deemed to constitute payments pursuant to clause (b)  
24 of the preceding sentence and shall reduce the amount  
25 otherwise payable for such fiscal year pursuant to clause (b)  
26 of the preceding sentence. The moneys received by the

1 Department pursuant to this Act and required to be deposited  
2 into the Build Illinois Fund are subject to the pledge, claim  
3 and charge set forth in Section 12 of the Build Illinois Bond  
4 Act.

5 Subject to payment of amounts into the Build Illinois Fund  
6 as provided in the preceding paragraph or in any amendment  
7 thereto hereafter enacted, the following specified monthly  
8 installment of the amount requested in the certificate of the  
9 Chairman of the Metropolitan Pier and Exposition Authority  
10 provided under Section 8.25f of the State Finance Act, but not  
11 in excess of the sums designated as "Total Deposit", shall be  
12 deposited in the aggregate from collections under Section 9 of  
13 the Use Tax Act, Section 9 of the Service Use Tax Act, Section  
14 9 of the Service Occupation Tax Act, and Section 3 of the  
15 Retailers' Occupation Tax Act into the McCormick Place  
16 Expansion Project Fund in the specified fiscal years.

17	Fiscal Year	Total Deposit
18	1993	\$0
19	1994	53,000,000
20	1995	58,000,000
21	1996	61,000,000
22	1997	64,000,000
23	1998	68,000,000
24	1999	71,000,000
25	2000	75,000,000

1	2001	80,000,000
2	2002	93,000,000
3	2003	99,000,000
4	2004	103,000,000
5	2005	108,000,000
6	2006	113,000,000
7	2007	119,000,000
8	2008	126,000,000
9	2009	132,000,000
10	2010	139,000,000
11	2011	146,000,000
12	2012	153,000,000
13	2013	161,000,000
14	2014	170,000,000
15	2015	179,000,000
16	2016	189,000,000
17	2017	199,000,000
18	2018	210,000,000
19	2019	221,000,000
20	2020	233,000,000
21	2021	300,000,000
22	2022	300,000,000
23	2023	300,000,000
24	2024	300,000,000
25	2025	300,000,000
26	2026	300,000,000

1	2027	375,000,000
2	2028	375,000,000
3	2029	375,000,000
4	2030	375,000,000
5	2031	375,000,000
6	2032	375,000,000
7	2033	375,000,000
8	2034	375,000,000
9	2035	375,000,000
10	2036	450,000,000

11 and

12 each fiscal year

13 thereafter that bonds

14 are outstanding under

15 Section 13.2 of the

16 Metropolitan Pier and

17 Exposition Authority Act,

18 but not after fiscal year 2060.

19 Beginning July 20, 1993 and in each month of each fiscal  
20 year thereafter, one-eighth of the amount requested in the  
21 certificate of the Chairman of the Metropolitan Pier and  
22 Exposition Authority for that fiscal year, less the amount  
23 deposited into the McCormick Place Expansion Project Fund by  
24 the State Treasurer in the respective month under subsection  
25 (g) of Section 13 of the Metropolitan Pier and Exposition  
26 Authority Act, plus cumulative deficiencies in the deposits

1 required under this Section for previous months and years,  
2 shall be deposited into the McCormick Place Expansion Project  
3 Fund, until the full amount requested for the fiscal year, but  
4 not in excess of the amount specified above as "Total  
5 Deposit", has been deposited.

6 Subject to payment of amounts into the Capital Projects  
7 Fund, the Build Illinois Fund, and the McCormick Place  
8 Expansion Project Fund pursuant to the preceding paragraphs or  
9 in any amendments thereto hereafter enacted, for aviation fuel  
10 sold on or after December 1, 2019, the Department shall each  
11 month deposit into the Aviation Fuel Sales Tax Refund Fund an  
12 amount estimated by the Department to be required for refunds  
13 of the 80% portion of the tax on aviation fuel under this Act.  
14 The Department shall only deposit moneys into the Aviation  
15 Fuel Sales Tax Refund Fund under this paragraph for so long as  
16 the revenue use requirements of 49 U.S.C. 47107(b) and 49  
17 U.S.C. 47133 are binding on the State.

18 Subject to payment of amounts into the Build Illinois Fund  
19 and the McCormick Place Expansion Project Fund pursuant to the  
20 preceding paragraphs or in any amendments thereto hereafter  
21 enacted, beginning July 1, 1993 and ending on September 30,  
22 2013, the Department shall each month pay into the Illinois  
23 Tax Increment Fund 0.27% of 80% of the net revenue realized for  
24 the preceding month from the 6.25% general rate on the selling  
25 price of tangible personal property.

26 Subject to payment of amounts into the Build Illinois

1 Fund, the McCormick Place Expansion Project Fund, and the  
2 Illinois Tax Increment Fund pursuant to the preceding  
3 paragraphs or in any amendments to this Section hereafter  
4 enacted, beginning on the first day of the first calendar  
5 month to occur on or after August 26, 2014 (the effective date  
6 of Public Act 98-1098), each month, from the collections made  
7 under Section 9 of the Use Tax Act, Section 9 of the Service  
8 Use Tax Act, Section 9 of the Service Occupation Tax Act, and  
9 Section 3 of the Retailers' Occupation Tax Act, the Department  
10 shall pay into the Tax Compliance and Administration Fund, to  
11 be used, subject to appropriation, to fund additional auditors  
12 and compliance personnel at the Department of Revenue, an  
13 amount equal to 1/12 of 5% of 80% of the cash receipts  
14 collected during the preceding fiscal year by the Audit Bureau  
15 of the Department under the Use Tax Act, the Service Use Tax  
16 Act, the Service Occupation Tax Act, the Retailers' Occupation  
17 Tax Act, and associated local occupation and use taxes  
18 administered by the Department.

19 Subject to payments of amounts into the Build Illinois  
20 Fund, the McCormick Place Expansion Project Fund, the Illinois  
21 Tax Increment Fund, and the Tax Compliance and Administration  
22 Fund as provided in this Section, beginning on July 1, 2018 the  
23 Department shall pay each month into the Downstate Public  
24 Transportation Fund the moneys required to be so paid under  
25 Section 2-3 of the Downstate Public Transportation Act.

26 Subject to successful execution and delivery of a



1 public-private agreement between the public agency and private  
 2 entity and completion of the civic build, beginning on July 1,  
 3 2023, of the remainder of the moneys received by the  
 4 Department under the Use Tax Act, the Service Use Tax Act, the  
 5 Service Occupation Tax Act, and this Act, the Department shall  
 6 deposit the following specified deposits in the aggregate from  
 7 collections under the Use Tax Act, the Service Use Tax Act, the  
 8 Service Occupation Tax Act, and the Retailers' Occupation Tax  
 9 Act, as required under Section 8.25g of the State Finance Act  
 10 for distribution consistent with the Public-Private  
 11 Partnership for Civic and Transit Infrastructure Project Act.  
 12 The moneys received by the Department pursuant to this Act and  
 13 required to be deposited into the Civic and Transit  
 14 Infrastructure Fund are subject to the pledge, claim and  
 15 charge set forth in Section 25-55 of the Public-Private  
 16 Partnership for Civic and Transit Infrastructure Project Act.  
 17 As used in this paragraph, "civic build", "private entity",  
 18 "public-private agreement", and "public agency" have the  
 19 meanings provided in Section 25-10 of the Public-Private  
 20 Partnership for Civic and Transit Infrastructure Project Act.

21	Fiscal Year.....	Total Deposit
22	2024 .....	\$200,000,000
23	2025 .....	\$206,000,000
24	2026 .....	\$212,200,000
25	2027 .....	\$218,500,000
26	2028 .....	\$225,100,000

1	2029	.....	\$288,700,000
2	2030	.....	\$298,900,000
3	2031	.....	\$309,300,000
4	2032	.....	\$320,100,000
5	2033	.....	\$331,200,000
6	2034	.....	\$341,200,000
7	2035	.....	\$351,400,000
8	2036	.....	\$361,900,000
9	2037	.....	\$372,800,000
10	2038	.....	\$384,000,000
11	2039	.....	\$395,500,000
12	2040	.....	\$407,400,000
13	2041	.....	\$419,600,000
14	2042	.....	\$432,200,000
15	2043	.....	\$445,100,000

16           Beginning July 1, 2021 and until July 1, 2022, subject to  
 17 the payment of amounts into the County and Mass Transit  
 18 District Fund, the Local Government Tax Fund, the Build  
 19 Illinois Fund, the McCormick Place Expansion Project Fund, the  
 20 Illinois Tax Increment Fund, and the Tax Compliance and  
 21 Administration Fund as provided in this Section, the  
 22 Department shall pay each month into the Road Fund the amount  
 23 estimated to represent 16% of the net revenue realized from  
 24 the taxes imposed on motor fuel and gasohol. Beginning July 1,  
 25 2022 and until July 1, 2023, subject to the payment of amounts  
 26 into the County and Mass Transit District Fund, the Local

1 Government Tax Fund, the Build Illinois Fund, the McCormick  
2 Place Expansion Project Fund, the Illinois Tax Increment Fund,  
3 and the Tax Compliance and Administration Fund as provided in  
4 this Section, the Department shall pay each month into the  
5 Road Fund the amount estimated to represent 32% of the net  
6 revenue realized from the taxes imposed on motor fuel and  
7 gasohol. Beginning July 1, 2023 and until July 1, 2024,  
8 subject to the payment of amounts into the County and Mass  
9 Transit District Fund, the Local Government Tax Fund, the  
10 Build Illinois Fund, the McCormick Place Expansion Project  
11 Fund, the Illinois Tax Increment Fund, and the Tax Compliance  
12 and Administration Fund as provided in this Section, the  
13 Department shall pay each month into the Road Fund the amount  
14 estimated to represent 48% of the net revenue realized from  
15 the taxes imposed on motor fuel and gasohol. Beginning July 1,  
16 2024 and until July 1, 2025, subject to the payment of amounts  
17 into the County and Mass Transit District Fund, the Local  
18 Government Tax Fund, the Build Illinois Fund, the McCormick  
19 Place Expansion Project Fund, the Illinois Tax Increment Fund,  
20 and the Tax Compliance and Administration Fund as provided in  
21 this Section, the Department shall pay each month into the  
22 Road Fund the amount estimated to represent 64% of the net  
23 revenue realized from the taxes imposed on motor fuel and  
24 gasohol. Beginning on July 1, 2025, subject to the payment of  
25 amounts into the County and Mass Transit District Fund, the  
26 Local Government Tax Fund, the Build Illinois Fund, the

1 McCormick Place Expansion Project Fund, the Illinois Tax  
2 Increment Fund, and the Tax Compliance and Administration Fund  
3 as provided in this Section, the Department shall pay each  
4 month into the Road Fund the amount estimated to represent 80%  
5 of the net revenue realized from the taxes imposed on motor  
6 fuel and gasohol. As used in this paragraph "motor fuel" has  
7 the meaning given to that term in Section 1.1 of the Motor Fuel  
8 Tax Law, and "gasohol" has the meaning given to that term in  
9 Section 3-40 of the Use Tax Act.

10 Of the remainder of the moneys received by the Department  
11 pursuant to this Act, 75% shall be paid into the General  
12 Revenue Fund of the State treasury ~~Treasury~~ and 25% shall be  
13 reserved in a special account and used only for the transfer to  
14 the Common School Fund as part of the monthly transfer from the  
15 General Revenue Fund in accordance with Section 8a of the  
16 State Finance Act.

17 The Department may, upon separate written notice to a  
18 taxpayer, require the taxpayer to prepare and file with the  
19 Department on a form prescribed by the Department within not  
20 less than 60 days after receipt of the notice an annual  
21 information return for the tax year specified in the notice.  
22 Such annual return to the Department shall include a statement  
23 of gross receipts as shown by the taxpayer's last federal  
24 ~~Federal~~ income tax return. If the total receipts of the  
25 business as reported in the federal ~~Federal~~ income tax return  
26 do not agree with the gross receipts reported to the

1 Department of Revenue for the same period, the taxpayer shall  
2 attach to his annual return a schedule showing a  
3 reconciliation of the 2 amounts and the reasons for the  
4 difference. The taxpayer's annual return to the Department  
5 shall also disclose the cost of goods sold by the taxpayer  
6 during the year covered by such return, opening and closing  
7 inventories of such goods for such year, cost of goods used  
8 from stock or taken from stock and given away by the taxpayer  
9 during such year, pay roll information of the taxpayer's  
10 business during such year and any additional reasonable  
11 information which the Department deems would be helpful in  
12 determining the accuracy of the monthly, quarterly or annual  
13 returns filed by such taxpayer as hereinbefore provided for in  
14 this Section.

15 If the annual information return required by this Section  
16 is not filed when and as required, the taxpayer shall be liable  
17 as follows:

18 (i) Until January 1, 1994, the taxpayer shall be  
19 liable for a penalty equal to  $\frac{1}{6}$  of 1% of the tax due from  
20 such taxpayer under this Act during the period to be  
21 covered by the annual return for each month or fraction of  
22 a month until such return is filed as required, the  
23 penalty to be assessed and collected in the same manner as  
24 any other penalty provided for in this Act.

25 (ii) On and after January 1, 1994, the taxpayer shall  
26 be liable for a penalty as described in Section 3-4 of the

1 Uniform Penalty and Interest Act.

2 The chief executive officer, proprietor, owner, or highest  
3 ranking manager shall sign the annual return to certify the  
4 accuracy of the information contained therein. Any person who  
5 willfully signs the annual return containing false or  
6 inaccurate information shall be guilty of perjury and punished  
7 accordingly. The annual return form prescribed by the  
8 Department shall include a warning that the person signing the  
9 return may be liable for perjury.

10 The foregoing portion of this Section concerning the  
11 filing of an annual information return shall not apply to a  
12 serviceman who is not required to file an income tax return  
13 with the United States Government.

14 As soon as possible after the first day of each month, upon  
15 certification of the Department of Revenue, the Comptroller  
16 shall order transferred and the Treasurer shall transfer from  
17 the General Revenue Fund to the Motor Fuel Tax Fund an amount  
18 equal to 1.7% of 80% of the net revenue realized under this Act  
19 for the second preceding month. Beginning April 1, 2000, this  
20 transfer is no longer required and shall not be made.

21 Net revenue realized for a month shall be the revenue  
22 collected by the State pursuant to this Act, less the amount  
23 paid out during that month as refunds to taxpayers for  
24 overpayment of liability.

25 For greater simplicity of administration, it shall be  
26 permissible for manufacturers, importers and wholesalers whose

1 products are sold by numerous servicemen in Illinois, and who  
2 wish to do so, to assume the responsibility for accounting and  
3 paying to the Department all tax accruing under this Act with  
4 respect to such sales, if the servicemen who are affected do  
5 not make written objection to the Department to this  
6 arrangement.

7 (Source: P.A. 102-700, eff. 4-19-22; 103-9, eff. 6-7-23;  
8 103-363, eff. 7-28-23; revised 9-25-23.)

9 (35 ILCS 115/12) (from Ch. 120, par. 439.112)

10 Sec. 12. All of the provisions of Sections 1d, 1e, 1f, 1i,  
11 1j, 1j.1, 1k, 1m, 1n, 1o, 2-6, 2-12, 2-54, 2a, 2b, 2c, 3  
12 (except as to the disposition by the Department of the tax  
13 collected under this Act), 4 (except that the time limitation  
14 provisions shall run from the date when the tax is due rather  
15 than from the date when gross receipts are received), 5  
16 (except that the time limitation provisions on the issuance of  
17 notices of tax liability shall run from the date when the tax  
18 is due rather than from the date when gross receipts are  
19 received), 5a, 5b, 5c, 5d, 5e, 5f, 5g, 5j, 5k, 5l, 5m, 5n, 6d,  
20 7, 8, 9, 10, 11, and 12 of the "Retailers' Occupation Tax Act"  
21 which are not inconsistent with this Act, and Section 3-7 of  
22 the Uniform Penalty and Interest Act shall apply, as far as  
23 practicable, to the subject matter of this Act to the same  
24 extent as if such provisions were included herein.

25 (Source: P.A. 102-700, eff. 4-19-22; 103-9, eff. 6-7-23;

1 revised 9-26-23.)

2 Section 205. The Retailers' Occupation Tax Act is amended  
3 by changing Sections 2-5 and 3 as follows:

4 (35 ILCS 120/2-5)

5 Sec. 2-5. Exemptions. Gross receipts from proceeds from  
6 the sale of the following tangible personal property are  
7 exempt from the tax imposed by this Act:

8 (1) Farm chemicals.

9 (2) Farm machinery and equipment, both new and used,  
10 including that manufactured on special order, certified by  
11 the purchaser to be used primarily for production  
12 agriculture or State or federal agricultural programs,  
13 including individual replacement parts for the machinery  
14 and equipment, including machinery and equipment purchased  
15 for lease, and including implements of husbandry defined  
16 in Section 1-130 of the Illinois Vehicle Code, farm  
17 machinery and agricultural chemical and fertilizer  
18 spreaders, and nurse wagons required to be registered  
19 under Section 3-809 of the Illinois Vehicle Code, but  
20 excluding other motor vehicles required to be registered  
21 under the Illinois Vehicle Code. Horticultural polyhouses  
22 or hoop houses used for propagating, growing, or  
23 overwintering plants shall be considered farm machinery  
24 and equipment under this item (2). Agricultural chemical



1 tender tanks and dry boxes shall include units sold  
2 separately from a motor vehicle required to be licensed  
3 and units sold mounted on a motor vehicle required to be  
4 licensed, if the selling price of the tender is separately  
5 stated.

6 Farm machinery and equipment shall include precision  
7 farming equipment that is installed or purchased to be  
8 installed on farm machinery and equipment including, but  
9 not limited to, tractors, harvesters, sprayers, planters,  
10 seeders, or spreaders. Precision farming equipment  
11 includes, but is not limited to, soil testing sensors,  
12 computers, monitors, software, global positioning and  
13 mapping systems, and other such equipment.

14 Farm machinery and equipment also includes computers,  
15 sensors, software, and related equipment used primarily in  
16 the computer-assisted operation of production agriculture  
17 facilities, equipment, and activities such as, but not  
18 limited to, the collection, monitoring, and correlation of  
19 animal and crop data for the purpose of formulating animal  
20 diets and agricultural chemicals.

21 Beginning on January 1, 2024, farm machinery and  
22 equipment also includes electrical power generation  
23 equipment used primarily for production agriculture.

24 This item (2) is exempt from the provisions of Section  
25 2-70.

26 (3) Until July 1, 2003, distillation machinery and

1 equipment, sold as a unit or kit, assembled or installed  
2 by the retailer, certified by the user to be used only for  
3 the production of ethyl alcohol that will be used for  
4 consumption as motor fuel or as a component of motor fuel  
5 for the personal use of the user, and not subject to sale  
6 or resale.

7 (4) Until July 1, 2003 and beginning again September  
8 1, 2004 through August 30, 2014, graphic arts machinery  
9 and equipment, including repair and replacement parts,  
10 both new and used, and including that manufactured on  
11 special order or purchased for lease, certified by the  
12 purchaser to be used primarily for graphic arts  
13 production. Equipment includes chemicals or chemicals  
14 acting as catalysts but only if the chemicals or chemicals  
15 acting as catalysts effect a direct and immediate change  
16 upon a graphic arts product. Beginning on July 1, 2017,  
17 graphic arts machinery and equipment is included in the  
18 manufacturing and assembling machinery and equipment  
19 exemption under paragraph (14).

20 (5) A motor vehicle that is used for automobile  
21 renting, as defined in the Automobile Renting Occupation  
22 and Use Tax Act. This paragraph is exempt from the  
23 provisions of Section 2-70.

24 (6) Personal property sold by a teacher-sponsored  
25 student organization affiliated with an elementary or  
26 secondary school located in Illinois.

1           (7) Until July 1, 2003, proceeds of that portion of  
2 the selling price of a passenger car the sale of which is  
3 subject to the Replacement Vehicle Tax.

4           (8) Personal property sold to an Illinois county fair  
5 association for use in conducting, operating, or promoting  
6 the county fair.

7           (9) Personal property sold to a not-for-profit arts or  
8 cultural organization that establishes, by proof required  
9 by the Department by rule, that it has received an  
10 exemption under Section 501(c)(3) of the Internal Revenue  
11 Code and that is organized and operated primarily for the  
12 presentation or support of arts or cultural programming,  
13 activities, or services. These organizations include, but  
14 are not limited to, music and dramatic arts organizations  
15 such as symphony orchestras and theatrical groups, arts  
16 and cultural service organizations, local arts councils,  
17 visual arts organizations, and media arts organizations.  
18 On and after July 1, 2001 (the effective date of Public Act  
19 92-35), however, an entity otherwise eligible for this  
20 exemption shall not make tax-free purchases unless it has  
21 an active identification number issued by the Department.

22           (10) Personal property sold by a corporation, society,  
23 association, foundation, institution, or organization,  
24 other than a limited liability company, that is organized  
25 and operated as a not-for-profit service enterprise for  
26 the benefit of persons 65 years of age or older if the

1 personal property was not purchased by the enterprise for  
2 the purpose of resale by the enterprise.

3 (11) Except as otherwise provided in this Section,  
4 personal property sold to a governmental body, to a  
5 corporation, society, association, foundation, or  
6 institution organized and operated exclusively for  
7 charitable, religious, or educational purposes, or to a  
8 not-for-profit corporation, society, association,  
9 foundation, institution, or organization that has no  
10 compensated officers or employees and that is organized  
11 and operated primarily for the recreation of persons 55  
12 years of age or older. A limited liability company may  
13 qualify for the exemption under this paragraph only if the  
14 limited liability company is organized and operated  
15 exclusively for educational purposes. On and after July 1,  
16 1987, however, no entity otherwise eligible for this  
17 exemption shall make tax-free purchases unless it has an  
18 active identification number issued by the Department.

19 (12) (Blank).

20 (12-5) On and after July 1, 2003 and through June 30,  
21 2004, motor vehicles of the second division with a gross  
22 vehicle weight in excess of 8,000 pounds that are subject  
23 to the commercial distribution fee imposed under Section  
24 3-815.1 of the Illinois Vehicle Code. Beginning on July 1,  
25 2004 and through June 30, 2005, the use in this State of  
26 motor vehicles of the second division: (i) with a gross

1 vehicle weight rating in excess of 8,000 pounds; (ii) that  
2 are subject to the commercial distribution fee imposed  
3 under Section 3-815.1 of the Illinois Vehicle Code; and  
4 (iii) that are primarily used for commercial purposes.  
5 Through June 30, 2005, this exemption applies to repair  
6 and replacement parts added after the initial purchase of  
7 such a motor vehicle if that motor vehicle is used in a  
8 manner that would qualify for the rolling stock exemption  
9 otherwise provided for in this Act. For purposes of this  
10 paragraph, "used for commercial purposes" means the  
11 transportation of persons or property in furtherance of  
12 any commercial or industrial enterprise whether for-hire  
13 or not.

14 (13) Proceeds from sales to owners, lessors, or  
15 shippers of tangible personal property that is utilized by  
16 interstate carriers for hire for use as rolling stock  
17 moving in interstate commerce and equipment operated by a  
18 telecommunications provider, licensed as a common carrier  
19 by the Federal Communications Commission, which is  
20 permanently installed in or affixed to aircraft moving in  
21 interstate commerce.

22 (14) Machinery and equipment that will be used by the  
23 purchaser, or a lessee of the purchaser, primarily in the  
24 process of manufacturing or assembling tangible personal  
25 property for wholesale or retail sale or lease, whether  
26 the sale or lease is made directly by the manufacturer or

1 by some other person, whether the materials used in the  
2 process are owned by the manufacturer or some other  
3 person, or whether the sale or lease is made apart from or  
4 as an incident to the seller's engaging in the service  
5 occupation of producing machines, tools, dies, jigs,  
6 patterns, gauges, or other similar items of no commercial  
7 value on special order for a particular purchaser. The  
8 exemption provided by this paragraph (14) does not include  
9 machinery and equipment used in (i) the generation of  
10 electricity for wholesale or retail sale; (ii) the  
11 generation or treatment of natural or artificial gas for  
12 wholesale or retail sale that is delivered to customers  
13 through pipes, pipelines, or mains; or (iii) the treatment  
14 of water for wholesale or retail sale that is delivered to  
15 customers through pipes, pipelines, or mains. The  
16 provisions of Public Act 98-583 are declaratory of  
17 existing law as to the meaning and scope of this  
18 exemption. Beginning on July 1, 2017, the exemption  
19 provided by this paragraph (14) includes, but is not  
20 limited to, graphic arts machinery and equipment, as  
21 defined in paragraph (4) of this Section.

22 (15) Proceeds of mandatory service charges separately  
23 stated on customers' bills for purchase and consumption of  
24 food and beverages, to the extent that the proceeds of the  
25 service charge are in fact turned over as tips or as a  
26 substitute for tips to the employees who participate

1 directly in preparing, serving, hosting or cleaning up the  
2 food or beverage function with respect to which the  
3 service charge is imposed.

4 (16) Tangible personal property sold to a purchaser if  
5 the purchaser is exempt from use tax by operation of  
6 federal law. This paragraph is exempt from the provisions  
7 of Section 2-70.

8 (17) Tangible personal property sold to a common  
9 carrier by rail or motor that receives the physical  
10 possession of the property in Illinois and that transports  
11 the property, or shares with another common carrier in the  
12 transportation of the property, out of Illinois on a  
13 standard uniform bill of lading showing the seller of the  
14 property as the shipper or consignor of the property to a  
15 destination outside Illinois, for use outside Illinois.

16 (18) Legal tender, currency, medallions, or gold or  
17 silver coinage issued by the State of Illinois, the  
18 government of the United States of America, or the  
19 government of any foreign country, and bullion.

20 (19) Until July 1, 2003, oil field exploration,  
21 drilling, and production equipment, including (i) rigs and  
22 parts of rigs, rotary rigs, cable tool rigs, and workover  
23 rigs, (ii) pipe and tubular goods, including casing and  
24 drill strings, (iii) pumps and pump-jack units, (iv)  
25 storage tanks and flow lines, (v) any individual  
26 replacement part for oil field exploration, drilling, and

1 production equipment, and (vi) machinery and equipment  
2 purchased for lease; but excluding motor vehicles required  
3 to be registered under the Illinois Vehicle Code.

4 (20) Photoprocessing machinery and equipment,  
5 including repair and replacement parts, both new and used,  
6 including that manufactured on special order, certified by  
7 the purchaser to be used primarily for photoprocessing,  
8 and including photoprocessing machinery and equipment  
9 purchased for lease.

10 (21) Until July 1, 2028, coal and aggregate  
11 exploration, mining, off-highway hauling, processing,  
12 maintenance, and reclamation equipment, including  
13 replacement parts and equipment, and including equipment  
14 purchased for lease, but excluding motor vehicles required  
15 to be registered under the Illinois Vehicle Code. The  
16 changes made to this Section by Public Act 97-767 apply on  
17 and after July 1, 2003, but no claim for credit or refund  
18 is allowed on or after August 16, 2013 (the effective date  
19 of Public Act 98-456) for such taxes paid during the  
20 period beginning July 1, 2003 and ending on August 16,  
21 2013 (the effective date of Public Act 98-456).

22 (22) Until June 30, 2013, fuel and petroleum products  
23 sold to or used by an air carrier, certified by the carrier  
24 to be used for consumption, shipment, or storage in the  
25 conduct of its business as an air common carrier, for a  
26 flight destined for or returning from a location or



1 locations outside the United States without regard to  
2 previous or subsequent domestic stopovers.

3 Beginning July 1, 2013, fuel and petroleum products  
4 sold to or used by an air carrier, certified by the carrier  
5 to be used for consumption, shipment, or storage in the  
6 conduct of its business as an air common carrier, for a  
7 flight that (i) is engaged in foreign trade or is engaged  
8 in trade between the United States and any of its  
9 possessions and (ii) transports at least one individual or  
10 package for hire from the city of origination to the city  
11 of final destination on the same aircraft, without regard  
12 to a change in the flight number of that aircraft.

13 (23) A transaction in which the purchase order is  
14 received by a florist who is located outside Illinois, but  
15 who has a florist located in Illinois deliver the property  
16 to the purchaser or the purchaser's donee in Illinois.

17 (24) Fuel consumed or used in the operation of ships,  
18 barges, or vessels that are used primarily in or for the  
19 transportation of property or the conveyance of persons  
20 for hire on rivers bordering on this State if the fuel is  
21 delivered by the seller to the purchaser's barge, ship, or  
22 vessel while it is afloat upon that bordering river.

23 (25) Except as provided in item (25-5) of this  
24 Section, a motor vehicle sold in this State to a  
25 nonresident even though the motor vehicle is delivered to  
26 the nonresident in this State, if the motor vehicle is not

1 to be titled in this State, and if a drive-away permit is  
2 issued to the motor vehicle as provided in Section 3-603  
3 of the Illinois Vehicle Code or if the nonresident  
4 purchaser has vehicle registration plates to transfer to  
5 the motor vehicle upon returning to his or her home state.  
6 The issuance of the drive-away permit or having the  
7 out-of-state registration plates to be transferred is  
8 prima facie evidence that the motor vehicle will not be  
9 titled in this State.

10 (25-5) The exemption under item (25) does not apply if  
11 the state in which the motor vehicle will be titled does  
12 not allow a reciprocal exemption for a motor vehicle sold  
13 and delivered in that state to an Illinois resident but  
14 titled in Illinois. The tax collected under this Act on  
15 the sale of a motor vehicle in this State to a resident of  
16 another state that does not allow a reciprocal exemption  
17 shall be imposed at a rate equal to the state's rate of tax  
18 on taxable property in the state in which the purchaser is  
19 a resident, except that the tax shall not exceed the tax  
20 that would otherwise be imposed under this Act. At the  
21 time of the sale, the purchaser shall execute a statement,  
22 signed under penalty of perjury, of his or her intent to  
23 title the vehicle in the state in which the purchaser is a  
24 resident within 30 days after the sale and of the fact of  
25 the payment to the State of Illinois of tax in an amount  
26 equivalent to the state's rate of tax on taxable property

1 in his or her state of residence and shall submit the  
2 statement to the appropriate tax collection agency in his  
3 or her state of residence. In addition, the retailer must  
4 retain a signed copy of the statement in his or her  
5 records. Nothing in this item shall be construed to  
6 require the removal of the vehicle from this state  
7 following the filing of an intent to title the vehicle in  
8 the purchaser's state of residence if the purchaser titles  
9 the vehicle in his or her state of residence within 30 days  
10 after the date of sale. The tax collected under this Act in  
11 accordance with this item (25-5) shall be proportionately  
12 distributed as if the tax were collected at the 6.25%  
13 general rate imposed under this Act.

14 (25-7) Beginning on July 1, 2007, no tax is imposed  
15 under this Act on the sale of an aircraft, as defined in  
16 Section 3 of the Illinois Aeronautics Act, if all of the  
17 following conditions are met:

18 (1) the aircraft leaves this State within 15 days  
19 after the later of either the issuance of the final  
20 billing for the sale of the aircraft, or the  
21 authorized approval for return to service, completion  
22 of the maintenance record entry, and completion of the  
23 test flight and ground test for inspection, as  
24 required by 14 CFR 91.407;

25 (2) the aircraft is not based or registered in  
26 this State after the sale of the aircraft; and

1           (3) the seller retains in his or her books and  
2 records and provides to the Department a signed and  
3 dated certification from the purchaser, on a form  
4 prescribed by the Department, certifying that the  
5 requirements of this item (25-7) are met. The  
6 certificate must also include the name and address of  
7 the purchaser, the address of the location where the  
8 aircraft is to be titled or registered, the address of  
9 the primary physical location of the aircraft, and  
10 other information that the Department may reasonably  
11 require.

12           For purposes of this item (25-7):

13           "Based in this State" means hangared, stored, or  
14 otherwise used, excluding post-sale customizations as  
15 defined in this Section, for 10 or more days in each  
16 12-month period immediately following the date of the sale  
17 of the aircraft.

18           "Registered in this State" means an aircraft  
19 registered with the Department of Transportation,  
20 Aeronautics Division, or titled or registered with the  
21 Federal Aviation Administration to an address located in  
22 this State.

23           This paragraph (25-7) is exempt from the provisions of  
24 Section 2-70.

25           (26) Semen used for artificial insemination of  
26 livestock for direct agricultural production.

1           (27) Horses, or interests in horses, registered with  
2           and meeting the requirements of any of the Arabian Horse  
3           Club Registry of America, Appaloosa Horse Club, American  
4           Quarter Horse Association, United States Trotting  
5           Association, or Jockey Club, as appropriate, used for  
6           purposes of breeding or racing for prizes. This item (27)  
7           is exempt from the provisions of Section 2-70, and the  
8           exemption provided for under this item (27) applies for  
9           all periods beginning May 30, 1995, but no claim for  
10          credit or refund is allowed on or after January 1, 2008  
11          (the effective date of Public Act 95-88) for such taxes  
12          paid during the period beginning May 30, 2000 and ending  
13          on January 1, 2008 (the effective date of Public Act  
14          95-88).

15          (28) Computers and communications equipment utilized  
16          for any hospital purpose and equipment used in the  
17          diagnosis, analysis, or treatment of hospital patients  
18          sold to a lessor who leases the equipment, under a lease of  
19          one year or longer executed or in effect at the time of the  
20          purchase, to a hospital that has been issued an active tax  
21          exemption identification number by the Department under  
22          Section 1g of this Act.

23          (29) Personal property sold to a lessor who leases the  
24          property, under a lease of one year or longer executed or  
25          in effect at the time of the purchase, to a governmental  
26          body that has been issued an active tax exemption

1 identification number by the Department under Section 1g  
2 of this Act.

3 (30) Beginning with taxable years ending on or after  
4 December 31, 1995 and ending with taxable years ending on  
5 or before December 31, 2004, personal property that is  
6 donated for disaster relief to be used in a State or  
7 federally declared disaster area in Illinois or bordering  
8 Illinois by a manufacturer or retailer that is registered  
9 in this State to a corporation, society, association,  
10 foundation, or institution that has been issued a sales  
11 tax exemption identification number by the Department that  
12 assists victims of the disaster who reside within the  
13 declared disaster area.

14 (31) Beginning with taxable years ending on or after  
15 December 31, 1995 and ending with taxable years ending on  
16 or before December 31, 2004, personal property that is  
17 used in the performance of infrastructure repairs in this  
18 State, including, but not limited to, municipal roads and  
19 streets, access roads, bridges, sidewalks, waste disposal  
20 systems, water and sewer line extensions, water  
21 distribution and purification facilities, storm water  
22 drainage and retention facilities, and sewage treatment  
23 facilities, resulting from a State or federally declared  
24 disaster in Illinois or bordering Illinois when such  
25 repairs are initiated on facilities located in the  
26 declared disaster area within 6 months after the disaster.

1           (32) Beginning July 1, 1999, game or game birds sold  
2           at a "game breeding and hunting preserve area" as that  
3           term is used in the Wildlife Code. This paragraph is  
4           exempt from the provisions of Section 2-70.

5           (33) A motor vehicle, as that term is defined in  
6           Section 1-146 of the Illinois Vehicle Code, that is  
7           donated to a corporation, limited liability company,  
8           society, association, foundation, or institution that is  
9           determined by the Department to be organized and operated  
10          exclusively for educational purposes. For purposes of this  
11          exemption, "a corporation, limited liability company,  
12          society, association, foundation, or institution organized  
13          and operated exclusively for educational purposes" means  
14          all tax-supported public schools, private schools that  
15          offer systematic instruction in useful branches of  
16          learning by methods common to public schools and that  
17          compare favorably in their scope and intensity with the  
18          course of study presented in tax-supported schools, and  
19          vocational or technical schools or institutes organized  
20          and operated exclusively to provide a course of study of  
21          not less than 6 weeks duration and designed to prepare  
22          individuals to follow a trade or to pursue a manual,  
23          technical, mechanical, industrial, business, or commercial  
24          occupation.

25          (34) Beginning January 1, 2000, personal property,  
26          including food, purchased through fundraising events for

1 the benefit of a public or private elementary or secondary  
2 school, a group of those schools, or one or more school  
3 districts if the events are sponsored by an entity  
4 recognized by the school district that consists primarily  
5 of volunteers and includes parents and teachers of the  
6 school children. This paragraph does not apply to  
7 fundraising events (i) for the benefit of private home  
8 instruction or (ii) for which the fundraising entity  
9 purchases the personal property sold at the events from  
10 another individual or entity that sold the property for  
11 the purpose of resale by the fundraising entity and that  
12 profits from the sale to the fundraising entity. This  
13 paragraph is exempt from the provisions of Section 2-70.

14 (35) Beginning January 1, 2000 and through December  
15 31, 2001, new or used automatic vending machines that  
16 prepare and serve hot food and beverages, including  
17 coffee, soup, and other items, and replacement parts for  
18 these machines. Beginning January 1, 2002 and through June  
19 30, 2003, machines and parts for machines used in  
20 commercial, coin-operated amusement and vending business  
21 if a use or occupation tax is paid on the gross receipts  
22 derived from the use of the commercial, coin-operated  
23 amusement and vending machines. This paragraph is exempt  
24 from the provisions of Section 2-70.

25 (35-5) Beginning August 23, 2001 and through June 30,  
26 2016, food for human consumption that is to be consumed



1 off the premises where it is sold (other than alcoholic  
2 beverages, soft drinks, and food that has been prepared  
3 for immediate consumption) and prescription and  
4 nonprescription medicines, drugs, medical appliances, and  
5 insulin, urine testing materials, syringes, and needles  
6 used by diabetics, for human use, when purchased for use  
7 by a person receiving medical assistance under Article V  
8 of the Illinois Public Aid Code who resides in a licensed  
9 long-term care facility, as defined in the Nursing Home  
10 Care Act, or a licensed facility as defined in the ID/DD  
11 Community Care Act, the MC/DD Act, or the Specialized  
12 Mental Health Rehabilitation Act of 2013.

13 (36) Beginning August 2, 2001, computers and  
14 communications equipment utilized for any hospital purpose  
15 and equipment used in the diagnosis, analysis, or  
16 treatment of hospital patients sold to a lessor who leases  
17 the equipment, under a lease of one year or longer  
18 executed or in effect at the time of the purchase, to a  
19 hospital that has been issued an active tax exemption  
20 identification number by the Department under Section 1g  
21 of this Act. This paragraph is exempt from the provisions  
22 of Section 2-70.

23 (37) Beginning August 2, 2001, personal property sold  
24 to a lessor who leases the property, under a lease of one  
25 year or longer executed or in effect at the time of the  
26 purchase, to a governmental body that has been issued an

1 active tax exemption identification number by the  
2 Department under Section 1g of this Act. This paragraph is  
3 exempt from the provisions of Section 2-70.

4 (38) Beginning on January 1, 2002 and through June 30,  
5 2016, tangible personal property purchased from an  
6 Illinois retailer by a taxpayer engaged in centralized  
7 purchasing activities in Illinois who will, upon receipt  
8 of the property in Illinois, temporarily store the  
9 property in Illinois (i) for the purpose of subsequently  
10 transporting it outside this State for use or consumption  
11 thereafter solely outside this State or (ii) for the  
12 purpose of being processed, fabricated, or manufactured  
13 into, attached to, or incorporated into other tangible  
14 personal property to be transported outside this State and  
15 thereafter used or consumed solely outside this State. The  
16 Director of Revenue shall, pursuant to rules adopted in  
17 accordance with the Illinois Administrative Procedure Act,  
18 issue a permit to any taxpayer in good standing with the  
19 Department who is eligible for the exemption under this  
20 paragraph (38). The permit issued under this paragraph  
21 (38) shall authorize the holder, to the extent and in the  
22 manner specified in the rules adopted under this Act, to  
23 purchase tangible personal property from a retailer exempt  
24 from the taxes imposed by this Act. Taxpayers shall  
25 maintain all necessary books and records to substantiate  
26 the use and consumption of all such tangible personal

1 property outside of the State of Illinois.

2 (39) Beginning January 1, 2008, tangible personal  
3 property used in the construction or maintenance of a  
4 community water supply, as defined under Section 3.145 of  
5 the Environmental Protection Act, that is operated by a  
6 not-for-profit corporation that holds a valid water supply  
7 permit issued under Title IV of the Environmental  
8 Protection Act. This paragraph is exempt from the  
9 provisions of Section 2-70.

10 (40) Beginning January 1, 2010 and continuing through  
11 December 31, 2029, materials, parts, equipment,  
12 components, and furnishings incorporated into or upon an  
13 aircraft as part of the modification, refurbishment,  
14 completion, replacement, repair, or maintenance of the  
15 aircraft. This exemption includes consumable supplies used  
16 in the modification, refurbishment, completion,  
17 replacement, repair, and maintenance of aircraft. However,  
18 until January 1, 2024, this exemption excludes any  
19 materials, parts, equipment, components, and consumable  
20 supplies used in the modification, replacement, repair,  
21 and maintenance of aircraft engines or power plants,  
22 whether such engines or power plants are installed or  
23 uninstalled upon any such aircraft. "Consumable supplies"  
24 include, but are not limited to, adhesive, tape,  
25 sandpaper, general purpose lubricants, cleaning solution,  
26 latex gloves, and protective films.

1           Beginning January 1, 2010 and continuing through  
2           December 31, 2023, this exemption applies only to the sale  
3           of qualifying tangible personal property to persons who  
4           modify, refurbish, complete, replace, or maintain an  
5           aircraft and who (i) hold an Air Agency Certificate and  
6           are empowered to operate an approved repair station by the  
7           Federal Aviation Administration, (ii) have a Class IV  
8           Rating, and (iii) conduct operations in accordance with  
9           Part 145 of the Federal Aviation Regulations. The  
10          exemption does not include aircraft operated by a  
11          commercial air carrier providing scheduled passenger air  
12          service pursuant to authority issued under Part 121 or  
13          Part 129 of the Federal Aviation Regulations. From January  
14          1, 2024 through December 31, 2029, this exemption applies  
15          only to the use of qualifying tangible personal property  
16          by: (A) persons who modify, refurbish, complete, repair,  
17          replace, or maintain aircraft and who (i) hold an Air  
18          Agency Certificate and are empowered to operate an  
19          approved repair station by the Federal Aviation  
20          Administration, (ii) have a Class IV Rating, and (iii)  
21          conduct operations in accordance with Part 145 of the  
22          Federal Aviation Regulations; and (B) persons who engage  
23          in the modification, replacement, repair, and maintenance  
24          of aircraft engines or power plants without regard to  
25          whether or not those persons meet the qualifications of  
26          item (A).

1           The changes made to this paragraph (40) by Public Act  
2           98-534 are declarative of existing law. It is the intent  
3           of the General Assembly that the exemption under this  
4           paragraph (40) applies continuously from January 1, 2010  
5           through December 31, 2024; however, no claim for credit or  
6           refund is allowed for taxes paid as a result of the  
7           disallowance of this exemption on or after January 1, 2015  
8           and prior to February 5, 2020 (the effective date of  
9           Public Act 101-629).

10           (41) Tangible personal property sold to a  
11           public-facilities corporation, as described in Section  
12           11-65-10 of the Illinois Municipal Code, for purposes of  
13           constructing or furnishing a municipal convention hall,  
14           but only if the legal title to the municipal convention  
15           hall is transferred to the municipality without any  
16           further consideration by or on behalf of the municipality  
17           at the time of the completion of the municipal convention  
18           hall or upon the retirement or redemption of any bonds or  
19           other debt instruments issued by the public-facilities  
20           corporation in connection with the development of the  
21           municipal convention hall. This exemption includes  
22           existing public-facilities corporations as provided in  
23           Section 11-65-25 of the Illinois Municipal Code. This  
24           paragraph is exempt from the provisions of Section 2-70.

25           (42) Beginning January 1, 2017 and through December  
26           31, 2026, menstrual pads, tampons, and menstrual cups.

1           (43) Merchandise that is subject to the Rental  
2 Purchase Agreement Occupation and Use Tax. The purchaser  
3 must certify that the item is purchased to be rented  
4 subject to a rental-purchase ~~rental-purchase~~ agreement, as  
5 defined in the Rental-Purchase ~~Rental-Purchase~~ Agreement  
6 Act, and provide proof of registration under the Rental  
7 Purchase Agreement Occupation and Use Tax Act. This  
8 paragraph is exempt from the provisions of Section 2-70.

9           (44) Qualified tangible personal property used in the  
10 construction or operation of a data center that has been  
11 granted a certificate of exemption by the Department of  
12 Commerce and Economic Opportunity, whether that tangible  
13 personal property is purchased by the owner, operator, or  
14 tenant of the data center or by a contractor or  
15 subcontractor of the owner, operator, or tenant. Data  
16 centers that would have qualified for a certificate of  
17 exemption prior to January 1, 2020 had Public Act 101-31  
18 been in effect, may apply for and obtain an exemption for  
19 subsequent purchases of computer equipment or enabling  
20 software purchased or leased to upgrade, supplement, or  
21 replace computer equipment or enabling software purchased  
22 or leased in the original investment that would have  
23 qualified.

24           The Department of Commerce and Economic Opportunity  
25 shall grant a certificate of exemption under this item  
26 (44) to qualified data centers as defined by Section

1           605-1025 of the Department of Commerce and Economic  
2           Opportunity Law of the Civil Administrative Code of  
3           Illinois.

4           For the purposes of this item (44):

5           "Data center" means a building or a series of  
6           buildings rehabilitated or constructed to house  
7           working servers in one physical location or multiple  
8           sites within the State of Illinois.

9           "Qualified tangible personal property" means:  
10          electrical systems and equipment; climate control and  
11          chilling equipment and systems; mechanical systems and  
12          equipment; monitoring and secure systems; emergency  
13          generators; hardware; computers; servers; data storage  
14          devices; network connectivity equipment; racks;  
15          cabinets; telecommunications cabling infrastructure;  
16          raised floor systems; peripheral components or  
17          systems; software; mechanical, electrical, or plumbing  
18          systems; battery systems; cooling systems and towers;  
19          temperature control systems; other cabling; and other  
20          data center infrastructure equipment and systems  
21          necessary to operate qualified tangible personal  
22          property, including fixtures; and component parts of  
23          any of the foregoing, including installation,  
24          maintenance, repair, refurbishment, and replacement of  
25          qualified tangible personal property to generate,  
26          transform, transmit, distribute, or manage electricity

1           necessary to operate qualified tangible personal  
2           property; and all other tangible personal property  
3           that is essential to the operations of a computer data  
4           center. The term "qualified tangible personal  
5           property" also includes building materials physically  
6           incorporated into the qualifying data center. To  
7           document the exemption allowed under this Section, the  
8           retailer must obtain from the purchaser a copy of the  
9           certificate of eligibility issued by the Department of  
10          Commerce and Economic Opportunity.

11          This item (44) is exempt from the provisions of  
12          Section 2-70.

13          (45) Beginning January 1, 2020 and through December  
14          31, 2020, sales of tangible personal property made by a  
15          marketplace seller over a marketplace for which tax is due  
16          under this Act but for which use tax has been collected and  
17          remitted to the Department by a marketplace facilitator  
18          under Section 2d of the Use Tax Act are exempt from tax  
19          under this Act. A marketplace seller claiming this  
20          exemption shall maintain books and records demonstrating  
21          that the use tax on such sales has been collected and  
22          remitted by a marketplace facilitator. Marketplace sellers  
23          that have properly remitted tax under this Act on such  
24          sales may file a claim for credit as provided in Section 6  
25          of this Act. No claim is allowed, however, for such taxes  
26          for which a credit or refund has been issued to the



1 marketplace facilitator under the Use Tax Act, or for  
2 which the marketplace facilitator has filed a claim for  
3 credit or refund under the Use Tax Act.

4 (46) Beginning July 1, 2022, breast pumps, breast pump  
5 collection and storage supplies, and breast pump kits.  
6 This item (46) is exempt from the provisions of Section  
7 2-70. As used in this item (46):

8 "Breast pump" means an electrically controlled or  
9 manually controlled pump device designed or marketed to be  
10 used to express milk from a human breast during lactation,  
11 including the pump device and any battery, AC adapter, or  
12 other power supply unit that is used to power the pump  
13 device and is packaged and sold with the pump device at the  
14 time of sale.

15 "Breast pump collection and storage supplies" means  
16 items of tangible personal property designed or marketed  
17 to be used in conjunction with a breast pump to collect  
18 milk expressed from a human breast and to store collected  
19 milk until it is ready for consumption.

20 "Breast pump collection and storage supplies"  
21 includes, but is not limited to: breast shields and breast  
22 shield connectors; breast pump tubes and tubing adapters;  
23 breast pump valves and membranes; backflow protectors and  
24 backflow protector adaptors; bottles and bottle caps  
25 specific to the operation of the breast pump; and breast  
26 milk storage bags.

1 "Breast pump collection and storage supplies" does not  
2 include: (1) bottles and bottle caps not specific to the  
3 operation of the breast pump; (2) breast pump travel bags  
4 and other similar carrying accessories, including ice  
5 packs, labels, and other similar products; (3) breast pump  
6 cleaning supplies; (4) nursing bras, bra pads, breast  
7 shells, and other similar products; and (5) creams,  
8 ointments, and other similar products that relieve  
9 breastfeeding-related symptoms or conditions of the  
10 breasts or nipples, unless sold as part of a breast pump  
11 kit that is pre-packaged by the breast pump manufacturer  
12 or distributor.

13 "Breast pump kit" means a kit that: (1) contains no  
14 more than a breast pump, breast pump collection and  
15 storage supplies, a rechargeable battery for operating the  
16 breast pump, a breastmilk cooler, bottle stands, ice  
17 packs, and a breast pump carrying case; and (2) is  
18 pre-packaged as a breast pump kit by the breast pump  
19 manufacturer or distributor.

20 (47) Tangible personal property sold by or on behalf  
21 of the State Treasurer pursuant to the Revised Uniform  
22 Unclaimed Property Act. This item (47) is exempt from the  
23 provisions of Section 2-70.

24 (48) Beginning on January 1, 2024, tangible personal  
25 property purchased by an active duty member of the armed  
26 forces of the United States who presents valid military

1 identification and purchases the property using a form of  
2 payment where the federal government is the payor. The  
3 member of the armed forces must complete, at the point of  
4 sale, a form prescribed by the Department of Revenue  
5 documenting that the transaction is eligible for the  
6 exemption under this paragraph. Retailers must keep the  
7 form as documentation of the exemption in their records  
8 for a period of not less than 6 years. "Armed forces of the  
9 United States" means the United States Army, Navy, Air  
10 Force, Marine Corps, or Coast Guard. This paragraph is  
11 exempt from the provisions of Section 2-70.

12 (Source: P.A. 102-16, eff. 6-17-21; 102-634, eff. 8-27-21;  
13 102-700, Article 70, Section 70-20, eff. 4-19-22; 102-700,  
14 Article 75, Section 75-20, eff. 4-19-22; 102-813, eff.  
15 5-13-22; 102-1026, eff. 5-27-22; 103-9, Article 5, Section  
16 5-20, eff. 6-7-23; 103-9, Article 15, Section 15-20, eff.  
17 6-7-23; 103-154, eff. 6-30-23; 103-384, eff. 1-1-24; revised  
18 12-12-23.)

19 (35 ILCS 120/3) (from Ch. 120, par. 442)

20 Sec. 3. Except as provided in this Section, on or before  
21 the twentieth day of each calendar month, every person engaged  
22 in the business of selling tangible personal property at  
23 retail in this State during the preceding calendar month shall  
24 file a return with the Department, stating:

25 1. The name of the seller;

1           2. His residence address and the address of his  
2 principal place of business and the address of the  
3 principal place of business (if that is a different  
4 address) from which he engages in the business of selling  
5 tangible personal property at retail in this State;

6           3. Total amount of receipts received by him during the  
7 preceding calendar month or quarter, as the case may be,  
8 from sales of tangible personal property, and from  
9 services furnished, by him during such preceding calendar  
10 month or quarter;

11           4. Total amount received by him during the preceding  
12 calendar month or quarter on charge and time sales of  
13 tangible personal property, and from services furnished,  
14 by him prior to the month or quarter for which the return  
15 is filed;

16           5. Deductions allowed by law;

17           6. Gross receipts which were received by him during  
18 the preceding calendar month or quarter and upon the basis  
19 of which the tax is imposed, including gross receipts on  
20 food for human consumption that is to be consumed off the  
21 premises where it is sold (other than alcoholic beverages,  
22 food consisting of or infused with adult use cannabis,  
23 soft drinks, and food that has been prepared for immediate  
24 consumption) which were received during the preceding  
25 calendar month or quarter and upon which tax would have  
26 been due but for the 0% rate imposed under Public Act

1 102-700;

2 7. The amount of credit provided in Section 2d of this  
3 Act;

4 8. The amount of tax due, including the amount of tax  
5 that would have been due on food for human consumption  
6 that is to be consumed off the premises where it is sold  
7 (other than alcoholic beverages, food consisting of or  
8 infused with adult use cannabis, soft drinks, and food  
9 that has been prepared for immediate consumption) but for  
10 the 0% rate imposed under Public Act 102-700;

11 9. The signature of the taxpayer; and

12 10. Such other reasonable information as the  
13 Department may require.

14 On and after January 1, 2018, except for returns required  
15 to be filed prior to January 1, 2023 for motor vehicles,  
16 watercraft, aircraft, and trailers that are required to be  
17 registered with an agency of this State, with respect to  
18 retailers whose annual gross receipts average \$20,000 or more,  
19 all returns required to be filed pursuant to this Act shall be  
20 filed electronically. On and after January 1, 2023, with  
21 respect to retailers whose annual gross receipts average  
22 \$20,000 or more, all returns required to be filed pursuant to  
23 this Act, including, but not limited to, returns for motor  
24 vehicles, watercraft, aircraft, and trailers that are required  
25 to be registered with an agency of this State, shall be filed  
26 electronically. Retailers who demonstrate that they do not

1 have access to the Internet or demonstrate hardship in filing  
2 electronically may petition the Department to waive the  
3 electronic filing requirement.

4 If a taxpayer fails to sign a return within 30 days after  
5 the proper notice and demand for signature by the Department,  
6 the return shall be considered valid and any amount shown to be  
7 due on the return shall be deemed assessed.

8 Each return shall be accompanied by the statement of  
9 prepaid tax issued pursuant to Section 2e for which credit is  
10 claimed.

11 Prior to October 1, 2003~~7~~ and on and after September 1,  
12 2004<sub>1</sub>, a retailer may accept a Manufacturer's Purchase Credit  
13 certification from a purchaser in satisfaction of Use Tax as  
14 provided in Section 3-85 of the Use Tax Act if the purchaser  
15 provides the appropriate documentation as required by Section  
16 3-85 of the Use Tax Act. A Manufacturer's Purchase Credit  
17 certification, accepted by a retailer prior to October 1, 2003  
18 and on and after September 1, 2004 as provided in Section 3-85  
19 of the Use Tax Act, may be used by that retailer to satisfy  
20 Retailers' Occupation Tax liability in the amount claimed in  
21 the certification, not to exceed 6.25% of the receipts subject  
22 to tax from a qualifying purchase. A Manufacturer's Purchase  
23 Credit reported on any original or amended return filed under  
24 this Act after October 20, 2003 for reporting periods prior to  
25 September 1, 2004 shall be disallowed. Manufacturer's Purchase  
26 Credit reported on annual returns due on or after January 1,

1 2005 will be disallowed for periods prior to September 1,  
2 2004. No Manufacturer's Purchase Credit may be used after  
3 September 30, 2003 through August 31, 2004 to satisfy any tax  
4 liability imposed under this Act, including any audit  
5 liability.

6 Beginning on July 1, 2023 and through December 31, 2032, a  
7 retailer may accept a Sustainable Aviation Fuel Purchase  
8 Credit certification from an air common carrier-purchaser in  
9 satisfaction of Use Tax on aviation fuel as provided in  
10 Section 3-87 of the Use Tax Act if the purchaser provides the  
11 appropriate documentation as required by Section 3-87 of the  
12 Use Tax Act. A Sustainable Aviation Fuel Purchase Credit  
13 certification accepted by a retailer in accordance with this  
14 paragraph may be used by that retailer to satisfy Retailers'  
15 Occupation Tax liability (but not in satisfaction of penalty  
16 or interest) in the amount claimed in the certification, not  
17 to exceed 6.25% of the receipts subject to tax from a sale of  
18 aviation fuel. In addition, for a sale of aviation fuel to  
19 qualify to earn the Sustainable Aviation Fuel Purchase Credit,  
20 retailers must retain in their books and records a  
21 certification from the producer of the aviation fuel that the  
22 aviation fuel sold by the retailer and for which a sustainable  
23 aviation fuel purchase credit was earned meets the definition  
24 of sustainable aviation fuel under Section 3-87 of the Use Tax  
25 Act. The documentation must include detail sufficient for the  
26 Department to determine the number of gallons of sustainable

1 aviation fuel sold.

2 The Department may require returns to be filed on a  
3 quarterly basis. If so required, a return for each calendar  
4 quarter shall be filed on or before the twentieth day of the  
5 calendar month following the end of such calendar quarter. The  
6 taxpayer shall also file a return with the Department for each  
7 of the first 2 ~~two~~ months of each calendar quarter, on or  
8 before the twentieth day of the following calendar month,  
9 stating:

10 1. The name of the seller;

11 2. The address of the principal place of business from  
12 which he engages in the business of selling tangible  
13 personal property at retail in this State;

14 3. The total amount of taxable receipts received by  
15 him during the preceding calendar month from sales of  
16 tangible personal property by him during such preceding  
17 calendar month, including receipts from charge and time  
18 sales, but less all deductions allowed by law;

19 4. The amount of credit provided in Section 2d of this  
20 Act;

21 5. The amount of tax due; and

22 6. Such other reasonable information as the Department  
23 may require.

24 Every person engaged in the business of selling aviation  
25 fuel at retail in this State during the preceding calendar  
26 month shall, instead of reporting and paying tax as otherwise



1 required by this Section, report and pay such tax on a separate  
2 aviation fuel tax return. The requirements related to the  
3 return shall be as otherwise provided in this Section.  
4 Notwithstanding any other provisions of this Act to the  
5 contrary, retailers selling aviation fuel shall file all  
6 aviation fuel tax returns and shall make all aviation fuel tax  
7 payments by electronic means in the manner and form required  
8 by the Department. For purposes of this Section, "aviation  
9 fuel" means jet fuel and aviation gasoline.

10 Beginning on October 1, 2003, any person who is not a  
11 licensed distributor, importing distributor, or manufacturer,  
12 as defined in the Liquor Control Act of 1934, but is engaged in  
13 the business of selling, at retail, alcoholic liquor shall  
14 file a statement with the Department of Revenue, in a format  
15 and at a time prescribed by the Department, showing the total  
16 amount paid for alcoholic liquor purchased during the  
17 preceding month and such other information as is reasonably  
18 required by the Department. The Department may adopt rules to  
19 require that this statement be filed in an electronic or  
20 telephonic format. Such rules may provide for exceptions from  
21 the filing requirements of this paragraph. For the purposes of  
22 this paragraph, the term "alcoholic liquor" shall have the  
23 meaning prescribed in the Liquor Control Act of 1934.

24 Beginning on October 1, 2003, every distributor, importing  
25 distributor, and manufacturer of alcoholic liquor as defined  
26 in the Liquor Control Act of 1934, shall file a statement with

1 the Department of Revenue, no later than the 10th day of the  
2 month for the preceding month during which transactions  
3 occurred, by electronic means, showing the total amount of  
4 gross receipts from the sale of alcoholic liquor sold or  
5 distributed during the preceding month to purchasers;  
6 identifying the purchaser to whom it was sold or distributed;  
7 the purchaser's tax registration number; and such other  
8 information reasonably required by the Department. A  
9 distributor, importing distributor, or manufacturer of  
10 alcoholic liquor must personally deliver, mail, or provide by  
11 electronic means to each retailer listed on the monthly  
12 statement a report containing a cumulative total of that  
13 distributor's, importing distributor's, or manufacturer's  
14 total sales of alcoholic liquor to that retailer no later than  
15 the 10th day of the month for the preceding month during which  
16 the transaction occurred. The distributor, importing  
17 distributor, or manufacturer shall notify the retailer as to  
18 the method by which the distributor, importing distributor, or  
19 manufacturer will provide the sales information. If the  
20 retailer is unable to receive the sales information by  
21 electronic means, the distributor, importing distributor, or  
22 manufacturer shall furnish the sales information by personal  
23 delivery or by mail. For purposes of this paragraph, the term  
24 "electronic means" includes, but is not limited to, the use of  
25 a secure Internet website, e-mail, or facsimile.

26 If a total amount of less than \$1 is payable, refundable or

1     creditable, such amount shall be disregarded if it is less  
2     than 50 cents and shall be increased to \$1 if it is 50 cents or  
3     more.

4             Notwithstanding any other provision of this Act to the  
5     contrary, retailers subject to tax on cannabis shall file all  
6     cannabis tax returns and shall make all cannabis tax payments  
7     by electronic means in the manner and form required by the  
8     Department.

9             Beginning October 1, 1993, a taxpayer who has an average  
10    monthly tax liability of \$150,000 or more shall make all  
11    payments required by rules of the Department by electronic  
12    funds transfer. Beginning October 1, 1994, a taxpayer who has  
13    an average monthly tax liability of \$100,000 or more shall  
14    make all payments required by rules of the Department by  
15    electronic funds transfer. Beginning October 1, 1995, a  
16    taxpayer who has an average monthly tax liability of \$50,000  
17    or more shall make all payments required by rules of the  
18    Department by electronic funds transfer. Beginning October 1,  
19    2000, a taxpayer who has an annual tax liability of \$200,000 or  
20    more shall make all payments required by rules of the  
21    Department by electronic funds transfer. The term "annual tax  
22    liability" shall be the sum of the taxpayer's liabilities  
23    under this Act, and under all other State and local occupation  
24    and use tax laws administered by the Department, for the  
25    immediately preceding calendar year. The term "average monthly  
26    tax liability" shall be the sum of the taxpayer's liabilities

1 under this Act, and under all other State and local occupation  
2 and use tax laws administered by the Department, for the  
3 immediately preceding calendar year divided by 12. Beginning  
4 on October 1, 2002, a taxpayer who has a tax liability in the  
5 amount set forth in subsection (b) of Section 2505-210 of the  
6 Department of Revenue Law shall make all payments required by  
7 rules of the Department by electronic funds transfer.

8 Before August 1 of each year beginning in 1993, the  
9 Department shall notify all taxpayers required to make  
10 payments by electronic funds transfer. All taxpayers required  
11 to make payments by electronic funds transfer shall make those  
12 payments for a minimum of one year beginning on October 1.

13 Any taxpayer not required to make payments by electronic  
14 funds transfer may make payments by electronic funds transfer  
15 with the permission of the Department.

16 All taxpayers required to make payment by electronic funds  
17 transfer and any taxpayers authorized to voluntarily make  
18 payments by electronic funds transfer shall make those  
19 payments in the manner authorized by the Department.

20 The Department shall adopt such rules as are necessary to  
21 effectuate a program of electronic funds transfer and the  
22 requirements of this Section.

23 Any amount which is required to be shown or reported on any  
24 return or other document under this Act shall, if such amount  
25 is not a whole-dollar amount, be increased to the nearest  
26 whole-dollar amount in any case where the fractional part of a

1 dollar is 50 cents or more, and decreased to the nearest  
2 whole-dollar amount where the fractional part of a dollar is  
3 less than 50 cents.

4 If the retailer is otherwise required to file a monthly  
5 return and if the retailer's average monthly tax liability to  
6 the Department does not exceed \$200, the Department may  
7 authorize his returns to be filed on a quarter annual basis,  
8 with the return for January, February, and March of a given  
9 year being due by April 20 of such year; with the return for  
10 April, May, and June of a given year being due by July 20 of  
11 such year; with the return for July, August, and September of a  
12 given year being due by October 20 of such year, and with the  
13 return for October, November, and December of a given year  
14 being due by January 20 of the following year.

15 If the retailer is otherwise required to file a monthly or  
16 quarterly return and if the retailer's average monthly tax  
17 liability with the Department does not exceed \$50, the  
18 Department may authorize his returns to be filed on an annual  
19 basis, with the return for a given year being due by January 20  
20 of the following year.

21 Such quarter annual and annual returns, as to form and  
22 substance, shall be subject to the same requirements as  
23 monthly returns.

24 Notwithstanding any other provision in this Act concerning  
25 the time within which a retailer may file his return, in the  
26 case of any retailer who ceases to engage in a kind of business

1 which makes him responsible for filing returns under this Act,  
2 such retailer shall file a final return under this Act with the  
3 Department not more than one month after discontinuing such  
4 business.

5 Where the same person has more than one business  
6 registered with the Department under separate registrations  
7 under this Act, such person may not file each return that is  
8 due as a single return covering all such registered  
9 businesses, but shall file separate returns for each such  
10 registered business.

11 In addition, with respect to motor vehicles, watercraft,  
12 aircraft, and trailers that are required to be registered with  
13 an agency of this State, except as otherwise provided in this  
14 Section, every retailer selling this kind of tangible personal  
15 property shall file, with the Department, upon a form to be  
16 prescribed and supplied by the Department, a separate return  
17 for each such item of tangible personal property which the  
18 retailer sells, except that if, in the same transaction, (i) a  
19 retailer of aircraft, watercraft, motor vehicles, or trailers  
20 transfers more than one aircraft, watercraft, motor vehicle,  
21 or trailer to another aircraft, watercraft, motor vehicle  
22 retailer, or trailer retailer for the purpose of resale or  
23 (ii) a retailer of aircraft, watercraft, motor vehicles, or  
24 trailers transfers more than one aircraft, watercraft, motor  
25 vehicle, or trailer to a purchaser for use as a qualifying  
26 rolling stock as provided in Section 2-5 of this Act, then that

1 seller may report the transfer of all aircraft, watercraft,  
2 motor vehicles, or trailers involved in that transaction to  
3 the Department on the same uniform invoice-transaction  
4 reporting return form. For purposes of this Section,  
5 "watercraft" means a Class 2, Class 3, or Class 4 watercraft as  
6 defined in Section 3-2 of the Boat Registration and Safety  
7 Act, a personal watercraft, or any boat equipped with an  
8 inboard motor.

9 In addition, with respect to motor vehicles, watercraft,  
10 aircraft, and trailers that are required to be registered with  
11 an agency of this State, every person who is engaged in the  
12 business of leasing or renting such items and who, in  
13 connection with such business, sells any such item to a  
14 retailer for the purpose of resale is, notwithstanding any  
15 other provision of this Section to the contrary, authorized to  
16 meet the return-filing requirement of this Act by reporting  
17 the transfer of all the aircraft, watercraft, motor vehicles,  
18 or trailers transferred for resale during a month to the  
19 Department on the same uniform invoice-transaction reporting  
20 return form on or before the 20th of the month following the  
21 month in which the transfer takes place. Notwithstanding any  
22 other provision of this Act to the contrary, all returns filed  
23 under this paragraph must be filed by electronic means in the  
24 manner and form as required by the Department.

25 Any retailer who sells only motor vehicles, watercraft,  
26 aircraft, or trailers that are required to be registered with

1 an agency of this State, so that all retailers' occupation tax  
2 liability is required to be reported, and is reported, on such  
3 transaction reporting returns and who is not otherwise  
4 required to file monthly or quarterly returns, need not file  
5 monthly or quarterly returns. However, those retailers shall  
6 be required to file returns on an annual basis.

7 The transaction reporting return, in the case of motor  
8 vehicles or trailers that are required to be registered with  
9 an agency of this State, shall be the same document as the  
10 Uniform Invoice referred to in Section 5-402 of the Illinois  
11 Vehicle Code and must show the name and address of the seller;  
12 the name and address of the purchaser; the amount of the  
13 selling price including the amount allowed by the retailer for  
14 traded-in property, if any; the amount allowed by the retailer  
15 for the traded-in tangible personal property, if any, to the  
16 extent to which Section 1 of this Act allows an exemption for  
17 the value of traded-in property; the balance payable after  
18 deducting such trade-in allowance from the total selling  
19 price; the amount of tax due from the retailer with respect to  
20 such transaction; the amount of tax collected from the  
21 purchaser by the retailer on such transaction (or satisfactory  
22 evidence that such tax is not due in that particular instance,  
23 if that is claimed to be the fact); the place and date of the  
24 sale; a sufficient identification of the property sold; such  
25 other information as is required in Section 5-402 of the  
26 Illinois Vehicle Code, and such other information as the



1 Department may reasonably require.

2 The transaction reporting return in the case of watercraft  
3 or aircraft must show the name and address of the seller; the  
4 name and address of the purchaser; the amount of the selling  
5 price including the amount allowed by the retailer for  
6 traded-in property, if any; the amount allowed by the retailer  
7 for the traded-in tangible personal property, if any, to the  
8 extent to which Section 1 of this Act allows an exemption for  
9 the value of traded-in property; the balance payable after  
10 deducting such trade-in allowance from the total selling  
11 price; the amount of tax due from the retailer with respect to  
12 such transaction; the amount of tax collected from the  
13 purchaser by the retailer on such transaction (or satisfactory  
14 evidence that such tax is not due in that particular instance,  
15 if that is claimed to be the fact); the place and date of the  
16 sale, a sufficient identification of the property sold, and  
17 such other information as the Department may reasonably  
18 require.

19 Such transaction reporting return shall be filed not later  
20 than 20 days after the day of delivery of the item that is  
21 being sold, but may be filed by the retailer at any time sooner  
22 than that if he chooses to do so. The transaction reporting  
23 return and tax remittance or proof of exemption from the  
24 Illinois use tax may be transmitted to the Department by way of  
25 the State agency with which, or State officer with whom the  
26 tangible personal property must be titled or registered (if

1 titling or registration is required) if the Department and  
2 such agency or State officer determine that this procedure  
3 will expedite the processing of applications for title or  
4 registration.

5 With each such transaction reporting return, the retailer  
6 shall remit the proper amount of tax due (or shall submit  
7 satisfactory evidence that the sale is not taxable if that is  
8 the case), to the Department or its agents, whereupon the  
9 Department shall issue, in the purchaser's name, a use tax  
10 receipt (or a certificate of exemption if the Department is  
11 satisfied that the particular sale is tax exempt) which such  
12 purchaser may submit to the agency with which, or State  
13 officer with whom, he must title or register the tangible  
14 personal property that is involved (if titling or registration  
15 is required) in support of such purchaser's application for an  
16 Illinois certificate or other evidence of title or  
17 registration to such tangible personal property.

18 No retailer's failure or refusal to remit tax under this  
19 Act precludes a user, who has paid the proper tax to the  
20 retailer, from obtaining his certificate of title or other  
21 evidence of title or registration (if titling or registration  
22 is required) upon satisfying the Department that such user has  
23 paid the proper tax (if tax is due) to the retailer. The  
24 Department shall adopt appropriate rules to carry out the  
25 mandate of this paragraph.

26 If the user who would otherwise pay tax to the retailer

1 wants the transaction reporting return filed and the payment  
2 of the tax or proof of exemption made to the Department before  
3 the retailer is willing to take these actions and such user has  
4 not paid the tax to the retailer, such user may certify to the  
5 fact of such delay by the retailer and may (upon the Department  
6 being satisfied of the truth of such certification) transmit  
7 the information required by the transaction reporting return  
8 and the remittance for tax or proof of exemption directly to  
9 the Department and obtain his tax receipt or exemption  
10 determination, in which event the transaction reporting return  
11 and tax remittance (if a tax payment was required) shall be  
12 credited by the Department to the proper retailer's account  
13 with the Department, but without the 2.1% or 1.75% discount  
14 provided for in this Section being allowed. When the user pays  
15 the tax directly to the Department, he shall pay the tax in the  
16 same amount and in the same form in which it would be remitted  
17 if the tax had been remitted to the Department by the retailer.

18 Refunds made by the seller during the preceding return  
19 period to purchasers, on account of tangible personal property  
20 returned to the seller, shall be allowed as a deduction under  
21 subdivision 5 of his monthly or quarterly return, as the case  
22 may be, in case the seller had theretofore included the  
23 receipts from the sale of such tangible personal property in a  
24 return filed by him and had paid the tax imposed by this Act  
25 with respect to such receipts.

26 Where the seller is a corporation, the return filed on

1 behalf of such corporation shall be signed by the president,  
2 vice-president, secretary, or treasurer or by the properly  
3 accredited agent of such corporation.

4 Where the seller is a limited liability company, the  
5 return filed on behalf of the limited liability company shall  
6 be signed by a manager, member, or properly accredited agent  
7 of the limited liability company.

8 Except as provided in this Section, the retailer filing  
9 the return under this Section shall, at the time of filing such  
10 return, pay to the Department the amount of tax imposed by this  
11 Act less a discount of 2.1% prior to January 1, 1990 and 1.75%  
12 on and after January 1, 1990, or \$5 per calendar year,  
13 whichever is greater, which is allowed to reimburse the  
14 retailer for the expenses incurred in keeping records,  
15 preparing and filing returns, remitting the tax and supplying  
16 data to the Department on request. On and after January 1,  
17 2021, a certified service provider, as defined in the Leveling  
18 the Playing Field for Illinois Retail Act, filing the return  
19 under this Section on behalf of a remote retailer shall, at the  
20 time of such return, pay to the Department the amount of tax  
21 imposed by this Act less a discount of 1.75%. A remote retailer  
22 using a certified service provider to file a return on its  
23 behalf, as provided in the Leveling the Playing Field for  
24 Illinois Retail Act, is not eligible for the discount. When  
25 determining the discount allowed under this Section, retailers  
26 shall include the amount of tax that would have been due at the

1 1% rate but for the 0% rate imposed under Public Act 102-700.  
2 When determining the discount allowed under this Section,  
3 retailers shall include the amount of tax that would have been  
4 due at the 6.25% rate but for the 1.25% rate imposed on sales  
5 tax holiday items under Public Act 102-700. The discount under  
6 this Section is not allowed for the 1.25% portion of taxes paid  
7 on aviation fuel that is subject to the revenue use  
8 requirements of 49 U.S.C. 47107(b) and 49 U.S.C. 47133. Any  
9 prepayment made pursuant to Section 2d of this Act shall be  
10 included in the amount on which such 2.1% or 1.75% discount is  
11 computed. In the case of retailers who report and pay the tax  
12 on a transaction by transaction basis, as provided in this  
13 Section, such discount shall be taken with each such tax  
14 remittance instead of when such retailer files his periodic  
15 return. The discount allowed under this Section is allowed  
16 only for returns that are filed in the manner required by this  
17 Act. The Department may disallow the discount for retailers  
18 whose certificate of registration is revoked at the time the  
19 return is filed, but only if the Department's decision to  
20 revoke the certificate of registration has become final.

21 Before October 1, 2000, if the taxpayer's average monthly  
22 tax liability to the Department under this Act, the Use Tax  
23 Act, the Service Occupation Tax Act, and the Service Use Tax  
24 Act, excluding any liability for prepaid sales tax to be  
25 remitted in accordance with Section 2d of this Act, was  
26 \$10,000 or more during the preceding 4 complete calendar

1     quarters, he shall file a return with the Department each  
2     month by the 20th day of the month next following the month  
3     during which such tax liability is incurred and shall make  
4     payments to the Department on or before the 7th, 15th, 22nd and  
5     last day of the month during which such liability is incurred.  
6     On and after October 1, 2000, if the taxpayer's average  
7     monthly tax liability to the Department under this Act, the  
8     Use Tax Act, the Service Occupation Tax Act, and the Service  
9     Use Tax Act, excluding any liability for prepaid sales tax to  
10    be remitted in accordance with Section 2d of this Act, was  
11    \$20,000 or more during the preceding 4 complete calendar  
12    quarters, he shall file a return with the Department each  
13    month by the 20th day of the month next following the month  
14    during which such tax liability is incurred and shall make  
15    payment to the Department on or before the 7th, 15th, 22nd and  
16    last day of the month during which such liability is incurred.  
17    If the month during which such tax liability is incurred began  
18    prior to January 1, 1985, each payment shall be in an amount  
19    equal to 1/4 of the taxpayer's actual liability for the month  
20    or an amount set by the Department not to exceed 1/4 of the  
21    average monthly liability of the taxpayer to the Department  
22    for the preceding 4 complete calendar quarters (excluding the  
23    month of highest liability and the month of lowest liability  
24    in such 4 quarter period). If the month during which such tax  
25    liability is incurred begins on or after January 1, 1985 and  
26    prior to January 1, 1987, each payment shall be in an amount

1 equal to 22.5% of the taxpayer's actual liability for the  
2 month or 27.5% of the taxpayer's liability for the same  
3 calendar month of the preceding year. If the month during  
4 which such tax liability is incurred begins on or after  
5 January 1, 1987 and prior to January 1, 1988, each payment  
6 shall be in an amount equal to 22.5% of the taxpayer's actual  
7 liability for the month or 26.25% of the taxpayer's liability  
8 for the same calendar month of the preceding year. If the month  
9 during which such tax liability is incurred begins on or after  
10 January 1, 1988, and prior to January 1, 1989, or begins on or  
11 after January 1, 1996, each payment shall be in an amount equal  
12 to 22.5% of the taxpayer's actual liability for the month or  
13 25% of the taxpayer's liability for the same calendar month of  
14 the preceding year. If the month during which such tax  
15 liability is incurred begins on or after January 1, 1989, and  
16 prior to January 1, 1996, each payment shall be in an amount  
17 equal to 22.5% of the taxpayer's actual liability for the  
18 month or 25% of the taxpayer's liability for the same calendar  
19 month of the preceding year or 100% of the taxpayer's actual  
20 liability for the quarter monthly reporting period. The amount  
21 of such quarter monthly payments shall be credited against the  
22 final tax liability of the taxpayer's return for that month.  
23 Before October 1, 2000, once applicable, the requirement of  
24 the making of quarter monthly payments to the Department by  
25 taxpayers having an average monthly tax liability of \$10,000  
26 or more as determined in the manner provided above shall

1 continue until such taxpayer's average monthly liability to  
2 the Department during the preceding 4 complete calendar  
3 quarters (excluding the month of highest liability and the  
4 month of lowest liability) is less than \$9,000, or until such  
5 taxpayer's average monthly liability to the Department as  
6 computed for each calendar quarter of the 4 preceding complete  
7 calendar quarter period is less than \$10,000. However, if a  
8 taxpayer can show the Department that a substantial change in  
9 the taxpayer's business has occurred which causes the taxpayer  
10 to anticipate that his average monthly tax liability for the  
11 reasonably foreseeable future will fall below the \$10,000  
12 threshold stated above, then such taxpayer may petition the  
13 Department for a change in such taxpayer's reporting status.  
14 On and after October 1, 2000, once applicable, the requirement  
15 of the making of quarter monthly payments to the Department by  
16 taxpayers having an average monthly tax liability of \$20,000  
17 or more as determined in the manner provided above shall  
18 continue until such taxpayer's average monthly liability to  
19 the Department during the preceding 4 complete calendar  
20 quarters (excluding the month of highest liability and the  
21 month of lowest liability) is less than \$19,000 or until such  
22 taxpayer's average monthly liability to the Department as  
23 computed for each calendar quarter of the 4 preceding complete  
24 calendar quarter period is less than \$20,000. However, if a  
25 taxpayer can show the Department that a substantial change in  
26 the taxpayer's business has occurred which causes the taxpayer



1 to anticipate that his average monthly tax liability for the  
2 reasonably foreseeable future will fall below the \$20,000  
3 threshold stated above, then such taxpayer may petition the  
4 Department for a change in such taxpayer's reporting status.  
5 The Department shall change such taxpayer's reporting status  
6 unless it finds that such change is seasonal in nature and not  
7 likely to be long term. Quarter monthly payment status shall  
8 be determined under this paragraph as if the rate reduction to  
9 0% in Public Act 102-700 on food for human consumption that is  
10 to be consumed off the premises where it is sold (other than  
11 alcoholic beverages, food consisting of or infused with adult  
12 use cannabis, soft drinks, and food that has been prepared for  
13 immediate consumption) had not occurred. For quarter monthly  
14 payments due under this paragraph on or after July 1, 2023 and  
15 through June 30, 2024, "25% of the taxpayer's liability for  
16 the same calendar month of the preceding year" shall be  
17 determined as if the rate reduction to 0% in Public Act 102-700  
18 had not occurred. Quarter monthly payment status shall be  
19 determined under this paragraph as if the rate reduction to  
20 1.25% in Public Act 102-700 on sales tax holiday items had not  
21 occurred. For quarter monthly payments due on or after July 1,  
22 2023 and through June 30, 2024, "25% of the taxpayer's  
23 liability for the same calendar month of the preceding year"  
24 shall be determined as if the rate reduction to 1.25% in Public  
25 Act 102-700 on sales tax holiday items had not occurred. If any  
26 such quarter monthly payment is not paid at the time or in the

1 amount required by this Section, then the taxpayer shall be  
2 liable for penalties and interest on the difference between  
3 the minimum amount due as a payment and the amount of such  
4 quarter monthly payment actually and timely paid, except  
5 insofar as the taxpayer has previously made payments for that  
6 month to the Department in excess of the minimum payments  
7 previously due as provided in this Section. The Department  
8 shall make reasonable rules and regulations to govern the  
9 quarter monthly payment amount and quarter monthly payment  
10 dates for taxpayers who file on other than a calendar monthly  
11 basis.

12 The provisions of this paragraph apply before October 1,  
13 2001. Without regard to whether a taxpayer is required to make  
14 quarter monthly payments as specified above, any taxpayer who  
15 is required by Section 2d of this Act to collect and remit  
16 prepaid taxes and has collected prepaid taxes which average in  
17 excess of \$25,000 per month during the preceding 2 complete  
18 calendar quarters, shall file a return with the Department as  
19 required by Section 2f and shall make payments to the  
20 Department on or before the 7th, 15th, 22nd and last day of the  
21 month during which such liability is incurred. If the month  
22 during which such tax liability is incurred began prior to  
23 September 1, 1985 (the effective date of Public Act 84-221),  
24 each payment shall be in an amount not less than 22.5% of the  
25 taxpayer's actual liability under Section 2d. If the month  
26 during which such tax liability is incurred begins on or after

1 January 1, 1986, each payment shall be in an amount equal to  
2 22.5% of the taxpayer's actual liability for the month or  
3 27.5% of the taxpayer's liability for the same calendar month  
4 of the preceding calendar year. If the month during which such  
5 tax liability is incurred begins on or after January 1, 1987,  
6 each payment shall be in an amount equal to 22.5% of the  
7 taxpayer's actual liability for the month or 26.25% of the  
8 taxpayer's liability for the same calendar month of the  
9 preceding year. The amount of such quarter monthly payments  
10 shall be credited against the final tax liability of the  
11 taxpayer's return for that month filed under this Section or  
12 Section 2f, as the case may be. Once applicable, the  
13 requirement of the making of quarter monthly payments to the  
14 Department pursuant to this paragraph shall continue until  
15 such taxpayer's average monthly prepaid tax collections during  
16 the preceding 2 complete calendar quarters is \$25,000 or less.  
17 If any such quarter monthly payment is not paid at the time or  
18 in the amount required, the taxpayer shall be liable for  
19 penalties and interest on such difference, except insofar as  
20 the taxpayer has previously made payments for that month in  
21 excess of the minimum payments previously due.

22 The provisions of this paragraph apply on and after  
23 October 1, 2001. Without regard to whether a taxpayer is  
24 required to make quarter monthly payments as specified above,  
25 any taxpayer who is required by Section 2d of this Act to  
26 collect and remit prepaid taxes and has collected prepaid

1 taxes that average in excess of \$20,000 per month during the  
2 preceding 4 complete calendar quarters shall file a return  
3 with the Department as required by Section 2f and shall make  
4 payments to the Department on or before the 7th, 15th, 22nd,  
5 and last day of the month during which the liability is  
6 incurred. Each payment shall be in an amount equal to 22.5% of  
7 the taxpayer's actual liability for the month or 25% of the  
8 taxpayer's liability for the same calendar month of the  
9 preceding year. The amount of the quarter monthly payments  
10 shall be credited against the final tax liability of the  
11 taxpayer's return for that month filed under this Section or  
12 Section 2f, as the case may be. Once applicable, the  
13 requirement of the making of quarter monthly payments to the  
14 Department pursuant to this paragraph shall continue until the  
15 taxpayer's average monthly prepaid tax collections during the  
16 preceding 4 complete calendar quarters (excluding the month of  
17 highest liability and the month of lowest liability) is less  
18 than \$19,000 or until such taxpayer's average monthly  
19 liability to the Department as computed for each calendar  
20 quarter of the 4 preceding complete calendar quarters is less  
21 than \$20,000. If any such quarter monthly payment is not paid  
22 at the time or in the amount required, the taxpayer shall be  
23 liable for penalties and interest on such difference, except  
24 insofar as the taxpayer has previously made payments for that  
25 month in excess of the minimum payments previously due.

26 If any payment provided for in this Section exceeds the

1 taxpayer's liabilities under this Act, the Use Tax Act, the  
2 Service Occupation Tax Act, and the Service Use Tax Act, as  
3 shown on an original monthly return, the Department shall, if  
4 requested by the taxpayer, issue to the taxpayer a credit  
5 memorandum no later than 30 days after the date of payment. The  
6 credit evidenced by such credit memorandum may be assigned by  
7 the taxpayer to a similar taxpayer under this Act, the Use Tax  
8 Act, the Service Occupation Tax Act, or the Service Use Tax  
9 Act, in accordance with reasonable rules and regulations to be  
10 prescribed by the Department. If no such request is made, the  
11 taxpayer may credit such excess payment against tax liability  
12 subsequently to be remitted to the Department under this Act,  
13 the Use Tax Act, the Service Occupation Tax Act, or the Service  
14 Use Tax Act, in accordance with reasonable rules and  
15 regulations prescribed by the Department. If the Department  
16 subsequently determined that all or any part of the credit  
17 taken was not actually due to the taxpayer, the taxpayer's  
18 2.1% and 1.75% vendor's discount shall be reduced by 2.1% or  
19 1.75% of the difference between the credit taken and that  
20 actually due, and that taxpayer shall be liable for penalties  
21 and interest on such difference.

22 If a retailer of motor fuel is entitled to a credit under  
23 Section 2d of this Act which exceeds the taxpayer's liability  
24 to the Department under this Act for the month for which the  
25 taxpayer is filing a return, the Department shall issue the  
26 taxpayer a credit memorandum for the excess.

1           Beginning January 1, 1990, each month the Department shall  
2 pay into the Local Government Tax Fund, a special fund in the  
3 State treasury which is hereby created, the net revenue  
4 realized for the preceding month from the 1% tax imposed under  
5 this Act.

6           Beginning January 1, 1990, each month the Department shall  
7 pay into the County and Mass Transit District Fund, a special  
8 fund in the State treasury which is hereby created, 4% of the  
9 net revenue realized for the preceding month from the 6.25%  
10 general rate other than aviation fuel sold on or after  
11 December 1, 2019. This exception for aviation fuel only  
12 applies for so long as the revenue use requirements of 49  
13 U.S.C. 47107(b) and 49 U.S.C. 47133 are binding on the State.

14           Beginning August 1, 2000, each month the Department shall  
15 pay into the County and Mass Transit District Fund 20% of the  
16 net revenue realized for the preceding month from the 1.25%  
17 rate on the selling price of motor fuel and gasohol. If, in any  
18 month, the tax on sales tax holiday items, as defined in  
19 Section 2-8, is imposed at the rate of 1.25%, then the  
20 Department shall pay 20% of the net revenue realized for that  
21 month from the 1.25% rate on the selling price of sales tax  
22 holiday items into the County and Mass Transit District Fund.

23           Beginning January 1, 1990, each month the Department shall  
24 pay into the Local Government Tax Fund 16% of the net revenue  
25 realized for the preceding month from the 6.25% general rate  
26 on the selling price of tangible personal property other than

1 aviation fuel sold on or after December 1, 2019. This  
2 exception for aviation fuel only applies for so long as the  
3 revenue use requirements of 49 U.S.C. 47107(b) and 49 U.S.C.  
4 47133 are binding on the State.

5 For aviation fuel sold on or after December 1, 2019, each  
6 month the Department shall pay into the State Aviation Program  
7 Fund 20% of the net revenue realized for the preceding month  
8 from the 6.25% general rate on the selling price of aviation  
9 fuel, less an amount estimated by the Department to be  
10 required for refunds of the 20% portion of the tax on aviation  
11 fuel under this Act, which amount shall be deposited into the  
12 Aviation Fuel Sales Tax Refund Fund. The Department shall only  
13 pay moneys into the State Aviation Program Fund and the  
14 Aviation Fuel Sales Tax Refund Fund under this Act for so long  
15 as the revenue use requirements of 49 U.S.C. 47107(b) and 49  
16 U.S.C. 47133 are binding on the State.

17 Beginning August 1, 2000, each month the Department shall  
18 pay into the Local Government Tax Fund 80% of the net revenue  
19 realized for the preceding month from the 1.25% rate on the  
20 selling price of motor fuel and gasohol. If, in any month, the  
21 tax on sales tax holiday items, as defined in Section 2-8, is  
22 imposed at the rate of 1.25%, then the Department shall pay 80%  
23 of the net revenue realized for that month from the 1.25% rate  
24 on the selling price of sales tax holiday items into the Local  
25 Government Tax Fund.

26 Beginning October 1, 2009, each month the Department shall

1 pay into the Capital Projects Fund an amount that is equal to  
2 an amount estimated by the Department to represent 80% of the  
3 net revenue realized for the preceding month from the sale of  
4 candy, grooming and hygiene products, and soft drinks that had  
5 been taxed at a rate of 1% prior to September 1, 2009 but that  
6 are now taxed at 6.25%.

7 Beginning July 1, 2011, each month the Department shall  
8 pay into the Clean Air Act Permit Fund 80% of the net revenue  
9 realized for the preceding month from the 6.25% general rate  
10 on the selling price of sorbents used in Illinois in the  
11 process of sorbent injection as used to comply with the  
12 Environmental Protection Act or the federal Clean Air Act, but  
13 the total payment into the Clean Air Act Permit Fund under this  
14 Act and the Use Tax Act shall not exceed \$2,000,000 in any  
15 fiscal year.

16 Beginning July 1, 2013, each month the Department shall  
17 pay into the Underground Storage Tank Fund from the proceeds  
18 collected under this Act, the Use Tax Act, the Service Use Tax  
19 Act, and the Service Occupation Tax Act an amount equal to the  
20 average monthly deficit in the Underground Storage Tank Fund  
21 during the prior year, as certified annually by the Illinois  
22 Environmental Protection Agency, but the total payment into  
23 the Underground Storage Tank Fund under this Act, the Use Tax  
24 Act, the Service Use Tax Act, and the Service Occupation Tax  
25 Act shall not exceed \$18,000,000 in any State fiscal year. As  
26 used in this paragraph, the "average monthly deficit" shall be



1 equal to the difference between the average monthly claims for  
2 payment by the fund and the average monthly revenues deposited  
3 into the fund, excluding payments made pursuant to this  
4 paragraph.

5 Beginning July 1, 2015, of the remainder of the moneys  
6 received by the Department under the Use Tax Act, the Service  
7 Use Tax Act, the Service Occupation Tax Act, and this Act, each  
8 month the Department shall deposit \$500,000 into the State  
9 Crime Laboratory Fund.

10 Of the remainder of the moneys received by the Department  
11 pursuant to this Act, (a) 1.75% thereof shall be paid into the  
12 Build Illinois Fund and (b) prior to July 1, 1989, 2.2% and on  
13 and after July 1, 1989, 3.8% thereof shall be paid into the  
14 Build Illinois Fund; provided, however, that if in any fiscal  
15 year the sum of (1) the aggregate of 2.2% or 3.8%, as the case  
16 may be, of the moneys received by the Department and required  
17 to be paid into the Build Illinois Fund pursuant to this Act,  
18 Section 9 of the Use Tax Act, Section 9 of the Service Use Tax  
19 Act, and Section 9 of the Service Occupation Tax Act, such Acts  
20 being hereinafter called the "Tax Acts" and such aggregate of  
21 2.2% or 3.8%, as the case may be, of moneys being hereinafter  
22 called the "Tax Act Amount", and (2) the amount transferred to  
23 the Build Illinois Fund from the State and Local Sales Tax  
24 Reform Fund shall be less than the Annual Specified Amount (as  
25 hereinafter defined), an amount equal to the difference shall  
26 be immediately paid into the Build Illinois Fund from other

1 moneys received by the Department pursuant to the Tax Acts;  
2 the "Annual Specified Amount" means the amounts specified  
3 below for fiscal years 1986 through 1993:

4	Fiscal Year	Annual Specified Amount
5	1986	\$54,800,000
6	1987	\$76,650,000
7	1988	\$80,480,000
8	1989	\$88,510,000
9	1990	\$115,330,000
10	1991	\$145,470,000
11	1992	\$182,730,000
12	1993	\$206,520,000;

13 and means the Certified Annual Debt Service Requirement (as  
14 defined in Section 13 of the Build Illinois Bond Act) or the  
15 Tax Act Amount, whichever is greater, for fiscal year 1994 and  
16 each fiscal year thereafter; and further provided, that if on  
17 the last business day of any month the sum of (1) the Tax Act  
18 Amount required to be deposited into the Build Illinois Bond  
19 Account in the Build Illinois Fund during such month and (2)  
20 the amount transferred to the Build Illinois Fund from the  
21 State and Local Sales Tax Reform Fund shall have been less than  
22 1/12 of the Annual Specified Amount, an amount equal to the  
23 difference shall be immediately paid into the Build Illinois  
24 Fund from other moneys received by the Department pursuant to  
25 the Tax Acts; and, further provided, that in no event shall the  
26 payments required under the preceding proviso result in

1 aggregate payments into the Build Illinois Fund pursuant to  
2 this clause (b) for any fiscal year in excess of the greater of  
3 (i) the Tax Act Amount or (ii) the Annual Specified Amount for  
4 such fiscal year. The amounts payable into the Build Illinois  
5 Fund under clause (b) of the first sentence in this paragraph  
6 shall be payable only until such time as the aggregate amount  
7 on deposit under each trust indenture securing Bonds issued  
8 and outstanding pursuant to the Build Illinois Bond Act is  
9 sufficient, taking into account any future investment income,  
10 to fully provide, in accordance with such indenture, for the  
11 defeasance of or the payment of the principal of, premium, if  
12 any, and interest on the Bonds secured by such indenture and on  
13 any Bonds expected to be issued thereafter and all fees and  
14 costs payable with respect thereto, all as certified by the  
15 Director of the Bureau of the Budget (now Governor's Office of  
16 Management and Budget). If on the last business day of any  
17 month in which Bonds are outstanding pursuant to the Build  
18 Illinois Bond Act, the aggregate of moneys deposited in the  
19 Build Illinois Bond Account in the Build Illinois Fund in such  
20 month shall be less than the amount required to be transferred  
21 in such month from the Build Illinois Bond Account to the Build  
22 Illinois Bond Retirement and Interest Fund pursuant to Section  
23 13 of the Build Illinois Bond Act, an amount equal to such  
24 deficiency shall be immediately paid from other moneys  
25 received by the Department pursuant to the Tax Acts to the  
26 Build Illinois Fund; provided, however, that any amounts paid

1 to the Build Illinois Fund in any fiscal year pursuant to this  
2 sentence shall be deemed to constitute payments pursuant to  
3 clause (b) of the first sentence of this paragraph and shall  
4 reduce the amount otherwise payable for such fiscal year  
5 pursuant to that clause (b). The moneys received by the  
6 Department pursuant to this Act and required to be deposited  
7 into the Build Illinois Fund are subject to the pledge, claim  
8 and charge set forth in Section 12 of the Build Illinois Bond  
9 Act.

10 Subject to payment of amounts into the Build Illinois Fund  
11 as provided in the preceding paragraph or in any amendment  
12 thereto hereafter enacted, the following specified monthly  
13 installment of the amount requested in the certificate of the  
14 Chairman of the Metropolitan Pier and Exposition Authority  
15 provided under Section 8.25f of the State Finance Act, but not  
16 in excess of sums designated as "Total Deposit", shall be  
17 deposited in the aggregate from collections under Section 9 of  
18 the Use Tax Act, Section 9 of the Service Use Tax Act, Section  
19 9 of the Service Occupation Tax Act, and Section 3 of the  
20 Retailers' Occupation Tax Act into the McCormick Place  
21 Expansion Project Fund in the specified fiscal years.

22	Fiscal Year	Total Deposit
23	1993	\$0
24	1994	53,000,000
25	1995	58,000,000
26	1996	61,000,000

1	1997	64,000,000
2	1998	68,000,000
3	1999	71,000,000
4	2000	75,000,000
5	2001	80,000,000
6	2002	93,000,000
7	2003	99,000,000
8	2004	103,000,000
9	2005	108,000,000
10	2006	113,000,000
11	2007	119,000,000
12	2008	126,000,000
13	2009	132,000,000
14	2010	139,000,000
15	2011	146,000,000
16	2012	153,000,000
17	2013	161,000,000
18	2014	170,000,000
19	2015	179,000,000
20	2016	189,000,000
21	2017	199,000,000
22	2018	210,000,000
23	2019	221,000,000
24	2020	233,000,000
25	2021	300,000,000
26	2022	300,000,000

1	2023	300,000,000
2	2024	300,000,000
3	2025	300,000,000
4	2026	300,000,000
5	2027	375,000,000
6	2028	375,000,000
7	2029	375,000,000
8	2030	375,000,000
9	2031	375,000,000
10	2032	375,000,000
11	2033	375,000,000
12	2034	375,000,000
13	2035	375,000,000
14	2036	450,000,000

15 and

16 each fiscal year

17 thereafter that bonds

18 are outstanding under

19 Section 13.2 of the

20 Metropolitan Pier and

21 Exposition Authority Act,

22 but not after fiscal year 2060.

23 Beginning July 20, 1993 and in each month of each fiscal  
24 year thereafter, one-eighth of the amount requested in the  
25 certificate of the Chairman of the Metropolitan Pier and  
26 Exposition Authority for that fiscal year, less the amount

1 deposited into the McCormick Place Expansion Project Fund by  
2 the State Treasurer in the respective month under subsection  
3 (g) of Section 13 of the Metropolitan Pier and Exposition  
4 Authority Act, plus cumulative deficiencies in the deposits  
5 required under this Section for previous months and years,  
6 shall be deposited into the McCormick Place Expansion Project  
7 Fund, until the full amount requested for the fiscal year, but  
8 not in excess of the amount specified above as "Total  
9 Deposit", has been deposited.

10 Subject to payment of amounts into the Capital Projects  
11 Fund, the Clean Air Act Permit Fund, the Build Illinois Fund,  
12 and the McCormick Place Expansion Project Fund pursuant to the  
13 preceding paragraphs or in any amendments thereto hereafter  
14 enacted, for aviation fuel sold on or after December 1, 2019,  
15 the Department shall each month deposit into the Aviation Fuel  
16 Sales Tax Refund Fund an amount estimated by the Department to  
17 be required for refunds of the 80% portion of the tax on  
18 aviation fuel under this Act. The Department shall only  
19 deposit moneys into the Aviation Fuel Sales Tax Refund Fund  
20 under this paragraph for so long as the revenue use  
21 requirements of 49 U.S.C. 47107(b) and 49 U.S.C. 47133 are  
22 binding on the State.

23 Subject to payment of amounts into the Build Illinois Fund  
24 and the McCormick Place Expansion Project Fund pursuant to the  
25 preceding paragraphs or in any amendments thereto hereafter  
26 enacted, beginning July 1, 1993 and ending on September 30,

1 2013, the Department shall each month pay into the Illinois  
2 Tax Increment Fund 0.27% of 80% of the net revenue realized for  
3 the preceding month from the 6.25% general rate on the selling  
4 price of tangible personal property.

5 Subject to payment of amounts into the Build Illinois  
6 Fund, the McCormick Place Expansion Project Fund, and the  
7 Illinois Tax Increment Fund pursuant to the preceding  
8 paragraphs or in any amendments to this Section hereafter  
9 enacted, beginning on the first day of the first calendar  
10 month to occur on or after August 26, 2014 (the effective date  
11 of Public Act 98-1098), each month, from the collections made  
12 under Section 9 of the Use Tax Act, Section 9 of the Service  
13 Use Tax Act, Section 9 of the Service Occupation Tax Act, and  
14 Section 3 of the Retailers' Occupation Tax Act, the Department  
15 shall pay into the Tax Compliance and Administration Fund, to  
16 be used, subject to appropriation, to fund additional auditors  
17 and compliance personnel at the Department of Revenue, an  
18 amount equal to 1/12 of 5% of 80% of the cash receipts  
19 collected during the preceding fiscal year by the Audit Bureau  
20 of the Department under the Use Tax Act, the Service Use Tax  
21 Act, the Service Occupation Tax Act, the Retailers' Occupation  
22 Tax Act, and associated local occupation and use taxes  
23 administered by the Department.

24 Subject to payments of amounts into the Build Illinois  
25 Fund, the McCormick Place Expansion Project Fund, the Illinois  
26 Tax Increment Fund, the Energy Infrastructure Fund, and the



1 Tax Compliance and Administration Fund as provided in this  
2 Section, beginning on July 1, 2018 the Department shall pay  
3 each month into the Downstate Public Transportation Fund the  
4 moneys required to be so paid under Section 2-3 of the  
5 Downstate Public Transportation Act.

6 Subject to successful execution and delivery of a  
7 public-private agreement between the public agency and private  
8 entity and completion of the civic build, beginning on July 1,  
9 2023, of the remainder of the moneys received by the  
10 Department under the Use Tax Act, the Service Use Tax Act, the  
11 Service Occupation Tax Act, and this Act, the Department shall  
12 deposit the following specified deposits in the aggregate from  
13 collections under the Use Tax Act, the Service Use Tax Act, the  
14 Service Occupation Tax Act, and the Retailers' Occupation Tax  
15 Act, as required under Section 8.25g of the State Finance Act  
16 for distribution consistent with the Public-Private  
17 Partnership for Civic and Transit Infrastructure Project Act.  
18 The moneys received by the Department pursuant to this Act and  
19 required to be deposited into the Civic and Transit  
20 Infrastructure Fund are subject to the pledge, claim and  
21 charge set forth in Section 25-55 of the Public-Private  
22 Partnership for Civic and Transit Infrastructure Project Act.  
23 As used in this paragraph, "civic build", "private entity",  
24 "public-private agreement", and "public agency" have the  
25 meanings provided in Section 25-10 of the Public-Private  
26 Partnership for Civic and Transit Infrastructure Project Act.

1	Fiscal Year.....	Total Deposit
2	2024 .....	\$200,000,000
3	2025 .....	\$206,000,000
4	2026 .....	\$212,200,000
5	2027 .....	\$218,500,000
6	2028 .....	\$225,100,000
7	2029 .....	\$288,700,000
8	2030 .....	\$298,900,000
9	2031 .....	\$309,300,000
10	2032 .....	\$320,100,000
11	2033 .....	\$331,200,000
12	2034 .....	\$341,200,000
13	2035 .....	\$351,400,000
14	2036 .....	\$361,900,000
15	2037 .....	\$372,800,000
16	2038 .....	\$384,000,000
17	2039 .....	\$395,500,000
18	2040 .....	\$407,400,000
19	2041 .....	\$419,600,000
20	2042 .....	\$432,200,000
21	2043 .....	\$445,100,000

22           Beginning July 1, 2021 and until July 1, 2022, subject to  
 23 the payment of amounts into the County and Mass Transit  
 24 District Fund, the Local Government Tax Fund, the Build  
 25 Illinois Fund, the McCormick Place Expansion Project Fund, the  
 26 Illinois Tax Increment Fund, and the Tax Compliance and

1 Administration Fund as provided in this Section, the  
2 Department shall pay each month into the Road Fund the amount  
3 estimated to represent 16% of the net revenue realized from  
4 the taxes imposed on motor fuel and gasohol. Beginning July 1,  
5 2022 and until July 1, 2023, subject to the payment of amounts  
6 into the County and Mass Transit District Fund, the Local  
7 Government Tax Fund, the Build Illinois Fund, the McCormick  
8 Place Expansion Project Fund, the Illinois Tax Increment Fund,  
9 and the Tax Compliance and Administration Fund as provided in  
10 this Section, the Department shall pay each month into the  
11 Road Fund the amount estimated to represent 32% of the net  
12 revenue realized from the taxes imposed on motor fuel and  
13 gasohol. Beginning July 1, 2023 and until July 1, 2024,  
14 subject to the payment of amounts into the County and Mass  
15 Transit District Fund, the Local Government Tax Fund, the  
16 Build Illinois Fund, the McCormick Place Expansion Project  
17 Fund, the Illinois Tax Increment Fund, and the Tax Compliance  
18 and Administration Fund as provided in this Section, the  
19 Department shall pay each month into the Road Fund the amount  
20 estimated to represent 48% of the net revenue realized from  
21 the taxes imposed on motor fuel and gasohol. Beginning July 1,  
22 2024 and until July 1, 2025, subject to the payment of amounts  
23 into the County and Mass Transit District Fund, the Local  
24 Government Tax Fund, the Build Illinois Fund, the McCormick  
25 Place Expansion Project Fund, the Illinois Tax Increment Fund,  
26 and the Tax Compliance and Administration Fund as provided in

1 this Section, the Department shall pay each month into the  
2 Road Fund the amount estimated to represent 64% of the net  
3 revenue realized from the taxes imposed on motor fuel and  
4 gasohol. Beginning on July 1, 2025, subject to the payment of  
5 amounts into the County and Mass Transit District Fund, the  
6 Local Government Tax Fund, the Build Illinois Fund, the  
7 McCormick Place Expansion Project Fund, the Illinois Tax  
8 Increment Fund, and the Tax Compliance and Administration Fund  
9 as provided in this Section, the Department shall pay each  
10 month into the Road Fund the amount estimated to represent 80%  
11 of the net revenue realized from the taxes imposed on motor  
12 fuel and gasohol. As used in this paragraph "motor fuel" has  
13 the meaning given to that term in Section 1.1 of the Motor Fuel  
14 Tax Law, and "gasohol" has the meaning given to that term in  
15 Section 3-40 of the Use Tax Act.

16 Of the remainder of the moneys received by the Department  
17 pursuant to this Act, 75% thereof shall be paid into the State  
18 treasury and 25% shall be reserved in a special account and  
19 used only for the transfer to the Common School Fund as part of  
20 the monthly transfer from the General Revenue Fund in  
21 accordance with Section 8a of the State Finance Act.

22 The Department may, upon separate written notice to a  
23 taxpayer, require the taxpayer to prepare and file with the  
24 Department on a form prescribed by the Department within not  
25 less than 60 days after receipt of the notice an annual  
26 information return for the tax year specified in the notice.

1 Such annual return to the Department shall include a statement  
2 of gross receipts as shown by the retailer's last federal  
3 ~~Federal~~ income tax return. If the total receipts of the  
4 business as reported in the federal ~~Federal~~ income tax return  
5 do not agree with the gross receipts reported to the  
6 Department of Revenue for the same period, the retailer shall  
7 attach to his annual return a schedule showing a  
8 reconciliation of the 2 amounts and the reasons for the  
9 difference. The retailer's annual return to the Department  
10 shall also disclose the cost of goods sold by the retailer  
11 during the year covered by such return, opening and closing  
12 inventories of such goods for such year, costs of goods used  
13 from stock or taken from stock and given away by the retailer  
14 during such year, payroll information of the retailer's  
15 business during such year and any additional reasonable  
16 information which the Department deems would be helpful in  
17 determining the accuracy of the monthly, quarterly, or annual  
18 returns filed by such retailer as provided for in this  
19 Section.

20 If the annual information return required by this Section  
21 is not filed when and as required, the taxpayer shall be liable  
22 as follows:

23 (i) Until January 1, 1994, the taxpayer shall be  
24 liable for a penalty equal to 1/6 of 1% of the tax due from  
25 such taxpayer under this Act during the period to be  
26 covered by the annual return for each month or fraction of

1 a month until such return is filed as required, the  
2 penalty to be assessed and collected in the same manner as  
3 any other penalty provided for in this Act.

4 (ii) On and after January 1, 1994, the taxpayer shall  
5 be liable for a penalty as described in Section 3-4 of the  
6 Uniform Penalty and Interest Act.

7 The chief executive officer, proprietor, owner, or highest  
8 ranking manager shall sign the annual return to certify the  
9 accuracy of the information contained therein. Any person who  
10 willfully signs the annual return containing false or  
11 inaccurate information shall be guilty of perjury and punished  
12 accordingly. The annual return form prescribed by the  
13 Department shall include a warning that the person signing the  
14 return may be liable for perjury.

15 The provisions of this Section concerning the filing of an  
16 annual information return do not apply to a retailer who is not  
17 required to file an income tax return with the United States  
18 Government.

19 As soon as possible after the first day of each month, upon  
20 certification of the Department of Revenue, the Comptroller  
21 shall order transferred and the Treasurer shall transfer from  
22 the General Revenue Fund to the Motor Fuel Tax Fund an amount  
23 equal to 1.7% of 80% of the net revenue realized under this Act  
24 for the second preceding month. Beginning April 1, 2000, this  
25 transfer is no longer required and shall not be made.

26 Net revenue realized for a month shall be the revenue

1 collected by the State pursuant to this Act, less the amount  
2 paid out during that month as refunds to taxpayers for  
3 overpayment of liability.

4 For greater simplicity of administration, manufacturers,  
5 importers and wholesalers whose products are sold at retail in  
6 Illinois by numerous retailers, and who wish to do so, may  
7 assume the responsibility for accounting and paying to the  
8 Department all tax accruing under this Act with respect to  
9 such sales, if the retailers who are affected do not make  
10 written objection to the Department to this arrangement.

11 Any person who promotes, organizes, or provides retail  
12 selling space for concessionaires or other types of sellers at  
13 the Illinois State Fair, DuQuoin State Fair, county fairs,  
14 local fairs, art shows, flea markets, and similar exhibitions  
15 or events, including any transient merchant as defined by  
16 Section 2 of the Transient Merchant Act of 1987, is required to  
17 file a report with the Department providing the name of the  
18 merchant's business, the name of the person or persons engaged  
19 in merchant's business, the permanent address and Illinois  
20 Retailers Occupation Tax Registration Number of the merchant,  
21 the dates and location of the event, and other reasonable  
22 information that the Department may require. The report must  
23 be filed not later than the 20th day of the month next  
24 following the month during which the event with retail sales  
25 was held. Any person who fails to file a report required by  
26 this Section commits a business offense and is subject to a

1 fine not to exceed \$250.

2 Any person engaged in the business of selling tangible  
3 personal property at retail as a concessionaire or other type  
4 of seller at the Illinois State Fair, county fairs, art shows,  
5 flea markets, and similar exhibitions or events, or any  
6 transient merchants, as defined by Section 2 of the Transient  
7 Merchant Act of 1987, may be required to make a daily report of  
8 the amount of such sales to the Department and to make a daily  
9 payment of the full amount of tax due. The Department shall  
10 impose this requirement when it finds that there is a  
11 significant risk of loss of revenue to the State at such an  
12 exhibition or event. Such a finding shall be based on evidence  
13 that a substantial number of concessionaires or other sellers  
14 who are not residents of Illinois will be engaging in the  
15 business of selling tangible personal property at retail at  
16 the exhibition or event, or other evidence of a significant  
17 risk of loss of revenue to the State. The Department shall  
18 notify concessionaires and other sellers affected by the  
19 imposition of this requirement. In the absence of notification  
20 by the Department, the concessionaires and other sellers shall  
21 file their returns as otherwise required in this Section.

22 (Source: P.A. 102-634, eff. 8-27-21; 102-700, Article 60,  
23 Section 60-30, eff. 4-19-22; 102-700, Article 65, Section  
24 65-10, eff. 4-19-22; 102-813, eff. 5-13-22; 102-1019, eff.  
25 1-1-23; 103-9, eff. 6-7-23; 103-154, eff. 6-30-23; 103-363,  
26 eff. 7-28-23; revised 9-27-23.)



1           Section 210. The Cigarette Tax Act is amended by changing  
2 Section 2 as follows:

3           (35 ILCS 130/2) (from Ch. 120, par. 453.2)

4           Sec. 2. Tax imposed; rate; collection, payment, and  
5 distribution; discount.

6           (a) Beginning on July 1, 2019, in place of the aggregate  
7 tax rate of 99 mills previously imposed by this Act, a tax is  
8 imposed upon any person engaged in business as a retailer of  
9 cigarettes at the rate of 149 mills per cigarette sold or  
10 otherwise disposed of in the course of such business in this  
11 State.

12           (b) The payment of such taxes shall be evidenced by a stamp  
13 affixed to each original package of cigarettes, or an  
14 authorized substitute for such stamp imprinted on each  
15 original package of such cigarettes underneath the sealed  
16 transparent outside wrapper of such original package, as  
17 hereinafter provided. However, such taxes are not imposed upon  
18 any activity in such business in interstate commerce or  
19 otherwise, which activity may not under the Constitution and  
20 statutes of the United States be made the subject of taxation  
21 by this State.

22           Out of the 149 mills per cigarette tax imposed by  
23 subsection (a), until July 1, 2023, the revenues received from  
24 4 mills shall be paid into the Common School Fund each month,

1 not to exceed \$9,000,000 per month. Out of the 149 mills per  
2 cigarette tax imposed by subsection (a), until July 1, 2023,  
3 all of the revenues received from 7 mills shall be paid into  
4 the Common School Fund each month. Out of the 149 mills per  
5 cigarette tax imposed by subsection (a), until July 1, 2023,  
6 50 mills per cigarette each month shall be paid into the  
7 Healthcare Provider Relief Fund.

8 Beginning on July 1, 2006 and until July 1, 2023, all of  
9 the moneys received by the Department of Revenue pursuant to  
10 this Act and the Cigarette Use Tax Act, other than the moneys  
11 that are dedicated to the Common School Fund and, beginning on  
12 June 14, 2012 (the effective date of Public Act 97-688) ~~this~~  
13 ~~amendatory Act of the 97th General Assembly~~, other than the  
14 moneys from the additional taxes imposed by Public Act 97-688  
15 ~~this amendatory Act of the 97th General Assembly~~ that must be  
16 paid each month into the Healthcare Provider Relief Fund<sup>7</sup> and  
17 other than the moneys from the additional taxes imposed by  
18 Public Act 101-31 ~~this amendatory Act of the 101st General~~  
19 ~~Assembly~~ that must be paid each month under subsection (c),  
20 shall be distributed each month as follows: first, there shall  
21 be paid into the General Revenue Fund an amount that, when  
22 added to the amount paid into the Common School Fund for that  
23 month, equals \$29,200,000; then, from the moneys remaining, if  
24 any amounts required to be paid into the General Revenue Fund  
25 in previous months remain unpaid, those amounts shall be paid  
26 into the General Revenue Fund; then from the moneys remaining,

1 \$5,000,000 per month shall be paid into the School  
2 Infrastructure Fund; then, if any amounts required to be paid  
3 into the School Infrastructure Fund in previous months remain  
4 unpaid, those amounts shall be paid into the School  
5 Infrastructure Fund; then the moneys remaining, if any, shall  
6 be paid into the Long-Term Care Provider Fund. Any amounts  
7 required to be paid into the General Revenue Fund, the School  
8 Infrastructure Fund, the Long-Term Care Provider Fund, the  
9 Common School Fund, the Capital Projects Fund, or the  
10 Healthcare Provider Relief Fund under this subsection that  
11 remain unpaid as of July 1, 2023 shall be deemed satisfied on  
12 that date, eliminating any deficiency accrued through that  
13 date.

14 (c) Beginning on July 1, 2019 and until July 1, 2023, all  
15 of the moneys from the additional taxes imposed by Public Act  
16 101-31, except for moneys received from the tax on electronic  
17 cigarettes, received by the Department of Revenue pursuant to  
18 this Act, the Cigarette Use Tax Act, and the Tobacco Products  
19 Tax Act of 1995 shall be distributed each month into the  
20 Capital Projects Fund.

21 (c-5) Beginning on July 1, 2023, all of the moneys  
22 received by the Department of Revenue pursuant to (i) this  
23 Act, (ii) the Cigarette Use Tax Act, and (iii) the tax imposed  
24 on little cigars under Section 10-10 of the Tobacco Products  
25 Tax Act of 1995 shall be paid each month as follows:

26 (1) 7% into the Common School Fund;

1 (2) 34% into the Healthcare Provider Relief Fund;

2 (3) 34% into the Capital Projects Fund; and

3 (4) 25% into the General Revenue Fund.

4 (d) Until July 1, 2023, except for moneys received from  
5 the additional taxes imposed by Public Act 101-31, moneys  
6 collected from the tax imposed on little cigars under Section  
7 10-10 of the Tobacco Products Tax Act of 1995 shall be included  
8 with the moneys collected under the Cigarette Tax Act and the  
9 Cigarette Use Tax Act when making distributions to the Common  
10 School Fund, the Healthcare Provider Relief Fund, the General  
11 Revenue Fund, the School Infrastructure Fund, and the  
12 Long-Term Care Provider Fund under this Section. Any amounts,  
13 including moneys collected from the tax imposed on little  
14 cigars under Section 10-10 of the Tobacco Products Tax Act of  
15 1995, that are required to be paid into the General Revenue  
16 Fund, the School Infrastructure Fund, the Long-Term Care  
17 Provider Fund, the Common School Fund, the Capital Projects  
18 Fund, or the Healthcare Provider Relief Fund under subsection  
19 (b) that remain unpaid as of July 1, 2023 shall be deemed  
20 satisfied on that date, eliminating any deficiency accrued  
21 through that date. Beginning on July 1, 2023, moneys collected  
22 from the tax imposed on little cigars under Section 10-10 of  
23 the Tobacco Products Tax Act of 1995 shall be included with the  
24 moneys collected under the Cigarette Tax Act and the Cigarette  
25 Use Tax Act when making distributions under subsection  
26 ~~subsections~~ (c-5).

1           (e) If the tax imposed herein terminates or has  
2 terminated, distributors who have bought stamps while such tax  
3 was in effect and who therefore paid such tax, but who can  
4 show, to the Department's satisfaction, that they sold the  
5 cigarettes to which they affixed such stamps after such tax  
6 had terminated and did not recover the tax or its equivalent  
7 from purchasers, shall be allowed by the Department to take  
8 credit for such absorbed tax against subsequent tax stamp  
9 purchases from the Department by such distributor.

10          (f) The impact of the tax levied by this Act is imposed  
11 upon the retailer and shall be prepaid or pre-collected by the  
12 distributor for the purpose of convenience and facility only,  
13 and the amount of the tax shall be added to the price of the  
14 cigarettes sold by such distributor. Collection of the tax  
15 shall be evidenced by a stamp or stamps affixed to each  
16 original package of cigarettes, as hereinafter provided. Any  
17 distributor who purchases stamps may credit any excess  
18 payments verified by the Department against amounts  
19 subsequently due for the purchase of additional stamps, until  
20 such time as no excess payment remains.

21          (g) Each distributor shall collect the tax from the  
22 retailer at or before the time of the sale, shall affix the  
23 stamps as hereinafter required, and shall remit the tax  
24 collected from retailers to the Department, as hereinafter  
25 provided. Any distributor who fails to properly collect and  
26 pay the tax imposed by this Act shall be liable for the tax.

1 (h) Any distributor having cigarettes in his or her  
2 possession on July 1, 2019 to which tax stamps have been  
3 affixed, and any distributor having stamps in his or her  
4 possession on July 1, 2019 that have not been affixed to  
5 packages of cigarettes before July 1, 2019, is required to pay  
6 the additional tax that begins on July 1, 2019 imposed by  
7 Public Act 101-31 ~~this amendatory Act of the 101st General~~  
8 ~~Assembly~~ to the extent that the volume of affixed and  
9 unaffixed stamps in the distributor's possession on July 1,  
10 2019 exceeds the average monthly volume of cigarette stamps  
11 purchased by the distributor in calendar year 2018. This  
12 payment, less the discount provided in subsection (l), is due  
13 when the distributor first makes a purchase of cigarette  
14 stamps on or after July 1, 2019 or on the first due date of a  
15 return under this Act occurring on or after July 1, 2019,  
16 whichever occurs first. Those distributors may elect to pay  
17 the additional tax on packages of cigarettes to which stamps  
18 have been affixed and on any stamps in the distributor's  
19 possession that have not been affixed to packages of  
20 cigarettes in their possession on July 1, 2019 over a period  
21 not to exceed 12 months from the due date of the additional tax  
22 by notifying the Department in writing. The first payment for  
23 distributors making such election is due when the distributor  
24 first makes a purchase of cigarette tax stamps on or after July  
25 1, 2019 or on the first due date of a return under this Act  
26 occurring on or after July 1, 2019, whichever occurs first.

1 Distributors making such an election are not entitled to take  
2 the discount provided in subsection (l) on such payments.

3 (i) Any retailer having cigarettes in its possession on  
4 July 1, 2019 to which tax stamps have been affixed is not  
5 required to pay the additional tax that begins on July 1, 2019  
6 imposed by Public Act 101-31 ~~this amendatory Act of the 101st~~  
7 ~~General Assembly~~ on those stamped cigarettes.

8 (j) Distributors making sales of cigarettes to secondary  
9 distributors shall add the amount of the tax to the price of  
10 the cigarettes sold by the distributors. Secondary  
11 distributors making sales of cigarettes to retailers shall  
12 include the amount of the tax in the price of the cigarettes  
13 sold to retailers. The amount of tax shall not be less than the  
14 amount of taxes imposed by the State and all local  
15 jurisdictions. The amount of local taxes shall be calculated  
16 based on the location of the retailer's place of business  
17 shown on the retailer's certificate of registration or  
18 sub-registration issued to the retailer pursuant to Section 2a  
19 of the Retailers' Occupation Tax Act. The original packages of  
20 cigarettes sold to the retailer shall bear all the required  
21 stamps, or other indicia, for the taxes included in the price  
22 of cigarettes.

23 (k) The amount of the Cigarette Tax imposed by this Act  
24 shall be separately stated, apart from the price of the goods,  
25 by distributors, manufacturer representatives, secondary  
26 distributors, and retailers, in all bills and sales invoices.

1           (1) The distributor shall be required to collect the tax  
2 provided under subsection (a) ~~paragraph (a) hereof~~, and, to  
3 cover the costs of such collection, shall be allowed a  
4 discount during any year commencing July 1st and ending the  
5 following June 30th in accordance with the schedule set out  
6 hereinbelow, which discount shall be allowed at the time of  
7 purchase of the stamps when purchase is required by this Act,  
8 or at the time when the tax is remitted to the Department  
9 without the purchase of stamps from the Department when that  
10 method of paying the tax is required or authorized by this Act.

11           On and after December 1, 1985, a discount equal to 1.75% of  
12 the amount of the tax payable under this Act up to and  
13 including the first \$3,000,000 paid hereunder by such  
14 distributor to the Department during any such year and 1.5% of  
15 the amount of any additional tax paid hereunder by such  
16 distributor to the Department during any such year shall  
17 apply.

18           Two or more distributors that use a common means of  
19 affixing revenue tax stamps or that are owned or controlled by  
20 the same interests shall be treated as a single distributor  
21 for the purpose of computing the discount.

22           (m) The taxes herein imposed are in addition to all other  
23 occupation or privilege taxes imposed by the State of  
24 Illinois, or by any political subdivision thereof, or by any  
25 municipal corporation.

26           (Source: P.A. 103-9, eff. 6-7-23; revised 9-28-23.)



1           Section 215. The Uniform Penalty and Interest Act is  
2 amended by changing Section 3-3 as follows:

3           (35 ILCS 735/3-3) (from Ch. 120, par. 2603-3)

4           Sec. 3-3. Penalty for failure to file or pay.

5           (a) This subsection (a) is applicable before January 1,  
6 1996. A penalty of 5% of the tax required to be shown due on a  
7 return shall be imposed for failure to file the tax return on  
8 or before the due date prescribed for filing determined with  
9 regard for any extension of time for filing (penalty for late  
10 filing or nonfiling). If any unprocessable return is corrected  
11 and filed within 21 days after notice by the Department, the  
12 late filing or nonfiling penalty shall not apply. If a penalty  
13 for late filing or nonfiling is imposed in addition to a  
14 penalty for late payment, the total penalty due shall be the  
15 sum of the late filing penalty and the applicable late payment  
16 penalty. Beginning on August 18, 1995 (the effective date of  
17 Public Act 89-379) ~~this amendatory Act of 1995~~, in the case of  
18 any type of tax return required to be filed more frequently  
19 than annually, when the failure to file the tax return on or  
20 before the date prescribed for filing (including any  
21 extensions) is shown to be nonfraudulent and has not occurred  
22 in the 2 years immediately preceding the failure to file on the  
23 prescribed due date, the penalty imposed by Section 3-3(a)  
24 shall be abated.

1           (a-5) This subsection (a-5) is applicable to returns due  
2 on and after January 1, 1996 and on or before December 31,  
3 2000. A penalty equal to 2% of the tax required to be shown due  
4 on a return, up to a maximum amount of \$250, determined without  
5 regard to any part of the tax that is paid on time or by any  
6 credit that was properly allowable on the date the return was  
7 required to be filed, shall be imposed for failure to file the  
8 tax return on or before the due date prescribed for filing  
9 determined with regard for any extension of time for filing.  
10 However, if any return is not filed within 30 days after notice  
11 of nonfiling mailed by the Department to the last known  
12 address of the taxpayer contained in Department records, an  
13 additional penalty amount shall be imposed equal to the  
14 greater of \$250 or 2% of the tax shown on the return. However,  
15 the additional penalty amount may not exceed \$5,000 and is  
16 determined without regard to any part of the tax that is paid  
17 on time or by any credit that was properly allowable on the  
18 date the return was required to be filed (penalty for late  
19 filing or nonfiling). If any unprocessable return is corrected  
20 and filed within 30 days after notice by the Department, the  
21 late filing or nonfiling penalty shall not apply. If a penalty  
22 for late filing or nonfiling is imposed in addition to a  
23 penalty for late payment, the total penalty due shall be the  
24 sum of the late filing penalty and the applicable late payment  
25 penalty. In the case of any type of tax return required to be  
26 filed more frequently than annually, when the failure to file

1 the tax return on or before the date prescribed for filing  
2 (including any extensions) is shown to be nonfraudulent and  
3 has not occurred in the 2 years immediately preceding the  
4 failure to file on the prescribed due date, the penalty  
5 imposed by Section 3-3(a-5) shall be abated.

6 (a-10) This subsection (a-10) is applicable to returns due  
7 on and after January 1, 2001. A penalty equal to 2% of the tax  
8 required to be shown due on a return, up to a maximum amount of  
9 \$250, reduced by any tax that is paid on time or by any credit  
10 that was properly allowable on the date the return was  
11 required to be filed, shall be imposed for failure to file the  
12 tax return on or before the due date prescribed for filing  
13 determined with regard for any extension of time for filing.  
14 However, if any return is not filed within 30 days after notice  
15 of nonfiling mailed by the Department to the last known  
16 address of the taxpayer contained in Department records, an  
17 additional penalty amount shall be imposed equal to the  
18 greater of \$250 or 2% of the tax shown on the return. However,  
19 the additional penalty amount may not exceed \$5,000 and is  
20 determined without regard to any part of the tax that is paid  
21 on time or by any credit that was properly allowable on the  
22 date the return was required to be filed (penalty for late  
23 filing or nonfiling). If any unprocessable return is corrected  
24 and filed within 30 days after notice by the Department, the  
25 late filing or nonfiling penalty shall not apply. If a penalty  
26 for late filing or nonfiling is imposed in addition to a

1 penalty for late payment, the total penalty due shall be the  
2 sum of the late filing penalty and the applicable late payment  
3 penalty. In the case of any type of tax return required to be  
4 filed more frequently than annually, when the failure to file  
5 the tax return on or before the date prescribed for filing  
6 (including any extensions) is shown to be nonfraudulent and  
7 has not occurred in the 2 years immediately preceding the  
8 failure to file on the prescribed due date, the penalty  
9 imposed by this subsection (a-10) shall be abated. This  
10 subsection (a-10) does not apply to transaction reporting  
11 returns required by Section 3 of the Retailers' Occupation Tax  
12 Act and Section 9 of the Use Tax Act that would not, when  
13 properly prepared and filed, result in the imposition of a  
14 tax; however, those returns are subject to the penalty set  
15 forth in subsection (a-15).

16 (a-15) A penalty of \$100 shall be imposed for failure to  
17 file a transaction reporting return required by Section 3 of  
18 the Retailers' Occupation Tax Act and Section 9 of the Use Tax  
19 Act on or before the date a return is required to be filed;  
20 provided, however, that this penalty shall be imposed only if  
21 the return when properly prepared and filed would not result  
22 in the imposition of a tax. If such a transaction reporting  
23 return would result in the imposition of a tax when properly  
24 prepared and filed, then that return is subject to the  
25 provisions of subsection (a-10).

26 (b) This subsection is applicable before January 1, 1998.

1 A penalty of 15% of the tax shown on the return or the tax  
2 required to be shown due on the return shall be imposed for  
3 failure to pay:

4 (1) the tax shown due on the return on or before the  
5 due date prescribed for payment of that tax, an amount of  
6 underpayment of estimated tax, or an amount that is  
7 reported in an amended return other than an amended return  
8 timely filed as required by subsection (b) of Section 506  
9 of the Illinois Income Tax Act (penalty for late payment  
10 or nonpayment of admitted liability); or

11 (2) the full amount of any tax required to be shown due  
12 on a return and which is not shown (penalty for late  
13 payment or nonpayment of additional liability), within 30  
14 days after a notice of arithmetic error, notice and  
15 demand, or a final assessment is issued by the Department.  
16 In the case of a final assessment arising following a  
17 protest and hearing, the 30-day period shall not begin  
18 until all proceedings in court for review of the final  
19 assessment have terminated or the period for obtaining a  
20 review has expired without proceedings for a review having  
21 been instituted. In the case of a notice of tax liability  
22 that becomes a final assessment without a protest and  
23 hearing, the penalty provided in this paragraph (2) shall  
24 be imposed at the expiration of the period provided for  
25 the filing of a protest.

26 (b-5) This subsection is applicable to returns due on and

1 after January 1, 1998 and on or before December 31, 2000. A  
2 penalty of 20% of the tax shown on the return or the tax  
3 required to be shown due on the return shall be imposed for  
4 failure to pay:

5 (1) the tax shown due on the return on or before the  
6 due date prescribed for payment of that tax, an amount of  
7 underpayment of estimated tax, or an amount that is  
8 reported in an amended return other than an amended return  
9 timely filed as required by subsection (b) of Section 506  
10 of the Illinois Income Tax Act (penalty for late payment  
11 or nonpayment of admitted liability); or

12 (2) the full amount of any tax required to be shown due  
13 on a return and which is not shown (penalty for late  
14 payment or nonpayment of additional liability), within 30  
15 days after a notice of arithmetic error, notice and  
16 demand, or a final assessment is issued by the Department.  
17 In the case of a final assessment arising following a  
18 protest and hearing, the 30-day period shall not begin  
19 until all proceedings in court for review of the final  
20 assessment have terminated or the period for obtaining a  
21 review has expired without proceedings for a review having  
22 been instituted. In the case of a notice of tax liability  
23 that becomes a final assessment without a protest and  
24 hearing, the penalty provided in this paragraph (2) shall  
25 be imposed at the expiration of the period provided for  
26 the filing of a protest.

1 (b-10) This subsection (b-10) is applicable to returns due  
2 on and after January 1, 2001 and on or before December 31,  
3 2003. A penalty shall be imposed for failure to pay:

4 (1) the tax shown due on a return on or before the due  
5 date prescribed for payment of that tax, an amount of  
6 underpayment of estimated tax, or an amount that is  
7 reported in an amended return other than an amended return  
8 timely filed as required by subsection (b) of Section 506  
9 of the Illinois Income Tax Act (penalty for late payment  
10 or nonpayment of admitted liability). The amount of  
11 penalty imposed under this subsection (b-10)(1) shall be  
12 2% of any amount that is paid no later than 30 days after  
13 the due date, 5% of any amount that is paid later than 30  
14 days after the due date and not later than 90 days after  
15 the due date, 10% of any amount that is paid later than 90  
16 days after the due date and not later than 180 days after  
17 the due date, and 15% of any amount that is paid later than  
18 180 days after the due date. If notice and demand is made  
19 for the payment of any amount of tax due and if the amount  
20 due is paid within 30 days after the date of the notice and  
21 demand, then the penalty for late payment or nonpayment of  
22 admitted liability under this subsection (b-10)(1) on the  
23 amount so paid shall not accrue for the period after the  
24 date of the notice and demand.

25 (2) the full amount of any tax required to be shown due  
26 on a return and that is not shown (penalty for late payment

1 or nonpayment of additional liability), within 30 days  
2 after a notice of arithmetic error, notice and demand, or  
3 a final assessment is issued by the Department. In the  
4 case of a final assessment arising following a protest and  
5 hearing, the 30-day period shall not begin until all  
6 proceedings in court for review of the final assessment  
7 have terminated or the period for obtaining a review has  
8 expired without proceedings for a review having been  
9 instituted. The amount of penalty imposed under this  
10 subsection (b-10)(2) shall be 20% of any amount that is  
11 not paid within the 30-day period. In the case of a notice  
12 of tax liability that becomes a final assessment without a  
13 protest and hearing, the penalty provided in this  
14 subsection (b-10)(2) shall be imposed at the expiration of  
15 the period provided for the filing of a protest.

16 (b-15) This subsection (b-15) is applicable to returns due  
17 on and after January 1, 2004 and on or before December 31,  
18 2004. A penalty shall be imposed for failure to pay the tax  
19 shown due or required to be shown due on a return on or before  
20 the due date prescribed for payment of that tax, an amount of  
21 underpayment of estimated tax, or an amount that is reported  
22 in an amended return other than an amended return timely filed  
23 as required by subsection (b) of Section 506 of the Illinois  
24 Income Tax Act (penalty for late payment or nonpayment of  
25 admitted liability). The amount of penalty imposed under this  
26 subsection (b-15)~~(1)~~ shall be 2% of any amount that is paid no



1 later than 30 days after the due date, 10% of any amount that  
2 is paid later than 30 days after the due date and not later  
3 than 90 days after the due date, 15% of any amount that is paid  
4 later than 90 days after the due date and not later than 180  
5 days after the due date, and 20% of any amount that is paid  
6 later than 180 days after the due date. If notice and demand is  
7 made for the payment of any amount of tax due and if the amount  
8 due is paid within 30 days after the date of this notice and  
9 demand, then the penalty for late payment or nonpayment of  
10 admitted liability under this subsection (b-15)~~(1)~~ on the  
11 amount so paid shall not accrue for the period after the date  
12 of the notice and demand.

13 (b-20) This subsection (b-20) is applicable to returns due  
14 on and after January 1, 2005 and before January 1, 2024.

15 (1) A penalty shall be imposed for failure to pay,  
16 prior to the due date for payment, any amount of tax the  
17 payment of which is required to be made prior to the filing  
18 of a return or without a return (penalty for late payment  
19 or nonpayment of estimated or accelerated tax). The amount  
20 of penalty imposed under this paragraph (1) shall be 2% of  
21 any amount that is paid no later than 30 days after the due  
22 date and 10% of any amount that is paid later than 30 days  
23 after the due date.

24 (2) A penalty shall be imposed for failure to pay the  
25 tax shown due or required to be shown due on a return on or  
26 before the due date prescribed for payment of that tax or

1 an amount that is reported in an amended return other than  
2 an amended return timely filed as required by subsection  
3 (b) of Section 506 of the Illinois Income Tax Act (penalty  
4 for late payment or nonpayment of tax). The amount of  
5 penalty imposed under this paragraph (2) shall be 2% of  
6 any amount that is paid no later than 30 days after the due  
7 date, 10% of any amount that is paid later than 30 days  
8 after the due date and prior to the date the Department has  
9 initiated an audit or investigation of the taxpayer, and  
10 20% of any amount that is paid after the date the  
11 Department has initiated an audit or investigation of the  
12 taxpayer; provided that the penalty shall be reduced to  
13 15% if the entire amount due is paid not later than 30 days  
14 after the Department has provided the taxpayer with an  
15 amended return (following completion of an occupation,  
16 use, or excise tax audit) or a form for waiver of  
17 restrictions on assessment (following completion of an  
18 income tax audit); provided further that the reduction to  
19 15% shall be rescinded if the taxpayer makes any claim for  
20 refund or credit of the tax, penalties, or interest  
21 determined to be due upon audit, except in the case of a  
22 claim filed pursuant to subsection (b) of Section 506 of  
23 the Illinois Income Tax Act or to claim a carryover of a  
24 loss or credit, the availability of which was not  
25 determined in the audit. For purposes of this paragraph  
26 (2), any overpayment reported on an original return that

1 has been allowed as a refund or credit to the taxpayer  
2 shall be deemed to have not been paid on or before the due  
3 date for payment and any amount paid under protest  
4 pursuant to the provisions of the State Officers and  
5 Employees Money Disposition Act shall be deemed to have  
6 been paid after the Department has initiated an audit and  
7 more than 30 days after the Department has provided the  
8 taxpayer with an amended return (following completion of  
9 an occupation, use, or excise tax audit) or a form for  
10 waiver of restrictions on assessment (following completion  
11 of an income tax audit).

12 (3) The penalty imposed under this subsection (b-20)  
13 shall be deemed assessed at the time the tax upon which the  
14 penalty is computed is assessed, except that, if the  
15 reduction of the penalty imposed under paragraph (2) of  
16 this subsection (b-20) to 15% is rescinded because a claim  
17 for refund or credit has been filed, the increase in  
18 penalty shall be deemed assessed at the time the claim for  
19 refund or credit is filed.

20 (b-25) This subsection (b-25) is applicable to returns due  
21 on or after January 1, 2024.

22 (1) A penalty shall be imposed for failure to pay,  
23 prior to the due date for payment, any amount of tax the  
24 payment of which is required to be made prior to the filing  
25 of a return or without a return (penalty for late payment  
26 or nonpayment of estimated or accelerated tax). The amount

1 of penalty imposed under this paragraph (1) shall be 2% of  
2 any amount that is paid no later than 30 days after the due  
3 date and 10% of any amount that is paid later than 30 days  
4 after the due date.

5 (2) A penalty shall be imposed for failure to pay the  
6 tax shown due or required to be shown due on a return on or  
7 before the due date prescribed for payment of that tax  
8 (penalty for late payment or nonpayment of tax). The  
9 amount of penalty imposed under this paragraph (2) shall  
10 be 2% of any amount that is paid no later than 30 days  
11 after the due date, 10% of any amount that is paid later  
12 than 30 days after the due date and prior to the date the  
13 Department initiates an audit or investigation of the  
14 taxpayer, and 20% of any amount that is paid after the date  
15 the Department initiates an audit or investigation of the  
16 taxpayer; provided that the penalty shall be reduced to  
17 15% if the entire amount due is paid not later than 30 days  
18 after the Department provides the taxpayer with an amended  
19 return (following completion of an occupation, use, or  
20 excise tax audit) or a form for waiver of restrictions on  
21 assessment (following completion of an income tax audit);  
22 provided further that the reduction to 15% shall be  
23 rescinded if the taxpayer makes any claim for refund or  
24 credit of the tax, penalties, or interest determined to be  
25 due upon audit, except in the case of a claim filed  
26 pursuant to subsection (b) of Section 506 of the Illinois

1           Income Tax Act or to claim a carryover of a loss or credit,  
2           the availability of which was not determined in the audit.

3           For purposes of this paragraph (2):

4                   (A) any overpayment reported on an original return  
5                   that has been allowed as a refund or credit to the  
6                   taxpayer shall be deemed to have not been paid on or  
7                   before the due date for payment;

8                   (B) any amount paid under protest pursuant to the  
9                   provisions of the State Officers and Employees Money  
10                   Disposition Act shall be deemed to have been paid  
11                   after the Department has initiated an audit and more  
12                   than 30 days after the Department has provided the  
13                   taxpayer with an amended return (following completion  
14                   of an occupation, use, or excise tax audit) or a form  
15                   for waiver of restrictions on assessment (following  
16                   completion of an income tax audit); and

17                   (C) any liability resulting from a federal change  
18                   required to be reported under subsection (b) of  
19                   Section 506 of the Illinois Income Tax Act that is  
20                   reported and paid no later than the due date for filing  
21                   the federal change amended return shall be deemed to  
22                   have been paid on or before the due date prescribed for  
23                   payment.

24           (3) The penalty imposed under this subsection (b-25)  
25           shall be deemed assessed at the time the tax upon which the  
26           penalty is computed is assessed, except that, if the

1 reduction of the penalty imposed under paragraph (2) of  
2 this subsection (b-25) to 15% is rescinded because a claim  
3 for refund or credit has been filed, the increase in  
4 penalty shall be deemed assessed at the time the claim for  
5 refund or credit is filed.

6 (c) For purposes of the late payment penalties, the basis  
7 of the penalty shall be the tax shown or required to be shown  
8 on a return, whichever is applicable, reduced by any part of  
9 the tax which is paid on time and by any credit which was  
10 properly allowable on the date the return was required to be  
11 filed.

12 (d) A penalty shall be applied to the tax required to be  
13 shown even if that amount is less than the tax shown on the  
14 return.

15 (e) This subsection (e) is applicable to returns due  
16 before January 1, 2001. If both a subsection (b)(1) or  
17 (b-5)(1) penalty and a subsection (b)(2) or (b-5)(2) penalty  
18 are assessed against the same return, the subsection (b)(2) or  
19 (b-5)(2) penalty shall be assessed against only the additional  
20 tax found to be due.

21 (e-5) This subsection (e-5) is applicable to returns due  
22 on and after January 1, 2001. If both a subsection (b-10)(1)  
23 penalty and a subsection (b-10)(2) penalty are assessed  
24 against the same return, the subsection (b-10)(2) penalty  
25 shall be assessed against only the additional tax found to be  
26 due.

1 (f) If the taxpayer has failed to file the return, the  
2 Department shall determine the correct tax according to its  
3 best judgment and information, which amount shall be prima  
4 facie evidence of the correctness of the tax due.

5 (g) The time within which to file a return or pay an amount  
6 of tax due without imposition of a penalty does not extend the  
7 time within which to file a protest to a notice of tax  
8 liability or a notice of deficiency.

9 (h) No return shall be determined to be unprocessable  
10 because of the omission of any information requested on the  
11 return pursuant to Section 2505-575 of the Department of  
12 Revenue Law ~~(20 ILCS 2505/2505-575)~~.

13 (i) If a taxpayer has a tax liability for the taxable  
14 period ending after June 30, 1983 and prior to July 1, 2002  
15 that is eligible for amnesty under the Tax Delinquency Amnesty  
16 Act and the taxpayer fails to satisfy the tax liability during  
17 the amnesty period provided for in that Act for that taxable  
18 period, then the penalty imposed by the Department under this  
19 Section shall be imposed in an amount that is 200% of the  
20 amount that would otherwise be imposed under this Section.

21 (j) If a taxpayer has a tax liability for the taxable  
22 period ending after June 30, 2002 and prior to July 1, 2009  
23 that is eligible for amnesty under the Tax Delinquency Amnesty  
24 Act, except for any tax liability reported pursuant to Section  
25 506(b) of the Illinois Income Tax Act ~~(35 ILCS 5/506(b))~~ that  
26 is not final, and the taxpayer fails to satisfy the tax

1 liability during the amnesty period provided for in that Act  
2 for that taxable period, then the penalty imposed by the  
3 Department under this Section shall be imposed in an amount  
4 that is 200% of the amount that would otherwise be imposed  
5 under this Section.

6 (Source: P.A. 103-98, eff. 1-1-24; revised 1-2-24.)

7 Section 220. The Illinois Independent Tax Tribunal Act of  
8 2012 is amended by changing Section 1-60 as follows:

9 (35 ILCS 1010/1-60)

10 Sec. 1-60. Discovery and stipulation.

11 (a) The parties to the proceeding shall comply with the  
12 Supreme Court Rules for Civil Proceedings in the Trial Court  
13 regarding Discovery, Requests for Admission, and Pre-Trial  
14 Procedure.

15 (b) An ~~A~~ administrative law judge or the clerk of the Tax  
16 Tribunal, on the request of any party to the proceeding, shall  
17 issue subpoenas requiring the attendance of witnesses and  
18 giving of testimony and subpoenas duces tecum requiring the  
19 production of evidence or things.

20 (c) Any employee of the Tax Tribunal designated in writing  
21 for that purpose by the Chief Administrative Law Judge may  
22 administer oaths.

23 (d) The Tax Tribunal may enforce its order on discovery  
24 and other procedural issues, among other means, by deciding



1 issues wholly or partly against the offending party.

2 (Source: P.A. 97-1129, eff. 8-28-12; revised 9-21-23.)

3 Section 225. The Illinois Pension Code is amended by  
4 changing Sections 15-198 and 16-127 as follows:

5 (40 ILCS 5/15-198)

6 Sec. 15-198. Application and expiration of new benefit  
7 increases.

8 (a) As used in this Section, "new benefit increase" means  
9 an increase in the amount of any benefit provided under this  
10 Article, or an expansion of the conditions of eligibility for  
11 any benefit under this Article, that results from an amendment  
12 to this Code that takes effect after June 1, 2005 (the  
13 effective date of Public Act 94-4). "New benefit increase",  
14 however, does not include any benefit increase resulting from  
15 the changes made to Article 1 or this Article by Public Act  
16 100-23, Public Act 100-587, Public Act 100-769, Public Act  
17 101-10, Public Act 101-610, Public Act 102-16, Public Act  
18 103-80, or Public Act 103-548 ~~or this amendatory Act of the~~  
19 ~~103rd General Assembly.~~

20 (b) Notwithstanding any other provision of this Code or  
21 any subsequent amendment to this Code, every new benefit  
22 increase is subject to this Section and shall be deemed to be  
23 granted only in conformance with and contingent upon  
24 compliance with the provisions of this Section.

1           (c) The Public Act enacting a new benefit increase must  
2 identify and provide for payment to the System of additional  
3 funding at least sufficient to fund the resulting annual  
4 increase in cost to the System as it accrues.

5           Every new benefit increase is contingent upon the General  
6 Assembly providing the additional funding required under this  
7 subsection. The Commission on Government Forecasting and  
8 Accountability shall analyze whether adequate additional  
9 funding has been provided for the new benefit increase and  
10 shall report its analysis to the Public Pension Division of  
11 the Department of Insurance. A new benefit increase created by  
12 a Public Act that does not include the additional funding  
13 required under this subsection is null and void. If the Public  
14 Pension Division determines that the additional funding  
15 provided for a new benefit increase under this subsection is  
16 or has become inadequate, it may so certify to the Governor and  
17 the State Comptroller and, in the absence of corrective action  
18 by the General Assembly, the new benefit increase shall expire  
19 at the end of the fiscal year in which the certification is  
20 made.

21           (d) Every new benefit increase shall expire 5 years after  
22 its effective date or on such earlier date as may be specified  
23 in the language enacting the new benefit increase or provided  
24 under subsection (c). This does not prevent the General  
25 Assembly from extending or re-creating a new benefit increase  
26 by law.

1 (e) Except as otherwise provided in the language creating  
2 the new benefit increase, a new benefit increase that expires  
3 under this Section continues to apply to persons who applied  
4 and qualified for the affected benefit while the new benefit  
5 increase was in effect and to the affected beneficiaries and  
6 alternate payees of such persons, but does not apply to any  
7 other person, including, without limitation, a person who  
8 continues in service after the expiration date and did not  
9 apply and qualify for the affected benefit while the new  
10 benefit increase was in effect.

11 (Source: P.A. 102-16, eff. 6-17-21; 103-80, eff. 6-9-23;  
12 103-548, eff. 8-11-23; revised 8-31-23.)

13 (40 ILCS 5/16-127) (from Ch. 108 1/2, par. 16-127)

14 Sec. 16-127. Computation of creditable service.

15 (a) Each member shall receive regular credit for all  
16 service as a teacher from the date membership begins, for  
17 which satisfactory evidence is supplied and all contributions  
18 have been paid.

19 (b) The following periods of service shall earn optional  
20 credit and each member shall receive credit for all such  
21 service for which satisfactory evidence is supplied and all  
22 contributions have been paid as of the date specified:

23 (1) Prior service as a teacher.

24 (2) Service in a capacity essentially similar or  
25 equivalent to that of a teacher, in the public common

1 schools in school districts in this State not included  
2 within the provisions of this System, or of any other  
3 State, territory, dependency or possession of the United  
4 States, or in schools operated by or under the auspices of  
5 the United States, or under the auspices of any agency or  
6 department of any other State, and service during any  
7 period of professional speech correction or special  
8 education experience for a public agency within this State  
9 or any other State, territory, dependency or possession of  
10 the United States, and service prior to February 1, 1951  
11 as a recreation worker for the Illinois Department of  
12 Public Safety, for a period not exceeding the lesser of  
13 2/5 of the total creditable service of the member or 10  
14 years. The maximum service of 10 years which is allowable  
15 under this paragraph shall be reduced by the service  
16 credit which is validated by other retirement systems  
17 under paragraph (i) of Section 15-113 and paragraph 1 of  
18 Section 17-133. Credit granted under this paragraph may  
19 not be used in determination of a retirement annuity or  
20 disability benefits unless the member has at least 5 years  
21 of creditable service earned subsequent to this employment  
22 with one or more of the following systems: Teachers'  
23 Retirement System of the State of Illinois, State  
24 Universities Retirement System, and the Public School  
25 Teachers' Pension and Retirement Fund of Chicago. Whenever  
26 such service credit exceeds the maximum allowed for all

1 purposes of this Article, the first service rendered in  
2 point of time shall be considered. The changes to this  
3 paragraph ~~subdivision (b)~~(2) made by Public Act 86-272  
4 shall apply not only to persons who on or after its  
5 effective date (August 23, 1989) are in service as a  
6 teacher under the System, but also to persons whose status  
7 as such a teacher terminated prior to such effective date,  
8 whether or not such person is an annuitant on that date.

9 (3) Any periods immediately following teaching  
10 service, under this System or under Article 17, (or  
11 immediately following service prior to February 1, 1951 as  
12 a recreation worker for the Illinois Department of Public  
13 Safety) spent in active service with the military forces  
14 of the United States; periods spent in educational  
15 programs that prepare for return to teaching sponsored by  
16 the federal government following such active military  
17 service; if a teacher returns to teaching service within  
18 one calendar year after discharge or after the completion  
19 of the educational program, a further period, not  
20 exceeding one calendar year, between time spent in  
21 military service or in such educational programs and the  
22 return to employment as a teacher under this System; and a  
23 period of up to 2 years of active military service not  
24 immediately following employment as a teacher.

25 The changes to this Section and Section 16-128  
26 relating to military service made by Public Act ~~P.A.~~

1 87-794 shall apply not only to persons who on or after its  
2 effective date are in service as a teacher under the  
3 System, but also to persons whose status as a teacher  
4 terminated prior to that date, whether or not the person  
5 is an annuitant on that date. In the case of an annuitant  
6 who applies for credit allowable under this Section for a  
7 period of military service that did not immediately follow  
8 employment, and who has made the required contributions  
9 for such credit, the annuity shall be recalculated to  
10 include the additional service credit, with the increase  
11 taking effect on the date the System received written  
12 notification of the annuitant's intent to purchase the  
13 credit, if payment of all the required contributions is  
14 made within 60 days of such notice, or else on the first  
15 annuity payment date following the date of payment of the  
16 required contributions. In calculating the automatic  
17 annual increase for an annuity that has been recalculated  
18 under this Section, the increase attributable to the  
19 additional service allowable under Public Act P.A. 87-794  
20 shall be included in the calculation of automatic annual  
21 increases accruing after the effective date of the  
22 recalculation.

23 Credit for military service shall be determined as  
24 follows: if entry occurs during the months of July,  
25 August, or September and the member was a teacher at the  
26 end of the immediately preceding school term, credit shall

1 be granted from July 1 of the year in which he or she  
2 entered service; if entry occurs during the school term  
3 and the teacher was in teaching service at the beginning  
4 of the school term, credit shall be granted from July 1 of  
5 such year. In all other cases where credit for military  
6 service is allowed, credit shall be granted from the date  
7 of entry into the service.

8 The total period of military service for which credit  
9 is granted shall not exceed 5 years for any member unless  
10 the service: (A) is validated before July 1, 1964, and (B)  
11 does not extend beyond July 1, 1963. Credit for military  
12 service shall be granted under this Section only if not  
13 more than 5 years of the military service for which credit  
14 is granted under this Section is used by the member to  
15 qualify for a military retirement allotment from any  
16 branch of the armed forces of the United States. The  
17 changes to this paragraph ~~subdivision~~ (b) (3) made by  
18 Public Act 86-272 shall apply not only to persons who on or  
19 after its effective date (August 23, 1989) are in service  
20 as a teacher under the System, but also to persons whose  
21 status as such a teacher terminated prior to such  
22 effective date, whether or not such person is an annuitant  
23 on that date.

24 (4) Any periods served as a member of the General  
25 Assembly.

26 (5) (i) Any periods for which a teacher, as defined in

1 Section 16-106, is granted a leave of absence, provided he  
2 or she returns to teaching service creditable under this  
3 System or the State Universities Retirement System  
4 following the leave; (ii) periods during which a teacher  
5 is involuntarily laid off from teaching, provided he or  
6 she returns to teaching following the lay-off; (iii)  
7 periods prior to July 1, 1983 during which a teacher  
8 ceased covered employment due to pregnancy, provided that  
9 the teacher returned to teaching service creditable under  
10 this System or the State Universities Retirement System  
11 following the pregnancy and submits evidence satisfactory  
12 to the Board documenting that the employment ceased due to  
13 pregnancy; and (iv) periods prior to July 1, 1983 during  
14 which a teacher ceased covered employment for the purpose  
15 of adopting an infant under 3 years of age or caring for a  
16 newly adopted infant under 3 years of age, provided that  
17 the teacher returned to teaching service creditable under  
18 this System or the State Universities Retirement System  
19 following the adoption and submits evidence satisfactory  
20 to the Board documenting that the employment ceased for  
21 the purpose of adopting an infant under 3 years of age or  
22 caring for a newly adopted infant under 3 years of age.  
23 However, total credit under this paragraph (5) may not  
24 exceed 3 years.

25 Any qualified member or annuitant may apply for credit  
26 under item (iii) or (iv) of this paragraph (5) without



1 regard to whether service was terminated before June 27,  
2 1997 (the effective date of Public Act 90-32) ~~this~~  
3 ~~amendatory Act of 1997~~. In the case of an annuitant who  
4 establishes credit under item (iii) or (iv), the annuity  
5 shall be recalculated to include the additional service  
6 credit. The increase in annuity shall take effect on the  
7 date the System receives written notification of the  
8 annuitant's intent to purchase the credit, if the required  
9 evidence is submitted and the required contribution paid  
10 within 60 days of that notification, otherwise on the  
11 first annuity payment date following the System's receipt  
12 of the required evidence and contribution. The increase in  
13 an annuity recalculated under this provision shall be  
14 included in the calculation of automatic annual increases  
15 in the annuity accruing after the effective date of the  
16 recalculation.

17 Optional credit may be purchased under this paragraph  
18 ~~subsection (b)~~ (5) for periods during which a teacher has  
19 been granted a leave of absence pursuant to Section 24-13  
20 of the School Code. A teacher whose service under this  
21 Article terminated prior to the effective date of Public  
22 Act P.A. 86-1488 shall be eligible to purchase such  
23 optional credit. If a teacher who purchases this optional  
24 credit is already receiving a retirement annuity under  
25 this Article, the annuity shall be recalculated as if the  
26 annuitant had applied for the leave of absence credit at

1 the time of retirement. The difference between the  
2 entitled annuity and the actual annuity shall be credited  
3 to the purchase of the optional credit. The remainder of  
4 the purchase cost of the optional credit shall be paid on  
5 or before April 1, 1992.

6 The change in this paragraph made by Public Act 86-273  
7 shall be applicable to teachers who retire after June 1,  
8 1989, as well as to teachers who are in service on that  
9 date.

10 (6) Any days of unused and uncompensated accumulated  
11 sick leave earned by a teacher. The service credit granted  
12 under this paragraph shall be the ratio of the number of  
13 unused and uncompensated accumulated sick leave days to  
14 170 days, subject to a maximum of 2 years of service  
15 credit. Prior to the member's retirement, each former  
16 employer shall certify to the System the number of unused  
17 and uncompensated accumulated sick leave days credited to  
18 the member at the time of termination of service. The  
19 period of unused sick leave shall not be considered in  
20 determining the effective date of retirement. A member is  
21 not required to make contributions in order to obtain  
22 service credit for unused sick leave.

23 Credit for sick leave shall, at retirement, be granted  
24 by the System for any retiring regional or assistant  
25 regional superintendent of schools at the rate of 6 days  
26 per year of creditable service or portion thereof

1 established while serving as such superintendent or  
2 assistant superintendent.

3 (7) Periods prior to February 1, 1987 served as an  
4 employee of the Illinois Mathematics and Science Academy  
5 for which credit has not been terminated under Section  
6 15-113.9 of this Code.

7 (8) Service as a substitute teacher for work performed  
8 prior to July 1, 1990.

9 (9) Service as a part-time teacher for work performed  
10 prior to July 1, 1990.

11 (10) Up to 2 years of employment with Southern  
12 Illinois University - Carbondale from September 1, 1959 to  
13 August 31, 1961, or with Governors State University from  
14 September 1, 1972 to August 31, 1974, for which the  
15 teacher has no credit under Article 15. To receive credit  
16 under this item (10), a teacher must apply in writing to  
17 the Board and pay the required contributions before May 1,  
18 1993 and have at least 12 years of service credit under  
19 this Article.

20 (11) Periods of service as a student teacher as  
21 described in Section 24-8.5 of the School Code for which  
22 the student teacher received a salary.

23 (b-1) A member may establish optional credit for up to 2  
24 years of service as a teacher or administrator employed by a  
25 private school recognized by the Illinois State Board of  
26 Education, provided that the teacher (i) was certified under

1 the law governing the certification of teachers at the time  
2 the service was rendered, (ii) applies in writing on or before  
3 June 30, 2028, (iii) supplies satisfactory evidence of the  
4 employment, (iv) completes at least 10 years of contributing  
5 service as a teacher as defined in Section 16-106, and (v) pays  
6 the contribution required in subsection (d-5) of Section  
7 16-128. The member may apply for credit under this subsection  
8 and pay the required contribution before completing the 10  
9 years of contributing service required under item (iv), but  
10 the credit may not be used until the item (iv) contributing  
11 service requirement has been met.

12 (c) The service credits specified in this Section shall be  
13 granted only if: (1) such service credits are not used for  
14 credit in any other statutory tax-supported public employee  
15 retirement system other than the federal Social Security  
16 program; and (2) the member makes the required contributions  
17 as specified in Section 16-128. Except as provided in  
18 subsection (b-1) of this Section, the service credit shall be  
19 effective as of the date the required contributions are  
20 completed.

21 Any service credits granted under this Section shall  
22 terminate upon cessation of membership for any cause.

23 Credit may not be granted under this Section covering any  
24 period for which an age retirement or disability retirement  
25 allowance has been paid.

26 Credit may not be granted under this Section for service

1 as an employee of an entity that provides substitute teaching  
2 services under Section 2-3.173 of the School Code and is not a  
3 school district.

4 (Source: P.A. 102-525, eff. 8-20-21; 103-17, eff. 6-9-23;  
5 103-525, eff. 8-11-23; revised 9-5-23.)

6 Section 230. The Local Government Taxpayers' Bill of  
7 Rights Act is amended by changing Section 30 as follows:

8 (50 ILCS 45/30)

9 Sec. 30. Statute of limitations. Units of local government  
10 have an obligation to review tax returns in a timely manner and  
11 issue any determination of tax due as promptly as possible so  
12 that taxpayers may make timely corrections of future returns  
13 and minimize any interest charges applied to tax  
14 underpayments. Each unit of local government must provide  
15 appropriate statutes of limitation for the determination and  
16 assessment of taxes covered by this Act, provided, however,  
17 that a statute of limitations may not exceed the following:

18 (1) No notice of determination of tax due or  
19 assessment may be issued more than 5 years after the end of  
20 the calendar year for which the return for the period was  
21 filed or the end of the calendar year in which the return  
22 for the period was due, whichever occurs later. An audit  
23 or review that is timely performed under Section 35 of  
24 this Act or Section 8-11-2.5 of the Illinois Municipal

1 Code shall toll the applicable 5-year period for a period  
2 of not more than one ~~4~~ year.

3 (2) If any tax return was not filed or if during any  
4 4-year period for which a notice of tax determination or  
5 assessment may be issued by the unit of local government  
6 the tax paid or remitted was less than 75% of the tax due  
7 for that period, the statute of limitations shall be no  
8 more than 6 years after the end of the calendar year in  
9 which the return for the period was due or the end of the  
10 calendar year in which the return for the period was  
11 filed, whichever occurs later. In the event that a unit of  
12 local government fails to provide a statute of  
13 limitations, the maximum statutory period provided in this  
14 Section applies.

15 ~~(3)~~ The changes to this Section made by Public Act  
16 102-1144 ~~this amendatory Act of the 102nd General Assembly~~ do  
17 not revive any determination and assessment of tax due where  
18 the statute of limitations has expired as of March 17, 2023  
19 ~~(the effective date of Public Act 102-1144) this amendatory~~  
20 ~~Act of the 102nd General Assembly~~, but the changes do extend  
21 the statute of limitations for the determination and  
22 assessment of taxes where the statute of limitation has not  
23 expired as of March 17, 2023 ~~(the effective date of Public Act~~  
24 102-1144) ~~this amendatory Act of the 102nd General Assembly~~.

25 This Section does not place any limitation on a unit of  
26 local government if a fraudulent tax return is filed.

1 (Source: P.A. 102-1144, eff. 3-17-23; revised 4-5-23.)

2 Section 235. The Uniform Peace Officers' Disciplinary Act  
3 is amended by changing Section 7.2 as follows:

4 (50 ILCS 725/7.2)

5 Sec. 7.2. Possession of a Firearm Owner's Identification  
6 Card. An employer of an officer shall not make possession of a  
7 Firearm Owner's Identification Card a condition of continued  
8 employment if the officer's Firearm Owner's Identification  
9 Card is revoked or seized because the officer has been a  
10 patient of a mental health facility and the officer has not  
11 been determined to pose a clear and present danger to himself,  
12 herself, or others as determined by a physician, clinical  
13 psychologist, or qualified examiner. Nothing in ~~is~~ this  
14 Section shall otherwise impair an employer's ability to  
15 determine an officer's fitness for duty. On and after August  
16 17, 2018 (the effective date of Public Act 100-911) ~~this~~  
17 ~~amendatory Act of the 100th General Assembly~~, Section 6 of  
18 this Act shall not apply to the prohibition requiring a  
19 Firearm Owner's Identification Card as a condition of  
20 continued employment, but a collective bargaining agreement  
21 already in effect on that issue on August 17, 2018 (the  
22 effective date of Public Act 100-911) ~~this amendatory Act of~~  
23 ~~the 100th General Assembly~~ cannot be modified. The employer  
24 shall document if and why an officer has been determined to

1 pose a clear and present danger.

2 (Source: P.A. 100-911, eff. 8-17-18; 101-375, eff. 8-16-19;  
3 revised 4-5-23.)

4 Section 240. The Counties Code is amended by changing  
5 Sections 3-8002, 4-7001, 5-1022, and 5-1069.3 as follows:

6 (55 ILCS 5/3-8002) (from Ch. 34, par. 3-8002)

7 Sec. 3-8002. Applicability and adoption. The county board  
8 of every county having a county police department merit board  
9 established under the ~~"The County Police Department Act"~~,  
10 ~~approved August 7, 1967, as amended~~ (repealed), or a merit  
11 commission for sheriff's personnel established under Section  
12 58.1 of "An Act to revise the law in relation to counties",  
13 approved March 31, 1874, as amended (repealed), shall adopt  
14 and implement the merit system provided by this Division and  
15 shall modify the merit system now in effect in that county as  
16 may be necessary to comply with this Division.

17 The county board of any county having a population of less  
18 than 1,000,000 which does not have a merit board or merit  
19 commission for sheriff's personnel may adopt and implement by  
20 ordinance the merit system provided by this Division. If the  
21 county board does not adopt such a merit system by an ordinance  
22 and if a petition signed by not fewer than 5% or 1000,  
23 whichever is less, of the registered electors of any such  
24 county is filed with the county clerk requesting a referendum



1 on the adoption of a merit system for deputies in the office of  
2 the Sheriff, the county board shall, by appropriate ordinance,  
3 cause the question to be submitted to the electors of the  
4 county, at a special or general election specified in such  
5 ordinance, in accordance with the provisions of Section 28-3  
6 of the "The Election Code", ~~approved May 11, 1943, as now or~~  
7 ~~hereafter amended~~. Notice of the election shall be given as  
8 provided in Article 12 of that Code ~~such code~~. If a majority of  
9 those voting on the proposition at such election vote in favor  
10 thereof, the county board shall adopt and implement a merit  
11 system provided in this Division. When a merit board or merit  
12 commission for sheriff's personnel has been established in a  
13 county, it may be abolished by the same procedure in which it  
14 was established.

15 This Division does not apply to any county having a  
16 population of more than 1,000,000 nor to any county which has  
17 not elected to adopt the merit system provided by this  
18 Division and which is not required to do so under this Section.  
19 (Source: P.A. 86-962; revised 9-25-23.)

20 (55 ILCS 5/4-7001)

21 Sec. 4-7001. Coroner's fees. The fees of the coroner's  
22 office shall be as follows:

23 1. For a copy of a transcript of sworn testimony:  
24 \$5.00 per page.

25 2. For a copy of an autopsy report (if not included in

1 transcript): \$50.00.

2 3. For a copy of the verdict of a coroner's jury:  
3 \$5.00.

4 4. For a copy of a toxicology report: \$25.00.

5 5. For a print of or an electronic file containing a  
6 picture obtained by the coroner: actual cost or \$3.00,  
7 whichever is greater.

8 6. For each copy of miscellaneous reports, including  
9 artist's drawings but not including police reports: actual  
10 cost or \$25.00, whichever is greater.

11 7. For a coroner's or medical examiner's permit to  
12 cremate a dead human body: \$100. The coroner may waive, at  
13 his or her discretion, the permit fee if the coroner  
14 determines that the person is indigent and unable to pay  
15 the permit fee or under other special circumstances.

16 8. Except in a county with a population over  
17 3,000,000, on and after January 1, 2024, for a certified  
18 copy of a transcript of sworn testimony of a coroner's  
19 inquest made by written request declaring the request is  
20 for research or genealogy purposes: \$15.00 for the entire  
21 transcript. A request shall be deemed a proper request for  
22 purpose of research or genealogy if the requested inquest  
23 occurred not less than 20 years prior to the date of the  
24 written request. The transcript shall be stamped with the  
25 words "FOR GENEALOGY OR RESEARCH PURPOSES ONLY".

26 All of which fees shall be certified by the court; in the

1 case of inmates of any State charitable or penal institution,  
2 the fees shall be paid by the operating department or  
3 commission, out of the State Treasury. The coroner shall file  
4 his or her claim in probate for his or her fees and he or she  
5 shall render assistance to the State's Attorney ~~attorney~~ in  
6 the collection of such fees out of the estate of the deceased.  
7 In counties of less than 1,000,000 population, the State's  
8 Attorney ~~attorney~~ shall collect such fees out of the estate of  
9 the deceased.

10 Except in a county with a population over 3,000,000, on  
11 and after January 1, 2024, the coroner may waive, at his or her  
12 discretion, any fees under this Section if the coroner  
13 determines that the person is indigent and unable to pay the  
14 fee or under other special circumstances as determined by the  
15 coroner.

16 Except as otherwise provided in this Section, whenever the  
17 coroner is required by law to perform any of the duties of the  
18 office of the sheriff, the coroner is entitled to the like fees  
19 and compensation as are allowed by law to the sheriff for the  
20 performance of similar services.

21 Except as otherwise provided in this Section, whenever the  
22 coroner of any county is required to travel in the performance  
23 of his or her duties, he or she shall receive the same mileage  
24 fees as are authorized for the sheriff of such county.

25 All fees under this Section collected by or on behalf of  
26 the coroner's office shall be paid over to the county

1 treasurer and deposited into a special account in the county  
2 treasury. Moneys in the special account shall be used solely  
3 for the purchase of electronic and forensic identification  
4 equipment or other related supplies and the operating expenses  
5 of the coroner's office.

6 The changes made by Public Act 103-73 ~~this amendatory Act~~  
7 ~~of the 103rd General Assembly~~ do not apply retroactively.

8 (Source: P.A. 103-29, eff. 7-1-23; 103-73, eff. 1-1-24;  
9 revised 12-12-23.)

10 (55 ILCS 5/5-1022)

11 Sec. 5-1022. Competitive bids.

12 (a) Any purchase by a county with fewer than 2,000,000  
13 inhabitants of services, materials, equipment or supplies in  
14 excess of \$30,000, other than professional services, shall be  
15 contracted for in one of the following ways:

16 (1) by a contract let to the lowest responsible bidder  
17 after advertising for bids in a newspaper published within  
18 the county or, if no newspaper is published within the  
19 county, then a newspaper having general circulation within  
20 the county; ~~or~~

21 (2) by a contract let without advertising for bids in  
22 the case of an emergency if authorized by the county  
23 board; or

24 (3) by a contract let without advertising for bids in  
25 the case of the expedited replacement of a disabled,

1 inoperable, or damaged patrol vehicle of the sheriff's  
2 department if authorized by the county board.

3 (b) In determining the lowest responsible bidder, the  
4 county board shall take into consideration the qualities of  
5 the articles supplied; their conformity with the  
6 specifications; their suitability to the requirements of the  
7 county; the availability of support services; the uniqueness  
8 of the service, materials, equipment, or supplies as it  
9 applies to networked, integrated computer systems; the  
10 compatibility to existing equipment; and the delivery terms.  
11 In addition, the county board may take into consideration the  
12 bidder's active participation in an applicable apprenticeship  
13 program registered with the United States Department of Labor.  
14 The county board also may take into consideration whether a  
15 bidder is a private enterprise or a State-controlled  
16 enterprise and, notwithstanding any other provision of this  
17 Section or a lower bid by a State-controlled enterprise, may  
18 let a contract to the lowest responsible bidder that is a  
19 private enterprise.

20 (c) This Section does not apply to contracts by a county  
21 with the federal government or to purchases of used equipment,  
22 purchases at auction or similar transactions which by their  
23 very nature are not suitable to competitive bids, pursuant to  
24 an ordinance adopted by the county board.

25 (d) Notwithstanding the provisions of this Section, a  
26 county may let without advertising for bids in the case of

1 purchases and contracts, when individual orders do not exceed  
2 \$35,000, for the use, purchase, delivery, movement, or  
3 installation of data processing equipment, software, or  
4 services and telecommunications and inter-connect equipment,  
5 software, and services.

6 (e) A county may require, as a condition of any contract  
7 for goods and services, that persons awarded a contract with  
8 the county and all affiliates of the person collect and remit  
9 Illinois Use Tax on all sales of tangible personal property  
10 into the State of Illinois in accordance with the provisions  
11 of the Illinois Use Tax Act regardless of whether the person or  
12 affiliate is a "retailer maintaining a place of business  
13 within this State" as defined in Section 2 of the Use Tax Act.  
14 For purposes of this subsection (e), the term "affiliate"  
15 means any entity that (1) directly, indirectly, or  
16 constructively controls another entity, (2) is directly,  
17 indirectly, or constructively controlled by another entity, or  
18 (3) is subject to the control of a common entity. For purposes  
19 of this subsection (e), an entity controls another entity if  
20 it owns, directly or individually, more than 10% of the voting  
21 securities of that entity. As used in this subsection (e), the  
22 term "voting security" means a security that (1) confers upon  
23 the holder the right to vote for the election of members of the  
24 board of directors or similar governing body of the business  
25 or (2) is convertible into, or entitles the holder to receive  
26 upon its exercise, a security that confers such a right to

1 vote. A general partnership interest is a voting security.

2 (f) Bids submitted to, and contracts executed by, the  
3 county may require a certification by the bidder or contractor  
4 that the bidder or contractor is not barred from bidding for or  
5 entering into a contract under this Section and that the  
6 bidder or contractor acknowledges that the county may declare  
7 the contract void if the certification completed pursuant to  
8 this subsection (f) is false.

9 (Source: P.A. 103-14, eff. 1-1-24; 103-286, eff. 7-28-23;  
10 revised 12-12-23.)

11 (55 ILCS 5/5-1069.3)

12 Sec. 5-1069.3. Required health benefits. If a county,  
13 including a home rule county, is a self-insurer for purposes  
14 of providing health insurance coverage for its employees, the  
15 coverage shall include coverage for the post-mastectomy care  
16 benefits required to be covered by a policy of accident and  
17 health insurance under Section 356t and the coverage required  
18 under Sections 356g, 356g.5, 356g.5-1, 356q, 356u, 356w, 356x,  
19 356z.4, 356z.4a, 356z.6, 356z.8, 356z.9, 356z.10, 356z.11,  
20 356z.12, 356z.13, 356z.14, 356z.15, 356z.22, 356z.25, 356z.26,  
21 356z.29, 356z.30a, 356z.32, 356z.33, 356z.36, 356z.40,  
22 356z.41, 356z.45, 356z.46, 356z.47, 356z.48, 356z.51, 356z.53,  
23 356z.54, 356z.56, 356z.57, 356z.59, 356z.60, ~~and~~ 356z.61, ~~and~~  
24 356z.62, 356z.64, 356z.67, 356z.68, and 356z.70 of the  
25 Illinois Insurance Code. The coverage shall comply with

1 Sections 155.22a, 355b, 356z.19, and 370c of the Illinois  
2 Insurance Code. The Department of Insurance shall enforce the  
3 requirements of this Section. The requirement that health  
4 benefits be covered as provided in this Section is an  
5 exclusive power and function of the State and is a denial and  
6 limitation under Article VII, Section 6, subsection (h) of the  
7 Illinois Constitution. A home rule county to which this  
8 Section applies must comply with every provision of this  
9 Section.

10 Rulemaking authority to implement Public Act 95-1045, if  
11 any, is conditioned on the rules being adopted in accordance  
12 with all provisions of the Illinois Administrative Procedure  
13 Act and all rules and procedures of the Joint Committee on  
14 Administrative Rules; any purported rule not so adopted, for  
15 whatever reason, is unauthorized.

16 (Source: P.A. 102-30, eff. 1-1-22; 102-103, eff. 1-1-22;  
17 102-203, eff. 1-1-22; 102-306, eff. 1-1-22; 102-443, eff.  
18 1-1-22; 102-642, eff. 1-1-22; 102-665, eff. 10-8-21; 102-731,  
19 eff. 1-1-23; 102-804, eff. 1-1-23; 102-813, eff. 5-13-22;  
20 102-816, eff. 1-1-23; 102-860, eff. 1-1-23; 102-1093, eff.  
21 1-1-23; 102-1117, eff. 1-13-23; 103-84, eff. 1-1-24; 103-91,  
22 eff. 1-1-24; 103-420, eff. 1-1-24; 103-445, eff. 1-1-24;  
23 103-535, eff. 8-11-23; 103-551, eff. 8-11-23; revised  
24 8-29-23.)

25 Section 245. The Illinois Municipal Code is amended by



1 changing Sections 8-4-1 and 10-4-2.3 as follows:

2 (65 ILCS 5/8-4-1) (from Ch. 24, par. 8-4-1)

3 Sec. 8-4-1. No bonds shall be issued by the corporate  
4 authorities of any municipality until the question of  
5 authorizing such bonds has been submitted to the electors of  
6 that municipality provided that notice of the bond referendum,  
7 if held before July 1, 1999, has been given in accordance with  
8 the provisions of Section 12-5 of the Election Code in effect  
9 at the time of the bond referendum, at least 10 and not more  
10 than 45 days before the date of the election, notwithstanding  
11 the time for publication otherwise imposed by Section 12-5,  
12 and approved by a majority of the electors voting upon that  
13 question. Notices required in connection with the submission  
14 of public questions on or after July 1, 1999 shall be as set  
15 forth in Section 12-5 of the Election Code. The clerk shall  
16 certify the proposition of the corporate authorities to the  
17 proper election authority who shall submit the question at an  
18 election in accordance with the general election law, subject  
19 to the notice provisions set forth in this Section.

20 Notice of any such election shall contain the amount of  
21 the bond issue, purpose for which issued, and maximum rate of  
22 interest.

23 In addition to all other authority to issue bonds, the  
24 Village of Indian Head Park is authorized to issue bonds for  
25 the purpose of paying the costs of making roadway improvements

1 in an amount not to exceed the aggregate principal amount of  
2 \$2,500,000, provided that 60% of the votes cast at the general  
3 primary election held on March 18, 2014 are cast in favor of  
4 the issuance of the bonds, and the bonds are issued by December  
5 31, 2014.

6 However, without the submission of the question of issuing  
7 bonds to the electors, the corporate authorities of any  
8 municipality may authorize the issuance of any of the  
9 following bonds:

- 10 (1) Bonds to refund any existing bonded indebtedness;
- 11 (2) Bonds to fund or refund any existing judgment  
12 indebtedness;
- 13 (3) In any municipality of less than 500,000  
14 population, bonds to anticipate the collection of  
15 installments of special assessments and special taxes  
16 against property owned by the municipality and to  
17 anticipate the collection of the amount apportioned to the  
18 municipality as public benefits under Article 9;
- 19 (4) Bonds issued by any municipality under Sections  
20 8-4-15 through 8-4-23, 11-23-1 through 11-23-12, 11-26-1  
21 through 11-26-6, 11-71-1 through 11-71-10, 11-74.3-1  
22 through 11-74.3-7, 11-74.4-1 through 11-74.4-11, 11-74.5-1  
23 through 11-74.5-15, 11-94-1 through 11-94-7, 11-102-1  
24 through 11-102-10, 11-103-11 through 11-103-15, 11-118-1  
25 through 11-118-6, 11-119-1 through 11-119-5, 11-129-1  
26 through 11-129-7, 11-133-1 through 11-133-4, 11-139-1

1 through 11-139-12, 11-141-1 through 11-141-18 of this  
2 Code, or 10-801 through 10-808 of the Illinois Highway  
3 Code, ~~as amended;~~

4 (5) Bonds issued by the board of education of any  
5 school district under the provisions of Sections 34-30  
6 through 34-36 of the ~~The~~ School Code, ~~as amended;~~

7 (6) Bonds issued by any municipality under the  
8 provisions of Division 6 of this Article 8; and by any  
9 municipality under the provisions of Division 7 of this  
10 Article 8; or under the provisions of Sections 11-121-4  
11 and 11-121-5;

12 (7) Bonds to pay for the purchase of voting machines  
13 by any municipality that has adopted Article 24 of the ~~The~~  
14 Election Code, ~~approved May 11, 1943, as amended;~~

15 (8) Bonds issued by any municipality under Sections 15  
16 and 46 of the ~~"Environmental Protection Act", approved~~  
17 ~~June 29, 1970;~~

18 (9) Bonds issued by the corporate authorities of any  
19 municipality under the provisions of Section 8-4-25 of  
20 this Article 8;

21 (10) Bonds issued under Section 8-4-26 of this Article  
22 8 by any municipality having a board of election  
23 commissioners;

24 (11) Bonds issued under the provisions of the Special  
25 Service Area Tax Act (repealed) ~~"An Act to provide the~~  
26 ~~manner of levying or imposing taxes for the provision of~~

1 ~~special services to areas within the boundaries of home~~  
2 ~~rule units and nonhome rule municipalities and counties",~~  
3 ~~approved September 21, 1973;~~

4 (12) Bonds issued under Section 8-5-16 of this Code;

5 (13) Bonds to finance the cost of the acquisition,  
6 construction, or improvement of water or wastewater  
7 treatment facilities mandated by an enforceable compliance  
8 schedule developed in connection with the federal Clean  
9 Water Act or a compliance order issued by the United  
10 States Environmental Protection Agency or the Illinois  
11 Pollution Control Board; provided that such bonds are  
12 authorized by an ordinance adopted by a three-fifths  
13 majority of the corporate authorities of the municipality  
14 issuing the bonds which ordinance shall specify that the  
15 construction or improvement of such facilities is  
16 necessary to alleviate an emergency condition in such  
17 municipality;

18 (14) Bonds issued by any municipality pursuant to  
19 Section 11-113.1-1;

20 (15) Bonds issued under Sections 11-74.6-1 through  
21 11-74.6-45, the Industrial Jobs Recovery Law of this Code;

22 (16) Bonds issued under the Innovation Development and  
23 Economy Act, except as may be required by Section 35 of  
24 that Act.

25 (Source: P.A. 102-587, eff. 1-1-22; revised 9-25-23.)

1 (65 ILCS 5/10-4-2.3)

2 Sec. 10-4-2.3. Required health benefits. If a  
3 municipality, including a home rule municipality, is a  
4 self-insurer for purposes of providing health insurance  
5 coverage for its employees, the coverage shall include  
6 coverage for the post-mastectomy care benefits required to be  
7 covered by a policy of accident and health insurance under  
8 Section 356t and the coverage required under Sections 356g,  
9 356g.5, 356g.5-1, 356q, 356u, 356w, 356x, 356z.4, 356z.4a,  
10 356z.6, 356z.8, 356z.9, 356z.10, 356z.11, 356z.12, 356z.13,  
11 356z.14, 356z.15, 356z.22, 356z.25, 356z.26, 356z.29,  
12 356z.30a, 356z.32, 356z.33, 356z.36, 356z.40, 356z.41,  
13 356z.45, 356z.46, 356z.47, 356z.48, 356z.51, 356z.53, 356z.54,  
14 356z.56, 356z.57, 356z.59, 356z.60, ~~and~~ 356z.61, ~~and~~ 356z.62,  
15 356z.64, 356z.67, 356z.68, and 356z.70 of the Illinois  
16 Insurance Code. The coverage shall comply with Sections  
17 155.22a, 355b, 356z.19, and 370c of the Illinois Insurance  
18 Code. The Department of Insurance shall enforce the  
19 requirements of this Section. The requirement that health  
20 benefits be covered as provided in this is an exclusive power  
21 and function of the State and is a denial and limitation under  
22 Article VII, Section 6, subsection (h) of the Illinois  
23 Constitution. A home rule municipality to which this Section  
24 applies must comply with every provision of this Section.

25 Rulemaking authority to implement Public Act 95-1045, if  
26 any, is conditioned on the rules being adopted in accordance

1 with all provisions of the Illinois Administrative Procedure  
2 Act and all rules and procedures of the Joint Committee on  
3 Administrative Rules; any purported rule not so adopted, for  
4 whatever reason, is unauthorized.

5 (Source: P.A. 102-30, eff. 1-1-22; 102-103, eff. 1-1-22;  
6 102-203, eff. 1-1-22; 102-306, eff. 1-1-22; 102-443, eff.  
7 1-1-22; 102-642, eff. 1-1-22; 102-665, eff. 10-8-21; 102-731,  
8 eff. 1-1-23; 102-804, eff. 1-1-23; 102-813, eff. 5-13-22;  
9 102-816, eff. 1-1-23; 102-860, eff. 1-1-23; 102-1093, eff.  
10 1-1-23; 102-1117, eff. 1-13-23; 103-84, eff. 1-1-24; 103-91,  
11 eff. 1-1-24; 103-420, eff. 1-1-24; 103-445, eff. 1-1-24;  
12 103-535, eff. 8-11-23; 103-551, eff. 8-11-23; revised  
13 8-29-23.)

14 Section 250. The Fire Protection District Act is amended  
15 by changing Section 20 as follows:

16 (70 ILCS 705/20) (from Ch. 127 1/2, par. 38.3)

17 Sec. 20. Disconnection by operation of law.

18 (a) Any territory within a fire protection district that  
19 is or has been annexed to a municipality that provides fire  
20 protection for property within such city, village or  
21 incorporated town is, by operation of law, disconnected from  
22 the fire protection district as of the January first after  
23 such territory is annexed to the municipality as long as the  
24 municipality has conducted a response-time study that shows,

1 at a minimum, estimated response times from the fire  
2 protection district to the territory and estimated response  
3 times of the municipal fire department from the territory or  
4 in case any such territory has been so annexed prior to the  
5 effective date of this amendatory Act of 1965, as of January 1,  
6 1966.

7 (b) The disconnection by operation of law does not occur  
8 if, within 60 days after such annexation or after the  
9 effective date of this amendatory Act of 1965, whichever is  
10 later, the fire protection district files with the appropriate  
11 court and with the County Clerk of each county in which the  
12 fire protection district is located, a petition alleging that  
13 such disconnection will cause the territory remaining in the  
14 district to be noncontiguous or that the loss of assessed  
15 valuation by reason of such disconnection will impair the  
16 ability of the district to render fully adequate fire  
17 protection service to the territory remaining with the  
18 district. When such a petition is filed, with the court and  
19 with the County Clerk of each county in which the fire  
20 protection district is located, the court shall set it for  
21 hearing, and further proceedings shall be held, as provided in  
22 Section 15 of this Act, except that the city, village or  
23 incorporated town that annexed the territory shall be a  
24 necessary party to the proceedings, and it shall be served  
25 with summons in the manner for a party defendant under the  
26 Civil Practice Law. At such hearing, the district has the

1 burden of proving the truth of the allegations in its  
2 petition.

3 (c) If disconnection does not occur, then the city,  
4 village or incorporated town in which part of a fire  
5 protection district's territory is located, is prohibited from  
6 levying the tax provided for by Section 11-7-1 of the  
7 "Illinois Municipal Code" in such fire protection district  
8 territory for services provided to the residents of such  
9 territory by the fire protection district.

10 (d) If there are any general obligation bonds of the fire  
11 protection district outstanding and unpaid at the time such  
12 territory is disconnected from the fire protection district by  
13 operation of this Section, such territory shall remain liable  
14 for its proportionate share of such bonded indebtedness and  
15 the fire protection district may continue to levy and extend  
16 taxes upon the taxable property in such territory for the  
17 purpose of amortizing such bonds until such time as sufficient  
18 funds to retire such bonds have been collected.

19 (e) On and after January 1, 2000 (the effective date of  
20 Public Act 91-307) ~~this amendatory Act of the 91st General~~  
21 ~~Assembly~~, when territory is disconnected from a fire  
22 protection district under this Section, the annexing  
23 municipality shall pay, on or before December 31 of each year  
24 for a period of 5 years after the effective date of the  
25 disconnection, to the fire protection district from which the  
26 territory was disconnected, an amount as follows:



1           (1) In the first year after the disconnection, an  
2 amount equal to the real estate tax collected on the  
3 property in the disconnected territory by the fire  
4 protection district in the tax year immediately preceding  
5 the year in which the disconnection took effect.

6           (2) In the second year after the disconnection, an  
7 amount equal to 80% of the real estate tax collected on the  
8 property in the disconnected territory by the fire  
9 protection district in the tax year immediately preceding  
10 the year in which the disconnection took effect.

11           (3) In the third year after the disconnection, an  
12 amount equal to 60% of the real estate tax collected on the  
13 property in the disconnected territory by the fire  
14 protection district in the tax year immediately preceding  
15 the year in which the disconnection took effect.

16           (4) In the fourth year after the disconnection, an  
17 amount equal to 40% of the real estate tax collected on the  
18 property in the disconnected territory by the fire  
19 protection district in the tax year immediately preceding  
20 the year in which the disconnection took effect.

21           (5) In the fifth year after the disconnection, an  
22 amount equal to 20% of the real estate tax collected on the  
23 property in the disconnected territory by the fire  
24 protection district in the tax year immediately preceding  
25 the year in which the disconnection took effect.

26 This subsection (e) applies to a fire protection district

1 only if the corporate authorities of the district do not file a  
2 petition against the disconnection under subsection (b).

3 (f) A municipality that does not timely make the payment  
4 required in subsection (e) and which refuses to make such  
5 payment within 30 days following a written demand by the fire  
6 protection district entitled to the payment or which causes a  
7 fire protection district to incur an expense in order to  
8 collect the amount to which it is entitled under subsection  
9 (e) shall, in addition to the amount due under subsection (e),  
10 be responsible to reimburse the fire protection district for  
11 all costs incurred by the fire protection district in  
12 collecting the amount due, including, but not limited to,  
13 reasonable legal fees and court costs.

14 (Source: P.A. 102-574, eff. 1-1-22; 102-773, eff. 1-1-23;  
15 revised 4-5-23.)

16 Section 255. The Illinois Waterway Ports Commission Act is  
17 amended by changing Section 15 as follows:

18 (70 ILCS 1816/15)

19 Sec. 15. Powers.

20 (a) The Commission may request funding from any federal,  
21 state, municipal, or local government or any other person or  
22 organization for purposes of the Commission within the  
23 Commission's jurisdiction. The individual port districts  
24 within the Commission's jurisdiction retain authority to

1 request funding from any federal, state, municipal, or local  
2 government or any other person or organization for purposes of  
3 the individual port districts within the Commission area.

4 (b) The Commission may enter into a memorandum of  
5 understanding or intergovernmental agreement with the State, a  
6 unit of local government, or a federal governmental  
7 organization in the performance of its duties. The Commission  
8 may not exercise control over an ~~a~~ operation of a port district  
9 established by any other law except by voluntary agreement  
10 between the port district and the Commission.

11 (c) The Commission may perform any other act that may be  
12 useful in performing its duties under Section 10 or powers  
13 under this Section.

14 (Source: P.A. 103-214, eff. 6-30-23; revised 9-25-23.)

15 Section 260. The Emergency Services Districts Act is  
16 amended by changing Section 11 as follows:

17 (70 ILCS 2005/11)

18 Sec. 11. Property tax; fees.

19 (a) An emergency services district organized under this  
20 Act may levy and collect a general tax on the property situated  
21 in the district, but the aggregate amount of taxes levied for  
22 any one year shall not exceed the rate of .20% of value, as  
23 equalized or assessed by the Department of Revenue. The board  
24 of trustees shall determine and certify the amount to be

1 levied and shall return the same to the county clerk. The  
2 limitation upon the tax rate may be increased or decreased  
3 under the referendum provisions of the General Revenue Law of  
4 Illinois.

5 In case the district is located in more than one county,  
6 the board of trustees shall determine and certify the amount  
7 to be levied upon the taxable property lying in each county and  
8 return the same to the respective county clerks of the  
9 counties in which the amount is to be levied. In order to  
10 determine the amount to be levied upon the taxable property of  
11 that part of the district lying in each county, the board shall  
12 ascertain from the county clerk of the respective counties in  
13 which the district lies the last ascertained equalized value  
14 of the taxable property of the district lying in their  
15 respective counties, then shall ascertain the rate per cent  
16 required and shall, accordingly, apportion the whole amount to  
17 be raised between the several parts of the district so lying in  
18 the different counties. The tax provided for in this Section  
19 shall be levied at the same time and in the same manner as  
20 nearly as practicable as taxes are now levied for municipal  
21 purposes under the laws of this State.

22 All general taxes under this Act, when collected, shall be  
23 paid over to the treasurer of the board of trustees, who is  
24 authorized to receive and receipt for the same.

25 (b) An emergency services ~~A rescue squad~~ district  
26 organized under this Act may fix, charge, and collect fees for

1 rescue squad services and ambulance services within or outside  
2 of the rescue squad district not exceeding the reasonable cost  
3 of the service.

4 (Source: P.A. 103-134, eff. 1-1-24; 103-174, eff. 6-30-23;  
5 revised 12-12-23.)

6 Section 265. The Metropolitan Transit Authority Act is  
7 amended by changing Section 51 as follows:

8 (70 ILCS 3605/51)

9 Sec. 51. Free and reduced fare services; eligibility.

10 (a) Notwithstanding any law to the contrary, no later than  
11 60 days following January 18, 2008 (the effective date of  
12 Public Act 95-708) ~~this amendatory Act of the 95th General~~  
13 ~~Assembly~~ and until subsection (b) is implemented, any fixed  
14 route public transportation services provided by, or under  
15 grant or purchase of service contracts of, the Board shall be  
16 provided without charge to all senior citizens of the  
17 Metropolitan Region (as such term is defined in Section 1.03  
18 of the Regional Transportation Authority Act 70 ILCS  
19 3615/1.03) aged 65 and older, under such conditions as shall  
20 be prescribed by the Board.

21 (b) Notwithstanding any law to the contrary, no later than  
22 180 days following February 14, 2011 (the effective date of  
23 Public Act 96-1527) ~~this amendatory Act of the 96th General~~  
24 ~~Assembly~~, any fixed route public transportation services

1 provided by, or under grant or purchase of service contracts  
2 of, the Board shall be provided without charge to senior  
3 citizens aged 65 and older who meet the income eligibility  
4 limitation set forth in subsection (a-5) of Section 4 of the  
5 Senior Citizens and Persons with Disabilities Property Tax  
6 Relief Act, under such conditions as shall be prescribed by  
7 the Board. The Department on Aging shall furnish all  
8 information reasonably necessary to determine eligibility,  
9 including updated lists of individuals who are eligible for  
10 services without charge under this Section. After an initial  
11 eligibility determination is made, an individual's eligibility  
12 for free services shall automatically renew every 5 years  
13 after receipt by the Authority of a copy of the individual's  
14 government-issued identification card validating Illinois  
15 residency. Nothing in this Section shall relieve the Board  
16 from providing reduced fares as may be required by federal  
17 law.

18 (c) The Board shall partner with the City of Chicago to  
19 provide transportation at reduced fares for participants in  
20 programs that offer employment and internship opportunities to  
21 youth and young adults ages 14 through 24.

22 (Source: P.A. 103-241, eff. 1-1-24; 103-281, eff. 1-1-24;  
23 revised 12-12-23.)

24 Section 270. The Illinois Library System Act is amended by  
25 changing Section 3 as follows:

1 (75 ILCS 10/3) (from Ch. 81, par. 113)

2 Sec. 3. The State Librarian and the Illinois State Library  
3 staff shall administer the provisions of this Act and shall  
4 prescribe such rules and regulations as are necessary to carry  
5 the provisions of this Act into effect.

6 The rules and regulations established by the State  
7 Librarian for the administration of this Act shall be designed  
8 to achieve the following standards and objectives:

9 (A) Provide ~~A provide~~ library service for every  
10 citizen in the State by extending library facilities to  
11 areas not now served.

12 (B) Provide ~~B provide~~ library materials for student  
13 needs at every educational level.

14 (C) Provide ~~C provide~~ adequate library materials to  
15 satisfy the reference and research needs of the people of  
16 this State.

17 (D) Provide ~~D provide~~ an adequate staff of  
18 professionally trained librarians for the State.

19 (E) Adopt ~~E adopt~~ the American Library Association's  
20 Library Bill of Rights that indicates materials should not  
21 be proscribed or removed because of partisan or doctrinal  
22 disapproval or, in the alternative, develop a written  
23 statement declaring the inherent authority of the library  
24 or library system to provide an adequate collection of  
25 books and other materials sufficient in size and varied in

1 kind and subject matter to satisfy the library needs of  
2 the people of this State and prohibit the practice of  
3 banning specific books or resources.

4 (F) Provide ~~F—provide~~ adequate library outlets and  
5 facilities convenient in time and place to serve the  
6 people of this State.

7 (G) Encourage ~~G—encourage~~ existing and new libraries  
8 to develop library systems serving a sufficiently large  
9 population to support adequate library service at  
10 reasonable cost.

11 (H) Foster ~~H—foster~~ the economic and efficient  
12 utilization of public funds.

13 (I) Promote ~~I—promote~~ the full utilization of local  
14 pride, responsibility, initiative, and support of library  
15 service and, at the same time, employ State aid as a  
16 supplement to local support.

17 The Advisory Committee of the Illinois State Library shall  
18 confer with, advise, and make recommendations to the State  
19 Librarian regarding any matter under this Act and particularly  
20 with reference to the formation of library systems.

21 (Source: P.A. 103-100, eff. 1-1-24; revised 1-2-24.)

22 Section 275. The School Code is amended by changing  
23 Sections 2-3.25d-5, 2-3.25o, 2-3.163, 3-11, 10-17a, 10-20.67,  
24 10-22.3f, 10-22.36, 10-22.39, 14-7.02, 14-8.02, 18-8.15, 19-6,  
25 21B-30, 21B-50, 21B-70, 22-30, 24-2, 24-12, 24A-5, 26A-40,



1 27-23.1, 27A-3, 27A-5, 27A-6, 27A-7, 27A-11.5, and 34-84, by  
2 setting forth and renumbering multiple versions of Sections  
3 2-3.196, 10-20.85, and 34-18.82, and by setting forth,  
4 renumbering, and changing multiple versions of Section 22-95  
5 as follows:

6 (105 ILCS 5/2-3.25d-5)

7 Sec. 2-3.25d-5. Targeted, Comprehensive, and Intensive  
8 schools.

9 (a) Beginning in 2018, a school designated as  
10 "Comprehensive" shall be defined as:

11 (1) a school that is among the lowest performing 5% of  
12 schools in this State based on the multi-measures  
13 accountability system defined in the State Plan, with  
14 respect to the performance of the "all students" group;

15 (2) any high school with a graduation rate of less  
16 than 67%;

17 (2.5) any school that has completed a full 4-year  
18 cycle of Targeted School Improvement but remains  
19 identified for Targeted Support for one or more of the  
20 same student groups originally identified for Targeted  
21 Support; or

22 (3) (blank).

23 The State Board of Education shall work with districts  
24 with one or more schools in Comprehensive School Improvement  
25 Status to perform a needs assessment to determine the

1 district's core functions that are areas of strength and  
2 weakness. The results from the needs assessment shall be used  
3 by the district and school to identify goals and objectives  
4 for improvement. The needs assessment shall include, at a  
5 minimum, a review of the following areas: student performance  
6 on State assessments; student performance on local  
7 assessments; finances, including resource allocation reviews;  
8 governance, including effectiveness of school leadership;  
9 student engagement opportunities and access to those  
10 opportunities; instructional practices; standards-aligned  
11 curriculum; school climate and culture survey results; family  
12 and community engagement; reflective stakeholder engagement;  
13 continuous school improvement practices; educator and employee  
14 quality, including staff continuity and turnover rates; and  
15 alignment of professional development to continuous  
16 improvement efforts.

17 (b) Beginning in 2018, a school designated as "Targeted"  
18 shall be defined as a school in which one or more student  
19 groups is performing at or below the level of the "all  
20 students" group of schools designated Comprehensive, as  
21 defined in paragraph (1) of subsection (a) of this Section.

22 (c) Beginning in 2023, a school designated as "Intensive"  
23 shall be defined as a school that has completed a full 4-year  
24 cycle of Comprehensive School Improvement but does not meet  
25 the criteria to exit that status, as defined in the State Plan  
26 referenced in subsection (b) of Section 2-3.25a of this Code,

1 at the end of the cycle.

2 (d) All schools in school improvement status, including  
3 Comprehensive, Targeted, and Intensive schools, must complete  
4 a school-level needs assessment and develop and implement a  
5 continuous improvement plan.

6 (Source: P.A. 103-175, eff. 6-30-23; revised 9-22-23.)

7 (105 ILCS 5/2-3.25o)

8 Sec. 2-3.25o. Registration and recognition of non-public  
9 elementary and secondary schools.

10 (a) Findings. The General Assembly finds and declares (i)  
11 that the Constitution of the State of Illinois provides that a  
12 "fundamental goal of the People of the State is the  
13 educational development of all persons to the limits of their  
14 capacities" and (ii) that the educational development of every  
15 school student serves the public purposes of the State. In  
16 order to ensure that all Illinois students and teachers have  
17 the opportunity to enroll and work in State-approved  
18 educational institutions and programs, the State Board of  
19 Education shall provide for the voluntary registration and  
20 recognition of non-public elementary and secondary schools.

21 (b) Registration. All non-public elementary and secondary  
22 schools in the State of Illinois may voluntarily register with  
23 the State Board of Education on an annual basis. Registration  
24 shall be completed in conformance with procedures prescribed  
25 by the State Board of Education. Information required for

1 registration shall include assurances of compliance (i) with  
2 federal and State laws regarding health examination and  
3 immunization, attendance, length of term, and  
4 nondiscrimination, including assurances that the school will  
5 not prohibit hairstyles historically associated with race,  
6 ethnicity, or hair texture, including, but not limited to,  
7 protective hairstyles such as braids, locks, and twists, and  
8 (ii) with applicable fire and health safety requirements.

9 (c) Recognition. All non-public elementary and secondary  
10 schools in the State of Illinois may voluntarily seek the  
11 status of "Non-public School Recognition" from the State Board  
12 of Education. This status may be obtained by compliance with  
13 administrative guidelines and review procedures as prescribed  
14 by the State Board of Education. The guidelines and procedures  
15 must recognize that some of the aims and the financial bases of  
16 non-public schools are different from public schools and will  
17 not be identical to those for public schools, nor will they be  
18 more burdensome. The guidelines and procedures must also  
19 recognize the diversity of non-public schools and shall not  
20 impinge upon the noneducational relationships between those  
21 schools and their clientele.

22 (c-5) Prohibition against recognition. A non-public  
23 elementary or secondary school may not obtain "Non-public  
24 School Recognition" status unless the school requires all  
25 certified and non-certified applicants for employment with the  
26 school, after July 1, 2007, to authorize a fingerprint-based

1 criminal history records check as a condition of employment to  
2 determine if such applicants have been convicted of any of the  
3 enumerated criminal or drug offenses set forth in Section  
4 21B-80 of this Code or have been convicted, within 7 years of  
5 the application for employment, of any other felony under the  
6 laws of this State or of any offense committed or attempted in  
7 any other state or against the laws of the United States that,  
8 if committed or attempted in this State, would have been  
9 punishable as a felony under the laws of this State.

10 Authorization for the check shall be furnished by the  
11 applicant to the school, except that if the applicant is a  
12 substitute teacher seeking employment in more than one  
13 non-public school, a teacher seeking concurrent part-time  
14 employment positions with more than one non-public school (as  
15 a reading specialist, special education teacher, or  
16 otherwise), or an educational support personnel employee  
17 seeking employment positions with more than one non-public  
18 school, then only one of the non-public schools employing the  
19 individual shall request the authorization. Upon receipt of  
20 this authorization, the non-public school shall submit the  
21 applicant's name, sex, race, date of birth, social security  
22 number, fingerprint images, and other identifiers, as  
23 prescribed by the Illinois State Police, to the Illinois State  
24 Police.

25 The Illinois State Police and Federal Bureau of  
26 Investigation shall furnish, pursuant to a fingerprint-based

1 criminal history records check, records of convictions,  
2 forever and hereafter, until expunged, to the president or  
3 principal of the non-public school that requested the check.  
4 The Illinois State Police shall charge that school a fee for  
5 conducting such check, which fee must be deposited into the  
6 State Police Services Fund and must not exceed the cost of the  
7 inquiry. Subject to appropriations for these purposes, the  
8 State Superintendent of Education shall reimburse non-public  
9 schools for fees paid to obtain criminal history records  
10 checks under this Section.

11 A non-public school may not obtain recognition status  
12 unless the school also performs a check of the Statewide Sex  
13 Offender Database, as authorized by the Sex Offender Community  
14 Notification Law, and the Statewide Murderer and Violent  
15 Offender Against Youth Database, as authorized by the Murderer  
16 and Violent Offender Against Youth Registration Act, for each  
17 applicant for employment, after July 1, 2007, to determine  
18 whether the applicant has been adjudicated of a sex offense or  
19 of a murder or other violent crime against youth. The checks of  
20 the Statewide Sex Offender Database and the Statewide  
21 ~~Statewide~~ Murderer and Violent Offender Against Youth Database  
22 must be conducted by the non-public school once for every 5  
23 years that an applicant remains employed by the non-public  
24 school.-

25 Any information concerning the record of convictions  
26 obtained by a non-public school's president or principal under

1 this Section is confidential and may be disseminated only to  
2 the governing body of the non-public school or any other  
3 person necessary to the decision of hiring the applicant for  
4 employment. A copy of the record of convictions obtained from  
5 the Illinois State Police shall be provided to the applicant  
6 for employment. Upon a check of the Statewide Sex Offender  
7 Database, the non-public school shall notify the applicant as  
8 to whether or not the applicant has been identified in the Sex  
9 Offender Database as a sex offender. Any information  
10 concerning the records of conviction obtained by the  
11 non-public school's president or principal under this Section  
12 for a substitute teacher seeking employment in more than one  
13 non-public school, a teacher seeking concurrent part-time  
14 employment positions with more than one non-public school (as  
15 a reading specialist, special education teacher, or  
16 otherwise), or an educational support personnel employee  
17 seeking employment positions with more than one non-public  
18 school may be shared with another non-public school's  
19 principal or president to which the applicant seeks  
20 employment. Any unauthorized release of confidential  
21 information may be a violation of Section 7 of the Criminal  
22 Identification Act.

23 No non-public school may obtain recognition status that  
24 knowingly employs a person, hired after July 1, 2007, for whom  
25 an Illinois State Police and Federal Bureau of Investigation  
26 fingerprint-based criminal history records check and a

1 Statewide Sex Offender Database check has not been initiated  
2 or who has been convicted of any offense enumerated in Section  
3 21B-80 of this Code or any offense committed or attempted in  
4 any other state or against the laws of the United States that,  
5 if committed or attempted in this State, would have been  
6 punishable as one or more of those offenses. No non-public  
7 school may obtain recognition status under this Section that  
8 knowingly employs a person who has been found to be the  
9 perpetrator of sexual or physical abuse of a minor under 18  
10 years of age pursuant to proceedings under Article II of the  
11 Juvenile Court Act of 1987.

12 In order to obtain recognition status under this Section,  
13 a non-public school must require compliance with the  
14 provisions of this subsection (c-5) from all employees of  
15 persons or firms holding contracts with the school, including,  
16 but not limited to, food service workers, school bus drivers,  
17 and other transportation employees, who have direct, daily  
18 contact with pupils. Any information concerning the records of  
19 conviction or identification as a sex offender of any such  
20 employee obtained by the non-public school principal or  
21 president must be promptly reported to the school's governing  
22 body.

23 Prior to the commencement of any student teaching  
24 experience or required internship (which is referred to as  
25 student teaching in this Section) in any non-public elementary  
26 or secondary school that has obtained or seeks to obtain



1 recognition status under this Section, a student teacher is  
2 required to authorize a fingerprint-based criminal history  
3 records check. Authorization for and payment of the costs of  
4 the check must be furnished by the student teacher to the chief  
5 administrative officer of the non-public school where the  
6 student teaching is to be completed. Upon receipt of this  
7 authorization and payment, the chief administrative officer of  
8 the non-public school shall submit the student teacher's name,  
9 sex, race, date of birth, social security number, fingerprint  
10 images, and other identifiers, as prescribed by the Illinois  
11 State Police, to the Illinois State Police. The Illinois State  
12 Police and the Federal Bureau of Investigation shall furnish,  
13 pursuant to a fingerprint-based criminal history records  
14 check, records of convictions, forever and hereinafter, until  
15 expunged, to the chief administrative officer of the  
16 non-public school that requested the check. The Illinois State  
17 Police shall charge the school a fee for conducting the check,  
18 which fee must be passed on to the student teacher, must not  
19 exceed the cost of the inquiry, and must be deposited into the  
20 State Police Services Fund. The school shall further perform a  
21 check of the Statewide Sex Offender Database, as authorized by  
22 the Sex Offender Community Notification Law, and of the  
23 Statewide Murderer and Violent Offender Against Youth  
24 Database, as authorized by the Murderer and Violent Offender  
25 Against Youth Registration Act, for each student teacher. No  
26 school that has obtained or seeks to obtain recognition status

1 under this Section may knowingly allow a person to student  
2 teach for whom a criminal history records check, a Statewide  
3 Sex Offender Database check, and a Statewide Murderer and  
4 Violent Offender Against Youth Database check have not been  
5 completed and reviewed by the chief administrative officer of  
6 the non-public school.

7 A copy of the record of convictions obtained from the  
8 Illinois State Police must be provided to the student teacher.  
9 Any information concerning the record of convictions obtained  
10 by the chief administrative officer of the non-public school  
11 is confidential and may be transmitted only to the chief  
12 administrative officer of the non-public school or his or her  
13 designee, the State Superintendent of Education, the State  
14 Educator Preparation and Licensure Board, or, for  
15 clarification purposes, the Illinois State Police or the  
16 Statewide Sex Offender Database or Statewide Murderer and  
17 Violent Offender Against Youth Database. Any unauthorized  
18 release of confidential information may be a violation of  
19 Section 7 of the Criminal Identification Act.

20 No school that has obtained or seeks to obtain recognition  
21 status under this Section may knowingly allow a person to  
22 student teach who has been convicted of any offense that would  
23 subject him or her to license suspension or revocation  
24 pursuant to Section 21B-80 of this Code or who has been found  
25 to be the perpetrator of sexual or physical abuse of a minor  
26 under 18 years of age pursuant to proceedings under Article II

1 of the Juvenile Court Act of 1987.

2 Any school that has obtained or seeks to obtain  
3 recognition status under this Section may not prohibit  
4 hairstyles historically associated with race, ethnicity, or  
5 hair texture, including, but not limited to, protective  
6 hairstyles such as braids, locks, and twists.

7 (d) Public purposes. The provisions of this Section are in  
8 the public interest, for the public benefit, and serve secular  
9 public purposes.

10 (e) Definition. For purposes of this Section, a non-public  
11 school means any non-profit, non-home-based, and non-public  
12 elementary or secondary school that is in compliance with  
13 Title VI of the Civil Rights Act of 1964 and attendance at  
14 which satisfies the requirements of Section 26-1 of this Code.

15 (Source: P.A. 102-360, eff. 1-1-22; 102-538, eff. 8-20-21;  
16 102-813, eff. 5-13-22; 103-111, eff. 6-29-23; revised  
17 9-20-23.)

18 (105 ILCS 5/2-3.163)

19 Sec. 2-3.163. PUNS database information for students and  
20 parents or guardians.

21 (a) The General Assembly makes all of the following  
22 findings:

23 (1) Pursuant to Section 10-26 of the Department of  
24 Human Services Act, the Department of Human Services  
25 maintains a statewide database known as the PUNS database

1           that records information about individuals with  
2           intellectual disabilities or developmental disabilities  
3           who are potentially in need of services.

4           (2) The Department of Human Services uses the data on  
5           PUNS to select individuals for services as funding becomes  
6           available, to develop proposals and materials for  
7           budgeting, and to plan for future needs.

8           (3) The PUNS database is available for adults with  
9           intellectual disabilities or developmental disabilities  
10          who have unmet service needs anticipated in the next 5  
11          years. The PUNS database is also available for children  
12          with intellectual disabilities or developmental  
13          disabilities with unmet service needs.

14          (4) Registration to be included on the PUNS database  
15          is the first step toward receiving developmental  
16          disabilities services in this State. A child or an adult  
17          who is not on the PUNS database will not be in queue for  
18          State developmental disabilities services.

19          (5) Lack of awareness and information about the PUNS  
20          database results in underutilization or delays in  
21          registration for the PUNS database by students with  
22          intellectual disabilities or developmental disabilities  
23          and their parents or guardians.

24          (a-5) The purpose of this Section is to ensure that each  
25          student with an intellectual disability or a developmental  
26          disability who has an individualized education program ("IEP")

1 and the student's parents or guardian are informed about the  
2 PUNS database, where to register for the PUNS database, and  
3 whom they can contact for information about the PUNS database  
4 and the PUNS database registration process. This Section is  
5 not intended to change the PUNS database registration process  
6 established by the Department of Human Services or to impose  
7 any responsibility on the State Board of Education or a school  
8 district to register students for the PUNS database.

9 (a-10) As used in this Section, "PUNS" means the  
10 Prioritization of Urgency of Need for Services database or  
11 PUNS database developed and maintained by the Department of  
12 Human Services pursuant to Section 10-26 of the Department of  
13 Human Services Act.

14 (b) The State Board of Education may work in consultation  
15 with the Department of Human Services and with school  
16 districts to ensure that all students with intellectual  
17 disabilities or developmental disabilities and their parents  
18 or guardians are informed about the PUNS database, as  
19 described in subsections (c), (c-5), and (d) of this Section.

20 (c) The Department of Human Services, in consultation with  
21 the State Board of Education, shall develop and implement an  
22 online, computer-based training program for at least one  
23 designated employee in every public school in this State to  
24 educate the designated employee or employees about the PUNS  
25 database and steps required to register students for the PUNS  
26 database, including the documentation and information parents

1 or guardians will need for the registration process. The  
2 training shall include instruction on identifying and  
3 contacting the appropriate developmental disabilities  
4 Independent Service Coordination agency ("ISC") to register  
5 students for the PUNS database. The training of the designated  
6 employee or employees shall also include information about  
7 organizations and programs available in this State that offer  
8 assistance to families in understanding the PUNS database and  
9 navigating the PUNS database registration process. Each school  
10 district shall post on its public website and include in its  
11 student handbook the names of the designated trained employee  
12 or employees in each school within the school district.

13 (c-5) During the student's annual IEP review meeting, if  
14 the student has an intellectual disability or a developmental  
15 disability, the student's IEP team shall determine the  
16 student's PUNS database registration status based upon  
17 information provided by the student's parents or guardian or  
18 by the student. If it is determined that the student is not  
19 registered for the PUNS database or if it is unclear whether  
20 the student is registered for the PUNS database, the parents  
21 or guardian and the student shall be referred to a designated  
22 employee of the public school who has completed the training  
23 described in subsection (c). The designated trained employee  
24 shall provide the student's parents or guardian and the  
25 student with the name, location, and contact information of  
26 the appropriate ISC to contact in order to register the

1 student for the PUNS database. The designated trained employee  
2 shall also identify for the parents or guardian and the  
3 student the information and documentation they will need to  
4 complete the PUNS database registration process with the ISC,  
5 and shall also provide information to the parents or guardian  
6 and the student about organizations and programs available in  
7 this State that offer information to families about the PUNS  
8 database and the PUNS database registration process.

9 (d) The State Board of Education, in consultation with the  
10 Department of Human Services, through school districts, shall  
11 provide to the parents and guardians of each student with an  
12 IEP a copy of the latest version of the Department of Human  
13 Services's guide titled "Understanding PUNS: A Guide to  
14 Prioritization for Urgency of Need for Services" each year at  
15 the annual review meeting for the student's individualized  
16 education program.

17 (e) (Blank).

18 (f) Subject to appropriation, the Department of Human  
19 Services shall expand its selection of individuals from the  
20 PUNS ~~Prioritization of Urgency of Need for Services~~ database  
21 to include individuals who receive services through the  
22 Children and Young Adults with Developmental Disabilities -  
23 Support Waiver.

24 (Source: P.A. 102-57, eff. 7-9-21; 103-504, eff. 1-1-24;  
25 103-546, eff. 8-11-23; revised 9-28-23.)

1 (105 ILCS 5/2-3.196)

2 (This Section may contain text from a Public Act with a  
3 delayed effective date)

4 (Section scheduled to be repealed on July 1, 2029)

5 Sec. 2-3.196. Discrimination, harassment, and retaliation  
6 reporting.

7 (a) The requirements of this Section are subject to  
8 appropriation.

9 (b) The State Board of Education shall build data  
10 collection systems to allow the collection of data on reported  
11 allegations of the conduct described in paragraph (1).  
12 Beginning on August 1 of the year after the systems are  
13 implemented and for each reporting school year beginning on  
14 August 1 and ending on July 31 thereafter, each school  
15 district, charter school, and nonpublic, nonsectarian  
16 elementary or secondary school shall disclose to the State  
17 Board of Education all of the following information:

18 (1) The total number of reported allegations of  
19 discrimination, harassment, or retaliation against  
20 students received by each school district, charter school,  
21 or nonpublic, nonsectarian elementary or secondary school  
22 during the reporting school year, defined as August 1 to  
23 July 31, in each of the following categories:

24 (A) sexual harassment;

25 (B) discrimination or harassment on the basis of  
26 race, color, or national origin;



1 (C) discrimination or harassment on the basis of  
2 sex;

3 (D) discrimination or harassment on the basis of  
4 religion;

5 (E) discrimination or harassment on the basis of  
6 disability; and

7 (F) retaliation.

8 (2) The status of allegations, as of the last day of  
9 the reporting period, in each category under paragraph  
10 (1).

11 Allegations shall be reported as unfounded, founded,  
12 or investigation pending by the school district, charter  
13 school, or nonpublic, nonsectarian elementary or secondary  
14 school.

15 (c) A school district, charter school, or nonpublic,  
16 nonsectarian elementary or secondary school may not include in  
17 any disclosures required under this Section any information by  
18 which an individual may be personally identified, including  
19 the name of the victim or victims or those accused of an act of  
20 alleged discrimination, harassment, or retaliation.

21 (d) If a school district, charter school, or nonpublic,  
22 nonsectarian elementary or secondary school fails to disclose  
23 the information required in subsection (b) of this Section by  
24 July 31 of the reporting school year, the State Board of  
25 Education shall provide a written request for disclosure to  
26 the school district, charter school, or nonpublic,

1 nonsectarian elementary or secondary school, thereby providing  
2 the period of time in which the required information must be  
3 disclosed. If a school district, charter school, or nonpublic,  
4 nonsectarian elementary or secondary school fails to disclose  
5 the information within 14 days after receipt of that written  
6 request, the State Board of Education may petition the  
7 Department of Human Rights to initiate a charge of a civil  
8 rights violation pursuant to Section 5A-102 of the Illinois  
9 Human Rights Act.

10 (e) The State Board of Education shall publish an annual  
11 report aggregating the information reported by school  
12 districts, charter schools, and nonpublic, nonsectarian  
13 elementary or secondary schools under subsection (b) of this  
14 Section. Data included in the report shall not be publicly  
15 attributed to any individual school district, charter school,  
16 or nonpublic, nonsectarian elementary or secondary school. The  
17 report shall include the number of incidents reported between  
18 August 1 and July 31 of the preceding reporting school year,  
19 based on each of the categories identified under paragraph (1)  
20 of this subsection (b).

21 The annual report shall be filed with the Department of  
22 Human Rights and the General Assembly and made available to  
23 the public by July 1 of the year following the reporting school  
24 year. Data submitted by a school district, charter school, or  
25 nonpublic, nonsectarian elementary or secondary school to  
26 comply with this Section is confidential and exempt from the

1 Freedom of Information Act.

2 (f) The State Board of Education may adopt any rules  
3 deemed necessary for implementation of this Section.

4 (g) This Section is repealed on July 1, 2029.

5 (Source: P.A. 103-472, eff. 8-1-24.)

6 (105 ILCS 5/2-3.198)

7 Sec. 2-3.198 ~~2-3.196~~. Teacher Vacancy Grant Pilot Program.

8 (a) Subject to appropriation, beginning in Fiscal Year  
9 2024, the State Board of Education shall administer a 3-year  
10 Teacher Vacancy Grant Pilot Program for the allocation of  
11 formula grant funds to school districts to support the  
12 reduction of unfilled teaching positions throughout the State.  
13 The State Board shall identify which districts are eligible to  
14 apply for a 3-year grant under this Section by reviewing the  
15 State Board's Fiscal Year 2023 annual unfilled teaching  
16 positions report to determine which districts designated as  
17 Tier 1, Tier 2, and Tier 3 under Section 18-8.15 have the  
18 greatest need for funds. Based on the National Center for  
19 Education Statistics locale classifications, 60% of eligible  
20 districts shall be rural districts and 40% of eligible  
21 districts shall be urban districts. Continued funding for the  
22 grant in Fiscal Year 2025 and Fiscal Year 2026 is subject to  
23 appropriation. The State Board shall post, on its website,  
24 information about the grant program and the list of identified  
25 districts that are eligible to apply for a grant under this

1 subsection.

2 (b) A school district that is determined to be eligible  
3 for a grant under subsection (a) and that chooses to  
4 participate in the program must submit an application to the  
5 State Board that describes the relevant context for the need  
6 for teacher vacancy support, suspected causes of teacher  
7 vacancies in the district, and the district's plan in  
8 utilizing grant funds to reduce unfilled teaching positions  
9 throughout the district. If an eligible school district  
10 chooses not to participate in the program, the State Board  
11 shall identify a potential replacement district by using the  
12 same methodology described in subsection (a).

13 (c) Grant funds awarded under this Section may be used for  
14 financial incentives to support the recruitment and hiring of  
15 teachers, programs and incentives to strengthen teacher  
16 pipelines, or investments to sustain teachers and reduce  
17 attrition among teachers. Grant funds shall be used only for  
18 the purposes outlined in the district's application to the  
19 State Board to reduce unfilled teaching positions. Grant funds  
20 shall not be used for any purposes not approved by the State  
21 Board.

22 (d) A school district that receives grant funds under this  
23 Section shall submit an annual report to the State Board that  
24 includes, but is not limited to, a summary of all grant-funded  
25 activities implemented to reduce unfilled teaching positions,  
26 progress towards reducing unfilled teaching positions, the

1 number of unfilled teaching positions in the district in the  
2 preceding fiscal year, the number of new teachers hired during  
3 the program, the teacher attrition rate, the number of  
4 individuals participating in any programs designed to reduce  
5 attrition, the number of teachers retained using support of  
6 the grant funds, participation in any strategic pathway  
7 programs created under the program, and the number of and  
8 participation in any new pathways into teaching positions  
9 created under the program.

10 (e) No later than March 1, 2027, the State Board shall  
11 submit a report to the Governor and the General Assembly on the  
12 efficacy of the pilot program that includes a summary of the  
13 information received under subsection (d) and an overview of  
14 its activities to support grantees.

15 (Source: P.A. 103-8, eff. 6-7-23; revised 9-25-23.)

16 (105 ILCS 5/2-3.199)

17 Sec. 2-3.199 ~~2-3.196~~. Computer Science Equity Grant  
18 Program.

19 (a) Subject to appropriation, the State Board shall  
20 establish a competitive grant program to support the  
21 development or enhancement of computer science programs in the  
22 K-12 schools. Eligible entities are regional offices of  
23 education, intermediate service centers, State higher  
24 education institutions, schools designated as laboratory  
25 schools, and school districts. Approved entities shall be

1 responsible for ensuring that appropriate facilities are  
2 available and educators are appropriately trained on the use  
3 of any technologies or devices acquired for the purposes of  
4 the grant.

5 (b) Computer Science Equity Grant Program funds shall be  
6 used in the following manner consistent with application  
7 requirements established by the State Board of Education as  
8 provided in this Article:

9 (1) to expand learning opportunities in grades K-12 to  
10 ensure that all students have access to computer science  
11 coursework that is aligned to rigorous State standards and  
12 emerging labor market needs;

13 (2) to train and retrain teachers of grades K-12 to be  
14 more proficient in the teaching of computer science by  
15 providing professional development opportunities;

16 (3) to supply classrooms with materials and equipment  
17 related to the teaching and learning of computer science;  
18 and

19 (4) to more effectively recruit and better serve K-12  
20 learners who are underrepresented in the computer science  
21 labor market for enrollment in computer science  
22 coursework.

23 (c) Computer Science Equity Grant Program funds shall be  
24 made available to each eligible entity upon completion of an  
25 application process that is consistent with rules established  
26 by the State Board of Education. The application shall include

1 the planned use of the funds; identification of need for the  
2 funds that is supported by local, regional, and state data; a  
3 plan for long-term sustainability; and a long-term plan for  
4 continuous improvement.

5 (d) The State Board of Education shall adopt rules as may  
6 be necessary to implement the provision of this Article,  
7 including, but not limited to, the identification of  
8 additional prioritization areas for each competitive grant  
9 application cycle that are within the scope of the authorized  
10 uses. Priority consideration for all applications will be  
11 given for proposals that intend to serve a majority of  
12 learners or teachers with gender or racial/ethnic identities  
13 that are underrepresented in the computer science labor  
14 market.

15 (e) Up to 2 renewals of the grant will be allowed,  
16 providing the entity awarded satisfactorily completes  
17 programmatic reporting and meets program objectives  
18 commensurate with application requirements set forth by the  
19 State Board of Education.

20 (f) Grants under the Computer Science Equity Grant Program  
21 and funding levels for satisfactory applications may be  
22 prorated according to the amount appropriated.

23 (Source: P.A. 103-264, eff. 1-1-24; revised 9-25-23.)

24 (105 ILCS 5/2-3.200)

25 Sec. 2-3.200 ~~2-3.196~~. State Board of Education literacy

1 assistance.

2 (a) The State Board of Education shall adopt and make  
3 available all of the following to each publicly funded school  
4 district by July 1, 2024:

5 (1) A rubric by which districts may evaluate curricula  
6 and select and implement evidence-based, culturally  
7 inclusive core reading instruction programs aligned with  
8 the comprehensive literacy plan for the State described in  
9 subsection (c).

10 (2) A template to support districts when developing  
11 comprehensive, district-wide literacy plans that include  
12 support for special student populations, including, at a  
13 minimum, students with disabilities, multilingual  
14 students, and bidialectal students.

15 (3) Guidance on evidence-based practices for effective  
16 structures for training and deploying literacy coaches to  
17 support teachers and close opportunity gaps among student  
18 demographic groups.

19 (b) On or before January 1, 2025, the State Board of  
20 Education shall develop and make available training  
21 opportunities for educators in teaching reading that are  
22 aligned with the comprehensive literacy plan described in  
23 subsection (c) and consistent with State learning standards.  
24 This support may include:

25 (1) the development of a microcredential or a series  
26 of microcredentials in literacy instruction aligned with



1 the comprehensive literacy plan described in subsection  
2 (c) to be affixed to educator licenses upon successful  
3 demonstration of the skill or completion of the required  
4 coursework or assessment, or both, or online training  
5 modules on literacy instruction, aligned with the  
6 comprehensive literacy plan described in subsection (c)  
7 and consistent with State learning standards, accepted for  
8 continuing professional development units; and

9 (2) the creation and dissemination of a tool that  
10 school districts, educators, and the public may use to  
11 evaluate professional development and training programs  
12 related to literacy instruction.

13 (c) In consultation with education stakeholders, the State  
14 Board of Education shall develop and adopt a comprehensive  
15 literacy plan for the State on or before January 31, 2024. The  
16 comprehensive literacy plan shall consider, without  
17 limitation, evidence-based research and culturally and  
18 linguistically sustaining pedagogical approaches to meet the  
19 needs of all students and shall, at a minimum, do all of the  
20 following:

21 (1) Consider core instructional literacy practices and  
22 practices related to the unique needs of and support for  
23 specific student populations, including, at a minimum,  
24 students with disabilities, multilingual students, and  
25 bidialectal students, and the resources and support,  
26 including professional learning for teachers, needed to

1 effectively implement the literacy instruction.

2 (2) Provide guidance related to screening tools, the  
3 administration of such screening tools, and the  
4 interpretation of the resulting data to identify students  
5 at risk of reading difficulties in grades kindergarten  
6 through 2. This guidance shall outline instances in which  
7 dyslexia screenings and other universal screeners are  
8 appropriate for use with English learners.

9 (3) Provide guidance related to early literacy  
10 intervention for students in grades kindergarten through 2  
11 for schools to implement with students at risk of reading  
12 difficulties, as well as literacy intervention for  
13 students in grades 3 through 12 demonstrating reading  
14 difficulties.

15 (4) Consider the impact of second language acquisition  
16 and bilingual education on reading instruction in the  
17 student's native language and English.

18 (5) Define key terminology, such as "evidence-based".

19 (6) Contextualize the interaction between elements of  
20 the plan and existing laws and regulations that have  
21 overlapping components, such as a multi-tiered system of  
22 support.

23 (7) Focus on a comprehensive range of elements of  
24 literacy, including phonological awareness; decoding  
25 (phonics); encoding (spelling); vocabulary development,  
26 including morphology, oracy, and reading fluency; and

1 reading comprehension, including syntax and background and  
2 content knowledge.

3 (Source: P.A. 103-402, eff. 7-28-23; revised 9-25-23.)

4 (105 ILCS 5/2-3.201)

5 Sec. 2-3.201 ~~2-3.196~~. Children's Adversity Index. The  
6 Illinois State Board of Education shall develop a community or  
7 district-level Children's Adversity Index ("index") to measure  
8 community childhood trauma exposure across the population of  
9 children 3 through 18 years of age by May 31, 2025. This  
10 cross-agency effort shall be led by the State Board of  
11 Education and must include agencies that both collect the data  
12 and will have an ultimate use for the index information,  
13 including, but not limited to, the Governor's Office of Early  
14 Childhood Development, the Department of Human Services, the  
15 Department of Public Health, the Department of Innovation and  
16 Technology, the Illinois Criminal Justice Information  
17 Authority, the Department of Children and Family Services, and  
18 the Department of Juvenile Justice. The State Board of  
19 Education may also involve non-agency personnel with relevant  
20 expertise. The index shall be informed by research and include  
21 both adverse incident data, such as the number or rates of  
22 students and families experiencing homelessness and the number  
23 or percentages of children who have had contact with the child  
24 welfare system, and indicators of aspects of a child's  
25 environment that can undermine the child's sense of safety,

1 stability, and bonding, including growing up in a household  
2 with caregivers struggling with substance disorders or  
3 instability due to parent or guardian separation or  
4 incarceration of a parent or guardian, sibling, or other  
5 member of the household, or exposure to community violence.  
6 The index shall provide information that allows for measuring  
7 progress, comparing school districts to the State average, and  
8 that enables the index to be updated at least every 2 years.  
9 The data shall be made publicly available. The initial  
10 development of the index should leverage available data.  
11 Personally identifiable information of any individual shall  
12 not be revealed within this index.

13 (Source: P.A. 103-413, eff. 1-1-24; revised 9-25-23.)

14 (105 ILCS 5/2-3.202)

15 Sec. 2-3.202 ~~2-3.196~~. Clothing resource materials. By no  
16 later than July 1, 2024, the State Board of Education shall  
17 make available to schools resource materials developed in  
18 consultation with stakeholders regarding a student wearing or  
19 accessorizing the student's graduation attire with general  
20 items that may be used by the student to associate with,  
21 identify, or declare the student's cultural, ethnic, or  
22 religious identity or any other protected characteristic or  
23 category identified in subsection (Q) of Section 1-103 of the  
24 Illinois Human Rights Act. The State Board of Education shall  
25 make the resource materials available on its Internet website.

1 (Source: P.A. 103-463, eff. 8-4-23; revised 9-25-23.)

2 (105 ILCS 5/2-3.203)

3 Sec. 2-3.203 ~~2-3.196~~. Mental health screenings. On or  
4 before December 15, 2023, the State Board of Education, in  
5 consultation with the Children's Behavioral Health  
6 Transformation Officer, Children's Behavioral Health  
7 Transformation Team, and the Office of the Governor, shall  
8 file a report with the Governor and the General Assembly that  
9 includes recommendations for implementation of mental health  
10 screenings in schools for students enrolled in kindergarten  
11 through grade 12. This report must include a landscape scan of  
12 current district-wide screenings, recommendations for  
13 screening tools, training for staff, and linkage and referral  
14 for identified students.

15 (Source: P.A. 103-546, eff. 8-11-23; revised 9-25-23.)

16 (105 ILCS 5/3-11)

17 (Text of Section before amendment by P.A. 103-542)

18 Sec. 3-11. Institutes or inservice training workshops.

19 (a) In counties of less than 2,000,000 inhabitants, the  
20 regional superintendent may arrange for or conduct district,  
21 regional, or county institutes, or equivalent professional  
22 educational experiences, not more than 4 days annually. Of  
23 those 4 days, 2 days may be used as a teacher's and educational  
24 support personnel workshop, when approved by the regional

1 superintendent, up to 2 days may be used for conducting  
2 parent-teacher conferences, or up to 2 days may be utilized as  
3 parental institute days as provided in Section 10-22.18d.  
4 Educational support personnel may be exempt from a workshop if  
5 the workshop is not relevant to the work they do. A school  
6 district may use one of its 4 institute days on the last day of  
7 the school term. "Institute" or "Professional educational  
8 experiences" means any educational gathering, demonstration of  
9 methods of instruction, visitation of schools or other  
10 institutions or facilities, sexual abuse and sexual assault  
11 awareness seminar, or training in First Aid (which may include  
12 cardiopulmonary resuscitation or defibrillator training) held  
13 or approved by the regional superintendent and declared by the  
14 regional superintendent ~~him~~ to be an institute day, or  
15 parent-teacher conferences. With the concurrence of the State  
16 Superintendent of Education, he or she may employ such  
17 assistance as is necessary to conduct the institute. Two or  
18 more adjoining counties may jointly hold an institute.  
19 Institute instruction shall be free to holders of licenses  
20 good in the county or counties holding the institute and to  
21 those who have paid an examination fee and failed to receive a  
22 license.

23 In counties of 2,000,000 or more inhabitants, the regional  
24 superintendent may arrange for or conduct district, regional,  
25 or county inservice training workshops, or equivalent  
26 professional educational experiences, not more than 4 days

1 annually. Of those 4 days, 2 days may be used as a teacher's  
2 and educational support personnel workshop, when approved by  
3 the regional superintendent, up to 2 days may be used for  
4 conducting parent-teacher conferences, or up to 2 days may be  
5 utilized as parental institute days as provided in Section  
6 10-22.18d. Educational support personnel may be exempt from a  
7 workshop if the workshop is not relevant to the work they do. A  
8 school district may use one of those 4 days on the last day of  
9 the school term. "Inservice Training Workshops" or  
10 "Professional educational experiences" means any educational  
11 gathering, demonstration of methods of instruction, visitation  
12 of schools or other institutions or facilities, sexual abuse  
13 and sexual assault awareness seminar, or training in First Aid  
14 (which may include cardiopulmonary resuscitation or  
15 defibrillator training) held or approved by the regional  
16 superintendent and declared by him to be an inservice training  
17 workshop, or parent-teacher conferences. With the concurrence  
18 of the State Superintendent of Education, he may employ such  
19 assistance as is necessary to conduct the inservice training  
20 workshop. With the approval of the regional superintendent, 2  
21 or more adjoining districts may jointly hold an inservice  
22 training workshop. In addition, with the approval of the  
23 regional superintendent, one district may conduct its own  
24 inservice training workshop with subject matter consultants  
25 requested from the county, State or any State institution of  
26 higher learning.

1           Such teachers institutes as referred to in this Section  
2 may be held on consecutive or separate days at the option of  
3 the regional superintendent having jurisdiction thereof.

4           Whenever reference is made in this Act to "teachers  
5 institute", it shall be construed to include the inservice  
6 training workshops or equivalent professional educational  
7 experiences provided for in this Section.

8           Any institute advisory committee existing on April 1,  
9 1995, is dissolved and the duties and responsibilities of the  
10 institute advisory committee are assumed by the regional  
11 office of education advisory board.

12           Districts providing inservice training programs shall  
13 constitute inservice committees, 1/2 of which shall be  
14 teachers, 1/4 school service personnel and 1/4 administrators  
15 to establish program content and schedules.

16           The teachers institutes shall include teacher training  
17 committed to (i) peer counseling programs and other  
18 anti-violence and conflict resolution programs, including  
19 without limitation programs for preventing at risk students  
20 from committing violent acts, and (ii) educator ethics and  
21 teacher-student conduct. Beginning with the 2009-2010 school  
22 year, the teachers institutes shall include instruction on  
23 prevalent student chronic health conditions. Beginning with  
24 the 2016-2017 school year, the teachers institutes shall  
25 include, at least once every 2 years, instruction on the  
26 federal Americans with Disabilities Act as it pertains to the



1 school environment.

2 (b) In this subsection (b):

3 "Trauma" is defined according to an event, an experience,  
4 and effects. Individual trauma results from an event, series  
5 of events, or set of circumstances that is experienced by an  
6 individual as physically or emotionally harmful or life  
7 threatening and that has lasting adverse effects on the  
8 individual's functioning and mental, physical, social, or  
9 emotional well-being. Collective trauma is a psychological  
10 reaction to a traumatic event shared by any group of people.  
11 This may include, but is not limited to, community violence,  
12 experiencing racism and discrimination, and the lack of the  
13 essential supports for well-being, such as educational or  
14 economic opportunities, food, health care, housing, and  
15 community cohesion. Trauma can be experienced by anyone,  
16 though it is disproportionately experienced by members of  
17 marginalized groups. Systemic and historical oppression, such  
18 as racism, is often at the root of this inequity. Symptoms may  
19 vary at different developmental stages and across different  
20 cultural groups and different communities.

21 "Trauma-responsive learning environments" means learning  
22 environments developed during an ongoing, multiyear-long  
23 process that typically progresses across the following 3  
24 stages:

25 (1) A school or district is "trauma aware" when it:

26 (A) has personnel that demonstrate a foundational

1 understanding of a broad definition of trauma that is  
2 developmentally and culturally based; includes  
3 students, personnel, and communities; and recognizes  
4 the potential effect on biological, cognitive,  
5 academic, and social-emotional functioning; and

6 (B) recognizes that traumatic exposure can impact  
7 behavior and learning and should be acknowledged in  
8 policies, strategies, and systems of support for  
9 students, families, and personnel.

10 (2) A school or district is "trauma responsive" when  
11 it progresses from awareness to action in the areas of  
12 policy, practice, and structural changes within a  
13 multi-tiered system of support to promote safety, positive  
14 relationships, and self-regulation while underscoring the  
15 importance of personal well-being and cultural  
16 responsiveness. Such progress may:

17 (A) be aligned with the Illinois Quality Framework  
18 and integrated into a school or district's continuous  
19 improvement process as evidence to support allocation  
20 of financial resources;

21 (B) be assessed and monitored by a  
22 multidisciplinary leadership team on an ongoing basis;  
23 and

24 (C) involve the engagement and capacity building  
25 of personnel at all levels to ensure that adults in the  
26 learning environment are prepared to recognize and

1 respond to those impacted by trauma.

2 (3) A school or district is healing centered when it  
3 acknowledges its role and responsibility to the community,  
4 fully responds to trauma, and promotes resilience and  
5 healing through genuine, trusting, and creative  
6 relationships. Such school ~~schools~~ or district ~~districts~~  
7 may:

8 (A) promote holistic and collaborative approaches  
9 that are grounded in culture, spirituality, civic  
10 engagement, and equity; and

11 (B) support agency within individuals, families,  
12 and communities while engaging people in collective  
13 action that moves from transactional to  
14 transformational.

15 "Whole child" means using a child-centered, holistic,  
16 equitable lens across all systems that prioritizes physical,  
17 mental, and social-emotional health to ensure that every child  
18 is healthy, safe, supported, challenged, engaged, and  
19 protected.

20 Starting with the 2024-2025 school year, the teachers  
21 institutes shall provide instruction on trauma-informed  
22 practices and include the definitions of trauma,  
23 trauma-responsive learning environments, and whole child set  
24 forth in this subsection (b) before the first student  
25 attendance day of each school year.

26 (Source: P.A. 103-413, eff. 1-1-24; revised 11-27-23.)

1 (Text of Section after amendment by P.A. 103-542)

2 Sec. 3-11. Institutes or inservice training workshops.

3 (a) In counties of less than 2,000,000 inhabitants, the  
4 regional superintendent may arrange for or conduct district,  
5 regional, or county institutes, or equivalent professional  
6 educational experiences, not more than 4 days annually. Of  
7 those 4 days, 2 days may be used as a teachers, administrators,  
8 and school support personnel workshop, when approved by the  
9 regional superintendent, up to 2 days may be used for  
10 conducting parent-teacher conferences, or up to 2 days may be  
11 utilized as parental institute days as provided in Section  
12 10-22.18d. School support personnel may be exempt from a  
13 workshop if the workshop is not relevant to the work they do. A  
14 school district may use one of its 4 institute days on the last  
15 day of the school term. "Institute" or "Professional  
16 educational experiences" means any educational gathering,  
17 demonstration of methods of instruction, visitation of schools  
18 or other institutions or facilities, sexual abuse and sexual  
19 assault awareness seminar, or training in First Aid (which may  
20 include cardiopulmonary resuscitation or defibrillator  
21 training) held or approved by the regional superintendent and  
22 declared by the regional superintendent ~~him~~ to be an institute  
23 day, or parent-teacher conferences. With the concurrence of  
24 the State Superintendent of Education, the regional  
25 superintendent may employ such assistance as is necessary to

1 conduct the institute. Two or more adjoining counties may  
2 jointly hold an institute. Institute instruction shall be free  
3 to holders of licenses good in the county or counties holding  
4 the institute and to those who have paid an examination fee and  
5 failed to receive a license.

6 In counties of 2,000,000 or more inhabitants, the regional  
7 superintendent may arrange for or conduct district, regional,  
8 or county inservice training workshops, or equivalent  
9 professional educational experiences, not more than 4 days  
10 annually. Of those 4 days, 2 days may be used as a teachers,  
11 administrators, and school support personnel workshop, when  
12 approved by the regional superintendent, up to 2 days may be  
13 used for conducting parent-teacher conferences, or up to 2  
14 days may be utilized as parental institute days as provided in  
15 Section 10-22.18d. School support personnel may be exempt from  
16 a workshop if the workshop is not relevant to the work they do.  
17 A school district may use one of those 4 days on the last day  
18 of the school term. "Inservice Training Workshops" or  
19 "Professional educational experiences" means any educational  
20 gathering, demonstration of methods of instruction, visitation  
21 of schools or other institutions or facilities, sexual abuse  
22 and sexual assault awareness seminar, or training in First Aid  
23 (which may include cardiopulmonary resuscitation or  
24 defibrillator training) held or approved by the regional  
25 superintendent and declared by the regional superintendent to  
26 be an inservice training workshop, or parent-teacher

1 conferences. With the concurrence of the State Superintendent  
2 of Education, the regional superintendent may employ such  
3 assistance as is necessary to conduct the inservice training  
4 workshop. With the approval of the regional superintendent, 2  
5 or more adjoining districts may jointly hold an inservice  
6 training workshop. In addition, with the approval of the  
7 regional superintendent, one district may conduct its own  
8 inservice training workshop with subject matter consultants  
9 requested from the county, State or any State institution of  
10 higher learning.

11 Such institutes as referred to in this Section may be held  
12 on consecutive or separate days at the option of the regional  
13 superintendent having jurisdiction thereof.

14 Whenever reference is made in this Act to "institute", it  
15 shall be construed to include the inservice training workshops  
16 or equivalent professional educational experiences provided  
17 for in this Section.

18 Any institute advisory committee existing on April 1,  
19 1995, is dissolved and the duties and responsibilities of the  
20 institute advisory committee are assumed by the regional  
21 office of education advisory board.

22 Districts providing inservice training programs shall  
23 constitute inservice committees, 1/2 of which shall be  
24 teachers, 1/4 school service personnel and 1/4 administrators  
25 to establish program content and schedules.

26 In addition to other topics not listed in this Section,

1 the teachers institutes may include training committed to  
2 health conditions of students; social-emotional learning;  
3 developing cultural competency; identifying warning signs of  
4 mental illness and suicidal behavior in youth; domestic and  
5 sexual violence and the needs of expectant and parenting  
6 youth; protections and accommodations for students; educator  
7 ethics; responding to child sexual abuse and grooming  
8 behavior; and effective instruction in violence prevention and  
9 conflict resolution. Institute programs in these topics shall  
10 be credited toward hours of professional development required  
11 for license renewal as outlined in subsection (e) of Section  
12 21B-45.

13 (b) In this subsection (b):

14 "Trauma" is defined according to an event, an experience,  
15 and effects. Individual trauma results from an event, series  
16 of events, or set of circumstances that is experienced by an  
17 individual as physically or emotionally harmful or life  
18 threatening and that has lasting adverse effects on the  
19 individual's functioning and mental, physical, social, or  
20 emotional well-being. Collective trauma is a psychological  
21 reaction to a traumatic event shared by any group of people.  
22 This may include, but is not limited to, community violence,  
23 experiencing racism and discrimination, and the lack of the  
24 essential supports for well-being, such as educational or  
25 economic opportunities, food, health care, housing, and  
26 community cohesion. Trauma can be experienced by anyone,

1     though it is disproportionately experienced by members of  
2     marginalized groups. Systemic and historical oppression, such  
3     as racism, is often at the root of this inequity. Symptoms may  
4     vary at different developmental stages and across different  
5     cultural groups and different communities.

6             "Trauma-responsive learning environments" means learning  
7     environments developed during an ongoing, multiyear-long  
8     process that typically progresses across the following 3  
9     stages:

10            (1) A school or district is "trauma aware" when it:

11                (A) has personnel that demonstrate a foundational  
12            understanding of a broad definition of trauma that is  
13            developmentally and culturally based; includes  
14            students, personnel, and communities; and recognizes  
15            the potential effect on biological, cognitive,  
16            academic, and social-emotional functioning; and

17                (B) recognizes that traumatic exposure can impact  
18            behavior and learning and should be acknowledged in  
19            policies, strategies, and systems of support for  
20            students, families, and personnel.

21            (2) A school or district is "trauma responsive" when  
22            it progresses from awareness to action in the areas of  
23            policy, practice, and structural changes within a  
24            multi-tiered system of support to promote safety, positive  
25            relationships, and self-regulation while underscoring the  
26            importance of personal well-being and cultural



1           responsiveness. Such progress may:

2                   (A) be aligned with the Illinois Quality Framework  
3                   and integrated into a school or district's continuous  
4                   improvement process as evidence to support allocation  
5                   of financial resources;

6                   (B) be assessed and monitored by a  
7                   multidisciplinary leadership team on an ongoing basis;  
8                   and

9                   (C) involve the engagement and capacity building  
10                  of personnel at all levels to ensure that adults in the  
11                  learning environment are prepared to recognize and  
12                  respond to those impacted by trauma.

13                 (3) A school or district is healing centered when it  
14                 acknowledges its role and responsibility to the community,  
15                 fully responds to trauma, and promotes resilience and  
16                 healing through genuine, trusting, and creative  
17                 relationships. Such school ~~schools~~ or district ~~districts~~  
18                 may:

19                   (A) promote holistic and collaborative approaches  
20                   that are grounded in culture, spirituality, civic  
21                   engagement, and equity; and

22                   (B) support agency within individuals, families,  
23                   and communities while engaging people in collective  
24                   action that moves from transactional to  
25                   transformational.

26                 "Whole child" means using a child-centered, holistic,

1 equitable lens across all systems that prioritizes physical,  
2 mental, and social-emotional health to ensure that every child  
3 is healthy, safe, supported, challenged, engaged, and  
4 protected.

5 Starting with the 2024-2025 school year, the teachers  
6 institutes shall provide instruction on trauma-informed  
7 practices and include the definitions of trauma,  
8 trauma-responsive learning environments, and whole child set  
9 forth in this subsection (b) before the first student  
10 attendance day of each school year.

11 (Source: P.A. 103-413, eff. 1-1-24; 103-542, eff. 7-1-24 (see  
12 Section 905 of P.A. 103-563 for effective date of P.A.  
13 103-542); revised 11-27-23.)

14 (105 ILCS 5/10-17a)

15 Sec. 10-17a. State, school district, and school report  
16 cards; Expanded High School Snapshot Report.

17 (1) By October 31, 2013 and October 31 of each subsequent  
18 school year, the State Board of Education, through the State  
19 Superintendent of Education, shall prepare a State report  
20 card, school district report cards, and school report cards,  
21 and shall by the most economical means provide to each school  
22 district in this State, including special charter districts  
23 and districts subject to the provisions of Article 34, the  
24 report cards for the school district and each of its schools.  
25 Because of the impacts of the COVID-19 public health emergency

1 during school year 2020-2021, the State Board of Education  
2 shall have until December 31, 2021 to prepare and provide the  
3 report cards that would otherwise be due by October 31, 2021.  
4 During a school year in which the Governor has declared a  
5 disaster due to a public health emergency pursuant to Section  
6 7 of the Illinois Emergency Management Agency Act, the report  
7 cards for the school districts and each of its schools shall be  
8 prepared by December 31.

9 (2) In addition to any information required by federal  
10 law, the State Superintendent shall determine the indicators  
11 and presentation of the school report card, which must  
12 include, at a minimum, the most current data collected and  
13 maintained by the State Board of Education related to the  
14 following:

15 (A) school characteristics and student demographics,  
16 including average class size, average teaching experience,  
17 student racial/ethnic breakdown, and the percentage of  
18 students classified as low-income; the percentage of  
19 students classified as English learners, the number of  
20 students who graduate from a bilingual or English learner  
21 program, and the number of students who graduate from,  
22 transfer from, or otherwise leave bilingual programs; the  
23 percentage of students who have individualized education  
24 plans or 504 plans that provide for special education  
25 services; the number and the percentage of all students in  
26 grades kindergarten through 8, disaggregated by the

1        student ~~students~~ demographics described in this paragraph  
2        (A), in each of the following categories: (i) those who  
3        have been assessed for placement in a gifted education  
4        program or accelerated placement, (ii) those who have  
5        enrolled in a gifted education program or in accelerated  
6        placement, and (iii) for each of categories (i) and (ii),  
7        those who received direct instruction from a teacher who  
8        holds a gifted education endorsement; the number and the  
9        percentage of all students in grades 9 through 12,  
10        disaggregated by the student demographics described in  
11        this paragraph (A), who have been enrolled in an advanced  
12        academic program; the percentage of students scoring at  
13        the "exceeds expectations" level on the assessments  
14        required under Section 2-3.64a-5 of this Code; the  
15        percentage of students who annually transferred in or out  
16        of the school district; average daily attendance; the  
17        per-pupil operating expenditure of the school district;  
18        and the per-pupil State average operating expenditure for  
19        the district type (elementary, high school, or unit);

20        (B) curriculum information, including, where  
21        applicable, Advanced Placement, International  
22        Baccalaureate or equivalent courses, dual credit courses,  
23        foreign language classes, computer science courses, school  
24        personnel resources (including Career Technical Education  
25        teachers), before and after school programs,  
26        extracurricular activities, subjects in which elective

1 classes are offered, health and wellness initiatives  
2 (including the average number of days of Physical  
3 Education per week per student), approved programs of  
4 study, awards received, community partnerships, and  
5 special programs such as programming for the gifted and  
6 talented, students with disabilities, and work-study  
7 students;

8 (C) student outcomes, including, where applicable, the  
9 percentage of students deemed proficient on assessments of  
10 State standards, the percentage of students in the eighth  
11 grade who pass Algebra, the percentage of students who  
12 participated in workplace learning experiences, the  
13 percentage of students enrolled in post-secondary  
14 institutions (including colleges, universities, community  
15 colleges, trade/vocational schools, and training programs  
16 leading to career certification within 2 semesters of high  
17 school graduation), the percentage of students graduating  
18 from high school who are college and career ready, the  
19 percentage of graduates enrolled in community colleges,  
20 colleges, and universities who are in one or more courses  
21 that the community college, college, or university  
22 identifies as a developmental course, and the percentage  
23 of students with disabilities under the federal  
24 Individuals with Disabilities Education Act and Article 14  
25 of this Code who have fulfilled the minimum State  
26 graduation requirements set forth in Section 27-22 of this

1 Code and have been issued a regular high school diploma;

2 (D) student progress, including, where applicable, the  
3 percentage of students in the ninth grade who have earned  
4 5 credits or more without failing more than one core  
5 class, a measure of students entering kindergarten ready  
6 to learn, a measure of growth, and the percentage of  
7 students who enter high school on track for college and  
8 career readiness;

9 (E) the school environment, including, where  
10 applicable, high school dropout rate by grade level, the  
11 percentage of students with less than 10 absences in a  
12 school year, the percentage of teachers with less than 10  
13 absences in a school year for reasons other than  
14 professional development, leaves taken pursuant to the  
15 federal Family Medical Leave Act of 1993, long-term  
16 disability, or parental leaves, the 3-year average of the  
17 percentage of teachers returning to the school from the  
18 previous year, the number of different principals at the  
19 school in the last 6 years, the number of teachers who hold  
20 a gifted education endorsement, the process and criteria  
21 used by the district to determine whether a student is  
22 eligible for participation in a gifted education program  
23 or advanced academic program and the manner in which  
24 parents and guardians are made aware of the process and  
25 criteria, the number of teachers who are National Board  
26 Certified Teachers, disaggregated by race and ethnicity, 2

1 or more indicators from any school climate survey selected  
2 or approved by the State and administered pursuant to  
3 Section 2-3.153 of this Code, with the same or similar  
4 indicators included on school report cards for all surveys  
5 selected or approved by the State pursuant to Section  
6 2-3.153 of this Code, the combined percentage of teachers  
7 rated as proficient or excellent in their most recent  
8 evaluation, and, beginning with the 2022-2023 school year,  
9 data on the number of incidents of violence that occurred  
10 on school grounds or during school-related activities and  
11 that resulted in an out-of-school suspension, expulsion,  
12 or removal to an alternative setting, as reported pursuant  
13 to Section 2-3.162;

14 (F) a school district's and its individual schools'  
15 balanced accountability measure, in accordance with  
16 Section 2-3.25a of this Code;

17 (G) the total and per pupil normal cost amount the  
18 State contributed to the Teachers' Retirement System of  
19 the State of Illinois in the prior fiscal year for the  
20 school's employees, which shall be reported to the State  
21 Board of Education by the Teachers' Retirement System of  
22 the State of Illinois;

23 (H) for a school district organized under Article 34  
24 of this Code only, State contributions to the Public  
25 School Teachers' Pension and Retirement Fund of Chicago  
26 and State contributions for health care for employees of

1 that school district;

2 (I) a school district's Final Percent of Adequacy, as  
3 defined in paragraph (4) of subsection (f) of Section  
4 18-8.15 of this Code;

5 (J) a school district's Local Capacity Target, as  
6 defined in paragraph (2) of subsection (c) of Section  
7 18-8.15 of this Code, displayed as a percentage amount;

8 (K) a school district's Real Receipts, as defined in  
9 paragraph (1) of subsection (d) of Section 18-8.15 of this  
10 Code, divided by a school district's Adequacy Target, as  
11 defined in paragraph (1) of subsection (b) of Section  
12 18-8.15 of this Code, displayed as a percentage amount;

13 (L) a school district's administrative costs;

14 (M) whether or not the school has participated in the  
15 Illinois Youth Survey. In this paragraph (M), "Illinois  
16 Youth Survey" means a self-report survey, administered in  
17 school settings every 2 years, designed to gather  
18 information about health and social indicators, including  
19 substance abuse patterns and the attitudes of students in  
20 grades 8, 10, and 12;

21 (N) whether the school offered its students career and  
22 technical education opportunities; and

23 (O) beginning ~~Beginning~~ with the October 2024 report  
24 card, the total number of school counselors, school social  
25 workers, school nurses, and school psychologists by  
26 school, district, and State, the average number of



1 students per school counselor in the school, district, and  
2 State, the average number of students per school social  
3 worker in the school, district, and State, the average  
4 number of students per school nurse in the school,  
5 district, and State, and the average number of students  
6 per school psychologist in the school, district, and  
7 State.

8 The school report card shall also provide information that  
9 allows for comparing the current outcome, progress, and  
10 environment data to the State average, to the school data from  
11 the past 5 years, and to the outcomes, progress, and  
12 environment of similar schools based on the type of school and  
13 enrollment of low-income students, special education students,  
14 and English learners.

15 As used in this subsection (2):

16 "Accelerated placement" has the meaning ascribed to that  
17 term in Section 14A-17 of this Code.

18 "Administrative costs" means costs associated with  
19 executive, administrative, or managerial functions within the  
20 school district that involve planning, organizing, managing,  
21 or directing the school district.

22 "Advanced academic program" means a course of study,  
23 including, but not limited to, accelerated placement, advanced  
24 placement coursework, International Baccalaureate coursework,  
25 dual credit, or any course designated as enriched or honors,  
26 that a student is enrolled in based on advanced cognitive

1 ability or advanced academic achievement compared to local age  
2 peers and in which the curriculum is substantially  
3 differentiated from the general curriculum to provide  
4 appropriate challenge and pace.

5 "Computer science" means the study of computers and  
6 algorithms, including their principles, their hardware and  
7 software designs, their implementation, and their impact on  
8 society. "Computer science" does not include the study of  
9 everyday uses of computers and computer applications, such as  
10 keyboarding or accessing the Internet.

11 "Gifted education" means educational services, including  
12 differentiated curricula and instructional methods, designed  
13 to meet the needs of gifted children as defined in Article 14A  
14 of this Code.

15 For the purposes of paragraph (A) of this subsection (2),  
16 "average daily attendance" means the average of the actual  
17 number of attendance days during the previous school year for  
18 any enrolled student who is subject to compulsory attendance  
19 by Section 26-1 of this Code at each school and charter school.

20 (2.5) For any school report card prepared after July 1,  
21 2025, for all high school graduation completion rates that are  
22 reported on the school report card as required under this  
23 Section or by any other State or federal law, the State  
24 Superintendent of Education shall also report the percentage  
25 of students who did not meet the requirements of high school  
26 graduation completion for any reason and, of those students,

1 the percentage that are classified as students who fulfill the  
2 requirements of Section 14-16 of this Code.

3 The State Superintendent shall ensure that for the  
4 2023-2024 school year there is a specific code for districts  
5 to report students who fulfill the requirements of Section  
6 14-16 of this Code to ensure accurate reporting under this  
7 Section.

8 All reporting requirements under this subsection (2.5)  
9 shall be included on the school report card where high school  
10 graduation completion rates are reported, along with a brief  
11 explanation of how fulfilling the requirements of Section  
12 14-16 of this Code is different from receiving a regular high  
13 school diploma.

14 (3) At the discretion of the State Superintendent, the  
15 school district report card shall include a subset of the  
16 information identified in paragraphs (A) through (E) of  
17 subsection (2) of this Section, as well as information  
18 relating to the operating expense per pupil and other finances  
19 of the school district, and the State report card shall  
20 include a subset of the information identified in paragraphs  
21 (A) through (E) and paragraph (N) of subsection (2) of this  
22 Section. The school district report card shall include the  
23 average daily attendance, as that term is defined in  
24 subsection (2) of this Section, of students who have  
25 individualized education programs and students who have 504  
26 plans that provide for special education services within the

1 school district.

2 (4) Notwithstanding anything to the contrary in this  
3 Section, in consultation with key education stakeholders, the  
4 State Superintendent shall at any time have the discretion to  
5 amend or update any and all metrics on the school, district, or  
6 State report card.

7 (5) Annually, no more than 30 calendar days after receipt  
8 of the school district and school report cards from the State  
9 Superintendent of Education, each school district, including  
10 special charter districts and districts subject to the  
11 provisions of Article 34, shall present such report cards at a  
12 regular school board meeting subject to applicable notice  
13 requirements, post the report cards on the school district's  
14 Internet web site, if the district maintains an Internet web  
15 site, make the report cards available to a newspaper of  
16 general circulation serving the district, and, upon request,  
17 send the report cards home to a parent (unless the district  
18 does not maintain an Internet web site, in which case the  
19 report card shall be sent home to parents without request). If  
20 the district posts the report card on its Internet web site,  
21 the district shall send a written notice home to parents  
22 stating (i) that the report card is available on the web site,  
23 (ii) the address of the web site, (iii) that a printed copy of  
24 the report card will be sent to parents upon request, and (iv)  
25 the telephone number that parents may call to request a  
26 printed copy of the report card.

1           (6) Nothing contained in Public Act 98-648 repeals,  
2           supersedes, invalidates, or nullifies final decisions in  
3           lawsuits pending on July 1, 2014 (the effective date of Public  
4           Act 98-648) in Illinois courts involving the interpretation of  
5           Public Act 97-8.

6           (7) As used in this subsection (7):

7           "Advanced-track coursework or programs" means any high  
8           school courses, sequence of courses, or class or grouping of  
9           students organized to provide more rigorous, enriched,  
10          advanced, accelerated, gifted, or above grade-level  
11          instruction. This may include, but is not limited to, Advanced  
12          Placement courses, International Baccalaureate courses,  
13          honors, weighted, advanced, or enriched courses, or gifted or  
14          accelerated programs, classrooms, or courses.

15          "Course" means any high school class or course offered by  
16          a school that is assigned a school course code by the State  
17          Board of Education.

18          "English learner coursework or English learner program"  
19          means a high school English learner course or program  
20          designated to serve English learners, who may be designated as  
21          English language learners or limited English proficiency  
22          learners.

23          "Standard coursework or programs" means any high school  
24          courses or classes other than advanced-track coursework or  
25          programs, English learner coursework or programs, or special  
26          education coursework or programs.

1 By October 31, 2027 and by October 31 of each subsequent  
2 year, the State Board of Education, through the State  
3 Superintendent of Education, shall prepare a stand-alone  
4 report covering high schools, to be referred to as the  
5 Expanded High School Snapshot Report. The State Board shall  
6 post the Report on the State Board's Internet website. Each  
7 school district with a high school shall include on the school  
8 district's Internet website, if the district maintains an  
9 Internet website, a hyperlink to the Report on the State  
10 Board's Internet website titled "Expanded High School Snapshot  
11 Report". Hyperlinks under this subsection (7) shall be  
12 displayed in a manner that is easily accessible to the public.

13 The Expanded High School Snapshot Report shall include:

14 (A) a listing of all standard coursework or programs  
15 offered by a high school;

16 (B) a listing of all advanced-track coursework or  
17 programs offered by a high school;

18 (C) a listing of all English learner coursework or  
19 programs offered by a high school;

20 (D) a listing of all special education coursework or  
21 programs offered by a high school;

22 (E) data tables and graphs comparing advanced-track  
23 coursework or programs with standard coursework or  
24 programs according to the following parameters:

25 (i) the average years of experience of all  
26 teachers in a high school who are assigned to teach

1 advanced-track coursework or programs compared with  
2 the average years of experience of all teachers in the  
3 high school who are assigned to teach standard  
4 coursework or programs;

5 (ii) the average years of experience of all  
6 teachers in a high school who are assigned to teach  
7 special education coursework or programs compared with  
8 the average years of experience of all teachers in the  
9 high school who are assigned to teach standard  
10 coursework or programs;

11 (iii) the average years of experience of all  
12 teachers in a high school who are assigned to teach  
13 English learner coursework or programs compared with  
14 the average years of experience of all teachers in the  
15 high school who are assigned to teach standard  
16 coursework or programs;

17 (iv) the number of high school teachers who  
18 possess bachelor's, master's, or doctorate degrees and  
19 who are assigned to teach advanced-track courses or  
20 programs compared with the number of teachers who  
21 possess bachelor's, master's, or doctorate degrees and  
22 who are assigned to teach standard coursework or  
23 programs;

24 (v) the number of high school teachers who possess  
25 bachelor's, master's, or doctorate degrees and who are  
26 assigned to teach special education coursework or

1 programs compared with the number of teachers who  
2 possess bachelor's, master's, or doctorate degrees and  
3 who are assigned to teach standard coursework or  
4 programs;

5 (vi) the number of high school teachers who  
6 possess bachelor's, master's, or doctorate degrees and  
7 who are assigned to teach English learner coursework  
8 or programs compared with the number of teachers who  
9 possess bachelor's, master's, or doctorate degrees and  
10 who are assigned to teach standard coursework or  
11 programs;

12 (vii) the average student enrollment and class  
13 size of advanced-track coursework or programs offered  
14 in a high school compared with the average student  
15 enrollment and class size of standard coursework or  
16 programs;

17 (viii) the percentages of students delineated by  
18 gender who are enrolled in advanced-track coursework  
19 or programs in a high school compared with the gender  
20 of students enrolled in standard coursework or  
21 programs;

22 (ix) the percentages of students delineated by  
23 gender who are enrolled in special education  
24 coursework or programs in a high school compared with  
25 the percentages of students enrolled in standard  
26 coursework or programs;



1           (x) the percentages of students delineated by  
2 gender who are enrolled in English learner coursework  
3 or programs in a high school compared with the gender  
4 of students enrolled in standard coursework or  
5 programs;

6           (xi) the percentages of high school students in  
7 each individual race and ethnicity category, as  
8 defined in the most recent federal decennial census,  
9 who are enrolled in advanced-track coursework or  
10 programs compared with the percentages of students in  
11 each individual race and ethnicity category enrolled  
12 in standard coursework or programs;

13           (xii) the percentages of high school students in  
14 each of the race and ethnicity categories, as defined  
15 in the most recent federal decennial census, who are  
16 enrolled in special education coursework or programs  
17 compared with the percentages of students in each of  
18 the race and ethnicity categories who are enrolled in  
19 standard coursework or programs;

20           (xiii) the percentages of high school students in  
21 each of the race and ethnicity categories, as defined  
22 in the most recent federal decennial census, who are  
23 enrolled in English learner coursework or programs in  
24 a high school compared with the percentages of high  
25 school students in each of the race and ethnicity  
26 categories who are enrolled in standard coursework or

1 programs;

2 (xiv) the percentage of high school students who  
3 reach proficiency (the equivalent of a C grade or  
4 higher on a grade A through F scale) in advanced-track  
5 coursework or programs compared with the percentage of  
6 students who earn proficiency (the equivalent of a C  
7 grade or higher on a grade A through F scale) in  
8 standard coursework or programs;

9 (xv) the percentage of high school students who  
10 reach proficiency (the equivalent of a C grade or  
11 higher on a grade A through F scale) in special  
12 education coursework or programs compared with the  
13 percentage of high school students who earn  
14 proficiency (the equivalent of a C grade or higher on a  
15 grade A through F scale) in standard coursework or  
16 programs; and

17 (xvi) the percentage of high school students who  
18 reach proficiency (the equivalent of a C grade or  
19 higher on a grade A through F scale) in English learner  
20 coursework or programs compared with the percentage of  
21 high school students who earn proficiency (the  
22 equivalent of a C grade or higher on a grade A through  
23 F scale) in standard coursework or programs; and

24 (F) data tables and graphs for each race and ethnicity  
25 category, as defined in the most recent federal decennial  
26 census, and gender category, as defined in the most recent

1 federal decennial census, describing:

2 (i) the total number of Advanced Placement courses  
3 taken by race and ethnicity category and gender  
4 category, as defined in the most recent federal  
5 decennial census;

6 (ii) the total number of International  
7 Baccalaureate courses taken by race and ethnicity  
8 category and gender category, as defined in the most  
9 recent federal decennial census;

10 (iii) for each race and ethnicity category and  
11 gender category, as defined in the most recent federal  
12 decennial census, the percentage of high school  
13 students enrolled in Advanced Placement courses;

14 (iv) for each race and ethnicity category and  
15 gender category, as defined in the most recent federal  
16 decennial census, the percentage of high school  
17 students enrolled in International Baccalaureate  
18 courses; and

19 (v) for each race and ethnicity category, as  
20 defined in the most recent federal decennial census,  
21 the total number and percentage of high school  
22 students who earn a score of 3 or higher on the  
23 Advanced Placement exam associated with an Advanced  
24 Placement course.

25 For data on teacher experience and education under this  
26 subsection (7), a teacher who teaches a combination of courses

1 designated as advanced-track coursework or programs, English  
2 learner coursework or programs, or standard coursework or  
3 programs shall be included in all relevant categories and the  
4 teacher's level of experience shall be added to the  
5 categories.

6 (Source: P.A. 102-16, eff. 6-17-21; 102-294, eff. 1-1-22;  
7 102-539, eff. 8-20-21; 102-558, eff. 8-20-21; 102-594, eff.  
8 7-1-22; 102-813, eff. 5-13-22; 103-116, eff. 6-30-23; 103-263,  
9 eff. 6-30-23; 103-413, eff, 1-1-24; 103-503, eff. 1-1-24;  
10 revised 9-12-23.)

11 (105 ILCS 5/10-20.67)

12 Sec. 10-20.67. Short-term substitute teacher training.

13 (a) Each school board shall, in collaboration with its  
14 teachers or, if applicable, the exclusive bargaining  
15 representative of its teachers, jointly develop a short-term  
16 substitute teacher training program that provides individuals  
17 who hold a Short-Term Substitute Teaching License under  
18 Section 21B-20 of this Code with information on curriculum,  
19 classroom management techniques, school safety, and district  
20 and building operations. The State Board of Education may  
21 develop a model short-term substitute teacher training program  
22 for use by a school board under this subsection (a) if the  
23 school board and its teachers or, if applicable, the exclusive  
24 bargaining representative of its teachers agree to use the  
25 State Board's model. A school board with a substitute teacher

1 training program in place before July 1, 2018 (the effective  
2 date of Public Act 100-596) may utilize that program to  
3 satisfy the requirements of this subsection (a).

4 (b) Nothing in this Section prohibits a school board from  
5 offering substitute training to substitute teachers licensed  
6 under paragraph (3) of Section 21B-20 of this Code or to  
7 substitute teachers holding a Professional Educator License.

8 (c) (Blank).

9 (Source: P.A. 103-111, eff. 6-29-23; revised 9-20-23.)

10 (105 ILCS 5/10-20.85)

11 Sec. 10-20.85. Trauma kit.

12 (a) In this Section, "trauma kit" means a first aid  
13 response kit that contains, at a minimum, all of the  
14 following:

15 (1) One tourniquet endorsed by the Committee on  
16 Tactical Combat Casualty Care.

17 (2) One compression bandage.

18 (3) One hemostatic bleeding control dressing endorsed  
19 by the Committee on Tactical Combat Casualty Care.

20 (4) Protective gloves and a marker.

21 (5) Scissors.

22 (6) Instructional documents developed by the Stop the  
23 Bleed national awareness campaign of the United States  
24 Department of Homeland Security or the American College of  
25 Surgeons' Committee on Trauma, or both.

1           (7) Any other medical materials or equipment similar  
2           to those described in paragraphs (1) through (3) or any  
3           other items that (i) are approved by a local law  
4           enforcement agency or first responders, (ii) can  
5           adequately treat a traumatic injury, and (iii) can be  
6           stored in a readily available kit.

7           (b) Each school district may maintain an on-site trauma  
8           kit at each school of the district for bleeding emergencies.

9           (c) Products purchased for the trauma kit, including those  
10          products endorsed by the Committee on Tactical Combat Casualty  
11          Care, shall, whenever possible, be manufactured in the United  
12          States.

13          (Source: P.A. 103-128, eff. 6-30-23.)

14          (105 ILCS 5/10-20.86)

15          (This Section may contain text from a Public Act with a  
16          delayed effective date)

17          Sec. 10-20.86 ~~10-20.85~~. Community input on local  
18          assessments.

19          (a) As used in this Section, "district-administered  
20          assessment" means an assessment that requires all student test  
21          takers at any grade level to answer the same questions, or a  
22          selection of questions from a common bank of questions, in the  
23          same manner or substantially the same questions in the same  
24          manner. The term does not include an observational assessment  
25          tool used to satisfy the requirements of Section 2-3.64a-10 of

1 this Code or an assessment developed by district teachers or  
2 administrators that will be used to measure student progress  
3 at an attendance center within the school district.

4 (b) Prior to approving a new contract for any  
5 district-administered assessment, a school board must hold a  
6 public vote at a regular meeting of the school board, at which  
7 the terms of the proposal must be substantially presented and  
8 an opportunity for allowing public comments must be provided,  
9 subject to applicable notice requirements. However, if the  
10 assessment being made available to review is subject to  
11 copyright, trademark, or other intellectual property  
12 protection, the review process shall include technical and  
13 procedural safeguards to ensure that the materials are not  
14 able to be widely disseminated to the general public in  
15 violation of the intellectual property rights of the publisher  
16 and to ensure content validity is not undermined.

17 (Source: P.A. 103-393, eff. 7-1-24; revised 8-30-23.)

18 (105 ILCS 5/10-22.3f)

19 Sec. 10-22.3f. Required health benefits. Insurance  
20 protection and benefits for employees shall provide the  
21 post-mastectomy care benefits required to be covered by a  
22 policy of accident and health insurance under Section 356t and  
23 the coverage required under Sections 356g, 356g.5, 356g.5-1,  
24 356q, 356u, 356w, 356x, 356z.4, 356z.4a, 356z.6, 356z.8,  
25 356z.9, 356z.11, 356z.12, 356z.13, 356z.14, 356z.15, 356z.22,

1 356z.25, 356z.26, 356z.29, 356z.30a, 356z.32, 356z.33,  
2 356z.36, 356z.40, 356z.41, 356z.45, 356z.46, 356z.47, 356z.51,  
3 356z.53, 356z.54, 356z.56, 356z.57, 356z.59, 356z.60, ~~and~~  
4 356z.61, ~~and~~ 356z.62, 356z.64, 356z.67, 356z.68, and 356z.70  
5 of the Illinois Insurance Code. Insurance policies shall  
6 comply with Section 356z.19 of the Illinois Insurance Code.  
7 The coverage shall comply with Sections 155.22a, 355b, and  
8 370c of the Illinois Insurance Code. The Department of  
9 Insurance shall enforce the requirements of this Section.

10 Rulemaking authority to implement Public Act 95-1045, if  
11 any, is conditioned on the rules being adopted in accordance  
12 with all provisions of the Illinois Administrative Procedure  
13 Act and all rules and procedures of the Joint Committee on  
14 Administrative Rules; any purported rule not so adopted, for  
15 whatever reason, is unauthorized.

16 (Source: P.A. 102-30, eff. 1-1-22; 102-103, eff. 1-1-22;  
17 102-203, eff. 1-1-22; 102-306, eff. 1-1-22; 102-642, eff.  
18 1-1-22; 102-665, eff. 10-8-21; 102-731, eff. 1-1-23; 102-804,  
19 eff. 1-1-23; 102-813, eff. 5-13-22; 102-816, eff. 1-1-23;  
20 102-860, eff. 1-1-23; 102-1093, eff. 1-1-23; 102-1117, eff.  
21 1-13-23; 103-84, eff. 1-1-24; 103-91, eff. 1-1-24; 103-420,  
22 eff. 1-1-24; 103-445, eff. 1-1-24; 103-535, eff. 8-11-23;  
23 103-551, eff. 8-11-23; revised 8-29-23.)

24 (105 ILCS 5/10-22.36) (from Ch. 122, par. 10-22.36)

25 Sec. 10-22.36. Buildings for school purposes.



1           (a) To build or purchase a building for school classroom  
2 or instructional purposes upon the approval of a majority of  
3 the voters upon the proposition at a referendum held for such  
4 purpose or in accordance with Section 17-2.11, 19-3.5, or  
5 19-3.10. The board may initiate such referendum by resolution.  
6 The board shall certify the resolution and proposition to the  
7 proper election authority for submission in accordance with  
8 the general election law.

9           The questions of building one or more new buildings for  
10 school purposes or office facilities, and issuing bonds for  
11 the purpose of borrowing money to purchase one or more  
12 buildings or sites for such buildings or office sites, to  
13 build one or more new buildings for school purposes or office  
14 facilities or to make additions and improvements to existing  
15 school buildings, may be combined into one or more  
16 propositions on the ballot.

17           Before erecting, or purchasing or remodeling such a  
18 building the board shall submit the plans and specifications  
19 respecting heating, ventilating, lighting, seating, water  
20 supply, toilets and safety against fire to the regional  
21 superintendent of schools having supervision and control over  
22 the district, for approval in accordance with Section 2-3.12.

23           Notwithstanding any of the foregoing, no referendum shall  
24 be required if the purchase, construction, or building of any  
25 such building (1) occurs while the building is being leased by  
26 the school district or (2) is paid with (A) funds derived from

1 the sale or disposition of other buildings, land, or  
2 structures of the school district or (B) funds received (i) as  
3 a grant under the School Construction Law or (ii) as gifts or  
4 donations, provided that no funds to purchase, construct, or  
5 build such building, other than lease payments, are derived  
6 from the district's bonded indebtedness or the tax levy of the  
7 district.

8 Notwithstanding any of the foregoing, no referendum shall  
9 be required if the purchase, construction, or building of any  
10 such building is paid with funds received from the County  
11 School Facility and Resources Occupation Tax Law under Section  
12 5-1006.7 of the Counties Code or from the proceeds of bonds or  
13 other debt obligations secured by revenues obtained from that  
14 Law.

15 Notwithstanding any of the foregoing, for Decatur School  
16 District Number 61, no referendum shall be required if at  
17 least 50% of the cost of the purchase, construction, or  
18 building of any such building is paid, or will be paid, with  
19 funds received or expected to be received as part of, or  
20 otherwise derived from, any COVID-19 pandemic relief program  
21 or funding source, including, but not limited to, Elementary  
22 and Secondary School Emergency Relief Fund grant proceeds.

23 (b) Notwithstanding the provisions of subsection (a), for  
24 any school district: (i) that is a tier 1 school, (ii) that has  
25 a population of less than 50,000 inhabitants, (iii) whose  
26 student population is between 5,800 and 6,300, (iv) in which

1 57% to 62% of students are low-income, and (v) whose average  
2 district spending is between \$10,000 to \$12,000 per pupil,  
3 until July 1, 2025, no referendum shall be required if at least  
4 50% of the cost of the purchase, construction, or building of  
5 any such building is paid, or will be paid, with funds received  
6 or expected to be received as part of, or otherwise derived  
7 from, the federal Consolidated Appropriations Act and the  
8 federal American Rescue Plan Act of 2021.

9 For this subsection (b), the school board must hold at  
10 least 2 public hearings, the sole purpose of which shall be to  
11 discuss the decision to construct a school building and to  
12 receive input from the community. The notice of each public  
13 hearing that sets forth the time, date, place, and name or  
14 description of the school building that the school board is  
15 considering constructing must be provided at least 10 days  
16 prior to the hearing by publication on the school board's  
17 Internet website.

18 (c) Notwithstanding the provisions of subsections  
19 ~~subsection~~ (a) and (b), for Cahokia Community Unit School  
20 District 187, no referendum shall be required for the lease of  
21 any building for school or educational purposes if the cost is  
22 paid or will be paid with funds available at the time of the  
23 lease in the district's existing fund balances to fund the  
24 lease of a building during the 2023-2024 or 2024-2025 school  
25 year.

26 For the purposes of this subsection (c), the school board

1 must hold at least 2 public hearings, the sole purpose of which  
2 shall be to discuss the decision to lease a school building and  
3 to receive input from the community. The notice of each public  
4 hearing that sets forth the time, date, place, and name or  
5 description of the school building that the school board is  
6 considering leasing must be provided at least 10 days prior to  
7 the hearing by publication on the school district's website.

8 (d) ~~(e)~~ Notwithstanding the provisions of subsections  
9 ~~subsection~~ (a) and (b), for Bloomington School District 87, no  
10 referendum shall be required for the purchase, construction,  
11 or building of any building for school or education purposes  
12 if such cost is paid~~r~~ or will be paid with funds available at  
13 the time of contract, purchase, construction, or building in  
14 Bloomington School District Number 87's existing fund balances  
15 to fund the procurement or requisition of a building or site  
16 during the 2022-2023, 2023-2024, or 2024-2025 school year  
17 years.

18 For this subsection (d) ~~(e)~~, the school board must hold at  
19 least 2 public hearings, the sole purpose of which shall be to  
20 discuss the decision to construct a school building and to  
21 receive input from the community. The notice of each public  
22 hearing that sets forth the time, date, place, and name or  
23 description of the school building that the school board is  
24 considering constructing must be provided at least 10 days  
25 prior to the hearing by publication on the school board's  
26 website.

1 (Source: P.A. 102-16, eff. 6-17-21; 102-699, eff. 7-1-22;  
2 103-8, eff. 6-7-23; 103-509, eff. 8-4-23; revised 8-31-23.)

3 (105 ILCS 5/10-22.39)

4 (Text of Section before amendment by P.A. 103-41 and P.A.  
5 103-542)

6 Sec. 10-22.39. In-service training programs.

7 (a) To conduct in-service training programs for teachers.

8 (b) In addition to other topics at in-service training  
9 programs, at least once every 2 years, licensed school  
10 personnel and administrators who work with pupils in  
11 kindergarten through grade 12 shall be trained to identify the  
12 warning signs of mental illness, trauma, and suicidal behavior  
13 in youth and shall be taught appropriate intervention and  
14 referral techniques. A school district may utilize the  
15 Illinois Mental Health First Aid training program, established  
16 under the Illinois Mental Health First Aid Training Act and  
17 administered by certified instructors trained by a national  
18 association recognized as an authority in behavioral health,  
19 to provide the training and meet the requirements under this  
20 subsection. If licensed school personnel or an administrator  
21 obtains mental health first aid training outside of an  
22 in-service training program, he or she may present a  
23 certificate of successful completion of the training to the  
24 school district to satisfy the requirements of this  
25 subsection.

1 Training regarding the implementation of trauma-informed  
2 practices satisfies the requirements of this subsection (b).

3 A course of instruction as described in this subsection  
4 (b) must include the definitions of trauma, trauma-responsive  
5 learning environments, and whole child set forth in subsection  
6 (b) of Section 3-11 of this Code and may provide information  
7 that is relevant to and within the scope of the duties of  
8 licensed school personnel or school administrators. Such  
9 information may include, but is not limited to:

10 (1) the recognition of and care for trauma in students  
11 and staff;

12 (2) the relationship between educator wellness and  
13 student learning;

14 (3) the effect of trauma on student behavior and  
15 learning;

16 (4) the prevalence of trauma among students, including  
17 the prevalence of trauma among student populations at  
18 higher risk of experiencing trauma;

19 (5) the effects of implicit or explicit bias on  
20 recognizing trauma among various student groups in  
21 connection with race, ethnicity, gender identity, sexual  
22 orientation, socio-economic status, and other relevant  
23 factors; and

24 (6) effective district practices that are shown to:

25 (A) prevent and mitigate the negative effect of  
26 trauma on student behavior and learning; and

1 (B) support the emotional wellness of staff.

2 (c) School counselors, nurses, teachers and other school  
3 personnel who work with pupils may be trained to have a basic  
4 knowledge of matters relating to acquired immunodeficiency  
5 syndrome (AIDS), including the nature of the disease, its  
6 causes and effects, the means of detecting it and preventing  
7 its transmission, and the availability of appropriate sources  
8 of counseling and referral, and any other information that may  
9 be appropriate considering the age and grade level of such  
10 pupils. The School Board shall supervise such training. The  
11 State Board of Education and the Department of Public Health  
12 shall jointly develop standards for such training.

13 (d) In this subsection (d):

14 "Domestic violence" means abuse by a family or household  
15 member, as "abuse" and "family or household members" are  
16 defined in Section 103 of the Illinois Domestic Violence Act  
17 of 1986.

18 "Sexual violence" means sexual assault, abuse, or stalking  
19 of an adult or minor child proscribed in the Criminal Code of  
20 1961 or the Criminal Code of 2012 in Sections 11-1.20,  
21 11-1.30, 11-1.40, 11-1.50, 11-1.60, 12-7.3, 12-7.4, 12-7.5,  
22 12-12, 12-13, 12-14, 12-14.1, 12-15, and 12-16, including  
23 sexual violence committed by perpetrators who are strangers to  
24 the victim and sexual violence committed by perpetrators who  
25 are known or related by blood or marriage to the victim.

26 At least once every 2 years, an in-service training

1 program for school personnel who work with pupils, including,  
2 but not limited to, school and school district administrators,  
3 teachers, school social workers, school counselors, school  
4 psychologists, and school nurses, must be conducted by persons  
5 with expertise in domestic and sexual violence and the needs  
6 of expectant and parenting youth and shall include training  
7 concerning (i) communicating with and listening to youth  
8 victims of domestic or sexual violence and expectant and  
9 parenting youth, (ii) connecting youth victims of domestic or  
10 sexual violence and expectant and parenting youth to  
11 appropriate in-school services and other agencies, programs,  
12 and services as needed, and (iii) implementing the school  
13 district's policies, procedures, and protocols with regard to  
14 such youth, including confidentiality. At a minimum, school  
15 personnel must be trained to understand, provide information  
16 and referrals, and address issues pertaining to youth who are  
17 parents, expectant parents, or victims of domestic or sexual  
18 violence.

19 (e) At least every 2 years, an in-service training program  
20 for school personnel who work with pupils must be conducted by  
21 persons with expertise in anaphylactic reactions and  
22 management.

23 (f) At least once every 2 years, a school board shall  
24 conduct in-service training on educator ethics,  
25 teacher-student conduct, and school employee-student conduct  
26 for all personnel.



1 (g) At least once every 2 years, a school board shall  
2 conduct in-service training for all school district employees  
3 on the methods to respond to trauma. The training must include  
4 instruction on how to respond to an incident involving  
5 life-threatening bleeding and, if applicable, how to use a  
6 school's trauma kit. A school board may satisfy the training  
7 requirements under this subsection by using the training,  
8 including online training, available from the American College  
9 of Surgeons or any other similar organization.

10 School district employees who are trained to respond to  
11 trauma pursuant to this subsection (g) shall be immune from  
12 civil liability in the use of a trauma kit unless the action  
13 constitutes willful or wanton misconduct.

14 (Source: P.A. 102-197, eff. 7-30-21; 102-638, eff. 1-1-23;  
15 102-813, eff. 5-13-22; 103-128, eff. 6-30-23; 103-413, eff.  
16 1-1-24; revised 11-27-23.)

17 (Text of Section after amendment by P.A. 103-542 but  
18 before amendment by P.A. 103-41)

19 Sec. 10-22.39. In-service training programs.

20 (a) To conduct in-service training programs for teachers,  
21 administrators, and school support personnel.

22 (b) In addition to other topics at in-service training  
23 programs listed in this Section, teachers, administrators, and  
24 school support personnel who work with pupils must be trained  
25 in the following topics: health conditions of students;

1 social-emotional learning; developing cultural competency;  
2 identifying warning signs of mental illness and suicidal  
3 behavior in youth; domestic and sexual violence and the needs  
4 of expectant and parenting youth; protections and  
5 accommodations for students; educator ethics; responding to  
6 child sexual abuse and grooming behavior; and effective  
7 instruction in violence prevention and conflict resolution.  
8 In-service training programs in these topics shall be credited  
9 toward hours of professional development required for license  
10 renewal as outlined in subsection (e) of Section 21B-45.

11 School support personnel may be exempt from in-service  
12 training if the training is not relevant to the work they do.

13 Nurses and school nurses, as defined by Section 10-22.23,  
14 are exempt from training required in subsection (b-5).

15 Beginning July 1, 2024, all teachers, administrators, and  
16 school support personnel shall complete training as outlined  
17 in Section 10-22.39 during an in-service training program  
18 conducted by their school board or through other training  
19 opportunities, including, but not limited to, institutes under  
20 Section 3-11. Such training must be completed within 6 months  
21 of employment by a school board and renewed at least once every  
22 5 years, unless required more frequently by other State or  
23 federal law or in accordance with this Section. If teachers,  
24 administrators, or school support personnel obtain training  
25 outside of an in-service training program or from a previous  
26 public school district or nonpublic school employer, they may

1 present documentation showing current compliance with this  
2 subsection to satisfy the requirement of receiving training  
3 within 6 months of first being employed. Training may be  
4 delivered through online, asynchronous means.

5 (b-5) Training regarding health conditions of students for  
6 staff required by this Section shall include, but is not  
7 limited to:

8 (1) Chronic health conditions of students.

9 (2) Anaphylactic reactions and management. Such  
10 training shall be conducted by persons with expertise in  
11 anaphylactic reactions and management.

12 (3) The management of asthma, the prevention of asthma  
13 symptoms, and emergency response in the school setting.

14 (4) The basics of seizure recognition and first aid  
15 and appropriate emergency protocols. Such training must be  
16 fully consistent with the best practice guidelines issued  
17 by the Centers for Disease Control and Prevention.

18 (5) The basics of diabetes care, how to identify when  
19 a student with diabetes needs immediate or emergency  
20 medical attention, and whom to contact in the case of an  
21 emergency.

22 (6) Current best practices regarding the  
23 identification and treatment of attention deficit  
24 hyperactivity disorder.

25 (7) Instruction on how to respond to an incident  
26 involving life-threatening bleeding and, if applicable,

1           how to use a school's trauma kit. Beginning with the  
2           2024-2025 school year, training on life-threatening  
3           bleeding must be completed within 6 months of the employee  
4           first being employed by a school board and renewed within  
5           2 years. Beginning with the 2027-2028 school year, the  
6           training must be completed within 6 months of the employee  
7           first being employed by a school board and renewed at  
8           least once every 5 years thereafter.

9           In consultation with professional organizations with  
10          expertise in student health issues, including, but not limited  
11          to, asthma management, anaphylactic reactions, seizure  
12          recognition, and diabetes care, the State Board of Education  
13          shall make available resource materials for educating school  
14          personnel about student health conditions and emergency  
15          response in the school setting.

16          A school board may satisfy the life-threatening bleeding  
17          training under this subsection by using the training,  
18          including online training, available from the American College  
19          of Surgeons or any other similar organization.

20          (b-10) The training regarding social-emotional learning<sup>7</sup>  
21          for staff required by this Section may include, at a minimum,  
22          providing education to all school personnel about the content  
23          of the Illinois Social and Emotional Learning Standards, how  
24          those standards apply to everyday school interactions, and  
25          examples of how social emotional learning can be integrated  
26          into instructional practices across all grades and subjects.

1 (b-15) The training regarding developing cultural  
2 competency for staff required by this Section shall include,  
3 but is not limited to, understanding and reducing implicit  
4 bias, including implicit racial bias. As used in this  
5 subsection, "implicit racial bias" has the meaning set forth  
6 in Section 10-20.61.

7 (b-20) The training regarding identifying warning signs of  
8 mental illness, trauma, and suicidal behavior in youth for  
9 staff required by this Section shall include, but is not  
10 limited to, appropriate intervention and referral techniques,  
11 including resources and guidelines as outlined in Section  
12 2-3.166, and must include the definitions of trauma,  
13 trauma-responsive learning environments, and whole child set  
14 forth in subsection (b) of Section 3-11 of this Code.

15 Illinois Mental Health First Aid training, established  
16 under the Illinois Mental Health First Aid Training Act, may  
17 satisfy the requirements of this subsection.

18 If teachers, administrators, or school support personnel  
19 obtain mental health first aid training outside of an  
20 in-service training program, they may present a certificate of  
21 successful completion of the training to the school district  
22 to satisfy the requirements of this subsection. Training  
23 regarding the implementation of trauma-informed practices  
24 satisfies the requirements of this subsection.

25 (b-25) As used in this subsection:

26 "Domestic violence" means abuse by a family or household

1 member, as "abuse" and "family or household members" are  
2 defined in Section 103 of the Illinois Domestic Violence Act  
3 of 1986.

4 "Sexual violence" means sexual assault, abuse, or stalking  
5 of an adult or minor child proscribed in the Criminal Code of  
6 1961 or in Sections 11-1.20, 11-1.30, 11-1.40, 11-1.50,  
7 11-1.60, 12-7.3, 12-7.4, 12-7.5, 12-12, 12-13, 12-14, 12-14.1,  
8 12-15, and 12-16 of the Criminal Code of 2012, including  
9 sexual violence committed by perpetrators who are strangers to  
10 the victim and sexual violence committed by perpetrators who  
11 are known or related by blood or marriage to the victim.

12 The training regarding domestic and sexual violence and  
13 the needs of expectant and parenting youth for staff required  
14 by this Section must be conducted by persons with expertise in  
15 domestic and sexual violence and the needs of expectant and  
16 parenting youth, and shall include, but is not limited to:

17 (1) communicating with and listening to youth victims  
18 of domestic or sexual violence and expectant and parenting  
19 youth;

20 (2) connecting youth victims of domestic or sexual  
21 violence and expectant and parenting youth to appropriate  
22 in-school services and other agencies, programs, and  
23 services as needed;

24 (3) implementing the school district's policies,  
25 procedures, and protocols with regard to such youth,  
26 including confidentiality; ~~at.~~ ~~At~~ a minimum, school

1 personnel must be trained to understand, provide  
2 information and referrals, and address issues pertaining  
3 to youth who are parents, expectant parents, or victims of  
4 domestic or sexual violence; and

5 (4) procedures for responding to incidents of teen  
6 dating violence that take place at the school, on school  
7 grounds, at school-sponsored activities, or in vehicles  
8 used for school-provided transportation as outlined in  
9 Section 3.10 of the Critical Health Problems and  
10 Comprehensive Health Education Act.

11 (b-30) The training regarding protections and  
12 accommodations for students shall include, but is not limited  
13 to, instruction on the federal Americans with Disabilities  
14 Act, as it pertains to the school environment, and  
15 homelessness. Beginning with the 2024-2025 school year,  
16 training on homelessness must be completed within 6 months of  
17 an employee first being employed by a school board and renewed  
18 within 2 years. Beginning with the 2027-2028 school year, the  
19 training must be completed within 6 months of the employee  
20 first being employed by a school board and renewed at least  
21 once every 5 years thereafter. Training on homelessness shall  
22 include the following:

23 (1) the definition of homeless children and youths  
24 under 42 U.S.C. 11434a;

25 (2) the signs of homelessness and housing insecurity;

26 (3) the rights of students experiencing homelessness

1 under State and federal law;

2 (4) the steps to take when a homeless or  
3 housing-insecure student is identified; and

4 (5) the appropriate referral techniques, including the  
5 name and contact number of the school or school district  
6 homeless liaison.

7 School boards may work with a community-based organization  
8 that specializes in working with homeless children and youth  
9 to develop and provide the training.

10 (b-35) The training regarding educator ethics and  
11 responding to child sexual abuse and grooming behavior shall  
12 include, but is not limited to, teacher-student conduct,  
13 school employee-student conduct, and evidence-informed  
14 training on preventing, recognizing, reporting, and responding  
15 to child sexual abuse and grooming as outlined in Section  
16 10-23.13.

17 (b-40) The training regarding effective instruction in  
18 violence prevention and conflict resolution required by this  
19 Section shall be conducted in accordance with the requirements  
20 of Section 27-23.4.

21 (b-45) ~~(e)~~ Beginning July 1, 2024, all nonpublic  
22 elementary and secondary school teachers, administrators, and  
23 school support personnel shall complete the training set forth  
24 in subsection (b-5). Training must be completed within 6  
25 months of first being employed by a nonpublic school and  
26 renewed at least once every 5 years, unless required more



1 frequently by other State or federal law. If nonpublic  
2 teachers, administrators, or school support personnel obtain  
3 training from a public school district or nonpublic school  
4 employer, the teacher, administrator, or school support  
5 personnel may present documentation to the nonpublic school  
6 showing current compliance with this subsection to satisfy the  
7 requirement of receiving training within 6 months of first  
8 being employed. ~~must include the definitions of trauma,~~  
9 ~~trauma responsive learning environments, and whole child set~~  
10 ~~forth in subsection (b) of Section 3-11 of this Code and~~

11 (c) (Blank).

12 (d) (Blank).

13 (e) (Blank).

14 (f) (Blank).

15 (g) At least once every 2 years, a school board shall  
16 conduct in-service training for all school district employees  
17 on the methods to respond to trauma. The training must include  
18 instruction on how to respond to an incident involving  
19 life-threatening bleeding and, if applicable, how to use a  
20 school's trauma kit. A school board may satisfy the training  
21 requirements under this subsection by using the training,  
22 including online training, available from the American College  
23 of Surgeons or any other similar organization.

24 School district employees who are trained to respond to  
25 trauma pursuant to this subsection (g) shall be immune from  
26 civil liability in the use of a trauma kit unless the action

1 constitutes willful or wanton misconduct.

2 (Source: P.A. 102-197, eff. 7-30-21; 102-638, eff. 1-1-23;  
3 102-813, eff. 5-13-22; 103-128, eff. 6-30-23; 103-413, eff.  
4 1-1-24; 103-542, eff. 7-1-24 (see Section 905 of P.A. 103-563  
5 for effective date of P.A. 103-542); revised 11-27-23.)

6 (Text of Section after amendment by P.A. 103-41)

7 Sec. 10-22.39. In-service training programs.

8 (a) To conduct in-service training programs for teachers,  
9 administrators, and school support personnel.

10 (b) In addition to other topics at in-service training  
11 programs listed in this Section, teachers, administrators, and  
12 school support personnel who work with pupils must be trained  
13 in the following topics: health conditions of students;  
14 social-emotional learning; developing cultural competency;  
15 identifying warning signs of mental illness and suicidal  
16 behavior in youth; domestic and sexual violence and the needs  
17 of expectant and parenting youth; protections and  
18 accommodations for students; educator ethics; responding to  
19 child sexual abuse and grooming behavior; and effective  
20 instruction in violence prevention and conflict resolution.  
21 In-service training programs in these topics shall be credited  
22 toward hours of professional development required for license  
23 renewal as outlined in subsection (e) of Section 21B-45.

24 School support personnel may be exempt from in-service  
25 training if the training is not relevant to the work they do.

1 Nurses and school nurses, as defined by Section 10-22.23,  
2 are exempt from training required in subsection (b-5).

3 Beginning July 1, 2024, all teachers, administrators, and  
4 school support personnel shall complete training as outlined  
5 in Section 10-22.39 during an in-service training program  
6 conducted by their school board or through other training  
7 opportunities, including, but not limited to, institutes under  
8 Section 3-11. Such training must be completed within 6 months  
9 of employment by a school board and renewed at least once every  
10 5 years, unless required more frequently by other State or  
11 federal law or in accordance with this Section. If teachers,  
12 administrators, or school support personnel obtain training  
13 outside of an in-service training program or from a previous  
14 public school district or nonpublic school employer, they may  
15 present documentation showing current compliance with this  
16 subsection to satisfy the requirement of receiving training  
17 within 6 months of first being employed. Training may be  
18 delivered through online, asynchronous means.

19 (b-5) Training regarding health conditions of students for  
20 staff required by this Section shall include, but is not  
21 limited to:

22 (1) Chronic health conditions of students.

23 (2) Anaphylactic reactions and management. Such  
24 training shall be conducted by persons with expertise in  
25 anaphylactic reactions and management.

26 (3) The management of asthma, the prevention of asthma

1 symptoms, and emergency response in the school setting.

2 (4) The basics of seizure recognition and first aid  
3 and appropriate emergency protocols. Such training must be  
4 fully consistent with the best practice guidelines issued  
5 by the Centers for Disease Control and Prevention.

6 (5) The basics of diabetes care, how to identify when  
7 a student with diabetes needs immediate or emergency  
8 medical attention, and whom to contact in the case of an  
9 emergency.

10 (6) Current best practices regarding the  
11 identification and treatment of attention deficit  
12 hyperactivity disorder.

13 (7) Instruction on how to respond to an incident  
14 involving life-threatening bleeding and, if applicable,  
15 how to use a school's trauma kit. Beginning with the  
16 2024-2025 school year, training on life-threatening  
17 bleeding must be completed within 6 months of the employee  
18 first being employed by a school board and renewed within  
19 2 years. Beginning with the 2027-2028 school year, the  
20 training must be completed within 6 months of the employee  
21 first being employed by a school board and renewed at  
22 least once every 5 years thereafter.

23 In consultation with professional organizations with  
24 expertise in student health issues, including, but not limited  
25 to, asthma management, anaphylactic reactions, seizure  
26 recognition, and diabetes care, the State Board of Education

1 shall make available resource materials for educating school  
2 personnel about student health conditions and emergency  
3 response in the school setting.

4 A school board may satisfy the life-threatening bleeding  
5 training under this subsection by using the training,  
6 including online training, available from the American College  
7 of Surgeons or any other similar organization.

8 (b-10) The training regarding social-emotional learning,  
9 for staff required by this Section may include, at a minimum,  
10 providing education to all school personnel about the content  
11 of the Illinois Social and Emotional Learning Standards, how  
12 those standards apply to everyday school interactions, and  
13 examples of how social emotional learning can be integrated  
14 into instructional practices across all grades and subjects.

15 (b-15) The training regarding developing cultural  
16 competency for staff required by this Section shall include,  
17 but is not limited to, understanding and reducing implicit  
18 bias, including implicit racial bias. As used in this  
19 subsection, "implicit racial bias" has the meaning set forth  
20 in Section 10-20.61.

21 (b-20) The training regarding identifying warning signs of  
22 mental illness, trauma, and suicidal behavior in youth for  
23 staff required by this Section shall include, but is not  
24 limited to, appropriate intervention and referral techniques,  
25 including resources and guidelines as outlined in Section  
26 2-3.166, and must include the definitions of trauma,

1 trauma-responsive learning environments, and whole child set  
2 forth in subsection (b) of Section 3-11 of this Code.

3 Illinois Mental Health First Aid training, established  
4 under the Illinois Mental Health First Aid Training Act, may  
5 satisfy the requirements of this subsection.

6 If teachers, administrators, or school support personnel  
7 obtain mental health first aid training outside of an  
8 in-service training program, they may present a certificate of  
9 successful completion of the training to the school district  
10 to satisfy the requirements of this subsection. Training  
11 regarding the implementation of trauma-informed practices  
12 satisfies the requirements of this subsection.

13 (b-25) As used in this subsection:

14 "Domestic violence" means abuse by a family or household  
15 member, as "abuse" and "family or household members" are  
16 defined in Section 103 of the Illinois Domestic Violence Act  
17 of 1986.

18 "Sexual violence" means sexual assault, abuse, or stalking  
19 of an adult or minor child proscribed in the Criminal Code of  
20 1961 or in Sections 11-1.20, 11-1.30, 11-1.40, 11-1.50,  
21 11-1.60, 12-7.3, 12-7.4, 12-7.5, 12-12, 12-13, 12-14, 12-14.1,  
22 12-15, and 12-16 of the Criminal Code of 2012, including  
23 sexual violence committed by perpetrators who are strangers to  
24 the victim and sexual violence committed by perpetrators who  
25 are known or related by blood or marriage to the victim.

26 The training regarding domestic and sexual violence and

1 the needs of expectant and parenting youth for staff required  
2 by this Section must be conducted by persons with expertise in  
3 domestic and sexual violence and the needs of expectant and  
4 parenting youth, and shall include, but is not limited to:

5 (1) communicating with and listening to youth victims  
6 of domestic or sexual violence and expectant and parenting  
7 youth;

8 (2) connecting youth victims of domestic or sexual  
9 violence and expectant and parenting youth to appropriate  
10 in-school services and other agencies, programs, and  
11 services as needed;

12 (3) implementing the school district's policies,  
13 procedures, and protocols with regard to such youth,  
14 including confidentiality; at. ~~At~~ a minimum, school  
15 personnel must be trained to understand, provide  
16 information and referrals, and address issues pertaining  
17 to youth who are parents, expectant parents, or victims of  
18 domestic or sexual violence; and

19 (4) procedures for responding to incidents of teen  
20 dating violence that take place at the school, on school  
21 grounds, at school-sponsored activities, or in vehicles  
22 used for school-provided transportation as outlined in  
23 Section 3.10 of the Critical Health Problems and  
24 Comprehensive Health Education Act.

25 (b-30) The training regarding protections and  
26 accommodations for students shall include, but is not limited

1 to, instruction on the federal Americans with Disabilities  
2 Act, as it pertains to the school environment, and  
3 homelessness. Beginning with the 2024-2025 school year,  
4 training on homelessness must be completed within 6 months of  
5 an employee first being employed by a school board and renewed  
6 within 2 years. Beginning with the 2027-2028 school year, the  
7 training must be completed within 6 months of the employee  
8 first being employed by a school board and renewed at least  
9 once every 5 years thereafter. Training on homelessness shall  
10 include the following:

11 (1) the definition of homeless children and youths  
12 under 42 U.S.C. 11434a;

13 (2) the signs of homelessness and housing insecurity;

14 (3) the rights of students experiencing homelessness  
15 under State and federal law;

16 (4) the steps to take when a homeless or  
17 housing-insecure student is identified; and

18 (5) the appropriate referral techniques, including the  
19 name and contact number of the school or school district  
20 homeless liaison.

21 School boards may work with a community-based organization  
22 that specializes in working with homeless children and youth  
23 to develop and provide the training.

24 (b-35) The training regarding educator ethics and  
25 responding to child sexual abuse and grooming behavior shall  
26 include, but is not limited to, teacher-student conduct,



1 school employee-student conduct, and evidence-informed  
2 training on preventing, recognizing, reporting, and responding  
3 to child sexual abuse and grooming as outlined in Section  
4 10-23.13.

5 (b-40) The training regarding effective instruction in  
6 violence prevention and conflict resolution required by this  
7 Section shall be conducted in accordance with the requirements  
8 of Section 27-23.4.

9 (b-45) ~~(e)~~ Beginning July 1, 2024, all nonpublic  
10 elementary and secondary school teachers, administrators, and  
11 school support personnel shall complete the training set forth  
12 in subsection (b-5). Training must be completed within 6  
13 months of first being employed by a nonpublic school and  
14 renewed at least once every 5 years, unless required more  
15 frequently by other State or federal law. If nonpublic  
16 teachers, administrators, or school support personnel obtain  
17 training from a public school district or nonpublic school  
18 employer, the teacher, administrator, or school support  
19 personnel may present documentation to the nonpublic school  
20 showing current compliance with this subsection to satisfy the  
21 requirement of receiving training within 6 months of first  
22 being employed. ~~must include the definitions of trauma,~~  
23 ~~trauma responsive learning environments, and whole child set~~  
24 ~~forth in subsection (b) of Section 3-11 of this Code and~~

25 (c) (Blank).

26 (d) (Blank).

1 (e) (Blank).

2 (f) (Blank).

3 (g) At least once every 2 years, a school board shall  
4 conduct in-service training for all school district employees  
5 on the methods to respond to trauma. The training must include  
6 instruction on how to respond to an incident involving  
7 life-threatening bleeding and, if applicable, how to use a  
8 school's trauma kit. A school board may satisfy the training  
9 requirements under this subsection by using the training,  
10 including online training, available from the American College  
11 of Surgeons or any other similar organization.

12 School district employees who are trained to respond to  
13 trauma pursuant to this subsection (g) shall be immune from  
14 civil liability in the use of a trauma kit unless the action  
15 constitutes willful or wanton misconduct.

16 (h) ~~(g)~~ At least once every 2 years, a school board shall  
17 conduct in-service training on homelessness for all school  
18 personnel. The training shall include:

19 (1) the definition of homeless children and youth  
20 under Section 11434a of Title 42 of the United States  
21 Code;

22 (2) the signs of homelessness and housing insecurity;

23 (3) the rights of students experiencing homelessness  
24 under State and federal law;

25 (4) the steps to take when a homeless or  
26 housing-insecure student is identified; and

1           (5) the appropriate referral techniques, including the  
2           name and contact number of the school or school district  
3           homeless liaison.

4           A school board may work with a community-based  
5           organization that specializes in working with homeless  
6           children and youth to develop and provide the training.

7           (Source: P.A. 102-197, eff. 7-30-21; 102-638, eff. 1-1-23;  
8           102-813, eff. 5-13-22; 103-41, eff. 8-20-24; 103-128, eff.  
9           6-30-23; 103-413, eff. 1-1-24; 103-542, eff. 7-1-24 (see  
10          Section 905 of P.A. 103-563 for effective date of P.A.  
11          103-542); revised 11-27-23.)

12           (105 ILCS 5/14-7.02) (from Ch. 122, par. 14-7.02)

13           Sec. 14-7.02. Children attending private schools, public  
14           out-of-state schools, public school residential facilities or  
15           private special education facilities.

16           (a) The General Assembly recognizes that non-public  
17           schools or special education facilities provide an important  
18           service in the educational system in Illinois.

19           (b) If a student's individualized education program (IEP)  
20           team determines that because of his or her disability the  
21           special education program of a district is unable to meet the  
22           needs of the child and the child attends a non-public school or  
23           special education facility, a public out-of-state school or a  
24           special education facility owned and operated by a county  
25           government unit that provides special educational services

1 required by the child and is in compliance with the  
2 appropriate rules and regulations of the State Superintendent  
3 of Education, the school district in which the child is a  
4 resident shall pay the actual cost of tuition for special  
5 education and related services provided during the regular  
6 school term and during the summer school term if the child's  
7 educational needs so require, excluding room, board and  
8 transportation costs charged the child by that non-public  
9 school or special education facility, public out-of-state  
10 school or county special education facility, or \$4,500 per  
11 year, whichever is less, and shall provide him any necessary  
12 transportation. "Nonpublic special education facility" shall  
13 include a residential facility, within or without the State of  
14 Illinois, which provides special education and related  
15 services to meet the needs of the child by utilizing private  
16 schools or public schools, whether located on the site or off  
17 the site of the residential facility. Resident district  
18 financial responsibility and reimbursement applies for both  
19 nonpublic special education facilities that are approved by  
20 the State Board of Education pursuant to 23 Ill. Adm. Code 401  
21 or other applicable laws or rules and for emergency  
22 residential placements in nonpublic special education  
23 facilities that are not approved by the State Board of  
24 Education pursuant to 23 Ill. Adm. Code 401 or other  
25 applicable laws or rules, subject to the requirements of this  
26 Section.

1 (c) Prior to the placement of a child in an out-of-state  
2 special education residential facility, the school district  
3 must refer to the child or the child's parent or guardian the  
4 option to place the child in a special education residential  
5 facility located within this State, if any, that provides  
6 treatment and services comparable to those provided by the  
7 out-of-state special education residential facility. The  
8 school district must review annually the placement of a child  
9 in an out-of-state special education residential facility. As  
10 a part of the review, the school district must refer to the  
11 child or the child's parent or guardian the option to place the  
12 child in a comparable special education residential facility  
13 located within this State, if any.

14 (c-5) Before a provider that operates a nonpublic special  
15 education facility terminates a student's placement in that  
16 facility, the provider must request an IEP meeting from the  
17 contracting school district. If the provider elects to  
18 terminate the student's placement following the IEP meeting,  
19 the provider must give written notice to this effect to the  
20 parent or guardian, the contracting public school district,  
21 and the State Board of Education no later than 20 business days  
22 before the date of termination, unless the health and safety  
23 of any student are endangered. The notice must include the  
24 detailed reasons for the termination and any actions taken to  
25 address the reason for the termination.

26 (d) Payments shall be made by the resident school district

1 to the entity providing the educational services, whether the  
2 entity is the nonpublic special education facility or the  
3 school district wherein the facility is located, no less than  
4 once per quarter, unless otherwise agreed to in writing by the  
5 parties.

6 (e) A school district may residentially place a student in  
7 a nonpublic special education facility providing educational  
8 services, but not approved by the State Board of Education  
9 pursuant to 23 Ill. Adm. Code 401 or other applicable laws or  
10 rules, provided that the State Board of Education provides an  
11 emergency and student-specific approval for residential  
12 placement. The State Board of Education shall promptly, within  
13 10 days after the request, approve a request for emergency and  
14 student-specific approval for residential placement if the  
15 following have been demonstrated to the State Board of  
16 Education:

17 (1) the facility demonstrates appropriate licensure of  
18 teachers for the student population;

19 (2) the facility demonstrates age-appropriate  
20 curriculum;

21 (3) the facility provides enrollment and attendance  
22 data;

23 (4) the facility demonstrates the ability to implement  
24 the child's IEP; and

25 (5) the school district demonstrates that it made good  
26 faith efforts to residentially place the student in an

1 approved facility, but no approved facility has accepted  
2 the student or has availability for immediate residential  
3 placement of the student.

4 A resident school district may also submit such proof to the  
5 State Board of Education as may be required for its student.  
6 The State Board of Education may not unreasonably withhold  
7 approval once satisfactory proof is provided to the State  
8 Board.

9 (f) If an impartial due process hearing officer who is  
10 contracted by the State Board of Education pursuant to this  
11 Article orders placement of a student with a disability in a  
12 residential facility that is not approved by the State Board  
13 of Education, then, for purposes of this Section, the facility  
14 shall be deemed approved for placement and school district  
15 payments and State reimbursements shall be made accordingly.

16 (g) Emergency residential placement in a facility approved  
17 pursuant to subsection (e) or (f) may continue to be utilized  
18 so long as (i) the student's IEP team determines annually that  
19 such placement continues to be appropriate to meet the  
20 student's needs and (ii) at least every 3 years following the  
21 student's residential placement, the IEP team reviews  
22 appropriate placements approved by the State Board of  
23 Education pursuant to 23 Ill. Adm. Code 401 or other  
24 applicable laws or rules to determine whether there are any  
25 approved placements that can meet the student's needs, have  
26 accepted the student, and have availability for placement of

1 the student.

2 (h) The State Board of Education shall promulgate rules  
3 and regulations for determining when placement in a private  
4 special education facility is appropriate. Such rules and  
5 regulations shall take into account the various types of  
6 services needed by a child and the availability of such  
7 services to the particular child in the public school. In  
8 developing these rules and regulations the State Board of  
9 Education shall consult with the Advisory Council on Education  
10 of Children with Disabilities and hold public hearings to  
11 secure recommendations from parents, school personnel, and  
12 others concerned about this matter.

13 The State Board of Education shall also promulgate rules  
14 and regulations for transportation to and from a residential  
15 school. Transportation to and from home to a residential  
16 school more than once each school term shall be subject to  
17 prior approval by the State Superintendent in accordance with  
18 the rules and regulations of the State Board.

19 (i) A school district making tuition payments pursuant to  
20 this Section is eligible for reimbursement from the State for  
21 the amount of such payments actually made in excess of the  
22 district per capita tuition charge for students not receiving  
23 special education services. Such reimbursement shall be  
24 approved in accordance with Section 14-12.01 and each district  
25 shall file its claims, computed in accordance with rules  
26 prescribed by the State Board of Education, on forms



1 prescribed by the State Superintendent of Education. Data used  
2 as a basis of reimbursement claims shall be for the preceding  
3 regular school term and summer school term. Each school  
4 district shall transmit its claims to the State Board of  
5 Education on or before August 15. The State Board of  
6 Education, before approving any such claims, shall determine  
7 their accuracy and whether they are based upon services and  
8 facilities provided under approved programs. Upon approval the  
9 State Board shall cause vouchers to be prepared showing the  
10 amount due for payment of reimbursement claims to school  
11 districts, for transmittal to the State Comptroller on the  
12 30th day of September, December, and March, respectively, and  
13 the final voucher, no later than June 20. If the money  
14 appropriated by the General Assembly for such purpose for any  
15 year is insufficient, it shall be apportioned on the basis of  
16 the claims approved.

17 (j) No child shall be placed in a special education  
18 program pursuant to this Section if the tuition cost for  
19 special education and related services increases more than 10  
20 percent over the tuition cost for the previous school year or  
21 exceeds \$4,500 per year unless such costs have been approved  
22 by the Illinois Purchased Care Review Board. The Illinois  
23 Purchased Care Review Board shall consist of the following  
24 persons, or their designees: the Directors of Children and  
25 Family Services, Public Health, Public Aid, and the Governor's  
26 Office of Management and Budget; the Secretary of Human

1 Services; the State Superintendent of Education; and such  
2 other persons as the Governor may designate. The Review Board  
3 shall also consist of one non-voting member who is an  
4 administrator of a private, nonpublic, special education  
5 school. The Review Board shall establish rules and regulations  
6 for its determination of allowable costs and payments made by  
7 local school districts for special education, room and board,  
8 and other related services provided by non-public schools or  
9 special education facilities and shall establish uniform  
10 standards and criteria which it shall follow. The Review Board  
11 shall approve the usual and customary rate or rates of a  
12 special education program that (i) is offered by an  
13 out-of-state, non-public provider of integrated autism  
14 specific educational and autism specific residential services,  
15 (ii) offers 2 or more levels of residential care, including at  
16 least one locked facility, and (iii) serves 12 or fewer  
17 Illinois students.

18 (k) In determining rates based on allowable costs, the  
19 Review Board shall consider any wage increases awarded by the  
20 General Assembly to front line personnel defined as direct  
21 support persons, aides, front-line supervisors, qualified  
22 intellectual disabilities professionals, nurses, and  
23 non-administrative support staff working in service settings  
24 in community-based settings within the State and adjust  
25 customary rates or rates of a special education program to be  
26 equitable to the wage increase awarded to similar staff

1 positions in a community residential setting. Any wage  
2 increase awarded by the General Assembly to front line  
3 personnel defined as direct support persons, aides, front-line  
4 supervisors, qualified intellectual disabilities  
5 professionals, nurses, and non-administrative support staff  
6 working in community-based settings within the State,  
7 including the \$0.75 per hour increase contained in Public Act  
8 100-23 and the \$0.50 per hour increase included in Public Act  
9 100-23, shall also be a basis for any facility covered by this  
10 Section to appeal its rate before the Review Board under the  
11 process defined in Title 89, Part 900, Section 340 of the  
12 Illinois Administrative Code. Illinois Administrative Code  
13 Title 89, Part 900, Section 342 shall be updated to recognize  
14 wage increases awarded to community-based settings to be a  
15 basis for appeal. However, any wage increase that is captured  
16 upon appeal from a previous year shall not be counted by the  
17 Review Board as revenue for the purpose of calculating a  
18 facility's future rate.

19 (l) Any definition used by the Review Board in  
20 administrative rule or policy to define "related  
21 organizations" shall include any and all exceptions contained  
22 in federal law or regulation as it pertains to the federal  
23 definition of "related organizations".

24 (m) The Review Board shall establish uniform definitions  
25 and criteria for accounting separately by special education,  
26 room and board and other related services costs. The Board

1 shall also establish guidelines for the coordination of  
2 services and financial assistance provided by all State  
3 agencies to assure that no otherwise qualified child with a  
4 disability receiving services under Article 14 shall be  
5 excluded from participation in, be denied the benefits of or  
6 be subjected to discrimination under any program or activity  
7 provided by any State agency.

8 (n) The Review Board shall review the costs for special  
9 education and related services provided by non-public schools  
10 or special education facilities and shall approve or  
11 disapprove such facilities in accordance with the rules and  
12 regulations established by it with respect to allowable costs.

13 (o) The State Board of Education shall provide  
14 administrative and staff support for the Review Board as  
15 deemed reasonable by the State Superintendent of Education.  
16 This support shall not include travel expenses or other  
17 compensation for any Review Board member other than the State  
18 Superintendent of Education.

19 (p) The Review Board shall seek the advice of the Advisory  
20 Council on Education of Children with Disabilities on the  
21 rules and regulations to be promulgated by it relative to  
22 providing special education services.

23 (q) If a child has been placed in a program in which the  
24 actual per pupil costs of tuition for special education and  
25 related services based on program enrollment, excluding room,  
26 board and transportation costs, exceed \$4,500 and such costs

1 have been approved by the Review Board, the district shall pay  
2 such total costs which exceed \$4,500. A district making such  
3 tuition payments in excess of \$4,500 pursuant to this Section  
4 shall be responsible for an amount in excess of \$4,500 equal to  
5 the district per capita tuition charge and shall be eligible  
6 for reimbursement from the State for the amount of such  
7 payments actually made in excess of the districts per capita  
8 tuition charge for students not receiving special education  
9 services.

10 (r) If a child has been placed in an approved individual  
11 program and the tuition costs including room and board costs  
12 have been approved by the Review Board, then such room and  
13 board costs shall be paid by the appropriate State agency  
14 subject to the provisions of Section 14-8.01 of this Act. Room  
15 and board costs not provided by a State agency other than the  
16 State Board of Education shall be provided by the State Board  
17 of Education on a current basis. In no event, however, shall  
18 the State's liability for funding of these tuition costs begin  
19 until after the legal obligations of third party payors have  
20 been subtracted from such costs. If the money appropriated by  
21 the General Assembly for such purpose for any year is  
22 insufficient, it shall be apportioned on the basis of the  
23 claims approved. Each district shall submit estimated claims  
24 to the State Superintendent of Education. Upon approval of  
25 such claims, the State Superintendent of Education shall  
26 direct the State Comptroller to make payments on a monthly

1 basis. The frequency for submitting estimated claims and the  
2 method of determining payment shall be prescribed in rules and  
3 regulations adopted by the State Board of Education. Such  
4 current state reimbursement shall be reduced by an amount  
5 equal to the proceeds which the child or child's parents are  
6 eligible to receive under any public or private insurance or  
7 assistance program. Nothing in this Section shall be construed  
8 as relieving an insurer or similar third party from an  
9 otherwise valid obligation to provide or to pay for services  
10 provided to a child with a disability.

11 (s) If it otherwise qualifies, a school district is  
12 eligible for the transportation reimbursement under Section  
13 14-13.01 and for the reimbursement of tuition payments under  
14 this Section whether the non-public school or special  
15 education facility, public out-of-state school or county  
16 special education facility, attended by a child who resides in  
17 that district and requires special educational services, is  
18 within or outside of the State of Illinois. However, a  
19 district is not eligible to claim transportation reimbursement  
20 under this Section unless the district certifies to the State  
21 Superintendent of Education that the district is unable to  
22 provide special educational services required by the child for  
23 the current school year.

24 (t) Nothing in this Section authorizes the reimbursement  
25 of a school district for the amount paid for tuition of a child  
26 attending a non-public school or special education facility,

1 public out-of-state school or county special education  
2 facility unless the school district certifies to the State  
3 Superintendent of Education that the special education program  
4 of that district is unable to meet the needs of that child  
5 because of his disability and the State Superintendent of  
6 Education finds that the school district is in substantial  
7 compliance with Section 14-4.01. However, if a child is  
8 unilaterally placed by a State agency or any court in a  
9 non-public school or special education facility, public  
10 out-of-state school, or county special education facility, a  
11 school district shall not be required to certify to the State  
12 Superintendent of Education, for the purpose of tuition  
13 reimbursement, that the special education program of that  
14 district is unable to meet the needs of a child because of his  
15 or her disability.

16 (u) Any educational or related services provided, pursuant  
17 to this Section in a non-public school or special education  
18 facility or a special education facility owned and operated by  
19 a county government unit shall be at no cost to the parent or  
20 guardian of the child. However, current law and practices  
21 relative to contributions by parents or guardians for costs  
22 other than educational or related services are not affected by  
23 this amendatory Act of 1978.

24 (v) Reimbursement for children attending public school  
25 residential facilities shall be made in accordance with the  
26 provisions of this Section.

1           (w) Notwithstanding any other provision of law, any school  
2 district receiving a payment under this Section or under  
3 Section 14-7.02b, 14-13.01, or 29-5 of this Code may classify  
4 all or a portion of the funds that it receives in a particular  
5 fiscal year or from general State aid pursuant to Section  
6 18-8.05 of this Code as funds received in connection with any  
7 funding program for which it is entitled to receive funds from  
8 the State in that fiscal year (including, without limitation,  
9 any funding program referenced in this Section), regardless of  
10 the source or timing of the receipt. The district may not  
11 classify more funds as funds received in connection with the  
12 funding program than the district is entitled to receive in  
13 that fiscal year for that program. Any classification by a  
14 district must be made by a resolution of its board of  
15 education. The resolution must identify the amount of any  
16 payments or general State aid to be classified under this  
17 paragraph and must specify the funding program to which the  
18 funds are to be treated as received in connection therewith.  
19 This resolution is controlling as to the classification of  
20 funds referenced therein. A certified copy of the resolution  
21 must be sent to the State Superintendent of Education. The  
22 resolution shall still take effect even though a copy of the  
23 resolution has not been sent to the State Superintendent of  
24 Education in a timely manner. No classification under this  
25 paragraph by a district shall affect the total amount or  
26 timing of money the district is entitled to receive under this



1 Code. No classification under this paragraph by a district  
2 shall in any way relieve the district from or affect any  
3 requirements that otherwise would apply with respect to that  
4 funding program, including any accounting of funds by source,  
5 reporting expenditures by original source and purpose,  
6 reporting requirements, or requirements of providing services.  
7 (Source: P.A. 102-254, eff. 8-6-21; 102-703, eff. 4-22-22;  
8 103-175, eff. 6-30-23; 103-546, eff. 8-11-23; revised  
9 8-30-23.)

10 (105 ILCS 5/14-8.02) (from Ch. 122, par. 14-8.02)

11 Sec. 14-8.02. Identification, evaluation, and placement of  
12 children.

13 (a) The State Board of Education shall make rules under  
14 which local school boards shall determine the eligibility of  
15 children to receive special education. Such rules shall ensure  
16 that a free appropriate public education be available to all  
17 children with disabilities as defined in Section 14-1.02. The  
18 State Board of Education shall require local school districts  
19 to administer non-discriminatory procedures or tests to  
20 English learners coming from homes in which a language other  
21 than English is used to determine their eligibility to receive  
22 special education. The placement of low English proficiency  
23 students in special education programs and facilities shall be  
24 made in accordance with the test results reflecting the  
25 student's linguistic, cultural and special education needs.

1 For purposes of determining the eligibility of children the  
2 State Board of Education shall include in the rules  
3 definitions of "case study", "staff conference",  
4 "individualized educational program", and "qualified  
5 specialist" appropriate to each category of children with  
6 disabilities as defined in this Article. For purposes of  
7 determining the eligibility of children from homes in which a  
8 language other than English is used, the State Board of  
9 Education shall include in the rules definitions for  
10 "qualified bilingual specialists" and "linguistically and  
11 culturally appropriate individualized educational programs".  
12 For purposes of this Section, as well as Sections 14-8.02a,  
13 14-8.02b, and 14-8.02c of this Code, "parent" means a parent  
14 as defined in the federal Individuals with Disabilities  
15 Education Act (20 U.S.C. 1401(23)).

16 (b) No child shall be eligible for special education  
17 facilities except with a carefully completed case study fully  
18 reviewed by professional personnel in a multidisciplinary  
19 staff conference and only upon the recommendation of qualified  
20 specialists or a qualified bilingual specialist, if available.  
21 At the conclusion of the multidisciplinary staff conference,  
22 the parent of the child and, if the child is in the legal  
23 custody of the Department of Children and Family Services, the  
24 Department's Office of Education and Transition Services shall  
25 be given a copy of the multidisciplinary conference summary  
26 report and recommendations, which includes options considered,

1 and, in the case of the parent, be informed of his or her right  
2 to obtain an independent educational evaluation if he or she  
3 disagrees with the evaluation findings conducted or obtained  
4 by the school district. If the school district's evaluation is  
5 shown to be inappropriate, the school district shall reimburse  
6 the parent for the cost of the independent evaluation. The  
7 State Board of Education shall, with advice from the State  
8 Advisory Council on Education of Children with Disabilities on  
9 the inclusion of specific independent educational evaluators,  
10 prepare a list of suggested independent educational  
11 evaluators. The State Board of Education shall include on the  
12 list clinical psychologists licensed pursuant to the Clinical  
13 Psychologist Licensing Act. Such psychologists shall not be  
14 paid fees in excess of the amount that would be received by a  
15 school psychologist for performing the same services. The  
16 State Board of Education shall supply school districts with  
17 such list and make the list available to parents at their  
18 request. School districts shall make the list available to  
19 parents at the time they are informed of their right to obtain  
20 an independent educational evaluation. However, the school  
21 district may initiate an impartial due process hearing under  
22 this Section within 5 days of any written parent request for an  
23 independent educational evaluation to show that its evaluation  
24 is appropriate. If the final decision is that the evaluation  
25 is appropriate, the parent still has a right to an independent  
26 educational evaluation, but not at public expense. An

1 independent educational evaluation at public expense must be  
2 completed within 30 days of a parent's ~~parent~~ written request  
3 unless the school district initiates an impartial due process  
4 hearing or the parent or school district offers reasonable  
5 grounds to show that such 30-day time period should be  
6 extended. If the due process hearing decision indicates that  
7 the parent is entitled to an independent educational  
8 evaluation, it must be completed within 30 days of the  
9 decision unless the parent or the school district offers  
10 reasonable grounds to show that such 30-day period should be  
11 extended. If a parent disagrees with the summary report or  
12 recommendations of the multidisciplinary conference or the  
13 findings of any educational evaluation which results  
14 therefrom, the school district shall not proceed with a  
15 placement based upon such evaluation and the child shall  
16 remain in his or her regular classroom setting. No child shall  
17 be eligible for admission to a special class for children with  
18 a mental disability who are educable or for children with a  
19 mental disability who are trainable except with a  
20 psychological evaluation and recommendation by a school  
21 psychologist. Consent shall be obtained from the parent of a  
22 child before any evaluation is conducted. If consent is not  
23 given by the parent or if the parent disagrees with the  
24 findings of the evaluation, then the school district may  
25 initiate an impartial due process hearing under this Section.  
26 The school district may evaluate the child if that is the

1 decision resulting from the impartial due process hearing and  
2 the decision is not appealed or if the decision is affirmed on  
3 appeal. The determination of eligibility shall be made and the  
4 IEP meeting shall be completed within 60 school days from the  
5 date of written parental consent. In those instances when  
6 written parental consent is obtained with fewer than 60 pupil  
7 attendance days left in the school year, the eligibility  
8 determination shall be made and the IEP meeting shall be  
9 completed prior to the first day of the following school year.  
10 Special education and related services must be provided in  
11 accordance with the student's IEP no later than 10 school  
12 attendance days after notice is provided to the parents  
13 pursuant to Section 300.503 of Title 34 of the Code of Federal  
14 Regulations and implementing rules adopted by the State Board  
15 of Education. The appropriate program pursuant to the  
16 individualized educational program of students whose native  
17 tongue is a language other than English shall reflect the  
18 special education, cultural and linguistic needs. No later  
19 than September 1, 1993, the State Board of Education shall  
20 establish standards for the development, implementation and  
21 monitoring of appropriate bilingual special individualized  
22 educational programs. The State Board of Education shall  
23 further incorporate appropriate monitoring procedures to  
24 verify implementation of these standards. The district shall  
25 indicate to the parent, the State Board of Education, and, if  
26 applicable, the Department's Office of Education and

1 Transition Services the nature of the services the child will  
2 receive for the regular school term while awaiting placement  
3 in the appropriate special education class. At the child's  
4 initial IEP meeting and at each annual review meeting, the  
5 child's IEP team shall provide the child's parent or guardian  
6 and, if applicable, the Department's Office of Education and  
7 Transition Services with a written notification that informs  
8 the parent or guardian or the Department's Office of Education  
9 and Transition Services that the IEP team is required to  
10 consider whether the child requires assistive technology in  
11 order to receive free, appropriate public education. The  
12 notification must also include a toll-free telephone number  
13 and internet address for the State's assistive technology  
14 program.

15 If the child is deaf, hard of hearing, blind, or visually  
16 impaired or has an orthopedic impairment or physical  
17 disability and he or she might be eligible to receive services  
18 from the Illinois School for the Deaf, the Illinois School for  
19 the Visually Impaired, or the Illinois Center for  
20 Rehabilitation and Education-Roosevelt, the school district  
21 shall notify the parents, in writing, of the existence of  
22 these schools and the services they provide and shall make a  
23 reasonable effort to inform the parents of the existence of  
24 other, local schools that provide similar services and the  
25 services that these other schools provide. This notification  
26 shall include, without limitation, information on school

1 services, school admissions criteria, and school contact  
2 information.

3 In the development of the individualized education program  
4 for a student who has a disability on the autism spectrum  
5 (which includes autistic disorder, Asperger's disorder,  
6 pervasive developmental disorder not otherwise specified,  
7 childhood disintegrative disorder, and Rett Syndrome, as  
8 defined in the Diagnostic and Statistical Manual of Mental  
9 Disorders, fourth edition (DSM-IV, 2000)), the IEP team shall  
10 consider all of the following factors:

11 (1) The verbal and nonverbal communication needs of  
12 the child.

13 (2) The need to develop social interaction skills and  
14 proficiencies.

15 (3) The needs resulting from the child's unusual  
16 responses to sensory experiences.

17 (4) The needs resulting from resistance to  
18 environmental change or change in daily routines.

19 (5) The needs resulting from engagement in repetitive  
20 activities and stereotyped movements.

21 (6) The need for any positive behavioral  
22 interventions, strategies, and supports to address any  
23 behavioral difficulties resulting from autism spectrum  
24 disorder.

25 (7) Other needs resulting from the child's disability  
26 that impact progress in the general curriculum, including

1 social and emotional development.

2 Public Act 95-257 does not create any new entitlement to a  
3 service, program, or benefit, but must not affect any  
4 entitlement to a service, program, or benefit created by any  
5 other law.

6 If the student may be eligible to participate in the  
7 Home-Based Support Services Program for Adults with Mental  
8 Disabilities authorized under the Developmental Disability and  
9 Mental Disability Services Act upon becoming an adult, the  
10 student's individualized education program shall include plans  
11 for (i) determining the student's eligibility for those  
12 home-based services, (ii) enrolling the student in the program  
13 of home-based services, and (iii) developing a plan for the  
14 student's most effective use of the home-based services after  
15 the student becomes an adult and no longer receives special  
16 educational services under this Article. The plans developed  
17 under this paragraph shall include specific actions to be  
18 taken by specified individuals, agencies, or officials.

19 (c) In the development of the individualized education  
20 program for a student who is functionally blind, it shall be  
21 presumed that proficiency in Braille reading and writing is  
22 essential for the student's satisfactory educational progress.  
23 For purposes of this subsection, the State Board of Education  
24 shall determine the criteria for a student to be classified as  
25 functionally blind. Students who are not currently identified  
26 as functionally blind who are also entitled to Braille



1 instruction include: (i) those whose vision loss is so severe  
2 that they are unable to read and write at a level comparable to  
3 their peers solely through the use of vision, and (ii) those  
4 who show evidence of progressive vision loss that may result  
5 in functional blindness. Each student who is functionally  
6 blind shall be entitled to Braille reading and writing  
7 instruction that is sufficient to enable the student to  
8 communicate with the same level of proficiency as other  
9 students of comparable ability. Instruction should be provided  
10 to the extent that the student is physically and cognitively  
11 able to use Braille. Braille instruction may be used in  
12 combination with other special education services appropriate  
13 to the student's educational needs. The assessment of each  
14 student who is functionally blind for the purpose of  
15 developing the student's individualized education program  
16 shall include documentation of the student's strengths and  
17 weaknesses in Braille skills. Each person assisting in the  
18 development of the individualized education program for a  
19 student who is functionally blind shall receive information  
20 describing the benefits of Braille instruction. The  
21 individualized education program for each student who is  
22 functionally blind shall specify the appropriate learning  
23 medium or media based on the assessment report.

24 (d) To the maximum extent appropriate, the placement shall  
25 provide the child with the opportunity to be educated with  
26 children who do not have a disability; provided that children

1 with disabilities who are recommended to be placed into  
2 regular education classrooms are provided with supplementary  
3 services to assist the children with disabilities to benefit  
4 from the regular classroom instruction and are included on the  
5 teacher's regular education class register. Subject to the  
6 limitation of the preceding sentence, placement in special  
7 classes, separate schools or other removal of the child with a  
8 disability from the regular educational environment shall  
9 occur only when the nature of the severity of the disability is  
10 such that education in the regular classes with the use of  
11 supplementary aids and services cannot be achieved  
12 satisfactorily. The placement of English learners with  
13 disabilities shall be in non-restrictive environments which  
14 provide for integration with peers who do not have  
15 disabilities in bilingual classrooms. Annually, each January,  
16 school districts shall report data on students from  
17 non-English speaking backgrounds receiving special education  
18 and related services in public and private facilities as  
19 prescribed in Section 2-3.30. If there is a disagreement  
20 between parties involved regarding the special education  
21 placement of any child, either in-state or out-of-state, the  
22 placement is subject to impartial due process procedures  
23 described in Article 10 of the Rules and Regulations to Govern  
24 the Administration and Operation of Special Education.

25 (e) No child who comes from a home in which a language  
26 other than English is the principal language used may be

1 assigned to any class or program under this Article until he  
2 has been given, in the principal language used by the child and  
3 used in his home, tests reasonably related to his cultural  
4 environment. All testing and evaluation materials and  
5 procedures utilized for evaluation and placement shall not be  
6 linguistically, racially or culturally discriminatory.

7 (f) Nothing in this Article shall be construed to require  
8 any child to undergo any physical examination or medical  
9 treatment whose parents object thereto on the grounds that  
10 such examination or treatment conflicts with his religious  
11 beliefs.

12 (g) School boards or their designee shall provide to the  
13 parents of a child or, if applicable, the Department of  
14 Children and Family Services' Office of Education and  
15 Transition Services prior written notice of any decision (a)  
16 proposing to initiate or change, or (b) refusing to initiate  
17 or change, the identification, evaluation, or educational  
18 placement of the child or the provision of a free appropriate  
19 public education to their child, and the reasons therefor. For  
20 a parent, such written notification shall also inform the  
21 parent of the opportunity to present complaints with respect  
22 to any matter relating to the educational placement of the  
23 student, or the provision of a free appropriate public  
24 education and to have an impartial due process hearing on the  
25 complaint. The notice shall inform the parents in the parents'  
26 native language, unless it is clearly not feasible to do so, of

1 their rights and all procedures available pursuant to this Act  
2 and the federal Individuals with Disabilities Education  
3 Improvement Act of 2004 (Public Law 108-446); it shall be the  
4 responsibility of the State Superintendent to develop uniform  
5 notices setting forth the procedures available under this Act  
6 and the federal Individuals with Disabilities Education  
7 Improvement Act of 2004 (Public Law 108-446) to be used by all  
8 school boards. The notice shall also inform the parents of the  
9 availability upon request of a list of free or low-cost legal  
10 and other relevant services available locally to assist  
11 parents in initiating an impartial due process hearing. The  
12 State Superintendent shall revise the uniform notices required  
13 by this subsection (g) to reflect current law and procedures  
14 at least once every 2 years. Any parent who is deaf or does not  
15 normally communicate using spoken English and who participates  
16 in a meeting with a representative of a local educational  
17 agency for the purposes of developing an individualized  
18 educational program or attends a multidisciplinary conference  
19 shall be entitled to the services of an interpreter. The State  
20 Board of Education must adopt rules to establish the criteria,  
21 standards, and competencies for a bilingual language  
22 interpreter who attends an individualized education program  
23 meeting under this subsection to assist a parent who has  
24 limited English proficiency.

25 (g-5) For purposes of this subsection (g-5), "qualified  
26 professional" means an individual who holds credentials to

1 evaluate the child in the domain or domains for which an  
2 evaluation is sought or an intern working under the direct  
3 supervision of a qualified professional, including a master's  
4 or doctoral degree candidate.

5 To ensure that a parent can participate fully and  
6 effectively with school personnel in the development of  
7 appropriate educational and related services for his or her  
8 child, the parent, an independent educational evaluator, or a  
9 qualified professional retained by or on behalf of a parent or  
10 child must be afforded reasonable access to educational  
11 facilities, personnel, classrooms, and buildings and to the  
12 child as provided in this subsection (g-5). The requirements  
13 of this subsection (g-5) apply to any public school facility,  
14 building, or program and to any facility, building, or program  
15 supported in whole or in part by public funds. Prior to  
16 visiting a school, school building, or school facility, the  
17 parent, independent educational evaluator, or qualified  
18 professional may be required by the school district to inform  
19 the building principal or supervisor in writing of the  
20 proposed visit, the purpose of the visit, and the approximate  
21 duration of the visit. The visitor and the school district  
22 shall arrange the visit or visits at times that are mutually  
23 agreeable. Visitors shall comply with school safety, security,  
24 and visitation policies at all times. School district  
25 visitation policies must not conflict with this subsection  
26 (g-5). Visitors shall be required to comply with the

1 requirements of applicable privacy laws, including those laws  
2 protecting the confidentiality of education records such as  
3 the federal Family Educational Rights and Privacy Act and the  
4 Illinois School Student Records Act. The visitor shall not  
5 disrupt the educational process.

6 (1) A parent must be afforded reasonable access of  
7 sufficient duration and scope for the purpose of observing  
8 his or her child in the child's current educational  
9 placement, services, or program or for the purpose of  
10 visiting an educational placement or program proposed for  
11 the child.

12 (2) An independent educational evaluator or a  
13 qualified professional retained by or on behalf of a  
14 parent or child must be afforded reasonable access of  
15 sufficient duration and scope for the purpose of  
16 conducting an evaluation of the child, the child's  
17 performance, the child's current educational program,  
18 placement, services, or environment, or any educational  
19 program, placement, services, or environment proposed for  
20 the child, including interviews of educational personnel,  
21 child observations, assessments, tests or assessments of  
22 the child's educational program, services, or placement or  
23 of any proposed educational program, services, or  
24 placement. If one or more interviews of school personnel  
25 are part of the evaluation, the interviews must be  
26 conducted at a mutually agreed-upon ~~agreed-upon~~ time,

1 date, and place that do not interfere with the school  
2 employee's school duties. The school district may limit  
3 interviews to personnel having information relevant to the  
4 child's current educational services, program, or  
5 placement or to a proposed educational service, program,  
6 or placement.

7 (h) In the development of the individualized education  
8 program or federal Section 504 plan for a student, if the  
9 student needs extra accommodation during emergencies,  
10 including natural disasters or an active shooter situation,  
11 then that accommodation shall be taken into account when  
12 developing the student's individualized education program or  
13 federal Section 504 plan.

14 (Source: P.A. 102-199, eff. 7-1-22; 102-264, eff. 8-6-21;  
15 102-558, eff. 8-20-21; 102-813, eff. 5-13-22; 102-1072, eff.  
16 6-10-22; 103-197, eff. 1-1-24; revised 1-30-24.)

17 (105 ILCS 5/18-8.15)

18 Sec. 18-8.15. Evidence-Based Funding for student success  
19 for the 2017-2018 and subsequent school years.

20 (a) General provisions.

21 (1) The purpose of this Section is to ensure that, by  
22 June 30, 2027 and beyond, this State has a kindergarten  
23 through grade 12 public education system with the capacity  
24 to ensure the educational development of all persons to  
25 the limits of their capacities in accordance with Section

1 1 of Article X of the Constitution of the State of  
2 Illinois. To accomplish that objective, this Section  
3 creates a method of funding public education that is  
4 evidence-based; is sufficient to ensure every student  
5 receives a meaningful opportunity to learn irrespective of  
6 race, ethnicity, sexual orientation, gender, or  
7 community-income level; and is sustainable and  
8 predictable. When fully funded under this Section, every  
9 school shall have the resources, based on what the  
10 evidence indicates is needed, to:

11 (A) provide all students with a high quality  
12 education that offers the academic, enrichment, social  
13 and emotional support, technical, and career-focused  
14 programs that will allow them to become competitive  
15 workers, responsible parents, productive citizens of  
16 this State, and active members of our national  
17 democracy;

18 (B) ensure all students receive the education they  
19 need to graduate from high school with the skills  
20 required to pursue post-secondary education and  
21 training for a rewarding career;

22 (C) reduce, with a goal of eliminating, the  
23 achievement gap between at-risk and non-at-risk  
24 students by raising the performance of at-risk  
25 students and not by reducing standards; and

26 (D) ensure this State satisfies its obligation to



1           assume the primary responsibility to fund public  
2           education and simultaneously relieve the  
3           disproportionate burden placed on local property taxes  
4           to fund schools.

5           (2) The Evidence-Based Funding formula under this  
6           Section shall be applied to all Organizational Units in  
7           this State. The Evidence-Based Funding formula outlined in  
8           this Act is based on the formula outlined in Senate Bill 1  
9           of the 100th General Assembly, as passed by both  
10          legislative chambers. As further defined and described in  
11          this Section, there are 4 major components of the  
12          Evidence-Based Funding model:

13                 (A) First, the model calculates a unique Adequacy  
14                 Target for each Organizational Unit in this State that  
15                 considers the costs to implement research-based  
16                 activities, the unit's student demographics, and  
17                 regional wage differences.

18                 (B) Second, the model calculates each  
19                 Organizational Unit's Local Capacity, or the amount  
20                 each Organizational Unit is assumed to contribute  
21                 toward its Adequacy Target from local resources.

22                 (C) Third, the model calculates how much funding  
23                 the State currently contributes to the Organizational  
24                 Unit and adds that to the unit's Local Capacity to  
25                 determine the unit's overall current adequacy of  
26                 funding.

1           (D) Finally, the model's distribution method  
2           allocates new State funding to those Organizational  
3           Units that are least well-funded, considering both  
4           Local Capacity and State funding, in relation to their  
5           Adequacy Target.

6           (3) An Organizational Unit receiving any funding under  
7           this Section may apply those funds to any fund so received  
8           for which that Organizational Unit is authorized to make  
9           expenditures by law.

10          (4) As used in this Section, the following terms shall  
11          have the meanings ascribed in this paragraph (4):

12           "Adequacy Target" is defined in paragraph (1) of  
13           subsection (b) of this Section.

14           "Adjusted EAV" is defined in paragraph (4) of  
15           subsection (d) of this Section.

16           "Adjusted Local Capacity Target" is defined in  
17           paragraph (3) of subsection (c) of this Section.

18           "Adjusted Operating Tax Rate" means a tax rate for all  
19           Organizational Units, for which the State Superintendent  
20           shall calculate and subtract for the Operating Tax Rate a  
21           transportation rate based on total expenses for  
22           transportation services under this Code, as reported on  
23           the most recent Annual Financial Report in Pupil  
24           Transportation Services, function 2550 in both the  
25           Education and Transportation funds and functions 4110 and  
26           4120 in the Transportation fund, less any corresponding

1 fiscal year State of Illinois scheduled payments excluding  
2 net adjustments for prior years for regular, vocational,  
3 or special education transportation reimbursement pursuant  
4 to Section 29-5 or subsection (b) of Section 14-13.01 of  
5 this Code divided by the Adjusted EAV. If an  
6 Organizational Unit's corresponding fiscal year State of  
7 Illinois scheduled payments excluding net adjustments for  
8 prior years for regular, vocational, or special education  
9 transportation reimbursement pursuant to Section 29-5 or  
10 subsection (b) of Section 14-13.01 of this Code exceed the  
11 total transportation expenses, as defined in this  
12 paragraph, no transportation rate shall be subtracted from  
13 the Operating Tax Rate.

14 "Allocation Rate" is defined in paragraph (3) of  
15 subsection (g) of this Section.

16 "Alternative School" means a public school that is  
17 created and operated by a regional superintendent of  
18 schools and approved by the State Board.

19 "Applicable Tax Rate" is defined in paragraph (1) of  
20 subsection (d) of this Section.

21 "Assessment" means any of those benchmark, progress  
22 monitoring, formative, diagnostic, and other assessments,  
23 in addition to the State accountability assessment, that  
24 assist teachers' needs in understanding the skills and  
25 meeting the needs of the students they serve.

26 "Assistant principal" means a school administrator

1           duly endorsed to be employed as an assistant principal in  
2           this State.

3           "At-risk student" means a student who is at risk of  
4           not meeting the Illinois Learning Standards or not  
5           graduating from elementary or high school and who  
6           demonstrates a need for vocational support or social  
7           services beyond that provided by the regular school  
8           program. All students included in an Organizational Unit's  
9           Low-Income Count, as well as all English learner and  
10          disabled students attending the Organizational Unit, shall  
11          be considered at-risk students under this Section.

12          "Average Student Enrollment" or "ASE" for fiscal year  
13          2018 means, for an Organizational Unit, the greater of the  
14          average number of students (grades K through 12) reported  
15          to the State Board as enrolled in the Organizational Unit  
16          on October 1 in the immediately preceding school year,  
17          plus the pre-kindergarten students who receive special  
18          education services of 2 or more hours a day as reported to  
19          the State Board on December 1 in the immediately preceding  
20          school year, or the average number of students (grades K  
21          through 12) reported to the State Board as enrolled in the  
22          Organizational Unit on October 1, plus the  
23          pre-kindergarten students who receive special education  
24          services of 2 or more hours a day as reported to the State  
25          Board on December 1, for each of the immediately preceding  
26          3 school years. For fiscal year 2019 and each subsequent

1 fiscal year, "Average Student Enrollment" or "ASE" means,  
2 for an Organizational Unit, the greater of the average  
3 number of students (grades K through 12) reported to the  
4 State Board as enrolled in the Organizational Unit on  
5 October 1 and March 1 in the immediately preceding school  
6 year, plus the pre-kindergarten students who receive  
7 special education services as reported to the State Board  
8 on October 1 and March 1 in the immediately preceding  
9 school year, or the average number of students (grades K  
10 through 12) reported to the State Board as enrolled in the  
11 Organizational Unit on October 1 and March 1, plus the  
12 pre-kindergarten students who receive special education  
13 services as reported to the State Board on October 1 and  
14 March 1, for each of the immediately preceding 3 school  
15 years. For the purposes of this definition, "enrolled in  
16 the Organizational Unit" means the number of students  
17 reported to the State Board who are enrolled in schools  
18 within the Organizational Unit that the student attends or  
19 would attend if not placed or transferred to another  
20 school or program to receive needed services. For the  
21 purposes of calculating "ASE", all students, grades K  
22 through 12, excluding those attending kindergarten for a  
23 half day and students attending an alternative education  
24 program operated by a regional office of education or  
25 intermediate service center, shall be counted as 1.0. All  
26 students attending kindergarten for a half day shall be

1 counted as 0.5, unless in 2017 by June 15 or by March 1 in  
2 subsequent years, the school district reports to the State  
3 Board of Education the intent to implement full-day  
4 kindergarten district-wide for all students, then all  
5 students attending kindergarten shall be counted as 1.0.  
6 Special education pre-kindergarten students shall be  
7 counted as 0.5 each. If the State Board does not collect or  
8 has not collected both an October 1 and March 1 enrollment  
9 count by grade or a December 1 collection of special  
10 education pre-kindergarten students as of August 31, 2017  
11 (the effective date of Public Act 100-465), it shall  
12 establish such collection for all future years. For any  
13 year in which a count by grade level was collected only  
14 once, that count shall be used as the single count  
15 available for computing a 3-year average ASE. Funding for  
16 programs operated by a regional office of education or an  
17 intermediate service center must be calculated using the  
18 Evidence-Based Funding formula under this Section for the  
19 2019-2020 school year and each subsequent school year  
20 until separate adequacy formulas are developed and adopted  
21 for each type of program. ASE for a program operated by a  
22 regional office of education or an intermediate service  
23 center must be determined by the March 1 enrollment for  
24 the program. For the 2019-2020 school year, the ASE used  
25 in the calculation must be the first-year ASE and, in that  
26 year only, the assignment of students served by a regional

1 office of education or intermediate service center shall  
2 not result in a reduction of the March enrollment for any  
3 school district. For the 2020-2021 school year, the ASE  
4 must be the greater of the current-year ASE or the 2-year  
5 average ASE. Beginning with the 2021-2022 school year, the  
6 ASE must be the greater of the current-year ASE or the  
7 3-year average ASE. School districts shall submit the data  
8 for the ASE calculation to the State Board within 45 days  
9 of the dates required in this Section for submission of  
10 enrollment data in order for it to be included in the ASE  
11 calculation. For fiscal year 2018 only, the ASE  
12 calculation shall include only enrollment taken on October  
13 1. In recognition of the impact of COVID-19, the  
14 definition of "Average Student Enrollment" or "ASE" shall  
15 be adjusted for calculations under this Section for fiscal  
16 years 2022 through 2024. For fiscal years 2022 through  
17 2024, the enrollment used in the calculation of ASE  
18 representing the 2020-2021 school year shall be the  
19 greater of the enrollment for the 2020-2021 school year or  
20 the 2019-2020 school year.

21 "Base Funding Guarantee" is defined in paragraph (10)  
22 of subsection (g) of this Section.

23 "Base Funding Minimum" is defined in subsection (e) of  
24 this Section.

25 "Base Tax Year" means the property tax levy year used  
26 to calculate the Budget Year allocation of primary State

1 aid.

2 "Base Tax Year's Extension" means the product of the  
3 equalized assessed valuation utilized by the county clerk  
4 in the Base Tax Year multiplied by the limiting rate as  
5 calculated by the county clerk and defined in PTELL.

6 "Bilingual Education Allocation" means the amount of  
7 an Organizational Unit's final Adequacy Target  
8 attributable to bilingual education divided by the  
9 Organizational Unit's final Adequacy Target, the product  
10 of which shall be multiplied by the amount of new funding  
11 received pursuant to this Section. An Organizational  
12 Unit's final Adequacy Target attributable to bilingual  
13 education shall include all additional investments in  
14 English learner students' adequacy elements.

15 "Budget Year" means the school year for which primary  
16 State aid is calculated and awarded under this Section.

17 "Central office" means individual administrators and  
18 support service personnel charged with managing the  
19 instructional programs, business and operations, and  
20 security of the Organizational Unit.

21 "Comparable Wage Index" or "CWI" means a regional cost  
22 differentiation metric that measures systemic, regional  
23 variations in the salaries of college graduates who are  
24 not educators. The CWI utilized for this Section shall,  
25 for the first 3 years of Evidence-Based Funding  
26 implementation, be the CWI initially developed by the



1 National Center for Education Statistics, as most recently  
2 updated by Texas A & M University. In the fourth and  
3 subsequent years of Evidence-Based Funding implementation,  
4 the State Superintendent shall re-determine the CWI using  
5 a similar methodology to that identified in the Texas A & M  
6 University study, with adjustments made no less frequently  
7 than once every 5 years.

8 "Computer technology and equipment" means computers  
9 servers, notebooks, network equipment, copiers, printers,  
10 instructional software, security software, curriculum  
11 management courseware, and other similar materials and  
12 equipment.

13 "Computer technology and equipment investment  
14 allocation" means the final Adequacy Target amount of an  
15 Organizational Unit assigned to Tier 1 or Tier 2 in the  
16 prior school year attributable to the additional \$285.50  
17 per student computer technology and equipment investment  
18 grant divided by the Organizational Unit's final Adequacy  
19 Target, the result of which shall be multiplied by the  
20 amount of new funding received pursuant to this Section.  
21 An Organizational Unit assigned to a Tier 1 or Tier 2 final  
22 Adequacy Target attributable to the received computer  
23 technology and equipment investment grant shall include  
24 all additional investments in computer technology and  
25 equipment adequacy elements.

26 "Core subject" means mathematics; science; reading,

1 English, writing, and language arts; history and social  
2 studies; world languages; and subjects taught as Advanced  
3 Placement in high schools.

4 "Core teacher" means a regular classroom teacher in  
5 elementary schools and teachers of a core subject in  
6 middle and high schools.

7 "Core Intervention teacher (tutor)" means a licensed  
8 teacher providing one-on-one or small group tutoring to  
9 students struggling to meet proficiency in core subjects.

10 "CPPRT" means corporate personal property replacement  
11 tax funds paid to an Organizational Unit during the  
12 calendar year one year before the calendar year in which a  
13 school year begins, pursuant to "An Act in relation to the  
14 abolition of ad valorem personal property tax and the  
15 replacement of revenues lost thereby, and amending and  
16 repealing certain Acts and parts of Acts in connection  
17 therewith", certified August 14, 1979, as amended (Public  
18 Act 81-1st S.S.-1).

19 "EAV" means equalized assessed valuation as defined in  
20 paragraph (2) of subsection (d) of this Section and  
21 calculated in accordance with paragraph (3) of subsection  
22 (d) of this Section.

23 "ECI" means the Bureau of Labor Statistics' national  
24 employment cost index for civilian workers in educational  
25 services in elementary and secondary schools on a  
26 cumulative basis for the 12-month calendar year preceding

1 the fiscal year of the Evidence-Based Funding calculation.

2 "EIS Data" means the employment information system  
3 data maintained by the State Board on educators within  
4 Organizational Units.

5 "Employee benefits" means health, dental, and vision  
6 insurance offered to employees of an Organizational Unit,  
7 the costs associated with the statutorily required payment  
8 of the normal cost of the Organizational Unit's teacher  
9 pensions, Social Security employer contributions, and  
10 Illinois Municipal Retirement Fund employer contributions.

11 "English learner" or "EL" means a child included in  
12 the definition of "English learners" under Section 14C-2  
13 of this Code participating in a program of transitional  
14 bilingual education or a transitional program of  
15 instruction meeting the requirements and program  
16 application procedures of Article 14C of this Code. For  
17 the purposes of collecting the number of EL students  
18 enrolled, the same collection and calculation methodology  
19 as defined above for "ASE" shall apply to English  
20 learners, with the exception that EL student enrollment  
21 shall include students in grades pre-kindergarten through  
22 12.

23 "Essential Elements" means those elements, resources,  
24 and educational programs that have been identified through  
25 academic research as necessary to improve student success,  
26 improve academic performance, close achievement gaps, and

1 provide for other per student costs related to the  
2 delivery and leadership of the Organizational Unit, as  
3 well as the maintenance and operations of the unit, and  
4 which are specified in paragraph (2) of subsection (b) of  
5 this Section.

6 "Evidence-Based Funding" means State funding provided  
7 to an Organizational Unit pursuant to this Section.

8 "Extended day" means academic and enrichment programs  
9 provided to students outside the regular school day before  
10 and after school or during non-instructional times during  
11 the school day.

12 "Extension Limitation Ratio" means a numerical ratio  
13 in which the numerator is the Base Tax Year's Extension  
14 and the denominator is the Preceding Tax Year's Extension.

15 "Final Percent of Adequacy" is defined in paragraph  
16 (4) of subsection (f) of this Section.

17 "Final Resources" is defined in paragraph (3) of  
18 subsection (f) of this Section.

19 "Full-time equivalent" or "FTE" means the full-time  
20 equivalency compensation for staffing the relevant  
21 position at an Organizational Unit.

22 "Funding Gap" is defined in paragraph (1) of  
23 subsection (g).

24 "Hybrid District" means a partial elementary unit  
25 district created pursuant to Article 11E of this Code.

26 "Instructional assistant" means a core or special

1 education, non-licensed employee who assists a teacher in  
2 the classroom and provides academic support to students.

3 "Instructional facilitator" means a qualified teacher  
4 or licensed teacher leader who facilitates and coaches  
5 continuous improvement in classroom instruction; provides  
6 instructional support to teachers in the elements of  
7 research-based instruction or demonstrates the alignment  
8 of instruction with curriculum standards and assessment  
9 tools; develops or coordinates instructional programs or  
10 strategies; develops and implements training; chooses  
11 standards-based instructional materials; provides  
12 teachers with an understanding of current research; serves  
13 as a mentor, site coach, curriculum specialist, or lead  
14 teacher; or otherwise works with fellow teachers, in  
15 collaboration, to use data to improve instructional  
16 practice or develop model lessons.

17 "Instructional materials" means relevant  
18 instructional materials for student instruction,  
19 including, but not limited to, textbooks, consumable  
20 workbooks, laboratory equipment, library books, and other  
21 similar materials.

22 "Laboratory School" means a public school that is  
23 created and operated by a public university and approved  
24 by the State Board.

25 "Librarian" means a teacher with an endorsement as a  
26 library information specialist or another individual whose

1 primary responsibility is overseeing library resources  
2 within an Organizational Unit.

3 "Limiting rate for Hybrid Districts" means the  
4 combined elementary school and high school limiting rates.

5 "Local Capacity" is defined in paragraph (1) of  
6 subsection (c) of this Section.

7 "Local Capacity Percentage" is defined in subparagraph  
8 (A) of paragraph (2) of subsection (c) of this Section.

9 "Local Capacity Ratio" is defined in subparagraph (B)  
10 of paragraph (2) of subsection (c) of this Section.

11 "Local Capacity Target" is defined in paragraph (2) of  
12 subsection (c) of this Section.

13 "Low-Income Count" means, for an Organizational Unit  
14 in a fiscal year, the higher of the average number of  
15 students for the prior school year or the immediately  
16 preceding 3 school years who, as of July 1 of the  
17 immediately preceding fiscal year (as determined by the  
18 Department of Human Services), are eligible for at least  
19 one of the following low-income programs: Medicaid, the  
20 Children's Health Insurance Program, Temporary Assistance  
21 for Needy Families (TANF), or the Supplemental Nutrition  
22 Assistance Program, excluding pupils who are eligible for  
23 services provided by the Department of Children and Family  
24 Services. Until such time that grade level low-income  
25 populations become available, grade level low-income  
26 populations shall be determined by applying the low-income

1 percentage to total student enrollments by grade level.  
2 The low-income percentage is determined by dividing the  
3 Low-Income Count by the Average Student Enrollment. The  
4 low-income percentage for programs operated by a regional  
5 office of education or an intermediate service center must  
6 be set to the weighted average of the low-income  
7 percentages of all of the school districts in the service  
8 region. The weighted low-income percentage is the result  
9 of multiplying the low-income percentage of each school  
10 district served by the regional office of education or  
11 intermediate service center by each school district's  
12 Average Student Enrollment, summarizing those products and  
13 dividing the total by the total Average Student Enrollment  
14 for the service region.

15 "Maintenance and operations" means custodial services,  
16 facility and ground maintenance, facility operations,  
17 facility security, routine facility repairs, and other  
18 similar services and functions.

19 "Minimum Funding Level" is defined in paragraph (9) of  
20 subsection (g) of this Section.

21 "New Property Tax Relief Pool Funds" means, for any  
22 given fiscal year, all State funds appropriated under  
23 Section 2-3.170 of this Code.

24 "New State Funds" means, for a given school year, all  
25 State funds appropriated for Evidence-Based Funding in  
26 excess of the amount needed to fund the Base Funding

1 Minimum for all Organizational Units in that school year.

2 "Nurse" means an individual licensed as a certified  
3 school nurse, in accordance with the rules established for  
4 nursing services by the State Board, who is an employee of  
5 and is available to provide health care-related services  
6 for students of an Organizational Unit.

7 "Operating Tax Rate" means the rate utilized in the  
8 previous year to extend property taxes for all purposes,  
9 except Bond and Interest, Summer School, Rent, Capital  
10 Improvement, and Vocational Education Building purposes.  
11 For Hybrid Districts, the Operating Tax Rate shall be the  
12 combined elementary and high school rates utilized in the  
13 previous year to extend property taxes for all purposes,  
14 except Bond and Interest, Summer School, Rent, Capital  
15 Improvement, and Vocational Education Building purposes.

16 "Organizational Unit" means a Laboratory School or any  
17 public school district that is recognized as such by the  
18 State Board and that contains elementary schools typically  
19 serving kindergarten through 5th grades, middle schools  
20 typically serving 6th through 8th grades, high schools  
21 typically serving 9th through 12th grades, a program  
22 established under Section 2-3.66 or 2-3.41, or a program  
23 operated by a regional office of education or an  
24 intermediate service center under Article 13A or 13B. The  
25 General Assembly acknowledges that the actual grade levels  
26 served by a particular Organizational Unit may vary



1 slightly from what is typical.

2 "Organizational Unit CWI" is determined by calculating  
3 the CWI in the region and original county in which an  
4 Organizational Unit's primary administrative office is  
5 located as set forth in this paragraph, provided that if  
6 the Organizational Unit CWI as calculated in accordance  
7 with this paragraph is less than 0.9, the Organizational  
8 Unit CWI shall be increased to 0.9. Each county's current  
9 CWI value shall be adjusted based on the CWI value of that  
10 county's neighboring Illinois counties, to create a  
11 "weighted adjusted index value". This shall be calculated  
12 by summing the CWI values of all of a county's adjacent  
13 Illinois counties and dividing by the number of adjacent  
14 Illinois counties, then taking the weighted value of the  
15 original county's CWI value and the adjacent Illinois  
16 county average. To calculate this weighted value, if the  
17 number of adjacent Illinois counties is greater than 2,  
18 the original county's CWI value will be weighted at 0.25  
19 and the adjacent Illinois county average will be weighted  
20 at 0.75. If the number of adjacent Illinois counties is 2,  
21 the original county's CWI value will be weighted at 0.33  
22 and the adjacent Illinois county average will be weighted  
23 at 0.66. The greater of the county's current CWI value and  
24 its weighted adjusted index value shall be used as the  
25 Organizational Unit CWI.

26 "Preceding Tax Year" means the property tax levy year

1 immediately preceding the Base Tax Year.

2 "Preceding Tax Year's Extension" means the product of  
3 the equalized assessed valuation utilized by the county  
4 clerk in the Preceding Tax Year multiplied by the  
5 Operating Tax Rate.

6 "Preliminary Percent of Adequacy" is defined in  
7 paragraph (2) of subsection (f) of this Section.

8 "Preliminary Resources" is defined in paragraph (2) of  
9 subsection (f) of this Section.

10 "Principal" means a school administrator duly endorsed  
11 to be employed as a principal in this State.

12 "Professional development" means training programs for  
13 licensed staff in schools, including, but not limited to,  
14 programs that assist in implementing new curriculum  
15 programs, provide data focused or academic assessment data  
16 training to help staff identify a student's weaknesses and  
17 strengths, target interventions, improve instruction,  
18 encompass instructional strategies for English learner,  
19 gifted, or at-risk students, address inclusivity, cultural  
20 sensitivity, or implicit bias, or otherwise provide  
21 professional support for licensed staff.

22 "Prototypical" means 450 special education  
23 pre-kindergarten and kindergarten through grade 5 students  
24 for an elementary school, 450 grade 6 through 8 students  
25 for a middle school, and 600 grade 9 through 12 students  
26 for a high school.

1 "PTELL" means the Property Tax Extension Limitation  
2 Law.

3 "PTELL EAV" is defined in paragraph (4) of subsection  
4 (d) of this Section.

5 "Pupil support staff" means a nurse, psychologist,  
6 social worker, family liaison personnel, or other staff  
7 member who provides support to at-risk or struggling  
8 students.

9 "Real Receipts" is defined in paragraph (1) of  
10 subsection (d) of this Section.

11 "Regionalization Factor" means, for a particular  
12 Organizational Unit, the figure derived by dividing the  
13 Organizational Unit CWI by the Statewide Weighted CWI.

14 "School counselor" means a licensed school counselor  
15 who provides guidance and counseling support for students  
16 within an Organizational Unit.

17 "School site staff" means the primary school secretary  
18 and any additional clerical personnel assigned to a  
19 school.

20 "Special education" means special educational  
21 facilities and services, as defined in Section 14-1.08 of  
22 this Code.

23 "Special Education Allocation" means the amount of an  
24 Organizational Unit's final Adequacy Target attributable  
25 to special education divided by the Organizational Unit's  
26 final Adequacy Target, the product of which shall be

1 multiplied by the amount of new funding received pursuant  
2 to this Section. An Organizational Unit's final Adequacy  
3 Target attributable to special education shall include all  
4 special education investment adequacy elements.

5 "Specialist teacher" means a teacher who provides  
6 instruction in subject areas not included in core  
7 subjects, including, but not limited to, art, music,  
8 physical education, health, driver education,  
9 career-technical education, and such other subject areas  
10 as may be mandated by State law or provided by an  
11 Organizational Unit.

12 "Specially Funded Unit" means an Alternative School,  
13 safe school, Department of Juvenile Justice school,  
14 special education cooperative or entity recognized by the  
15 State Board as a special education cooperative,  
16 State-approved charter school, or alternative learning  
17 opportunities program that received direct funding from  
18 the State Board during the 2016-2017 school year through  
19 any of the funding sources included within the calculation  
20 of the Base Funding Minimum or Glenwood Academy.

21 "Supplemental Grant Funding" means supplemental  
22 general State aid funding received by an Organizational  
23 Unit during the 2016-2017 school year pursuant to  
24 subsection (H) of Section 18-8.05 of this Code (now  
25 repealed).

26 "State Adequacy Level" is the sum of the Adequacy

1 Targets of all Organizational Units.

2 "State Board" means the State Board of Education.

3 "State Superintendent" means the State Superintendent  
4 of Education.

5 "Statewide Weighted CWI" means a figure determined by  
6 multiplying each Organizational Unit CWI times the ASE for  
7 that Organizational Unit creating a weighted value,  
8 summing all Organizational Units' weighted values, and  
9 dividing by the total ASE of all Organizational Units,  
10 thereby creating an average weighted index.

11 "Student activities" means non-credit producing  
12 after-school programs, including, but not limited to,  
13 clubs, bands, sports, and other activities authorized by  
14 the school board of the Organizational Unit.

15 "Substitute teacher" means an individual teacher or  
16 teaching assistant who is employed by an Organizational  
17 Unit and is temporarily serving the Organizational Unit on  
18 a per diem or per period-assignment basis to replace  
19 another staff member.

20 "Summer school" means academic and enrichment programs  
21 provided to students during the summer months outside of  
22 the regular school year.

23 "Supervisory aide" means a non-licensed staff member  
24 who helps in supervising students of an Organizational  
25 Unit, but does so outside of the classroom, in situations  
26 such as, but not limited to, monitoring hallways and

1 playgrounds, supervising lunchrooms, or supervising  
2 students when being transported in buses serving the  
3 Organizational Unit.

4 "Target Ratio" is defined in paragraph (4) of  
5 subsection (g).

6 "Tier 1", "Tier 2", "Tier 3", and "Tier 4" are defined  
7 in paragraph (3) of subsection (g).

8 "Tier 1 Aggregate Funding", "Tier 2 Aggregate  
9 Funding", "Tier 3 Aggregate Funding", and "Tier 4  
10 Aggregate Funding" are defined in paragraph (1) of  
11 subsection (g).

12 (b) Adequacy Target calculation.

13 (1) Each Organizational Unit's Adequacy Target is the  
14 sum of the Organizational Unit's cost of providing  
15 Essential Elements, as calculated in accordance with this  
16 subsection (b), with the salary amounts in the Essential  
17 Elements multiplied by a Regionalization Factor calculated  
18 pursuant to paragraph (3) of this subsection (b).

19 (2) The Essential Elements are attributable on a pro  
20 rata basis related to defined subgroups of the ASE of each  
21 Organizational Unit as specified in this paragraph (2),  
22 with investments and FTE positions pro rata funded based  
23 on ASE counts in excess of or less than the thresholds set  
24 forth in this paragraph (2). The method for calculating  
25 attributable pro rata costs and the defined subgroups  
26 thereto are as follows:

1           (A) Core class size investments. Each  
2 Organizational Unit shall receive the funding required  
3 to support that number of FTE core teacher positions  
4 as is needed to keep the respective class sizes of the  
5 Organizational Unit to the following maximum numbers:

6           (i) For grades kindergarten through 3, the  
7 Organizational Unit shall receive funding required  
8 to support one FTE core teacher position for every  
9 15 Low-Income Count students in those grades and  
10 one FTE core teacher position for every 20  
11 non-Low-Income Count students in those grades.

12           (ii) For grades 4 through 12, the  
13 Organizational Unit shall receive funding required  
14 to support one FTE core teacher position for every  
15 20 Low-Income Count students in those grades and  
16 one FTE core teacher position for every 25  
17 non-Low-Income Count students in those grades.

18           The number of non-Low-Income Count students in a  
19 grade shall be determined by subtracting the  
20 Low-Income students in that grade from the ASE of the  
21 Organizational Unit for that grade.

22           (B) Specialist teacher investments. Each  
23 Organizational Unit shall receive the funding needed  
24 to cover that number of FTE specialist teacher  
25 positions that correspond to the following  
26 percentages:

1           (i) if the Organizational Unit operates an  
2 elementary or middle school, then 20.00% of the  
3 number of the Organizational Unit's core teachers,  
4 as determined under subparagraph (A) of this  
5 paragraph (2); and

6           (ii) if such Organizational Unit operates a  
7 high school, then 33.33% of the number of the  
8 Organizational Unit's core teachers.

9           (C) Instructional facilitator investments. Each  
10 Organizational Unit shall receive the funding needed  
11 to cover one FTE instructional facilitator position  
12 for every 200 combined ASE of pre-kindergarten  
13 children with disabilities and all kindergarten  
14 through grade 12 students of the Organizational Unit.

15           (D) Core intervention teacher (tutor) investments.  
16 Each Organizational Unit shall receive the funding  
17 needed to cover one FTE teacher position for each  
18 prototypical elementary, middle, and high school.

19           (E) Substitute teacher investments. Each  
20 Organizational Unit shall receive the funding needed  
21 to cover substitute teacher costs that is equal to  
22 5.70% of the minimum pupil attendance days required  
23 under Section 10-19 of this Code for all full-time  
24 equivalent core, specialist, and intervention  
25 teachers, school nurses, special education teachers  
26 and instructional assistants, instructional



1 facilitators, and summer school and extended day  
2 teacher positions, as determined under this paragraph  
3 (2), at a salary rate of 33.33% of the average salary  
4 for grade K through 12 teachers and 33.33% of the  
5 average salary of each instructional assistant  
6 position.

7 (F) Core school counselor investments. Each  
8 Organizational Unit shall receive the funding needed  
9 to cover one FTE school counselor for each 450  
10 combined ASE of pre-kindergarten children with  
11 disabilities and all kindergarten through grade 5  
12 students, plus one FTE school counselor for each 250  
13 grades 6 through 8 ASE middle school students, plus  
14 one FTE school counselor for each 250 grades 9 through  
15 12 ASE high school students.

16 (G) Nurse investments. Each Organizational Unit  
17 shall receive the funding needed to cover one FTE  
18 nurse for each 750 combined ASE of pre-kindergarten  
19 children with disabilities and all kindergarten  
20 through grade 12 students across all grade levels it  
21 serves.

22 (H) Supervisory aide investments. Each  
23 Organizational Unit shall receive the funding needed  
24 to cover one FTE for each 225 combined ASE of  
25 pre-kindergarten children with disabilities and all  
26 kindergarten through grade 5 students, plus one FTE

1 for each 225 ASE middle school students, plus one FTE  
2 for each 200 ASE high school students.

3 (I) Librarian investments. Each Organizational  
4 Unit shall receive the funding needed to cover one FTE  
5 librarian for each prototypical elementary school,  
6 middle school, and high school and one FTE aide or  
7 media technician for every 300 combined ASE of  
8 pre-kindergarten children with disabilities and all  
9 kindergarten through grade 12 students.

10 (J) Principal investments. Each Organizational  
11 Unit shall receive the funding needed to cover one FTE  
12 principal position for each prototypical elementary  
13 school, plus one FTE principal position for each  
14 prototypical middle school, plus one FTE principal  
15 position for each prototypical high school.

16 (K) Assistant principal investments. Each  
17 Organizational Unit shall receive the funding needed  
18 to cover one FTE assistant principal position for each  
19 prototypical elementary school, plus one FTE assistant  
20 principal position for each prototypical middle  
21 school, plus one FTE assistant principal position for  
22 each prototypical high school.

23 (L) School site staff investments. Each  
24 Organizational Unit shall receive the funding needed  
25 for one FTE position for each 225 ASE of  
26 pre-kindergarten children with disabilities and all

1 kindergarten through grade 5 students, plus one FTE  
2 position for each 225 ASE middle school students, plus  
3 one FTE position for each 200 ASE high school  
4 students.

5 (M) Gifted investments. Each Organizational Unit  
6 shall receive \$40 per kindergarten through grade 12  
7 ASE.

8 (N) Professional development investments. Each  
9 Organizational Unit shall receive \$125 per student of  
10 the combined ASE of pre-kindergarten children with  
11 disabilities and all kindergarten through grade 12  
12 students for trainers and other professional  
13 development-related expenses for supplies and  
14 materials.

15 (O) Instructional material investments. Each  
16 Organizational Unit shall receive \$190 per student of  
17 the combined ASE of pre-kindergarten children with  
18 disabilities and all kindergarten through grade 12  
19 students to cover instructional material costs.

20 (P) Assessment investments. Each Organizational  
21 Unit shall receive \$25 per student of the combined ASE  
22 of pre-kindergarten children with disabilities and all  
23 kindergarten through grade 12 students to cover  
24 assessment costs.

25 (Q) Computer technology and equipment investments.  
26 Each Organizational Unit shall receive \$285.50 per

1 student of the combined ASE of pre-kindergarten  
2 children with disabilities and all kindergarten  
3 through grade 12 students to cover computer technology  
4 and equipment costs. For the 2018-2019 school year and  
5 subsequent school years, Organizational Units assigned  
6 to Tier 1 and Tier 2 in the prior school year shall  
7 receive an additional \$285.50 per student of the  
8 combined ASE of pre-kindergarten children with  
9 disabilities and all kindergarten through grade 12  
10 students to cover computer technology and equipment  
11 costs in the Organizational Unit's Adequacy Target.  
12 The State Board may establish additional requirements  
13 for Organizational Unit expenditures of funds received  
14 pursuant to this subparagraph (Q), including a  
15 requirement that funds received pursuant to this  
16 subparagraph (Q) may be used only for serving the  
17 technology needs of the district. It is the intent of  
18 Public Act 100-465 that all Tier 1 and Tier 2 districts  
19 receive the addition to their Adequacy Target in the  
20 following year, subject to compliance with the  
21 requirements of the State Board.

22 (R) Student activities investments. Each  
23 Organizational Unit shall receive the following  
24 funding amounts to cover student activities: \$100 per  
25 kindergarten through grade 5 ASE student in elementary  
26 school, plus \$200 per ASE student in middle school,

1 plus \$675 per ASE student in high school.

2 (S) Maintenance and operations investments. Each  
3 Organizational Unit shall receive \$1,038 per student  
4 of the combined ASE of pre-kindergarten children with  
5 disabilities and all kindergarten through grade 12  
6 students for day-to-day maintenance and operations  
7 expenditures, including salary, supplies, and  
8 materials, as well as purchased services, but  
9 excluding employee benefits. The proportion of salary  
10 for the application of a Regionalization Factor and  
11 the calculation of benefits is equal to \$352.92.

12 (T) Central office investments. Each  
13 Organizational Unit shall receive \$742 per student of  
14 the combined ASE of pre-kindergarten children with  
15 disabilities and all kindergarten through grade 12  
16 students to cover central office operations, including  
17 administrators and classified personnel charged with  
18 managing the instructional programs, business and  
19 operations of the school district, and security  
20 personnel. The proportion of salary for the  
21 application of a Regionalization Factor and the  
22 calculation of benefits is equal to \$368.48.

23 (U) Employee benefit investments. Each  
24 Organizational Unit shall receive 30% of the total of  
25 all salary-calculated elements of the Adequacy Target,  
26 excluding substitute teachers and student activities

1 investments, to cover benefit costs. For central  
2 office and maintenance and operations investments, the  
3 benefit calculation shall be based upon the salary  
4 proportion of each investment. If at any time the  
5 responsibility for funding the employer normal cost of  
6 teacher pensions is assigned to school districts, then  
7 that amount certified by the Teachers' Retirement  
8 System of the State of Illinois to be paid by the  
9 Organizational Unit for the preceding school year  
10 shall be added to the benefit investment. For any  
11 fiscal year in which a school district organized under  
12 Article 34 of this Code is responsible for paying the  
13 employer normal cost of teacher pensions, then that  
14 amount of its employer normal cost plus the amount for  
15 retiree health insurance as certified by the Public  
16 School Teachers' Pension and Retirement Fund of  
17 Chicago to be paid by the school district for the  
18 preceding school year that is statutorily required to  
19 cover employer normal costs and the amount for retiree  
20 health insurance shall be added to the 30% specified  
21 in this subparagraph (U). The Teachers' Retirement  
22 System of the State of Illinois and the Public School  
23 Teachers' Pension and Retirement Fund of Chicago shall  
24 submit such information as the State Superintendent  
25 may require for the calculations set forth in this  
26 subparagraph (U).

1 (V) Additional investments in low-income students.  
2 In addition to and not in lieu of all other funding  
3 under this paragraph (2), each Organizational Unit  
4 shall receive funding based on the average teacher  
5 salary for grades K through 12 to cover the costs of:

6 (i) one FTE intervention teacher (tutor)  
7 position for every 125 Low-Income Count students;

8 (ii) one FTE pupil support staff position for  
9 every 125 Low-Income Count students;

10 (iii) one FTE extended day teacher position  
11 for every 120 Low-Income Count students; and

12 (iv) one FTE summer school teacher position  
13 for every 120 Low-Income Count students.

14 (W) Additional investments in English learner  
15 students. In addition to and not in lieu of all other  
16 funding under this paragraph (2), each Organizational  
17 Unit shall receive funding based on the average  
18 teacher salary for grades K through 12 to cover the  
19 costs of:

20 (i) one FTE intervention teacher (tutor)  
21 position for every 125 English learner students;

22 (ii) one FTE pupil support staff position for  
23 every 125 English learner students;

24 (iii) one FTE extended day teacher position  
25 for every 120 English learner students;

26 (iv) one FTE summer school teacher position

1           for every 120 English learner students; and  
2           (v) one FTE core teacher position for every  
3           100 English learner students.

4           (X) Special education investments. Each  
5           Organizational Unit shall receive funding based on the  
6           average teacher salary for grades K through 12 to  
7           cover special education as follows:

8           (i) one FTE teacher position for every 141  
9           combined ASE of pre-kindergarten children with  
10          disabilities and all kindergarten through grade 12  
11          students;

12          (ii) one FTE instructional assistant for every  
13          141 combined ASE of pre-kindergarten children with  
14          disabilities and all kindergarten through grade 12  
15          students; and

16          (iii) one FTE psychologist position for every  
17          1,000 combined ASE of pre-kindergarten children  
18          with disabilities and all kindergarten through  
19          grade 12 students.

20          (3) For calculating the salaries included within the  
21          Essential Elements, the State Superintendent shall  
22          annually calculate average salaries to the nearest dollar  
23          using the employment information system data maintained by  
24          the State Board, limited to public schools only and  
25          excluding special education and vocational cooperatives,  
26          schools operated by the Department of Juvenile Justice,



1 and charter schools, for the following positions:

2 (A) Teacher for grades K through 8.

3 (B) Teacher for grades 9 through 12.

4 (C) Teacher for grades K through 12.

5 (D) School counselor for grades K through 8.

6 (E) School counselor for grades 9 through 12.

7 (F) School counselor for grades K through 12.

8 (G) Social worker.

9 (H) Psychologist.

10 (I) Librarian.

11 (J) Nurse.

12 (K) Principal.

13 (L) Assistant principal.

14 For the purposes of this paragraph (3), "teacher"  
15 includes core teachers, specialist and elective teachers,  
16 instructional facilitators, tutors, special education  
17 teachers, pupil support staff teachers, English learner  
18 teachers, extended day teachers, and summer school  
19 teachers. Where specific grade data is not required for  
20 the Essential Elements, the average salary for  
21 corresponding positions shall apply. For substitute  
22 teachers, the average teacher salary for grades K through  
23 12 shall apply.

24 For calculating the salaries included within the  
25 Essential Elements for positions not included within EIS  
26 Data, the following salaries shall be used in the first

1 year of implementation of Evidence-Based Funding:

2 (i) school site staff, \$30,000; and

3 (ii) non-instructional assistant, instructional  
4 assistant, library aide, library media tech, or  
5 supervisory aide: \$25,000.

6 In the second and subsequent years of implementation  
7 of Evidence-Based Funding, the amounts in items (i) and  
8 (ii) of this paragraph (3) shall annually increase by the  
9 ECI.

10 The salary amounts for the Essential Elements  
11 determined pursuant to subparagraphs (A) through (L), (S)  
12 and (T), and (V) through (X) of paragraph (2) of  
13 subsection (b) of this Section shall be multiplied by a  
14 Regionalization Factor.

15 (c) Local Capacity calculation.

16 (1) Each Organizational Unit's Local Capacity  
17 represents an amount of funding it is assumed to  
18 contribute toward its Adequacy Target for purposes of the  
19 Evidence-Based Funding formula calculation. "Local  
20 Capacity" means either (i) the Organizational Unit's Local  
21 Capacity Target as calculated in accordance with paragraph  
22 (2) of this subsection (c) if its Real Receipts are equal  
23 to or less than its Local Capacity Target or (ii) the  
24 Organizational Unit's Adjusted Local Capacity, as  
25 calculated in accordance with paragraph (3) of this  
26 subsection (c) if Real Receipts are more than its Local

1 Capacity Target.

2 (2) "Local Capacity Target" means, for an  
3 Organizational Unit, that dollar amount that is obtained  
4 by multiplying its Adequacy Target by its Local Capacity  
5 Ratio.

6 (A) An Organizational Unit's Local Capacity  
7 Percentage is the conversion of the Organizational  
8 Unit's Local Capacity Ratio, as such ratio is  
9 determined in accordance with subparagraph (B) of this  
10 paragraph (2), into a cumulative distribution  
11 resulting in a percentile ranking to determine each  
12 Organizational Unit's relative position to all other  
13 Organizational Units in this State. The calculation of  
14 Local Capacity Percentage is described in subparagraph  
15 (C) of this paragraph (2).

16 (B) An Organizational Unit's Local Capacity Ratio  
17 in a given year is the percentage obtained by dividing  
18 its Adjusted EAV or PTELL EAV, whichever is less, by  
19 its Adequacy Target, with the resulting ratio further  
20 adjusted as follows:

21 (i) for Organizational Units serving grades  
22 kindergarten through 12 and Hybrid Districts, no  
23 further adjustments shall be made;

24 (ii) for Organizational Units serving grades  
25 kindergarten through 8, the ratio shall be  
26 multiplied by 9/13;

1 (iii) for Organizational Units serving grades  
2 9 through 12, the Local Capacity Ratio shall be  
3 multiplied by  $4/13$ ; and

4 (iv) for an Organizational Unit with a  
5 different grade configuration than those specified  
6 in items (i) through (iii) of this subparagraph  
7 (B), the State Superintendent shall determine a  
8 comparable adjustment based on the grades served.

9 (C) The Local Capacity Percentage is equal to the  
10 percentile ranking of the district. Local Capacity  
11 Percentage converts each Organizational Unit's Local  
12 Capacity Ratio to a cumulative distribution resulting  
13 in a percentile ranking to determine each  
14 Organizational Unit's relative position to all other  
15 Organizational Units in this State. The Local Capacity  
16 Percentage cumulative distribution resulting in a  
17 percentile ranking for each Organizational Unit shall  
18 be calculated using the standard normal distribution  
19 of the score in relation to the weighted mean and  
20 weighted standard deviation and Local Capacity Ratios  
21 of all Organizational Units. If the value assigned to  
22 any Organizational Unit is in excess of 90%, the value  
23 shall be adjusted to 90%. For Laboratory Schools, the  
24 Local Capacity Percentage shall be set at 10% in  
25 recognition of the absence of EAV and resources from  
26 the public university that are allocated to the

1 Laboratory School. For programs operated by a regional  
2 office of education or an intermediate service center,  
3 the Local Capacity Percentage must be set at 10% in  
4 recognition of the absence of EAV and resources from  
5 school districts that are allocated to the regional  
6 office of education or intermediate service center.  
7 The weighted mean for the Local Capacity Percentage  
8 shall be determined by multiplying each Organizational  
9 Unit's Local Capacity Ratio times the ASE for the unit  
10 creating a weighted value, summing the weighted values  
11 of all Organizational Units, and dividing by the total  
12 ASE of all Organizational Units. The weighted standard  
13 deviation shall be determined by taking the square  
14 root of the weighted variance of all Organizational  
15 Units' Local Capacity Ratio, where the variance is  
16 calculated by squaring the difference between each  
17 unit's Local Capacity Ratio and the weighted mean,  
18 then multiplying the variance for each unit times the  
19 ASE for the unit to create a weighted variance for each  
20 unit, then summing all units' weighted variance and  
21 dividing by the total ASE of all units.

22 (D) For any Organizational Unit, the  
23 Organizational Unit's Adjusted Local Capacity Target  
24 shall be reduced by either (i) the school board's  
25 remaining contribution pursuant to paragraph (ii) of  
26 subsection (b-4) of Section 16-158 of the Illinois

1 Pension Code in a given year or (ii) the board of  
2 education's remaining contribution pursuant to  
3 paragraph (iv) of subsection (b) of Section 17-129 of  
4 the Illinois Pension Code absent the employer normal  
5 cost portion of the required contribution and amount  
6 allowed pursuant to subdivision (3) of Section  
7 17-142.1 of the Illinois Pension Code in a given year.  
8 In the preceding sentence, item (i) shall be certified  
9 to the State Board of Education by the Teachers'  
10 Retirement System of the State of Illinois and item  
11 (ii) shall be certified to the State Board of  
12 Education by the Public School Teachers' Pension and  
13 Retirement Fund of the City of Chicago.

14 (3) If an Organizational Unit's Real Receipts are more  
15 than its Local Capacity Target, then its Local Capacity  
16 shall equal an Adjusted Local Capacity Target as  
17 calculated in accordance with this paragraph (3). The  
18 Adjusted Local Capacity Target is calculated as the sum of  
19 the Organizational Unit's Local Capacity Target and its  
20 Real Receipts Adjustment. The Real Receipts Adjustment  
21 equals the Organizational Unit's Real Receipts less its  
22 Local Capacity Target, with the resulting figure  
23 multiplied by the Local Capacity Percentage.

24 As used in this paragraph (3), "Real Percent of  
25 Adequacy" means the sum of an Organizational Unit's Real  
26 Receipts, CPPRT, and Base Funding Minimum, with the

1 resulting figure divided by the Organizational Unit's  
2 Adequacy Target.

3 (d) Calculation of Real Receipts, EAV, and Adjusted EAV  
4 for purposes of the Local Capacity calculation.

5 (1) An Organizational Unit's Real Receipts are the  
6 product of its Applicable Tax Rate and its Adjusted EAV.  
7 An Organizational Unit's Applicable Tax Rate is its  
8 Adjusted Operating Tax Rate for property within the  
9 Organizational Unit.

10 (2) The State Superintendent shall calculate the  
11 equalized assessed valuation, or EAV, of all taxable  
12 property of each Organizational Unit as of September 30 of  
13 the previous year in accordance with paragraph (3) of this  
14 subsection (d). The State Superintendent shall then  
15 determine the Adjusted EAV of each Organizational Unit in  
16 accordance with paragraph (4) of this subsection (d),  
17 which Adjusted EAV figure shall be used for the purposes  
18 of calculating Local Capacity.

19 (3) To calculate Real Receipts and EAV, the Department  
20 of Revenue shall supply to the State Superintendent the  
21 value as equalized or assessed by the Department of  
22 Revenue of all taxable property of every Organizational  
23 Unit, together with (i) the applicable tax rate used in  
24 extending taxes for the funds of the Organizational Unit  
25 as of September 30 of the previous year and (ii) the  
26 limiting rate for all Organizational Units subject to

1 property tax extension limitations as imposed under PTELL.

2 (A) The Department of Revenue shall add to the  
3 equalized assessed value of all taxable property of  
4 each Organizational Unit situated entirely or  
5 partially within a county that is or was subject to the  
6 provisions of Section 15-176 or 15-177 of the Property  
7 Tax Code (i) an amount equal to the total amount by  
8 which the homestead exemption allowed under Section  
9 15-176 or 15-177 of the Property Tax Code for real  
10 property situated in that Organizational Unit exceeds  
11 the total amount that would have been allowed in that  
12 Organizational Unit if the maximum reduction under  
13 Section 15-176 was (I) \$4,500 in Cook County or \$3,500  
14 in all other counties in tax year 2003 or (II) \$5,000  
15 in all counties in tax year 2004 and thereafter and  
16 (ii) an amount equal to the aggregate amount for the  
17 taxable year of all additional exemptions under  
18 Section 15-175 of the Property Tax Code for owners  
19 with a household income of \$30,000 or less. The county  
20 clerk of any county that is or was subject to the  
21 provisions of Section 15-176 or 15-177 of the Property  
22 Tax Code shall annually calculate and certify to the  
23 Department of Revenue for each Organizational Unit all  
24 homestead exemption amounts under Section 15-176 or  
25 15-177 of the Property Tax Code and all amounts of  
26 additional exemptions under Section 15-175 of the



1           Property Tax Code for owners with a household income  
2           of \$30,000 or less. It is the intent of this  
3           subparagraph (A) that if the general homestead  
4           exemption for a parcel of property is determined under  
5           Section 15-176 or 15-177 of the Property Tax Code  
6           rather than Section 15-175, then the calculation of  
7           EAV shall not be affected by the difference, if any,  
8           between the amount of the general homestead exemption  
9           allowed for that parcel of property under Section  
10          15-176 or 15-177 of the Property Tax Code and the  
11          amount that would have been allowed had the general  
12          homestead exemption for that parcel of property been  
13          determined under Section 15-175 of the Property Tax  
14          Code. It is further the intent of this subparagraph  
15          (A) that if additional exemptions are allowed under  
16          Section 15-175 of the Property Tax Code for owners  
17          with a household income of less than \$30,000, then the  
18          calculation of EAV shall not be affected by the  
19          difference, if any, because of those additional  
20          exemptions.

21                (B) With respect to any part of an Organizational  
22          Unit within a redevelopment project area in respect to  
23          which a municipality has adopted tax increment  
24          allocation financing pursuant to the Tax Increment  
25          Allocation Redevelopment Act, Division 74.4 of Article  
26          11 of the Illinois Municipal Code, or the Industrial

1           Jobs Recovery Law, Division 74.6 of Article 11 of the  
2           Illinois Municipal Code, no part of the current EAV of  
3           real property located in any such project area that is  
4           attributable to an increase above the total initial  
5           EAV of such property shall be used as part of the EAV  
6           of the Organizational Unit, until such time as all  
7           redevelopment project costs have been paid, as  
8           provided in Section 11-74.4-8 of the Tax Increment  
9           Allocation Redevelopment Act or in Section 11-74.6-35  
10          of the Industrial Jobs Recovery Law. For the purpose  
11          of the EAV of the Organizational Unit, the total  
12          initial EAV or the current EAV, whichever is lower,  
13          shall be used until such time as all redevelopment  
14          project costs have been paid.

15                (B-5) The real property equalized assessed  
16                valuation for a school district shall be adjusted by  
17                subtracting from the real property value, as equalized  
18                or assessed by the Department of Revenue, for the  
19                district an amount computed by dividing the amount of  
20                any abatement of taxes under Section 18-170 of the  
21                Property Tax Code by 3.00% for a district maintaining  
22                grades kindergarten through 12, by 2.30% for a  
23                district maintaining grades kindergarten through 8, or  
24                by 1.05% for a district maintaining grades 9 through  
25                12 and adjusted by an amount computed by dividing the  
26                amount of any abatement of taxes under subsection (a)

1 of Section 18-165 of the Property Tax Code by the same  
2 percentage rates for district type as specified in  
3 this subparagraph (B-5).

4 (C) For Organizational Units that are Hybrid  
5 Districts, the State Superintendent shall use the  
6 lesser of the adjusted equalized assessed valuation  
7 for property within the partial elementary unit  
8 district for elementary purposes, as defined in  
9 Article 11E of this Code, or the adjusted equalized  
10 assessed valuation for property within the partial  
11 elementary unit district for high school purposes, as  
12 defined in Article 11E of this Code.

13 (D) If a school district's boundaries span  
14 multiple counties, then the Department of Revenue  
15 shall send to the State Board, for the purposes of  
16 calculating Evidence-Based Funding, the limiting rate  
17 and individual rates by purpose for the county that  
18 contains the majority of the school district's  
19 equalized assessed valuation.

20 (4) An Organizational Unit's Adjusted EAV shall be the  
21 average of its EAV over the immediately preceding 3 years  
22 or the lesser of its EAV in the immediately preceding year  
23 or the average of its EAV over the immediately preceding 3  
24 years if the EAV in the immediately preceding year has  
25 declined by 10% or more when comparing the 2 most recent  
26 years. In the event of Organizational Unit reorganization,

1 consolidation, or annexation, the Organizational Unit's  
2 Adjusted EAV for the first 3 years after such change shall  
3 be as follows: the most current EAV shall be used in the  
4 first year, the average of a 2-year EAV or its EAV in the  
5 immediately preceding year if the EAV declines by 10% or  
6 more when comparing the 2 most recent years for the second  
7 year, and the lesser of a 3-year average EAV or its EAV in  
8 the immediately preceding year if the Adjusted EAV  
9 declines by 10% or more when comparing the 2 most recent  
10 years for the third year. For any school district whose  
11 EAV in the immediately preceding year is used in  
12 calculations, in the following year, the Adjusted EAV  
13 shall be the average of its EAV over the immediately  
14 preceding 2 years or the immediately preceding year if  
15 that year represents a decline of 10% or more when  
16 comparing the 2 most recent years.

17 "PTELL EAV" means a figure calculated by the State  
18 Board for Organizational Units subject to PTELL as  
19 described in this paragraph (4) for the purposes of  
20 calculating an Organizational Unit's Local Capacity Ratio.  
21 Except as otherwise provided in this paragraph (4), the  
22 PTELL EAV of an Organizational Unit shall be equal to the  
23 product of the equalized assessed valuation last used in  
24 the calculation of general State aid under Section 18-8.05  
25 of this Code (now repealed) or Evidence-Based Funding  
26 under this Section and the Organizational Unit's Extension

1           Limitation Ratio. If an Organizational Unit has approved  
2           or does approve an increase in its limiting rate, pursuant  
3           to Section 18-190 of the Property Tax Code, affecting the  
4           Base Tax Year, the PTELL EAV shall be equal to the product  
5           of the equalized assessed valuation last used in the  
6           calculation of general State aid under Section 18-8.05 of  
7           this Code (now repealed) or Evidence-Based Funding under  
8           this Section multiplied by an amount equal to one plus the  
9           percentage increase, if any, in the Consumer Price Index  
10          for All Urban Consumers for all items published by the  
11          United States Department of Labor for the 12-month  
12          calendar year preceding the Base Tax Year, plus the  
13          equalized assessed valuation of new property, annexed  
14          property, and recovered tax increment value and minus the  
15          equalized assessed valuation of disconnected property.

16           As used in this paragraph (4), "new property" and  
17           "recovered tax increment value" shall have the meanings  
18           set forth in the Property Tax Extension Limitation Law.

19           (e) Base Funding Minimum calculation.

20           (1) For the 2017-2018 school year, the Base Funding  
21           Minimum of an Organizational Unit or a Specially Funded  
22           Unit shall be the amount of State funds distributed to the  
23           Organizational Unit or Specially Funded Unit during the  
24           2016-2017 school year prior to any adjustments and  
25           specified appropriation amounts described in this  
26           paragraph (1) from the following Sections, as calculated

1 by the State Superintendent: Section 18-8.05 of this Code  
2 (now repealed); Section 5 of Article 224 of Public Act  
3 99-524 (equity grants); Section 14-7.02b of this Code  
4 (funding for children requiring special education  
5 services); Section 14-13.01 of this Code (special  
6 education facilities and staffing), except for  
7 reimbursement of the cost of transportation pursuant to  
8 Section 14-13.01; Section 14C-12 of this Code (English  
9 learners); and Section 18-4.3 of this Code (summer  
10 school), based on an appropriation level of \$13,121,600.  
11 For a school district organized under Article 34 of this  
12 Code, the Base Funding Minimum also includes (i) the funds  
13 allocated to the school district pursuant to Section 1D-1  
14 of this Code attributable to funding programs authorized  
15 by the Sections of this Code listed in the preceding  
16 sentence and (ii) the difference between (I) the funds  
17 allocated to the school district pursuant to Section 1D-1  
18 of this Code attributable to the funding programs  
19 authorized by Section 14-7.02 (non-public special  
20 education reimbursement), subsection (b) of Section  
21 14-13.01 (special education transportation), Section 29-5  
22 (transportation), Section 2-3.80 (agricultural  
23 education), Section 2-3.66 (truants' alternative  
24 education), Section 2-3.62 (educational service centers),  
25 and Section 14-7.03 (special education - orphanage) of  
26 this Code and Section 15 of the Childhood Hunger Relief

1 Act (free breakfast program) and (II) the school  
2 district's actual expenditures for its non-public special  
3 education, special education transportation,  
4 transportation programs, agricultural education, truants'  
5 alternative education, services that would otherwise be  
6 performed by a regional office of education, special  
7 education orphanage expenditures, and free breakfast, as  
8 most recently calculated and reported pursuant to  
9 subsection (f) of Section 1D-1 of this Code. The Base  
10 Funding Minimum for Glenwood Academy shall be \$952,014.  
11 For programs operated by a regional office of education or  
12 an intermediate service center, the Base Funding Minimum  
13 must be the total amount of State funds allocated to those  
14 programs in the 2018-2019 school year and amounts provided  
15 pursuant to Article 34 of Public Act 100-586 and Section  
16 3-16 of this Code. All programs established after June 5,  
17 2019 (the effective date of Public Act 101-10) and  
18 administered by a regional office of education or an  
19 intermediate service center must have an initial Base  
20 Funding Minimum set to an amount equal to the first-year  
21 ASE multiplied by the amount of per pupil funding received  
22 in the previous school year by the lowest funded similar  
23 existing program type. If the enrollment for a program  
24 operated by a regional office of education or an  
25 intermediate service center is zero, then it may not  
26 receive Base Funding Minimum funds for that program in the

1 next fiscal year, and those funds must be distributed to  
2 Organizational Units under subsection (g).

3 (2) For the 2018-2019 and subsequent school years, the  
4 Base Funding Minimum of Organizational Units and Specially  
5 Funded Units shall be the sum of (i) the amount of  
6 Evidence-Based Funding for the prior school year, (ii) the  
7 Base Funding Minimum for the prior school year, and (iii)  
8 any amount received by a school district pursuant to  
9 Section 7 of Article 97 of Public Act 100-21.

10 For the 2022-2023 school year, the Base Funding  
11 Minimum of Organizational Units shall be the amounts  
12 recalculated by the State Board of Education for Fiscal  
13 Year 2019 through Fiscal Year 2022 that were necessary due  
14 to average student enrollment errors for districts  
15 organized under Article 34 of this Code, plus the Fiscal  
16 Year 2022 property tax relief grants provided under  
17 Section 2-3.170 of this Code, ensuring each Organizational  
18 Unit has the correct amount of resources for Fiscal Year  
19 2023 Evidence-Based Funding calculations and that Fiscal  
20 Year 2023 Evidence-Based Funding Distributions are made in  
21 accordance with this Section.

22 (3) Subject to approval by the General Assembly as  
23 provided in this paragraph (3), an Organizational Unit  
24 that meets all of the following criteria, as determined by  
25 the State Board, shall have District Intervention Money  
26 added to its Base Funding Minimum at the time the Base



1 Funding Minimum is calculated by the State Board:

2 (A) The Organizational Unit is operating under an  
3 Independent Authority under Section 2-3.25f-5 of this  
4 Code for a minimum of 4 school years or is subject to  
5 the control of the State Board pursuant to a court  
6 order for a minimum of 4 school years.

7 (B) The Organizational Unit was designated as a  
8 Tier 1 or Tier 2 Organizational Unit in the previous  
9 school year under paragraph (3) of subsection (g) of  
10 this Section.

11 (C) The Organizational Unit demonstrates  
12 sustainability through a 5-year financial and  
13 strategic plan.

14 (D) The Organizational Unit has made sufficient  
15 progress and achieved sufficient stability in the  
16 areas of governance, academic growth, and finances.

17 As part of its determination under this paragraph (3),  
18 the State Board may consider the Organizational Unit's  
19 summative designation, any accreditations of the  
20 Organizational Unit, or the Organizational Unit's  
21 financial profile, as calculated by the State Board.

22 If the State Board determines that an Organizational  
23 Unit has met the criteria set forth in this paragraph (3),  
24 it must submit a report to the General Assembly, no later  
25 than January 2 of the fiscal year in which the State Board  
26 makes its determination, on the amount of District

1 Intervention Money to add to the Organizational Unit's  
2 Base Funding Minimum. The General Assembly must review the  
3 State Board's report and may approve or disapprove, by  
4 joint resolution, the addition of District Intervention  
5 Money. If the General Assembly fails to act on the report  
6 within 40 calendar days from the receipt of the report,  
7 the addition of District Intervention Money is deemed  
8 approved. If the General Assembly approves the amount of  
9 District Intervention Money to be added to the  
10 Organizational Unit's Base Funding Minimum, the District  
11 Intervention Money must be added to the Base Funding  
12 Minimum annually thereafter.

13 For the first 4 years following the initial year that  
14 the State Board determines that an Organizational Unit has  
15 met the criteria set forth in this paragraph (3) and has  
16 received funding under this Section, the Organizational  
17 Unit must annually submit to the State Board, on or before  
18 November 30, a progress report regarding its financial and  
19 strategic plan under subparagraph (C) of this paragraph  
20 (3). The plan shall include the financial data from the  
21 past 4 annual financial reports or financial audits that  
22 must be presented to the State Board by November 15 of each  
23 year and the approved budget financial data for the  
24 current year. The plan shall be developed according to the  
25 guidelines presented to the Organizational Unit by the  
26 State Board. The plan shall further include financial

1 projections for the next 3 fiscal years and include a  
2 discussion and financial summary of the Organizational  
3 Unit's facility needs. If the Organizational Unit does not  
4 demonstrate sufficient progress toward its 5-year plan or  
5 if it has failed to file an annual financial report, an  
6 annual budget, a financial plan, a deficit reduction plan,  
7 or other financial information as required by law, the  
8 State Board may establish a Financial Oversight Panel  
9 under Article 1H of this Code. However, if the  
10 Organizational Unit already has a Financial Oversight  
11 Panel, the State Board may extend the duration of the  
12 Panel.

13 (f) Percent of Adequacy and Final Resources calculation.

14 (1) The Evidence-Based Funding formula establishes a  
15 Percent of Adequacy for each Organizational Unit in order  
16 to place such units into tiers for the purposes of the  
17 funding distribution system described in subsection (g) of  
18 this Section. Initially, an Organizational Unit's  
19 Preliminary Resources and Preliminary Percent of Adequacy  
20 are calculated pursuant to paragraph (2) of this  
21 subsection (f). Then, an Organizational Unit's Final  
22 Resources and Final Percent of Adequacy are calculated to  
23 account for the Organizational Unit's poverty  
24 concentration levels pursuant to paragraphs (3) and (4) of  
25 this subsection (f).

26 (2) An Organizational Unit's Preliminary Resources are

1 equal to the sum of its Local Capacity Target, CPPRT, and  
2 Base Funding Minimum. An Organizational Unit's Preliminary  
3 Percent of Adequacy is the lesser of (i) its Preliminary  
4 Resources divided by its Adequacy Target or (ii) 100%.

5 (3) Except for Specially Funded Units, an  
6 Organizational Unit's Final Resources are equal to the sum  
7 of its Local Capacity, CPPRT, and Adjusted Base Funding  
8 Minimum. The Base Funding Minimum of each Specially Funded  
9 Unit shall serve as its Final Resources, except that the  
10 Base Funding Minimum for State-approved charter schools  
11 shall not include any portion of general State aid  
12 allocated in the prior year based on the per capita  
13 tuition charge times the charter school enrollment.

14 (4) An Organizational Unit's Final Percent of Adequacy  
15 is its Final Resources divided by its Adequacy Target. An  
16 Organizational Unit's Adjusted Base Funding Minimum is  
17 equal to its Base Funding Minimum less its Supplemental  
18 Grant Funding, with the resulting figure added to the  
19 product of its Supplemental Grant Funding and Preliminary  
20 Percent of Adequacy.

21 (g) Evidence-Based Funding formula distribution system.

22 (1) In each school year under the Evidence-Based  
23 Funding formula, each Organizational Unit receives funding  
24 equal to the sum of its Base Funding Minimum and the unit's  
25 allocation of New State Funds determined pursuant to this  
26 subsection (g). To allocate New State Funds, the

1 Evidence-Based Funding formula distribution system first  
2 places all Organizational Units into one of 4 tiers in  
3 accordance with paragraph (3) of this subsection (g),  
4 based on the Organizational Unit's Final Percent of  
5 Adequacy. New State Funds are allocated to each of the 4  
6 tiers as follows: Tier 1 Aggregate Funding equals 50% of  
7 all New State Funds, Tier 2 Aggregate Funding equals 49%  
8 of all New State Funds, Tier 3 Aggregate Funding equals  
9 0.9% of all New State Funds, and Tier 4 Aggregate Funding  
10 equals 0.1% of all New State Funds. Each Organizational  
11 Unit within Tier 1 or Tier 2 receives an allocation of New  
12 State Funds equal to its tier Funding Gap, as defined in  
13 the following sentence, multiplied by the tier's  
14 Allocation Rate determined pursuant to paragraph (4) of  
15 this subsection (g). For Tier 1, an Organizational Unit's  
16 Funding Gap equals the tier's Target Ratio, as specified  
17 in paragraph (5) of this subsection (g), multiplied by the  
18 Organizational Unit's Adequacy Target, with the resulting  
19 amount reduced by the Organizational Unit's Final  
20 Resources. For Tier 2, an Organizational Unit's Funding  
21 Gap equals the tier's Target Ratio, as described in  
22 paragraph (5) of this subsection (g), multiplied by the  
23 Organizational Unit's Adequacy Target, with the resulting  
24 amount reduced by the Organizational Unit's Final  
25 Resources and its Tier 1 funding allocation. To determine  
26 the Organizational Unit's Funding Gap, the resulting

1 amount is then multiplied by a factor equal to one minus  
2 the Organizational Unit's Local Capacity Target  
3 percentage. Each Organizational Unit within Tier 3 or Tier  
4 4 receives an allocation of New State Funds equal to the  
5 product of its Adequacy Target and the tier's Allocation  
6 Rate, as specified in paragraph (4) of this subsection  
7 (g).

8 (2) To ensure equitable distribution of dollars for  
9 all Tier 2 Organizational Units, no Tier 2 Organizational  
10 Unit shall receive fewer dollars per ASE than any Tier 3  
11 Organizational Unit. Each Tier 2 and Tier 3 Organizational  
12 Unit shall have its funding allocation divided by its ASE.  
13 Any Tier 2 Organizational Unit with a funding allocation  
14 per ASE below the greatest Tier 3 allocation per ASE shall  
15 get a funding allocation equal to the greatest Tier 3  
16 funding allocation per ASE multiplied by the  
17 Organizational Unit's ASE. Each Tier 2 Organizational  
18 Unit's Tier 2 funding allocation shall be multiplied by  
19 the percentage calculated by dividing the original Tier 2  
20 Aggregate Funding by the sum of all Tier 2 Organizational  
21 Units' Tier 2 funding allocation after adjusting  
22 districts' funding below Tier 3 levels.

23 (3) Organizational Units are placed into one of 4  
24 tiers as follows:

25 (A) Tier 1 consists of all Organizational Units,  
26 except for Specially Funded Units, with a Percent of

1 Adequacy less than the Tier 1 Target Ratio. The Tier 1  
2 Target Ratio is the ratio level that allows for Tier 1  
3 Aggregate Funding to be distributed, with the Tier 1  
4 Allocation Rate determined pursuant to paragraph (4)  
5 of this subsection (g).

6 (B) Tier 2 consists of all Tier 1 Units and all  
7 other Organizational Units, except for Specially  
8 Funded Units, with a Percent of Adequacy of less than  
9 0.90.

10 (C) Tier 3 consists of all Organizational Units,  
11 except for Specially Funded Units, with a Percent of  
12 Adequacy of at least 0.90 and less than 1.0.

13 (D) Tier 4 consists of all Organizational Units  
14 with a Percent of Adequacy of at least 1.0.

15 (4) The Allocation Rates for Tiers 1 through 4 are  
16 determined as follows:

17 (A) The Tier 1 Allocation Rate is 30%.

18 (B) The Tier 2 Allocation Rate is the result of the  
19 following equation: Tier 2 Aggregate Funding, divided  
20 by the sum of the Funding Gaps for all Tier 2  
21 Organizational Units, unless the result of such  
22 equation is higher than 1.0. If the result of such  
23 equation is higher than 1.0, then the Tier 2  
24 Allocation Rate is 1.0.

25 (C) The Tier 3 Allocation Rate is the result of the  
26 following equation: Tier 3 Aggregate Funding, divided

1 by the sum of the Adequacy Targets of all Tier 3  
2 Organizational Units.

3 (D) The Tier 4 Allocation Rate is the result of the  
4 following equation: Tier 4 Aggregate Funding, divided  
5 by the sum of the Adequacy Targets of all Tier 4  
6 Organizational Units.

7 (5) A tier's Target Ratio is determined as follows:

8 (A) The Tier 1 Target Ratio is the ratio level that  
9 allows for Tier 1 Aggregate Funding to be distributed  
10 with the Tier 1 Allocation Rate.

11 (B) The Tier 2 Target Ratio is 0.90.

12 (C) The Tier 3 Target Ratio is 1.0.

13 (6) If, at any point, the Tier 1 Target Ratio is  
14 greater than 90%, then all Tier 1 funding shall be  
15 allocated to Tier 2 and no Tier 1 Organizational Unit's  
16 funding may be identified.

17 (7) In the event that all Tier 2 Organizational Units  
18 receive funding at the Tier 2 Target Ratio level, any  
19 remaining New State Funds shall be allocated to Tier 3 and  
20 Tier 4 Organizational Units.

21 (8) If any Specially Funded Units, excluding Glenwood  
22 Academy, recognized by the State Board do not qualify for  
23 direct funding following the implementation of Public Act  
24 100-465 from any of the funding sources included within  
25 the definition of Base Funding Minimum, the unqualified  
26 portion of the Base Funding Minimum shall be transferred



1 to one or more appropriate Organizational Units as  
2 determined by the State Superintendent based on the prior  
3 year ASE of the Organizational Units.

4 (8.5) If a school district withdraws from a special  
5 education cooperative, the portion of the Base Funding  
6 Minimum that is attributable to the school district may be  
7 redistributed to the school district upon withdrawal. The  
8 school district and the cooperative must include the  
9 amount of the Base Funding Minimum that is to be  
10 reapportioned in their withdrawal agreement and notify the  
11 State Board of the change with a copy of the agreement upon  
12 withdrawal.

13 (9) The Minimum Funding Level is intended to establish  
14 a target for State funding that will keep pace with  
15 inflation and continue to advance equity through the  
16 Evidence-Based Funding formula. The target for State  
17 funding of New Property Tax Relief Pool Funds is  
18 \$50,000,000 for State fiscal year 2019 and subsequent  
19 State fiscal years. The Minimum Funding Level is equal to  
20 \$350,000,000. In addition to any New State Funds, no more  
21 than \$50,000,000 New Property Tax Relief Pool Funds may be  
22 counted toward the Minimum Funding Level. If the sum of  
23 New State Funds and applicable New Property Tax Relief  
24 Pool Funds are less than the Minimum Funding Level, than  
25 funding for tiers shall be reduced in the following  
26 manner:

1           (A) First, Tier 4 funding shall be reduced by an  
2 amount equal to the difference between the Minimum  
3 Funding Level and New State Funds until such time as  
4 Tier 4 funding is exhausted.

5           (B) Next, Tier 3 funding shall be reduced by an  
6 amount equal to the difference between the Minimum  
7 Funding Level and New State Funds and the reduction in  
8 Tier 4 funding until such time as Tier 3 funding is  
9 exhausted.

10          (C) Next, Tier 2 funding shall be reduced by an  
11 amount equal to the difference between the Minimum  
12 Funding Level and New State Funds and the reduction in  
13 Tier 4 and Tier 3.

14          (D) Finally, Tier 1 funding shall be reduced by an  
15 amount equal to the difference between the Minimum  
16 Funding level and New State Funds and the reduction in  
17 Tier 2, 3, and 4 funding. In addition, the Allocation  
18 Rate for Tier 1 shall be reduced to a percentage equal  
19 to the Tier 1 Allocation Rate set by paragraph (4) of  
20 this subsection (g), multiplied by the result of New  
21 State Funds divided by the Minimum Funding Level.

22          (9.5) For State fiscal year 2019 and subsequent State  
23 fiscal years, if New State Funds exceed \$300,000,000, then  
24 any amount in excess of \$300,000,000 shall be dedicated  
25 for purposes of Section 2-3.170 of this Code up to a  
26 maximum of \$50,000,000.

1           (10) In the event of a decrease in the amount of the  
2           appropriation for this Section in any fiscal year after  
3           implementation of this Section, the Organizational Units  
4           receiving Tier 1 and Tier 2 funding, as determined under  
5           paragraph (3) of this subsection (g), shall be held  
6           harmless by establishing a Base Funding Guarantee equal to  
7           the per pupil kindergarten through grade 12 funding  
8           received in accordance with this Section in the prior  
9           fiscal year. Reductions shall be made to the Base Funding  
10          Minimum of Organizational Units in Tier 3 and Tier 4 on a  
11          per pupil basis equivalent to the total number of the ASE  
12          in Tier 3-funded and Tier 4-funded Organizational Units  
13          divided by the total reduction in State funding. The Base  
14          Funding Minimum as reduced shall continue to be applied to  
15          Tier 3 and Tier 4 Organizational Units and adjusted by the  
16          relative formula when increases in appropriations for this  
17          Section resume. In no event may State funding reductions  
18          to Organizational Units in Tier 3 or Tier 4 exceed an  
19          amount that would be less than the Base Funding Minimum  
20          established in the first year of implementation of this  
21          Section. If additional reductions are required, all school  
22          districts shall receive a reduction by a per pupil amount  
23          equal to the aggregate additional appropriation reduction  
24          divided by the total ASE of all Organizational Units.

25          (11) The State Superintendent shall make minor  
26          adjustments to the distribution formula set forth in this

1 subsection (g) to account for the rounding of percentages  
2 to the nearest tenth of a percentage and dollar amounts to  
3 the nearest whole dollar.

4 (h) State Superintendent administration of funding and  
5 district submission requirements.

6 (1) The State Superintendent shall, in accordance with  
7 appropriations made by the General Assembly, meet the  
8 funding obligations created under this Section.

9 (2) The State Superintendent shall calculate the  
10 Adequacy Target for each Organizational Unit under this  
11 Section. No Evidence-Based Funding shall be distributed  
12 within an Organizational Unit without the approval of the  
13 unit's school board.

14 (3) Annually, the State Superintendent shall calculate  
15 and report to each Organizational Unit the unit's  
16 aggregate financial adequacy amount, which shall be the  
17 sum of the Adequacy Target for each Organizational Unit.  
18 The State Superintendent shall calculate and report  
19 separately for each Organizational Unit the unit's total  
20 State funds allocated for its students with disabilities.  
21 The State Superintendent shall calculate and report  
22 separately for each Organizational Unit the amount of  
23 funding and applicable FTE calculated for each Essential  
24 Element of the unit's Adequacy Target.

25 (4) Annually, the State Superintendent shall calculate  
26 and report to each Organizational Unit the amount the unit

1 must expend on special education and bilingual education  
2 and computer technology and equipment for Organizational  
3 Units assigned to Tier 1 or Tier 2 that received an  
4 additional \$285.50 per student computer technology and  
5 equipment investment grant to their Adequacy Target  
6 pursuant to the unit's Base Funding Minimum, Special  
7 Education Allocation, Bilingual Education Allocation, and  
8 computer technology and equipment investment allocation.

9 (5) Moneys distributed under this Section shall be  
10 calculated on a school year basis, but paid on a fiscal  
11 year basis, with payments beginning in August and  
12 extending through June. Unless otherwise provided, the  
13 moneys appropriated for each fiscal year shall be  
14 distributed in 22 equal payments at least 2 times monthly  
15 to each Organizational Unit. If moneys appropriated for  
16 any fiscal year are distributed other than monthly, the  
17 distribution shall be on the same basis for each  
18 Organizational Unit.

19 (6) Any school district that fails, for any given  
20 school year, to maintain school as required by law or to  
21 maintain a recognized school is not eligible to receive  
22 Evidence-Based Funding. In case of non-recognition of one  
23 or more attendance centers in a school district otherwise  
24 operating recognized schools, the claim of the district  
25 shall be reduced in the proportion that the enrollment in  
26 the attendance center or centers bears to the enrollment

1 of the school district. "Recognized school" means any  
2 public school that meets the standards for recognition by  
3 the State Board. A school district or attendance center  
4 not having recognition status at the end of a school term  
5 is entitled to receive State aid payments due upon a legal  
6 claim that was filed while it was recognized.

7 (7) School district claims filed under this Section  
8 are subject to Sections 18-9 and 18-12 of this Code,  
9 except as otherwise provided in this Section.

10 (8) Each fiscal year, the State Superintendent shall  
11 calculate for each Organizational Unit an amount of its  
12 Base Funding Minimum and Evidence-Based Funding that shall  
13 be deemed attributable to the provision of special  
14 educational facilities and services, as defined in Section  
15 14-1.08 of this Code, in a manner that ensures compliance  
16 with maintenance of State financial support requirements  
17 under the federal Individuals with Disabilities Education  
18 Act. An Organizational Unit must use such funds only for  
19 the provision of special educational facilities and  
20 services, as defined in Section 14-1.08 of this Code, and  
21 must comply with any expenditure verification procedures  
22 adopted by the State Board.

23 (9) All Organizational Units in this State must submit  
24 annual spending plans, as part of the budget submission  
25 process, no later than October 31 of each year to the State  
26 Board. The spending plan shall describe how each

1 Organizational Unit will utilize the Base Funding Minimum  
2 and Evidence-Based Funding it receives from this State  
3 under this Section with specific identification of the  
4 intended utilization of Low-Income, English learner, and  
5 special education resources. Additionally, the annual  
6 spending plans of each Organizational Unit shall describe  
7 how the Organizational Unit expects to achieve student  
8 growth and how the Organizational Unit will achieve State  
9 education goals, as defined by the State Board. The State  
10 Superintendent may, from time to time, identify additional  
11 requisites for Organizational Units to satisfy when  
12 compiling the annual spending plans required under this  
13 subsection (h). The format and scope of annual spending  
14 plans shall be developed by the State Superintendent and  
15 the State Board of Education. School districts that serve  
16 students under Article 14C of this Code shall continue to  
17 submit information as required under Section 14C-12 of  
18 this Code.

19 (10) No later than January 1, 2018, the State  
20 Superintendent shall develop a 5-year strategic plan for  
21 all Organizational Units to help in planning for adequacy  
22 funding under this Section. The State Superintendent shall  
23 submit the plan to the Governor and the General Assembly,  
24 as provided in Section 3.1 of the General Assembly  
25 Organization Act. The plan shall include recommendations  
26 for:

1           (A) a framework for collaborative, professional,  
2           innovative, and 21st century learning environments  
3           using the Evidence-Based Funding model;

4           (B) ways to prepare and support this State's  
5           educators for successful instructional careers;

6           (C) application and enhancement of the current  
7           financial accountability measures, the approved State  
8           plan to comply with the federal Every Student Succeeds  
9           Act, and the Illinois Balanced Accountability Measures  
10          in relation to student growth and elements of the  
11          Evidence-Based Funding model; and

12          (D) implementation of an effective school adequacy  
13          funding system based on projected and recommended  
14          funding levels from the General Assembly.

15          (11) On an annual basis, the State Superintendent must  
16          recalibrate all of the following per pupil elements of the  
17          Adequacy Target and applied to the formulas, based on the  
18          study of average expenses and as reported in the most  
19          recent annual financial report:

20               (A) Gifted under subparagraph (M) of paragraph (2)  
21               of subsection (b).

22               (B) Instructional materials under subparagraph (O)  
23               of paragraph (2) of subsection (b).

24               (C) Assessment under subparagraph (P) of paragraph  
25               (2) of subsection (b).

26               (D) Student activities under subparagraph (R) of



1 paragraph (2) of subsection (b).

2 (E) Maintenance and operations under subparagraph  
3 (S) of paragraph (2) of subsection (b).

4 (F) Central office under subparagraph (T) of  
5 paragraph (2) of subsection (b).

6 (i) Professional Review Panel.

7 (1) A Professional Review Panel is created to study  
8 and review topics related to the implementation and effect  
9 of Evidence-Based Funding, as assigned by a joint  
10 resolution or Public Act of the General Assembly or a  
11 motion passed by the State Board of Education. The Panel  
12 must provide recommendations to and serve the Governor,  
13 the General Assembly, and the State Board. The State  
14 Superintendent or his or her designee must serve as a  
15 voting member and chairperson of the Panel. The State  
16 Superintendent must appoint a vice chairperson from the  
17 membership of the Panel. The Panel must advance  
18 recommendations based on a three-fifths majority vote of  
19 Panel members present and voting. A minority opinion may  
20 also accompany any recommendation of the Panel. The Panel  
21 shall be appointed by the State Superintendent, except as  
22 otherwise provided in paragraph (2) of this subsection (i)  
23 and include the following members:

24 (A) Two appointees that represent district  
25 superintendents, recommended by a statewide  
26 organization that represents district superintendents.

1 (B) Two appointees that represent school boards,  
2 recommended by a statewide organization that  
3 represents school boards.

4 (C) Two appointees from districts that represent  
5 school business officials, recommended by a statewide  
6 organization that represents school business  
7 officials.

8 (D) Two appointees that represent school  
9 principals, recommended by a statewide organization  
10 that represents school principals.

11 (E) Two appointees that represent teachers,  
12 recommended by a statewide organization that  
13 represents teachers.

14 (F) Two appointees that represent teachers,  
15 recommended by another statewide organization that  
16 represents teachers.

17 (G) Two appointees that represent regional  
18 superintendents of schools, recommended by  
19 organizations that represent regional superintendents.

20 (H) Two independent experts selected solely by the  
21 State Superintendent.

22 (I) Two independent experts recommended by public  
23 universities in this State.

24 (J) One member recommended by a statewide  
25 organization that represents parents.

26 (K) Two representatives recommended by collective

1 impact organizations that represent major metropolitan  
2 areas or geographic areas in Illinois.

3 (L) One member from a statewide organization  
4 focused on research-based education policy to support  
5 a school system that prepares all students for  
6 college, a career, and democratic citizenship.

7 (M) One representative from a school district  
8 organized under Article 34 of this Code.

9 The State Superintendent shall ensure that the  
10 membership of the Panel includes representatives from  
11 school districts and communities reflecting the  
12 geographic, socio-economic, racial, and ethnic diversity  
13 of this State. The State Superintendent shall additionally  
14 ensure that the membership of the Panel includes  
15 representatives with expertise in bilingual education and  
16 special education. Staff from the State Board shall staff  
17 the Panel.

18 (2) In addition to those Panel members appointed by  
19 the State Superintendent, 4 members of the General  
20 Assembly shall be appointed as follows: one member of the  
21 House of Representatives appointed by the Speaker of the  
22 House of Representatives, one member of the Senate  
23 appointed by the President of the Senate, one member of  
24 the House of Representatives appointed by the Minority  
25 Leader of the House of Representatives, and one member of  
26 the Senate appointed by the Minority Leader of the Senate.

1           There shall be one additional member appointed by the  
2           Governor. All members appointed by legislative leaders or  
3           the Governor shall be non-voting, ex officio members.

4           (3) The Panel must study topics at the direction of  
5           the General Assembly or State Board of Education, as  
6           provided under paragraph (1). The Panel may also study the  
7           following topics at the direction of the chairperson:

8                   (A) The format and scope of annual spending plans  
9                   referenced in paragraph (9) of subsection (h) of this  
10                  Section.

11                   (B) The Comparable Wage Index under this Section.

12                   (C) Maintenance and operations, including capital  
13                  maintenance and construction costs.

14                   (D) "At-risk student" definition.

15                   (E) Benefits.

16                   (F) Technology.

17                   (G) Local Capacity Target.

18                   (H) Funding for Alternative Schools, Laboratory  
19                  Schools, safe schools, and alternative learning  
20                  opportunities programs.

21                   (I) Funding for college and career acceleration  
22                  strategies.

23                   (J) Special education investments.

24                   (K) Early childhood investments, in collaboration  
25                  with the Illinois Early Learning Council.

26                  (4) (Blank).

1           (5) Within 5 years after the implementation of this  
2 Section, and every 5 years thereafter, the Panel shall  
3 complete an evaluative study of the entire Evidence-Based  
4 Funding model, including an assessment of whether or not  
5 the formula is achieving State goals. The Panel shall  
6 report to the State Board, the General Assembly, and the  
7 Governor on the findings of the study.

8           (6) (Blank).

9           (7) To ensure that (i) the Adequacy Target calculation  
10 under subsection (b) accurately reflects the needs of  
11 students living in poverty or attending schools located in  
12 areas of high poverty, (ii) racial equity within the  
13 Evidence-Based Funding formula is explicitly explored and  
14 advanced, and (iii) the funding goals of the formula  
15 distribution system established under this Section are  
16 sufficient to provide adequate funding for every student  
17 and to fully fund every school in this State, the Panel  
18 shall review the Essential Elements under paragraph (2) of  
19 subsection (b). The Panel shall consider all of the  
20 following in its review:

21           (A) The financial ability of school districts to  
22 provide instruction in a foreign language to every  
23 student and whether an additional Essential Element  
24 should be added to the formula to ensure that every  
25 student has access to instruction in a foreign  
26 language.

1           (B) The adult-to-student ratio for each Essential  
2 Element in which a ratio is identified. The Panel  
3 shall consider whether the ratio accurately reflects  
4 the staffing needed to support students living in  
5 poverty or who have traumatic backgrounds.

6           (C) Changes to the Essential Elements that may be  
7 required to better promote racial equity and eliminate  
8 structural racism within schools.

9           (D) The impact of investing \$350,000,000 in  
10 additional funds each year under this Section and an  
11 estimate of when the school system will become fully  
12 funded under this level of appropriation.

13           (E) Provide an overview of alternative funding  
14 structures that would enable the State to become fully  
15 funded at an earlier date.

16           (F) The potential to increase efficiency and to  
17 find cost savings within the school system to expedite  
18 the journey to a fully funded system.

19           (G) The appropriate levels for reenrolling and  
20 graduating high-risk high school students who have  
21 been previously out of school. These outcomes shall  
22 include enrollment, attendance, skill gains, credit  
23 gains, graduation or promotion to the next grade  
24 level, and the transition to college, training, or  
25 employment, with an emphasis on progressively  
26 increasing the overall attendance.

1 (H) The evidence-based or research-based practices  
2 that are shown to reduce the gaps and disparities  
3 experienced by African American students in academic  
4 achievement and educational performance, including  
5 practices that have been shown to reduce disparities  
6 in disciplinary rates, drop-out rates, graduation  
7 rates, college matriculation rates, and college  
8 completion rates.

9 On or before December 31, 2021, the Panel shall report  
10 to the State Board, the General Assembly, and the Governor  
11 on the findings of its review. This paragraph (7) is  
12 inoperative on and after July 1, 2022.

13 (8) On or before April 1, 2024, the Panel must submit a  
14 report to the General Assembly on annual adjustments to  
15 Glenwood Academy's base-funding minimum in a similar  
16 fashion to school districts under this Section.

17 (j) References. Beginning July 1, 2017, references in  
18 other laws to general State aid funds or calculations under  
19 Section 18-8.05 of this Code (now repealed) shall be deemed to  
20 be references to evidence-based model formula funds or  
21 calculations under this Section.

22 (Source: P.A. 102-33, eff. 6-25-21; 102-197, eff. 7-30-21;  
23 102-558, eff. 8-20-21; 102-699, eff. 4-19-22; 102-782, eff.  
24 1-1-23; 102-813, eff. 5-13-22; 102-894, eff. 5-20-22; 103-8,  
25 eff. 6-7-23; 103-154, eff. 6-30-23; 103-175, eff. 6-30-23;  
26 revised 8-30-23.)

1 (105 ILCS 5/19-6) (from Ch. 122, par. 19-6)

2 Sec. 19-6. Bond money to school treasurer; delivery  
3 ~~treasurer~~ Delivery of bonds; record; payment bonds ~~Record~~  
4 ~~Payment~~. All moneys borrowed under the authority of this  
5 Act, except money borrowed by school districts having a  
6 population of more than 500,000 inhabitants, shall be paid to  
7 the school treasurer of the district. The treasurer shall,  
8 before receiving any of the money, execute a bond with a surety  
9 company authorized to do business in this State, as surety,  
10 payable to the school board of the district in Class I county  
11 school units or township trustees in Class II county school  
12 units and conditioned upon the faithful discharge of his  
13 duties, except that the bond required of the school treasurer  
14 of a school district which is located in a Class II county  
15 school unit but which no longer is subject to the jurisdiction  
16 and authority of a township treasurer or trustees of schools  
17 of a township because the district has withdrawn from the  
18 jurisdiction and authority of the township treasurer and  
19 trustees of schools of the township or because those offices  
20 have been abolished as provided in subsection (b) or (c) of  
21 Section 5-1 shall be payable to the school board of such  
22 district and conditioned upon the faithful discharge of his  
23 duties. The bond shall be submitted for approval or rejection  
24 to the school board of the district or to the township trustees  
25 to which such bond is payable. The penalty of the bond or bonds



1 shall be an amount no less than 10% of the amount of such bond  
2 issue, whether individuals act as surety or whether the surety  
3 is given by a surety company authorized to transact business  
4 in this State. The bond shall be in substantially the same form  
5 as that required by Section 8-2 of this Act and when so given  
6 shall fully describe the bond issue which it specifically  
7 covers and shall remain in force until the funds of the bond  
8 issue are taken into account in determining the penalty amount  
9 for the surety bond required by Section 8-2 of this Code. Upon  
10 receiving such moneys the treasurer shall deliver the bonds  
11 issued therefor to the persons entitled to receive them, and  
12 shall credit the funds received to the district issuing the  
13 bonds. The treasurer shall record the amount received for each  
14 bond issued. When any bonds are paid the treasurer shall  
15 cancel them and shall enter, against the record of the bonds,  
16 the words, "paid and cancelled the .... day of ....., ± ....., "  
17 filling the blanks with the day, month, and year corresponding  
18 to the date of payment.

19 (Source: P.A. 103-49, eff. 6-9-23; revised 9-20-23.)

20 (105 ILCS 5/21B-30)

21 Sec. 21B-30. Educator testing.

22 (a) (Blank).

23 (b) The State Board of Education, in consultation with the  
24 State Educator Preparation and Licensure Board, shall design  
25 and implement a system of examinations, which shall be

1 required prior to the issuance of educator licenses. These  
2 examinations and indicators must be based on national and  
3 State professional teaching standards, as determined by the  
4 State Board of Education, in consultation with the State  
5 Educator Preparation and Licensure Board. The State Board of  
6 Education may adopt such rules as may be necessary to  
7 implement and administer this Section.

8 (c) (Blank).

9 (c-5) The State Board must adopt rules to implement a  
10 paraprofessional competency test. This test would allow an  
11 applicant seeking an Educator License with Stipulations with a  
12 paraprofessional educator endorsement to obtain the  
13 endorsement if he or she passes the test and meets the other  
14 requirements of subparagraph (J) of paragraph (2) of Section  
15 21B-20 other than the higher education requirements.

16 (d) All applicants seeking a State license shall be  
17 required to pass a test of content area knowledge for each area  
18 of endorsement for which there is an applicable test. There  
19 shall be no exception to this requirement. No candidate shall  
20 be allowed to student teach or serve as the teacher of record  
21 until he or she has passed the applicable content area test.

22 (d-5) The State Board shall consult with any applicable  
23 vendors within 90 days after July 28, 2023 (the effective date  
24 of Public Act 103-402) ~~this amendatory Act of the 103rd~~  
25 ~~General Assembly~~ to develop a plan to transition the test of  
26 content area knowledge in the endorsement area of elementary

1 education, grades one through 6, by July 1, 2026 to a content  
2 area test that contains testing elements that cover  
3 bilingualism, biliteracy, oral language development,  
4 foundational literacy skills, and developmentally appropriate  
5 higher-order comprehension and on which a valid and reliable  
6 language and literacy subscore can be determined. The State  
7 Board shall base its rules concerning the passing subscore on  
8 the language and literacy portion of the test on the  
9 recommended cut-score determined in the formal  
10 standard-setting process. Candidates need not achieve a  
11 particular subscore in the area of language and literacy. The  
12 State Board shall aggregate and publish the number of  
13 candidates in each preparation program who take the test and  
14 the number who pass the language and literacy portion.

15 (e) (Blank).

16 (f) Beginning on August 4, 2023 (the effective date of  
17 Public Act 103-488) ~~this amendatory Act of the 103rd General~~  
18 ~~Assembly~~ through August 31, 2025, no candidate completing a  
19 teacher preparation program in this State or candidate subject  
20 to Section 21B-35 of this Code is required to pass a teacher  
21 performance assessment. Except as otherwise provided in this  
22 Article, beginning on September 1, 2015 until August 4, 2023  
23 (the effective date of Public Act 103-488) ~~this amendatory Act~~  
24 ~~of the 103rd General Assembly~~ and beginning again on September  
25 1, 2025, all candidates completing teacher preparation  
26 programs in this State and all candidates subject to Section

1 21B-35 of this Code are required to pass a teacher performance  
2 assessment approved by the State Board of Education, in  
3 consultation with the State Educator Preparation and Licensure  
4 Board. A candidate may not be required to submit test  
5 materials by video submission. Subject to appropriation, an  
6 individual who holds a Professional Educator License and is  
7 employed for a minimum of one school year by a school district  
8 designated as Tier 1 under Section 18-8.15 may, after  
9 application to the State Board, receive from the State Board a  
10 refund for any costs associated with completing the teacher  
11 performance assessment under this subsection.

12 (f-5) The Teacher Performance Assessment Task Force is  
13 created to evaluate potential performance-based and objective  
14 teacher performance assessment systems for implementation  
15 across all educator preparation programs in this State, with  
16 the intention of ensuring consistency across programs and  
17 supporting a thoughtful and well-rounded licensure system.  
18 Members appointed to the Task Force must reflect the racial,  
19 ethnic, and geographic diversity of this State. The Task Force  
20 shall consist of all of the following members:

21 (1) One member of the Senate, appointed by the  
22 President of the Senate.

23 (2) One member of the Senate, appointed by the  
24 Minority Leader of the Senate.

25 (3) One member of the House of Representatives,  
26 appointed by the Speaker of the House of Representatives.

1           (4) One member of the House of Representatives,  
2 appointed by the Minority Leader of the House of  
3 Representatives.

4           (5) One member who represents a statewide professional  
5 teachers' organization, appointed by the State  
6 Superintendent of Education.

7           (6) One member who represents a different statewide  
8 professional teachers' organization, appointed by the  
9 State Superintendent of Education.

10          (7) One member from a statewide organization  
11 representing school principals, appointed by the State  
12 Superintendent of Education.

13          (8) One member from a statewide organization  
14 representing regional superintendents of schools,  
15 appointed by the State Superintendent of Education.

16          (9) One member from a statewide organization  
17 representing school administrators, appointed by the State  
18 Superintendent of Education.

19          (10) One member representing a school district  
20 organized under Article 34 of this Code, appointed by the  
21 State Superintendent of Education.

22          (11) One member of an association representing rural  
23 and small schools, appointed by the State Superintendent  
24 of Education.

25          (12) One member representing a suburban school  
26 district, appointed by the State Superintendent of

1 Education.

2 (13) One member from a statewide organization  
3 representing school districts in the southern suburbs of  
4 the City of Chicago, appointed by the State Superintendent  
5 of Education.

6 (14) One member from a statewide organization  
7 representing large unit school districts, appointed by the  
8 State Superintendent of Education.

9 (15) One member from a statewide organization  
10 representing school districts in the collar counties of  
11 the City of Chicago, appointed by the State Superintendent  
12 of Education.

13 (16) Three members, each representing a different  
14 public university in this State and each a current member  
15 of the faculty of an approved educator preparation  
16 program, appointed by the State Superintendent of  
17 Education.

18 (17) Three members, each representing a different  
19 4-year nonpublic university or college in this State and  
20 each a current member of the faculty of an approved  
21 educator preparation program, appointed by the State  
22 Superintendent of Education.

23 (18) One member of the Board of Higher Education,  
24 appointed by the State Superintendent of Education.

25 (19) One member representing a statewide policy  
26 organization advocating on behalf of multilingual students

1 and families, appointed by the State Superintendent of  
2 Education.

3 (20) One member representing a statewide organization  
4 focused on research-based education policy to support a  
5 school system that prepares all students for college, a  
6 career, and democratic citizenship, appointed by the State  
7 Superintendent of Education.

8 (21) Two members representing an early childhood  
9 advocacy organization, appointed by the State  
10 Superintendent of Education.

11 (22) One member representing a statewide organization  
12 that partners with educator preparation programs and  
13 school districts to support the growth and development of  
14 preservice teachers, appointed by the State Superintendent  
15 of Education.

16 (23) One member representing a statewide organization  
17 that advocates for educational equity and racial justice  
18 in schools, appointed by the State Superintendent of  
19 Education.

20 (24) One member representing a statewide organization  
21 that represents school boards, appointed by the State  
22 Superintendent of Education.

23 (25) One member who has, within the last 5 years,  
24 served as a cooperating teacher, appointed by the State  
25 Superintendent of Education.

26 Members of the Task Force shall serve without

1 compensation. The Task Force shall first meet at the call of  
2 the State Superintendent of Education, and each subsequent  
3 meeting shall be called by the chairperson of the Task Force,  
4 who shall be designated by the State Superintendent of  
5 Education. The State Board of Education shall provide  
6 administrative and other support to the Task Force.

7 On or before August 1, 2024, the Task Force shall report on  
8 its work, including recommendations on a teacher performance  
9 assessment system in this State, to the State Board of  
10 Education and the General Assembly. The Task Force is  
11 dissolved upon submission of this report.

12 (g) The content area knowledge test and the teacher  
13 performance assessment shall be the tests that from time to  
14 time are designated by the State Board of Education, in  
15 consultation with the State Educator Preparation and Licensure  
16 Board, and may be tests prepared by an educational testing  
17 organization or tests designed by the State Board of  
18 Education, in consultation with the State Educator Preparation  
19 and Licensure Board. The test of content area knowledge shall  
20 assess content knowledge in a specific subject field. The  
21 tests must be designed to be racially neutral to ensure that no  
22 person taking the tests is discriminated against on the basis  
23 of race, color, national origin, or other factors unrelated to  
24 the person's ability to perform as a licensed employee. The  
25 score required to pass the tests shall be fixed by the State  
26 Board of Education, in consultation with the State Educator



1 Preparation and Licensure Board. The tests shall be  
2 administered not fewer than 3 times a year at such time and  
3 place as may be designated by the State Board of Education, in  
4 consultation with the State Educator Preparation and Licensure  
5 Board.

6 The State Board shall implement a test or tests to assess  
7 the speaking, reading, writing, and grammar skills of  
8 applicants for an endorsement or a license issued under  
9 subdivision (G) of paragraph (2) of Section 21B-20 of this  
10 Code in the English language and in the language of the  
11 transitional bilingual education program requested by the  
12 applicant.

13 (h) Except as provided in Section 34-6 of this Code, the  
14 provisions of this Section shall apply equally in any school  
15 district subject to Article 34 of this Code.

16 (i) The rules developed to implement and enforce the  
17 testing requirements under this Section shall include, without  
18 limitation, provisions governing test selection, test  
19 validation, and determination of a passing score,  
20 administration of the tests, frequency of administration,  
21 applicant fees, frequency of applicants taking the tests, the  
22 years for which a score is valid, and appropriate special  
23 accommodations. The State Board of Education shall develop  
24 such rules as may be needed to ensure uniformity from year to  
25 year in the level of difficulty for each form of an assessment.

26 (Source: P.A. 102-301, eff. 8-26-21; 103-402, eff. 7-28-23;

1 103-488, eff. 8-4-23; revised 9-1-23.)

2 (105 ILCS 5/21B-50)

3 Sec. 21B-50. Alternative Educator Licensure Program for  
4 Teachers.

5 (a) There is established an alternative educator licensure  
6 program, to be known as the Alternative Educator Licensure  
7 Program for Teachers.

8 (b) The Alternative Educator Licensure Program for  
9 Teachers may be offered by a recognized institution approved  
10 to offer educator preparation programs by the State Board of  
11 Education, in consultation with the State Educator Preparation  
12 and Licensure Board.

13 The program shall be comprised of up to 3 phases:

14 (1) A course of study that at a minimum includes  
15 instructional planning; instructional strategies,  
16 including special education, reading, and English language  
17 learning; classroom management; and the assessment of  
18 students and use of data to drive instruction.

19 (2) A year of residency, which is a candidate's  
20 assignment to a full-time teaching position or as a  
21 co-teacher for one full school year. An individual must  
22 hold an Educator License with Stipulations with an  
23 alternative provisional educator endorsement in order to  
24 enter the residency. In residency, the candidate must~~+~~ be  
25 assigned an effective, fully licensed teacher by the

1 principal or principal equivalent to act as a mentor and  
2 coach the candidate through residency, complete additional  
3 program requirements that address required State and  
4 national standards, pass the State Board's teacher  
5 performance assessment, if required under Section 21B-30,  
6 and be recommended by the principal or qualified  
7 equivalent of a principal, as required under subsection  
8 (d) of this Section, and the program coordinator to be  
9 recommended for full licensure or to continue with a  
10 second year of the residency.

11 (3) (Blank).

12 (4) A comprehensive assessment of the candidate's  
13 teaching effectiveness, as evaluated by the principal or  
14 qualified equivalent of a principal, as required under  
15 subsection (d) of this Section, and the program  
16 coordinator, at the end of either the first or the second  
17 year of residency. If there is disagreement between the 2  
18 evaluators about the candidate's teaching effectiveness at  
19 the end of the first year of residency, a second year of  
20 residency shall be required. If there is disagreement  
21 between the 2 evaluators at the end of the second year of  
22 residency, the candidate may complete one additional year  
23 of residency teaching under a professional development  
24 plan developed by the principal or qualified equivalent  
25 and the preparation program. At the completion of the  
26 third year, a candidate must have positive evaluations and

1 a recommendation for full licensure from both the  
2 principal or qualified equivalent and the program  
3 coordinator or no Professional Educator License shall be  
4 issued.

5 Successful completion of the program shall be deemed to  
6 satisfy any other practice or student teaching and content  
7 matter requirements established by law.

8 (c) An alternative provisional educator endorsement on an  
9 Educator License with Stipulations is valid for up to 2 years  
10 of teaching in the public schools, including without  
11 limitation a preschool educational program under Section  
12 2-3.71 of this Code or charter school, or in a  
13 State-recognized nonpublic school in which the chief  
14 administrator is required to have the licensure necessary to  
15 be a principal in a public school in this State and in which a  
16 majority of the teachers are required to have the licensure  
17 necessary to be instructors in a public school in this State,  
18 but may be renewed for a third year if needed to complete the  
19 Alternative Educator Licensure Program for Teachers. The  
20 endorsement shall be issued only once to an individual who  
21 meets all of the following requirements:

22 (1) Has graduated from a regionally accredited college  
23 or university with a bachelor's degree or higher.

24 (2) (Blank).

25 (3) Has completed a major in the content area if  
26 seeking a middle or secondary level endorsement or, if

1 seeking an early childhood, elementary, or special  
2 education endorsement, has completed a major in the  
3 content area of early childhood reading, English/language  
4 arts, mathematics, or one of the sciences. If the  
5 individual does not have a major in a content area for any  
6 level of teaching, he or she must submit transcripts to  
7 the State Board of Education to be reviewed for  
8 equivalency.

9 (4) Has successfully completed phase (1) of subsection  
10 (b) of this Section.

11 (5) Has passed a content area test required for the  
12 specific endorsement for admission into the program, as  
13 required under Section 21B-30 of this Code.

14 A candidate possessing the alternative provisional  
15 educator endorsement may receive a salary, benefits, and any  
16 other terms of employment offered to teachers in the school  
17 who are members of an exclusive bargaining representative, if  
18 any, but a school is not required to provide these benefits  
19 during the years of residency if the candidate is serving only  
20 as a co-teacher. If the candidate is serving as the teacher of  
21 record, the candidate must receive a salary, benefits, and any  
22 other terms of employment. Residency experiences must not be  
23 counted towards tenure.

24 (d) The recognized institution offering the Alternative  
25 Educator Licensure Program for Teachers must partner with a  
26 school district, including without limitation a preschool

1 educational program under Section 2-3.71 of this Code or  
2 charter school, or a State-recognized, nonpublic school in  
3 this State in which the chief administrator is required to  
4 have the licensure necessary to be a principal in a public  
5 school in this State and in which a majority of the teachers  
6 are required to have the licensure necessary to be instructors  
7 in a public school in this State. A recognized institution  
8 that partners with a public school district administering a  
9 preschool educational program under Section 2-3.71 of this  
10 Code must require a principal to recommend or evaluate  
11 candidates in the program. A recognized institution that  
12 partners with an eligible entity administering a preschool  
13 educational program under Section 2-3.71 of this Code and that  
14 is not a public school district must require a principal or  
15 qualified equivalent of a principal to recommend or evaluate  
16 candidates in the program. The program presented for approval  
17 by the State Board of Education must demonstrate the supports  
18 that are to be provided to assist the provisional teacher  
19 during the one-year ~~1-year~~ or 2-year residency period and if  
20 the residency period is to be less than 2 years in length,  
21 assurances from the partner school districts to provide  
22 intensive mentoring and supports through at least the end of  
23 the second full year of teaching for educators who completed  
24 the Alternative Educator ~~Educators~~ Licensure Program for  
25 Teachers in less than 2 years. These supports must, at a  
26 minimum, provide additional contact hours with mentors during

1 the first year of residency.

2 (e) Upon completion of phases under paragraphs (1), (2),  
3 (4), and, if needed, (3) in subsection (b) of this Section and  
4 all assessments required under Section 21B-30 of this Code, an  
5 individual shall receive a Professional Educator License.

6 (f) The State Board of Education, in consultation with the  
7 State Educator Preparation and Licensure Board, may adopt such  
8 rules as may be necessary to establish and implement the  
9 Alternative Educator Licensure Program for Teachers.

10 (Source: P.A. 103-111, eff. 6-29-23; 103-488, eff. 8-4-23;  
11 revised 9-1-23.)

12 (105 ILCS 5/21B-70)

13 Sec. 21B-70. Illinois Teaching Excellence Program.

14 (a) As used in this Section:

15 "Diverse candidate" means a candidate who identifies with  
16 any of the ethnicities reported on the Illinois Report Card  
17 other than White.

18 "Hard-to-staff school" means a public school in which no  
19 less than 30% of the student enrollment is considered  
20 low-income as reported by the report card under Section 10-17a  
21 of this Code.

22 "National Board certified teacher candidate cohort  
23 facilitator" means a National Board certified teacher who  
24 collaborates to advance the goal of supporting all other  
25 candidate cohorts other than diverse candidate cohorts through

1 the Illinois National Board for Professional Teaching  
2 Standards Comprehensive Support System.

3 "National Board certified teacher diverse candidate cohort  
4 facilitator" means a National Board certified teacher who  
5 collaborates to advance the goal of supporting racially and  
6 ethnically diverse candidates through the Illinois National  
7 Board for Professional Teaching Standards Comprehensive  
8 Support System.

9 "National Board certified teacher diverse liaison" means  
10 an individual or entity that supports the National Board  
11 certified teacher leading a diverse candidate cohort.

12 "National Board certified teacher liaison" means an  
13 individual or entity that supports the National Board  
14 certified teacher leading candidate cohorts other than diverse  
15 candidate cohorts.

16 "National Board certified teacher rural or remote or  
17 distant candidate cohort facilitator" means a National Board  
18 certified teacher who collaborates to advance the goal of  
19 supporting rural or remote candidates through the Illinois  
20 National Board for Professional Teaching Standards  
21 Comprehensive Support System.

22 "National Board certified teacher rural or remote or  
23 distant liaison" means an individual or entity that supports  
24 the National Board certified teacher leading a rural or remote  
25 candidate cohort.

26 "Qualified educator" means a teacher or school counselor



1 currently employed in a school district who is in the process  
2 of obtaining certification through the National Board for  
3 Professional Teaching Standards or who has completed  
4 certification and holds a current Professional Educator  
5 License with a National Board for Professional Teaching  
6 Standards designation or a retired teacher or school counselor  
7 who holds a Professional Educator License with a National  
8 Board for Professional Teaching Standards designation.

9 "Rural or remote" or "rural or remote or distant" means  
10 local codes 32, 33, 41, 42, and 43 of the New Urban-Centric  
11 Locale Codes, as defined by the National Center for Education  
12 Statistics.

13 "Tier 1" has the meaning given to that term under Section  
14 18-8.15.

15 "Tier 2" has the meaning given to that term under Section  
16 18-8.15.

17 (b) Any funds appropriated for the Illinois Teaching  
18 Excellence Program must be used to provide monetary assistance  
19 and incentives for qualified educators who are employed by or  
20 retired from school districts and who have or are in the  
21 process of obtaining licensure through the National Board for  
22 Professional Teaching Standards. The goal of the program is to  
23 improve instruction and student performance.

24 The State Board of Education shall allocate an amount as  
25 annually appropriated by the General Assembly for the Illinois  
26 Teaching Excellence Program for (i) application or re-take

1 fees for each qualified educator seeking to complete  
2 certification through the National Board for Professional  
3 Teaching Standards, to be paid directly to the National Board  
4 for Professional Teaching Standards, and (ii) incentives under  
5 paragraphs (1), (2), and (3) of subsection (c) for each  
6 qualified educator, to be distributed to the respective school  
7 district, and incentives under paragraph (5) of subsection  
8 (c), to be distributed to the respective school district or  
9 directly to the qualified educator. The school district shall  
10 distribute this payment to each eligible teacher or school  
11 counselor as a single payment.

12 The State Board of Education's annual budget must set out  
13 by separate line item the appropriation for the program.  
14 Unless otherwise provided by appropriation, qualified  
15 educators are eligible for monetary assistance and incentives  
16 outlined in subsections (c) and (d) of this Section.

17 (c) When there are adequate funds available, monetary  
18 assistance and incentives shall include the following:

19 (1) A maximum of \$2,000 toward ~~towards~~ the application  
20 or re-take fee for teachers or school counselors in a Tier  
21 1 school district who apply on a first-come, first-serve  
22 basis for National Board certification.

23 (2) A maximum of \$2,000 toward ~~towards~~ the application  
24 or re-take fee for teachers or school counselors in a  
25 school district other than a Tier 1 school district who  
26 apply on a first-come, first-serve basis for National

1 Board certification.

2 (3) A maximum of \$1,000 toward ~~towards~~ the National  
3 Board for Professional Teaching Standards' renewal  
4 application fee.

5 (4) (Blank).

6 (5) An annual incentive of no more than \$2,250  
7 prorated at \$50 per hour, which shall be paid to each  
8 qualified educator currently employed in a school district  
9 who holds both a National Board for Professional Teaching  
10 Standards designation and a current corresponding  
11 certificate issued by the National Board for Professional  
12 Teaching Standards and who agrees, in writing, to provide  
13 up to 45 hours of mentoring or National Board for  
14 Professional Teaching Standards professional development  
15 or both during the school year to classroom teachers or  
16 school counselors, as applicable. Funds must be disbursed  
17 on a first-come, first-serve basis, with priority given to  
18 Tier 1 school districts. Mentoring shall include, either  
19 singly or in combination, the following:

20 (A) National Board for Professional Teaching  
21 Standards certification candidates.

22 (B) National Board for Professional Teaching  
23 Standards re-take candidates.

24 (C) National Board for Professional Teaching  
25 Standards renewal candidates.

26 (D) (Blank).

1 Funds may also be used for professional development  
2 training provided by the National Board Resource Center.

3 Funds may also be used for instructional leadership  
4 training for qualified educators interested in supporting  
5 implementation of the Illinois Learning Standards or teaching  
6 and learning priorities of the State Board of Education or  
7 both.

8 (d) In addition to the monetary assistance and incentives  
9 provided under subsection (c), if adequate funds are  
10 available, incentives shall include the following incentives  
11 for the program in rural or remote schools or school districts  
12 or for programs working with diverse candidates or for  
13 retention bonuses for hard-to-staff ~~hard-to-staff~~ schools, to  
14 be distributed to the respective school district or directly  
15 to the qualified educator or entity:

16 (1) A one-time incentive of \$3,000 payable to National  
17 Board certified teachers teaching in Tier 1 or Tier 2  
18 rural or remote school districts or rural or remote  
19 schools in Tier 1 or Tier 2 school districts, with  
20 priority given to teachers teaching in Tier 1 rural or  
21 remote school districts or rural or remote schools in Tier  
22 1 school districts.

23 (2) An annual incentive of \$3,200 for National Board  
24 certified teacher rural or remote or distant candidate  
25 cohort facilitators, diverse candidate cohort  
26 facilitators, and candidate cohort facilitators. Priority

1 shall be given to rural or remote candidate cohort  
2 facilitators and diverse candidate cohort facilitators.

3 (3) An annual incentive of \$2,500 for National Board  
4 certified teacher rural or remote or distant liaisons,  
5 diverse liaisons, and liaisons. Priority shall be given to  
6 rural or remote liaisons and diverse liaisons.

7 (4) An annual retention bonus of \$4,000 per year for 2  
8 consecutive years shall be awarded to National Board  
9 certified teachers employed in hard-to-staff schools.  
10 Funds must be disbursed on a first-come, first-served  
11 basis.

12 (Source: P.A. 103-122, eff. 6-30-23; 103-207, eff. 1-1-24;  
13 revised 12-12-23.)

14 (105 ILCS 5/22-30)

15 (Text of Section before amendment by P.A. 103-542)

16 Sec. 22-30. Self-administration and self-carry of asthma  
17 medication and epinephrine injectors; administration of  
18 undesignated epinephrine injectors; administration of an  
19 opioid antagonist; administration of undesignated asthma  
20 medication; supply of undesignated oxygen tanks; asthma  
21 episode emergency response protocol.

22 (a) For the purpose of this Section only, the following  
23 terms shall have the meanings set forth below:

24 "Asthma action plan" means a written plan developed with a  
25 pupil's medical provider to help control the pupil's asthma.

1 The goal of an asthma action plan is to reduce or prevent  
2 flare-ups and emergency department visits through day-to-day  
3 management and to serve as a student-specific document to be  
4 referenced in the event of an asthma episode.

5 "Asthma episode emergency response protocol" means a  
6 procedure to provide assistance to a pupil experiencing  
7 symptoms of wheezing, coughing, shortness of breath, chest  
8 tightness, or breathing difficulty.

9 "Epinephrine injector" includes an auto-injector approved  
10 by the United States Food and Drug Administration for the  
11 administration of epinephrine and a pre-filled syringe  
12 approved by the United States Food and Drug Administration and  
13 used for the administration of epinephrine that contains a  
14 pre-measured dose of epinephrine that is equivalent to the  
15 dosages used in an auto-injector.

16 "Asthma medication" means quick-relief asthma medication,  
17 including albuterol or other short-acting bronchodilators,  
18 that is approved by the United States Food and Drug  
19 Administration for the treatment of respiratory distress.

20 "Asthma medication" includes medication delivered through a  
21 device, including a metered dose inhaler with a reusable or  
22 disposable spacer or a nebulizer with a mouthpiece or mask.

23 "Opioid antagonist" means a drug that binds to opioid  
24 receptors and blocks or inhibits the effect of opioids acting  
25 on those receptors, including, but not limited to, naloxone  
26 hydrochloride or any other similarly acting drug approved by

1 the U.S. Food and Drug Administration.

2 "Respiratory distress" means the perceived or actual  
3 presence of wheezing, coughing, shortness of breath, chest  
4 tightness, breathing difficulty, or any other symptoms  
5 consistent with asthma. Respiratory distress may be  
6 categorized as "mild-to-moderate" or "severe".

7 "School nurse" means a registered nurse working in a  
8 school with or without licensure endorsed in school nursing.

9 "Self-administration" means a pupil's discretionary use of  
10 his or her prescribed asthma medication or epinephrine  
11 injector.

12 "Self-carry" means a pupil's ability to carry his or her  
13 prescribed asthma medication or epinephrine injector.

14 "Standing protocol" may be issued by (i) a physician  
15 licensed to practice medicine in all its branches, (ii) a  
16 licensed physician assistant with prescriptive authority, or  
17 (iii) a licensed advanced practice registered nurse with  
18 prescriptive authority.

19 "Trained personnel" means any school employee or volunteer  
20 personnel authorized in Sections 10-22.34, 10-22.34a, and  
21 10-22.34b of this Code who has completed training under  
22 subsection (g) of this Section to recognize and respond to  
23 anaphylaxis, an opioid overdose, or respiratory distress.

24 "Undesignated asthma medication" means asthma medication  
25 prescribed in the name of a school district, public school,  
26 charter school, or nonpublic school.

1 "Undesignated epinephrine injector" means an epinephrine  
2 injector prescribed in the name of a school district, public  
3 school, charter school, or nonpublic school.

4 (b) A school, whether public, charter, or nonpublic, must  
5 permit the self-administration and self-carry of asthma  
6 medication by a pupil with asthma or the self-administration  
7 and self-carry of an epinephrine injector by a pupil, provided  
8 that:

9 (1) the parents or guardians of the pupil provide to  
10 the school (i) written authorization from the parents or  
11 guardians for (A) the self-administration and self-carry  
12 of asthma medication or (B) the self-carry of asthma  
13 medication or (ii) for (A) the self-administration and  
14 self-carry of an epinephrine injector or (B) the  
15 self-carry of an epinephrine injector, written  
16 authorization from the pupil's physician, physician  
17 assistant, or advanced practice registered nurse; and

18 (2) the parents or guardians of the pupil provide to  
19 the school (i) the prescription label, which must contain  
20 the name of the asthma medication, the prescribed dosage,  
21 and the time at which or circumstances under which the  
22 asthma medication is to be administered, or (ii) for the  
23 self-administration or self-carry of an epinephrine  
24 injector, a written statement from the pupil's physician,  
25 physician assistant, or advanced practice registered nurse  
26 containing the following information:



1 (A) the name and purpose of the epinephrine  
2 injector;

3 (B) the prescribed dosage; and

4 (C) the time or times at which or the special  
5 circumstances under which the epinephrine injector is  
6 to be administered.

7 The information provided shall be kept on file in the office of  
8 the school nurse or, in the absence of a school nurse, the  
9 school's administrator.

10 (b-5) A school district, public school, charter school, or  
11 nonpublic school may authorize the provision of a  
12 student-specific or undesignated epinephrine injector to a  
13 student or any personnel authorized under a student's  
14 Individual Health Care Action Plan, allergy emergency action  
15 plan, or plan pursuant to Section 504 of the federal  
16 Rehabilitation Act of 1973 to administer an epinephrine  
17 injector to the student, that meets the student's prescription  
18 on file.

19 (b-10) The school district, public school, charter school,  
20 or nonpublic school may authorize a school nurse or trained  
21 personnel to do the following: (i) provide an undesignated  
22 epinephrine injector to a student for self-administration only  
23 or any personnel authorized under a student's Individual  
24 Health Care Action Plan, allergy emergency action plan, plan  
25 pursuant to Section 504 of the federal Rehabilitation Act of  
26 1973, or individualized education program plan to administer

1 to the student that meets the student's prescription on file;  
2 (ii) administer an undesignated epinephrine injector that  
3 meets the prescription on file to any student who has an  
4 Individual Health Care Action Plan, allergy emergency action  
5 plan, plan pursuant to Section 504 of the federal  
6 Rehabilitation Act of 1973, or individualized education  
7 program plan that authorizes the use of an epinephrine  
8 injector; (iii) administer an undesignated epinephrine  
9 injector to any person that the school nurse or trained  
10 personnel in good faith believes is having an anaphylactic  
11 reaction; (iv) administer an opioid antagonist to any person  
12 that the school nurse or trained personnel in good faith  
13 believes is having an opioid overdose; (v) provide  
14 undesignated asthma medication to a student for  
15 self-administration only or to any personnel authorized under  
16 a student's Individual Health Care Action Plan or asthma  
17 action plan, plan pursuant to Section 504 of the federal  
18 Rehabilitation Act of 1973, or individualized education  
19 program plan to administer to the student that meets the  
20 student's prescription on file; (vi) administer undesignated  
21 asthma medication that meets the prescription on file to any  
22 student who has an Individual Health Care Action Plan or  
23 asthma action plan, plan pursuant to Section 504 of the  
24 federal Rehabilitation Act of 1973, or individualized  
25 education program plan that authorizes the use of asthma  
26 medication; and (vii) administer undesignated asthma

1 medication to any person that the school nurse or trained  
2 personnel believes in good faith is having respiratory  
3 distress.

4 (c) The school district, public school, charter school, or  
5 nonpublic school must inform the parents or guardians of the  
6 pupil, in writing, that the school district, public school,  
7 charter school, or nonpublic school and its employees and  
8 agents, including a physician, physician assistant, or  
9 advanced practice registered nurse providing standing protocol  
10 and a prescription for school epinephrine injectors, an opioid  
11 antagonist, or undesignated asthma medication, are to incur no  
12 liability or professional discipline, except for willful and  
13 wanton conduct, as a result of any injury arising from the  
14 administration of asthma medication, an epinephrine injector,  
15 or an opioid antagonist regardless of whether authorization  
16 was given by the pupil's parents or guardians or by the pupil's  
17 physician, physician assistant, or advanced practice  
18 registered nurse. The parents or guardians of the pupil must  
19 sign a statement acknowledging that the school district,  
20 public school, charter school, or nonpublic school and its  
21 employees and agents are to incur no liability, except for  
22 willful and wanton conduct, as a result of any injury arising  
23 from the administration of asthma medication, an epinephrine  
24 injector, or an opioid antagonist regardless of whether  
25 authorization was given by the pupil's parents or guardians or  
26 by the pupil's physician, physician assistant, or advanced

1 practice registered nurse and that the parents or guardians  
2 must indemnify and hold harmless the school district, public  
3 school, charter school, or nonpublic school and its employees  
4 and agents against any claims, except a claim based on willful  
5 and wanton conduct, arising out of the administration of  
6 asthma medication, an epinephrine injector, or an opioid  
7 antagonist regardless of whether authorization was given by  
8 the pupil's parents or guardians or by the pupil's physician,  
9 physician assistant, or advanced practice registered nurse.

10 (c-5) When a school nurse or trained personnel administers  
11 an undesignated epinephrine injector to a person whom the  
12 school nurse or trained personnel in good faith believes is  
13 having an anaphylactic reaction, administers an opioid  
14 antagonist to a person whom the school nurse or trained  
15 personnel in good faith believes is having an opioid overdose,  
16 or administers undesignated asthma medication to a person whom  
17 the school nurse or trained personnel in good faith believes  
18 is having respiratory distress, notwithstanding the lack of  
19 notice to the parents or guardians of the pupil or the absence  
20 of the parents or guardians signed statement acknowledging no  
21 liability, except for willful and wanton conduct, the school  
22 district, public school, charter school, or nonpublic school  
23 and its employees and agents, and a physician, a physician  
24 assistant, or an advanced practice registered nurse providing  
25 standing protocol and a prescription for undesignated  
26 epinephrine injectors, an opioid antagonist, or undesignated

1 asthma medication, are to incur no liability or professional  
2 discipline, except for willful and wanton conduct, as a result  
3 of any injury arising from the use of an undesignated  
4 epinephrine injector, the use of an opioid antagonist, or the  
5 use of undesignated asthma medication, regardless of whether  
6 authorization was given by the pupil's parents or guardians or  
7 by the pupil's physician, physician assistant, or advanced  
8 practice registered nurse.

9 (d) The permission for self-administration and self-carry  
10 of asthma medication or the self-administration and self-carry  
11 of an epinephrine injector is effective for the school year  
12 for which it is granted and shall be renewed each subsequent  
13 school year upon fulfillment of the requirements of this  
14 Section.

15 (e) Provided that the requirements of this Section are  
16 fulfilled, a pupil with asthma may self-administer and  
17 self-carry his or her asthma medication or a pupil may  
18 self-administer and self-carry an epinephrine injector (i)  
19 while in school, (ii) while at a school-sponsored activity,  
20 (iii) while under the supervision of school personnel, or (iv)  
21 before or after normal school activities, such as while in  
22 before-school or after-school care on school-operated property  
23 or while being transported on a school bus.

24 (e-5) Provided that the requirements of this Section are  
25 fulfilled, a school nurse or trained personnel may administer  
26 an undesignated epinephrine injector to any person whom the

1 school nurse or trained personnel in good faith believes to be  
2 having an anaphylactic reaction (i) while in school, (ii)  
3 while at a school-sponsored activity, (iii) while under the  
4 supervision of school personnel, or (iv) before or after  
5 normal school activities, such as while in before-school or  
6 after-school care on school-operated property or while being  
7 transported on a school bus. A school nurse or trained  
8 personnel may carry undesignated epinephrine injectors on his  
9 or her person while in school or at a school-sponsored  
10 activity.

11 (e-10) Provided that the requirements of this Section are  
12 fulfilled, a school nurse or trained personnel may administer  
13 an opioid antagonist to any person whom the school nurse or  
14 trained personnel in good faith believes to be having an  
15 opioid overdose (i) while in school, (ii) while at a  
16 school-sponsored activity, (iii) while under the supervision  
17 of school personnel, or (iv) before or after normal school  
18 activities, such as while in before-school or after-school  
19 care on school-operated property. A school nurse or trained  
20 personnel may carry an opioid antagonist on his or her person  
21 while in school or at a school-sponsored activity.

22 (e-15) If the requirements of this Section are met, a  
23 school nurse or trained personnel may administer undesignated  
24 asthma medication to any person whom the school nurse or  
25 trained personnel in good faith believes to be experiencing  
26 respiratory distress (i) while in school, (ii) while at a

1 school-sponsored activity, (iii) while under the supervision  
2 of school personnel, or (iv) before or after normal school  
3 activities, including before-school or after-school care on  
4 school-operated property. A school nurse or trained personnel  
5 may carry undesignated asthma medication on his or her person  
6 while in school or at a school-sponsored activity.

7 (f) The school district, public school, charter school, or  
8 nonpublic school may maintain a supply of undesignated  
9 epinephrine injectors in any secure location that is  
10 accessible before, during, and after school where an allergic  
11 person is most at risk, including, but not limited to,  
12 classrooms and lunchrooms. A physician, a physician assistant  
13 who has prescriptive authority in accordance with Section 7.5  
14 of the Physician Assistant Practice Act of 1987, or an  
15 advanced practice registered nurse who has prescriptive  
16 authority in accordance with Section 65-40 of the Nurse  
17 Practice Act may prescribe undesignated epinephrine injectors  
18 in the name of the school district, public school, charter  
19 school, or nonpublic school to be maintained for use when  
20 necessary. Any supply of epinephrine injectors shall be  
21 maintained in accordance with the manufacturer's instructions.

22 The school district, public school, charter school, or  
23 nonpublic school shall maintain a supply of an opioid  
24 antagonist in any secure location where an individual may have  
25 an opioid overdose, unless there is a shortage of opioid  
26 antagonists, in which case the school district, public school,

1 charter school, or nonpublic school shall make a reasonable  
2 effort to maintain a supply of an opioid antagonist. Unless  
3 the school district, public school, charter school, or  
4 nonpublic school is able to obtain opioid antagonists without  
5 a prescription, a health care professional who has been  
6 delegated prescriptive authority for opioid antagonists in  
7 accordance with Section 5-23 of the Substance Use Disorder Act  
8 shall prescribe opioid antagonists in the name of the school  
9 district, public school, charter school, or nonpublic school,  
10 to be maintained for use when necessary. Any supply of opioid  
11 antagonists shall be maintained in accordance with the  
12 manufacturer's instructions.

13 The school district, public school, charter school, or  
14 nonpublic school may maintain a supply of asthma medication in  
15 any secure location that is accessible before, during, or  
16 after school where a person is most at risk, including, but not  
17 limited to, a classroom or the nurse's office. A physician, a  
18 physician assistant who has prescriptive authority under  
19 Section 7.5 of the Physician Assistant Practice Act of 1987,  
20 or an advanced practice registered nurse who has prescriptive  
21 authority under Section 65-40 of the Nurse Practice Act may  
22 prescribe undesignated asthma medication in the name of the  
23 school district, public school, charter school, or nonpublic  
24 school to be maintained for use when necessary. Any supply of  
25 undesignated asthma medication must be maintained in  
26 accordance with the manufacturer's instructions.



1           A school district that provides special educational  
2 facilities for children with disabilities under Section  
3 14-4.01 of this Code may maintain a supply of undesignated  
4 oxygen tanks in any secure location that is accessible before,  
5 during, and after school where a person with developmental  
6 disabilities is most at risk, including, but not limited to,  
7 classrooms and lunchrooms. A physician, a physician assistant  
8 who has prescriptive authority in accordance with Section 7.5  
9 of the Physician Assistant Practice Act of 1987, or an  
10 advanced practice registered nurse who has prescriptive  
11 authority in accordance with Section 65-40 of the Nurse  
12 Practice Act may prescribe undesignated oxygen tanks in the  
13 name of the school district that provides special educational  
14 facilities for children with disabilities under Section  
15 14-4.01 of this Code to be maintained for use when necessary.  
16 Any supply of oxygen tanks shall be maintained in accordance  
17 with the manufacturer's instructions and with the local fire  
18 department's rules.

19           (f-3) Whichever entity initiates the process of obtaining  
20 undesignated epinephrine injectors and providing training to  
21 personnel for carrying and administering undesignated  
22 epinephrine injectors shall pay for the costs of the  
23 undesignated epinephrine injectors.

24           (f-5) Upon any administration of an epinephrine injector,  
25 a school district, public school, charter school, or nonpublic  
26 school must immediately activate the EMS system and notify the

1 student's parent, guardian, or emergency contact, if known.

2 Upon any administration of an opioid antagonist, a school  
3 district, public school, charter school, or nonpublic school  
4 must immediately activate the EMS system and notify the  
5 student's parent, guardian, or emergency contact, if known.

6 (f-10) Within 24 hours of the administration of an  
7 undesignated epinephrine injector, a school district, public  
8 school, charter school, or nonpublic school must notify the  
9 physician, physician assistant, or advanced practice  
10 registered nurse who provided the standing protocol and a  
11 prescription for the undesignated epinephrine injector of its  
12 use.

13 Within 24 hours after the administration of an opioid  
14 antagonist, a school district, public school, charter school,  
15 or nonpublic school must notify the health care professional  
16 who provided the prescription for the opioid antagonist of its  
17 use.

18 Within 24 hours after the administration of undesignated  
19 asthma medication, a school district, public school, charter  
20 school, or nonpublic school must notify the student's parent  
21 or guardian or emergency contact, if known, and the physician,  
22 physician assistant, or advanced practice registered nurse who  
23 provided the standing protocol and a prescription for the  
24 undesignated asthma medication of its use. The district or  
25 school must follow up with the school nurse, if available, and  
26 may, with the consent of the child's parent or guardian,

1 notify the child's health care provider of record, as  
2 determined under this Section, of its use.

3 (g) Prior to the administration of an undesignated  
4 epinephrine injector, trained personnel must submit to the  
5 school's administration proof of completion of a training  
6 curriculum to recognize and respond to anaphylaxis that meets  
7 the requirements of subsection (h) of this Section. Training  
8 must be completed annually. The school district, public  
9 school, charter school, or nonpublic school must maintain  
10 records related to the training curriculum and trained  
11 personnel.

12 Prior to the administration of an opioid antagonist,  
13 trained personnel must submit to the school's administration  
14 proof of completion of a training curriculum to recognize and  
15 respond to an opioid overdose, which curriculum must meet the  
16 requirements of subsection (h-5) of this Section. The school  
17 district, public school, charter school, or nonpublic school  
18 must maintain records relating to the training curriculum and  
19 the trained personnel.

20 Prior to the administration of undesignated asthma  
21 medication, trained personnel must submit to the school's  
22 administration proof of completion of a training curriculum to  
23 recognize and respond to respiratory distress, which must meet  
24 the requirements of subsection (h-10) of this Section.  
25 Training must be completed annually, and the school district,  
26 public school, charter school, or nonpublic school must

1 maintain records relating to the training curriculum and the  
2 trained personnel.

3 (h) A training curriculum to recognize and respond to  
4 anaphylaxis, including the administration of an undesignated  
5 epinephrine injector, may be conducted online or in person.

6 Training shall include, but is not limited to:

7 (1) how to recognize signs and symptoms of an allergic  
8 reaction, including anaphylaxis;

9 (2) how to administer an epinephrine injector; and

10 (3) a test demonstrating competency of the knowledge  
11 required to recognize anaphylaxis and administer an  
12 epinephrine injector.

13 Training may also include, but is not limited to:

14 (A) a review of high-risk areas within a school and  
15 its related facilities;

16 (B) steps to take to prevent exposure to allergens;

17 (C) emergency follow-up procedures, including the  
18 importance of calling 9-1-1 or, if 9-1-1 is not available,  
19 other local emergency medical services;

20 (D) how to respond to a student with a known allergy,  
21 as well as a student with a previously unknown allergy;

22 (E) other criteria as determined in rules adopted  
23 pursuant to this Section; and

24 (F) any policy developed by the State Board of  
25 Education under Section 2-3.190.

26 In consultation with statewide professional organizations

1 representing physicians licensed to practice medicine in all  
2 of its branches, registered nurses, and school nurses, the  
3 State Board of Education shall make available resource  
4 materials consistent with criteria in this subsection (h) for  
5 educating trained personnel to recognize and respond to  
6 anaphylaxis. The State Board may take into consideration the  
7 curriculum on this subject developed by other states, as well  
8 as any other curricular materials suggested by medical experts  
9 and other groups that work on life-threatening allergy issues.  
10 The State Board is not required to create new resource  
11 materials. The State Board shall make these resource materials  
12 available on its Internet website.

13 (h-5) A training curriculum to recognize and respond to an  
14 opioid overdose, including the administration of an opioid  
15 antagonist, may be conducted online or in person. The training  
16 must comply with any training requirements under Section 5-23  
17 of the Substance Use Disorder Act and the corresponding rules.  
18 It must include, but is not limited to:

- 19 (1) how to recognize symptoms of an opioid overdose;  
20 (2) information on drug overdose prevention and  
21 recognition;  
22 (3) how to perform rescue breathing and resuscitation;  
23 (4) how to respond to an emergency involving an opioid  
24 overdose;  
25 (5) opioid antagonist dosage and administration;  
26 (6) the importance of calling 9-1-1 or, if 9-1-1 is

1 not available, other local emergency medical services;

2 (7) care for the overdose victim after administration  
3 of the overdose antagonist;

4 (8) a test demonstrating competency of the knowledge  
5 required to recognize an opioid overdose and administer a  
6 dose of an opioid antagonist; and

7 (9) other criteria as determined in rules adopted  
8 pursuant to this Section.

9 (h-10) A training curriculum to recognize and respond to  
10 respiratory distress, including the administration of  
11 undesignated asthma medication, may be conducted online or in  
12 person. The training must include, but is not limited to:

13 (1) how to recognize symptoms of respiratory distress  
14 and how to distinguish respiratory distress from  
15 anaphylaxis;

16 (2) how to respond to an emergency involving  
17 respiratory distress;

18 (3) asthma medication dosage and administration;

19 (4) the importance of calling 9-1-1 or, if 9-1-1 is  
20 not available, other local emergency medical services;

21 (5) a test demonstrating competency of the knowledge  
22 required to recognize respiratory distress and administer  
23 asthma medication; and

24 (6) other criteria as determined in rules adopted  
25 under this Section.

26 (i) Within 3 days after the administration of an

1 undesignated epinephrine injector by a school nurse, trained  
2 personnel, or a student at a school or school-sponsored  
3 activity, the school must report to the State Board of  
4 Education in a form and manner prescribed by the State Board  
5 the following information:

6 (1) age and type of person receiving epinephrine  
7 (student, staff, visitor);

8 (2) any previously known diagnosis of a severe  
9 allergy;

10 (3) trigger that precipitated allergic episode;

11 (4) location where symptoms developed;

12 (5) number of doses administered;

13 (6) type of person administering epinephrine (school  
14 nurse, trained personnel, student); and

15 (7) any other information required by the State Board.

16 If a school district, public school, charter school, or  
17 nonpublic school maintains or has an independent contractor  
18 providing transportation to students who maintains a supply of  
19 undesignated epinephrine injectors, then the school district,  
20 public school, charter school, or nonpublic school must report  
21 that information to the State Board of Education upon adoption  
22 or change of the policy of the school district, public school,  
23 charter school, nonpublic school, or independent contractor,  
24 in a manner as prescribed by the State Board. The report must  
25 include the number of undesignated epinephrine injectors in  
26 supply.

1 (i-5) Within 3 days after the administration of an opioid  
2 antagonist by a school nurse or trained personnel, the school  
3 must report to the State Board of Education, in a form and  
4 manner prescribed by the State Board, the following  
5 information:

6 (1) the age and type of person receiving the opioid  
7 antagonist (student, staff, or visitor);

8 (2) the location where symptoms developed;

9 (3) the type of person administering the opioid  
10 antagonist (school nurse or trained personnel); and

11 (4) any other information required by the State Board.

12 (i-10) Within 3 days after the administration of  
13 undesignated asthma medication by a school nurse, trained  
14 personnel, or a student at a school or school-sponsored  
15 activity, the school must report to the State Board of  
16 Education, on a form and in a manner prescribed by the State  
17 Board of Education, the following information:

18 (1) the age and type of person receiving the asthma  
19 medication (student, staff, or visitor);

20 (2) any previously known diagnosis of asthma for the  
21 person;

22 (3) the trigger that precipitated respiratory  
23 distress, if identifiable;

24 (4) the location of where the symptoms developed;

25 (5) the number of doses administered;

26 (6) the type of person administering the asthma



1 medication (school nurse, trained personnel, or student);

2 (7) the outcome of the asthma medication  
3 administration; and

4 (8) any other information required by the State Board.

5 (j) By October 1, 2015 and every year thereafter, the  
6 State Board of Education shall submit a report to the General  
7 Assembly identifying the frequency and circumstances of  
8 undesignated epinephrine and undesignated asthma medication  
9 administration during the preceding academic year. Beginning  
10 with the 2017 report, the report shall also contain  
11 information on which school districts, public schools, charter  
12 schools, and nonpublic schools maintain or have independent  
13 contractors providing transportation to students who maintain  
14 a supply of undesignated epinephrine injectors. This report  
15 shall be published on the State Board's Internet website on  
16 the date the report is delivered to the General Assembly.

17 (j-5) Annually, each school district, public school,  
18 charter school, or nonpublic school shall request an asthma  
19 action plan from the parents or guardians of a pupil with  
20 asthma. If provided, the asthma action plan must be kept on  
21 file in the office of the school nurse or, in the absence of a  
22 school nurse, the school administrator. Copies of the asthma  
23 action plan may be distributed to appropriate school staff who  
24 interact with the pupil on a regular basis, and, if  
25 applicable, may be attached to the pupil's federal Section 504  
26 plan or individualized education program plan.

1           (j-10) To assist schools with emergency response  
2 procedures for asthma, the State Board of Education, in  
3 consultation with statewide professional organizations with  
4 expertise in asthma management and a statewide organization  
5 representing school administrators, shall develop a model  
6 asthma episode emergency response protocol before September 1,  
7 2016. Each school district, charter school, and nonpublic  
8 school shall adopt an asthma episode emergency response  
9 protocol before January 1, 2017 that includes all of the  
10 components of the State Board's model protocol.

11           (j-15) Every 2 years, school personnel who work with  
12 pupils shall complete an in-person or online training program  
13 on the management of asthma, the prevention of asthma  
14 symptoms, and emergency response in the school setting. In  
15 consultation with statewide professional organizations with  
16 expertise in asthma management, the State Board of Education  
17 shall make available resource materials for educating school  
18 personnel about asthma and emergency response in the school  
19 setting.

20           (j-20) On or before October 1, 2016 and every year  
21 thereafter, the State Board of Education shall submit a report  
22 to the General Assembly and the Department of Public Health  
23 identifying the frequency and circumstances of opioid  
24 antagonist administration during the preceding academic year.  
25 This report shall be published on the State Board's Internet  
26 website on the date the report is delivered to the General

1 Assembly.

2 (k) The State Board of Education may adopt rules necessary  
3 to implement this Section.

4 (l) Nothing in this Section shall limit the amount of  
5 epinephrine injectors that any type of school or student may  
6 carry or maintain a supply of.

7 (Source: P.A. 102-413, eff. 8-20-21; 102-813, eff. 5-13-22;  
8 103-175, eff. 6-30-23; 103-196, eff. 1-1-24; 103-348, eff.  
9 1-1-24; revised 11-27-23.)

10 (Text of Section after amendment by P.A. 103-542)

11 Sec. 22-30. Self-administration and self-carry of asthma  
12 medication and epinephrine injectors; administration of  
13 undesignated epinephrine injectors; administration of an  
14 opioid antagonist; administration of undesignated asthma  
15 medication; supply of undesignated oxygen tanks; asthma  
16 episode emergency response protocol.

17 (a) For the purpose of this Section only, the following  
18 terms shall have the meanings set forth below:

19 "Asthma action plan" means a written plan developed with a  
20 pupil's medical provider to help control the pupil's asthma.  
21 The goal of an asthma action plan is to reduce or prevent  
22 flare-ups and emergency department visits through day-to-day  
23 management and to serve as a student-specific document to be  
24 referenced in the event of an asthma episode.

25 "Asthma episode emergency response protocol" means a

1 procedure to provide assistance to a pupil experiencing  
2 symptoms of wheezing, coughing, shortness of breath, chest  
3 tightness, or breathing difficulty.

4 "Epinephrine injector" includes an auto-injector approved  
5 by the United States Food and Drug Administration for the  
6 administration of epinephrine and a pre-filled syringe  
7 approved by the United States Food and Drug Administration and  
8 used for the administration of epinephrine that contains a  
9 pre-measured dose of epinephrine that is equivalent to the  
10 dosages used in an auto-injector.

11 "Asthma medication" means quick-relief asthma medication,  
12 including albuterol or other short-acting bronchodilators,  
13 that is approved by the United States Food and Drug  
14 Administration for the treatment of respiratory distress.  
15 "Asthma medication" includes medication delivered through a  
16 device, including a metered dose inhaler with a reusable or  
17 disposable spacer or a nebulizer with a mouthpiece or mask.

18 "Opioid antagonist" means a drug that binds to opioid  
19 receptors and blocks or inhibits the effect of opioids acting  
20 on those receptors, including, but not limited to, naloxone  
21 hydrochloride or any other similarly acting drug approved by  
22 the U.S. Food and Drug Administration.

23 "Respiratory distress" means the perceived or actual  
24 presence of wheezing, coughing, shortness of breath, chest  
25 tightness, breathing difficulty, or any other symptoms  
26 consistent with asthma. Respiratory distress may be

1 categorized as "mild-to-moderate" or "severe".

2 "School nurse" means a registered nurse working in a  
3 school with or without licensure endorsed in school nursing.

4 "Self-administration" means a pupil's discretionary use of  
5 his or her prescribed asthma medication or epinephrine  
6 injector.

7 "Self-carry" means a pupil's ability to carry his or her  
8 prescribed asthma medication or epinephrine injector.

9 "Standing protocol" may be issued by (i) a physician  
10 licensed to practice medicine in all its branches, (ii) a  
11 licensed physician assistant with prescriptive authority, or  
12 (iii) a licensed advanced practice registered nurse with  
13 prescriptive authority.

14 "Trained personnel" means any school employee or volunteer  
15 personnel authorized in Sections 10-22.34, 10-22.34a, and  
16 10-22.34b of this Code who has completed training under  
17 subsection (g) of this Section to recognize and respond to  
18 anaphylaxis, an opioid overdose, or respiratory distress.

19 "Undesignated asthma medication" means asthma medication  
20 prescribed in the name of a school district, public school,  
21 charter school, or nonpublic school.

22 "Undesignated epinephrine injector" means an epinephrine  
23 injector prescribed in the name of a school district, public  
24 school, charter school, or nonpublic school.

25 (b) A school, whether public, charter, or nonpublic, must  
26 permit the self-administration and self-carry of asthma

1 medication by a pupil with asthma or the self-administration  
2 and self-carry of an epinephrine injector by a pupil, provided  
3 that:

4 (1) the parents or guardians of the pupil provide to  
5 the school (i) written authorization from the parents or  
6 guardians for (A) the self-administration and self-carry  
7 of asthma medication or (B) the self-carry of asthma  
8 medication or (ii) for (A) the self-administration and  
9 self-carry of an epinephrine injector or (B) the  
10 self-carry of an epinephrine injector, written  
11 authorization from the pupil's physician, physician  
12 assistant, or advanced practice registered nurse; and

13 (2) the parents or guardians of the pupil provide to  
14 the school (i) the prescription label, which must contain  
15 the name of the asthma medication, the prescribed dosage,  
16 and the time at which or circumstances under which the  
17 asthma medication is to be administered, or (ii) for the  
18 self-administration or self-carry of an epinephrine  
19 injector, a written statement from the pupil's physician,  
20 physician assistant, or advanced practice registered nurse  
21 containing the following information:

22 (A) the name and purpose of the epinephrine  
23 injector;

24 (B) the prescribed dosage; and

25 (C) the time or times at which or the special  
26 circumstances under which the epinephrine injector is

1           to be administered.

2           The information provided shall be kept on file in the office of  
3           the school nurse or, in the absence of a school nurse, the  
4           school's administrator.

5           (b-5) A school district, public school, charter school, or  
6           nonpublic school may authorize the provision of a  
7           student-specific or undesignated epinephrine injector to a  
8           student or any personnel authorized under a student's  
9           Individual Health Care Action Plan, allergy emergency action  
10          plan, or plan pursuant to Section 504 of the federal  
11          Rehabilitation Act of 1973 to administer an epinephrine  
12          injector to the student, that meets the student's prescription  
13          on file.

14          (b-10) The school district, public school, charter school,  
15          or nonpublic school may authorize a school nurse or trained  
16          personnel to do the following: (i) provide an undesignated  
17          epinephrine injector to a student for self-administration only  
18          or any personnel authorized under a student's Individual  
19          Health Care Action Plan, allergy emergency action plan, plan  
20          pursuant to Section 504 of the federal Rehabilitation Act of  
21          1973, or individualized education program plan to administer  
22          to the student that meets the student's prescription on file;  
23          (ii) administer an undesignated epinephrine injector that  
24          meets the prescription on file to any student who has an  
25          Individual Health Care Action Plan, allergy emergency action  
26          plan, plan pursuant to Section 504 of the federal

1 Rehabilitation Act of 1973, or individualized education  
2 program plan that authorizes the use of an epinephrine  
3 injector; (iii) administer an undesignated epinephrine  
4 injector to any person that the school nurse or trained  
5 personnel in good faith believes is having an anaphylactic  
6 reaction; (iv) administer an opioid antagonist to any person  
7 that the school nurse or trained personnel in good faith  
8 believes is having an opioid overdose; (v) provide  
9 undesignated asthma medication to a student for  
10 self-administration only or to any personnel authorized under  
11 a student's Individual Health Care Action Plan or asthma  
12 action plan, plan pursuant to Section 504 of the federal  
13 Rehabilitation Act of 1973, or individualized education  
14 program plan to administer to the student that meets the  
15 student's prescription on file; (vi) administer undesignated  
16 asthma medication that meets the prescription on file to any  
17 student who has an Individual Health Care Action Plan or  
18 asthma action plan, plan pursuant to Section 504 of the  
19 federal Rehabilitation Act of 1973, or individualized  
20 education program plan that authorizes the use of asthma  
21 medication; and (vii) administer undesignated asthma  
22 medication to any person that the school nurse or trained  
23 personnel believes in good faith is having respiratory  
24 distress.

25 (c) The school district, public school, charter school, or  
26 nonpublic school must inform the parents or guardians of the



1 pupil, in writing, that the school district, public school,  
2 charter school, or nonpublic school and its employees and  
3 agents, including a physician, physician assistant, or  
4 advanced practice registered nurse providing standing protocol  
5 and a prescription for school epinephrine injectors, an opioid  
6 antagonist, or undesignated asthma medication, are to incur no  
7 liability or professional discipline, except for willful and  
8 wanton conduct, as a result of any injury arising from the  
9 administration of asthma medication, an epinephrine injector,  
10 or an opioid antagonist regardless of whether authorization  
11 was given by the pupil's parents or guardians or by the pupil's  
12 physician, physician assistant, or advanced practice  
13 registered nurse. The parents or guardians of the pupil must  
14 sign a statement acknowledging that the school district,  
15 public school, charter school, or nonpublic school and its  
16 employees and agents are to incur no liability, except for  
17 willful and wanton conduct, as a result of any injury arising  
18 from the administration of asthma medication, an epinephrine  
19 injector, or an opioid antagonist regardless of whether  
20 authorization was given by the pupil's parents or guardians or  
21 by the pupil's physician, physician assistant, or advanced  
22 practice registered nurse and that the parents or guardians  
23 must indemnify and hold harmless the school district, public  
24 school, charter school, or nonpublic school and its employees  
25 and agents against any claims, except a claim based on willful  
26 and wanton conduct, arising out of the administration of

1 asthma medication, an epinephrine injector, or an opioid  
2 antagonist regardless of whether authorization was given by  
3 the pupil's parents or guardians or by the pupil's physician,  
4 physician assistant, or advanced practice registered nurse.

5 (c-5) When a school nurse or trained personnel administers  
6 an undesignated epinephrine injector to a person whom the  
7 school nurse or trained personnel in good faith believes is  
8 having an anaphylactic reaction, administers an opioid  
9 antagonist to a person whom the school nurse or trained  
10 personnel in good faith believes is having an opioid overdose,  
11 or administers undesignated asthma medication to a person whom  
12 the school nurse or trained personnel in good faith believes  
13 is having respiratory distress, notwithstanding the lack of  
14 notice to the parents or guardians of the pupil or the absence  
15 of the parents or guardians signed statement acknowledging no  
16 liability, except for willful and wanton conduct, the school  
17 district, public school, charter school, or nonpublic school  
18 and its employees and agents, and a physician, a physician  
19 assistant, or an advanced practice registered nurse providing  
20 standing protocol and a prescription for undesignated  
21 epinephrine injectors, an opioid antagonist, or undesignated  
22 asthma medication, are to incur no liability or professional  
23 discipline, except for willful and wanton conduct, as a result  
24 of any injury arising from the use of an undesignated  
25 epinephrine injector, the use of an opioid antagonist, or the  
26 use of undesignated asthma medication, regardless of whether

1 authorization was given by the pupil's parents or guardians or  
2 by the pupil's physician, physician assistant, or advanced  
3 practice registered nurse.

4 (d) The permission for self-administration and self-carry  
5 of asthma medication or the self-administration and self-carry  
6 of an epinephrine injector is effective for the school year  
7 for which it is granted and shall be renewed each subsequent  
8 school year upon fulfillment of the requirements of this  
9 Section.

10 (e) Provided that the requirements of this Section are  
11 fulfilled, a pupil with asthma may self-administer and  
12 self-carry his or her asthma medication or a pupil may  
13 self-administer and self-carry an epinephrine injector (i)  
14 while in school, (ii) while at a school-sponsored activity,  
15 (iii) while under the supervision of school personnel, or (iv)  
16 before or after normal school activities, such as while in  
17 before-school or after-school care on school-operated property  
18 or while being transported on a school bus.

19 (e-5) Provided that the requirements of this Section are  
20 fulfilled, a school nurse or trained personnel may administer  
21 an undesignated epinephrine injector to any person whom the  
22 school nurse or trained personnel in good faith believes to be  
23 having an anaphylactic reaction (i) while in school, (ii)  
24 while at a school-sponsored activity, (iii) while under the  
25 supervision of school personnel, or (iv) before or after  
26 normal school activities, such as while in before-school or

1 after-school care on school-operated property or while being  
2 transported on a school bus. A school nurse or trained  
3 personnel may carry undesignated epinephrine injectors on his  
4 or her person while in school or at a school-sponsored  
5 activity.

6 (e-10) Provided that the requirements of this Section are  
7 fulfilled, a school nurse or trained personnel may administer  
8 an opioid antagonist to any person whom the school nurse or  
9 trained personnel in good faith believes to be having an  
10 opioid overdose (i) while in school, (ii) while at a  
11 school-sponsored activity, (iii) while under the supervision  
12 of school personnel, or (iv) before or after normal school  
13 activities, such as while in before-school or after-school  
14 care on school-operated property. A school nurse or trained  
15 personnel may carry an opioid antagonist on his or her person  
16 while in school or at a school-sponsored activity.

17 (e-15) If the requirements of this Section are met, a  
18 school nurse or trained personnel may administer undesignated  
19 asthma medication to any person whom the school nurse or  
20 trained personnel in good faith believes to be experiencing  
21 respiratory distress (i) while in school, (ii) while at a  
22 school-sponsored activity, (iii) while under the supervision  
23 of school personnel, or (iv) before or after normal school  
24 activities, including before-school or after-school care on  
25 school-operated property. A school nurse or trained personnel  
26 may carry undesignated asthma medication on his or her person

1 while in school or at a school-sponsored activity.

2 (f) The school district, public school, charter school, or  
3 nonpublic school may maintain a supply of undesignated  
4 epinephrine injectors in any secure location that is  
5 accessible before, during, and after school where an allergic  
6 person is most at risk, including, but not limited to,  
7 classrooms and lunchrooms. A physician, a physician assistant  
8 who has prescriptive authority in accordance with Section 7.5  
9 of the Physician Assistant Practice Act of 1987, or an  
10 advanced practice registered nurse who has prescriptive  
11 authority in accordance with Section 65-40 of the Nurse  
12 Practice Act may prescribe undesignated epinephrine injectors  
13 in the name of the school district, public school, charter  
14 school, or nonpublic school to be maintained for use when  
15 necessary. Any supply of epinephrine injectors shall be  
16 maintained in accordance with the manufacturer's instructions.

17 The school district, public school, charter school, or  
18 nonpublic school shall maintain a supply of an opioid  
19 antagonist in any secure location where an individual may have  
20 an opioid overdose, unless there is a shortage of opioid  
21 antagonists, in which case the school district, public school,  
22 charter school, or nonpublic school shall make a reasonable  
23 effort to maintain a supply of an opioid antagonist. Unless  
24 the school district, public school, charter school, or  
25 nonpublic school is able to obtain opioid antagonists without  
26 a prescription, a health care professional who has been

1 delegated prescriptive authority for opioid antagonists in  
2 accordance with Section 5-23 of the Substance Use Disorder Act  
3 shall prescribe opioid antagonists in the name of the school  
4 district, public school, charter school, or nonpublic school,  
5 to be maintained for use when necessary. Any supply of opioid  
6 antagonists shall be maintained in accordance with the  
7 manufacturer's instructions.

8 The school district, public school, charter school, or  
9 nonpublic school may maintain a supply of asthma medication in  
10 any secure location that is accessible before, during, or  
11 after school where a person is most at risk, including, but not  
12 limited to, a classroom or the nurse's office. A physician, a  
13 physician assistant who has prescriptive authority under  
14 Section 7.5 of the Physician Assistant Practice Act of 1987,  
15 or an advanced practice registered nurse who has prescriptive  
16 authority under Section 65-40 of the Nurse Practice Act may  
17 prescribe undesignated asthma medication in the name of the  
18 school district, public school, charter school, or nonpublic  
19 school to be maintained for use when necessary. Any supply of  
20 undesignated asthma medication must be maintained in  
21 accordance with the manufacturer's instructions.

22 A school district that provides special educational  
23 facilities for children with disabilities under Section  
24 14-4.01 of this Code may maintain a supply of undesignated  
25 oxygen tanks in any secure location that is accessible before,  
26 during, and after school where a person with developmental

1 disabilities is most at risk, including, but not limited to,  
2 classrooms and lunchrooms. A physician, a physician assistant  
3 who has prescriptive authority in accordance with Section 7.5  
4 of the Physician Assistant Practice Act of 1987, or an  
5 advanced practice registered nurse who has prescriptive  
6 authority in accordance with Section 65-40 of the Nurse  
7 Practice Act may prescribe undesignated oxygen tanks in the  
8 name of the school district that provides special educational  
9 facilities for children with disabilities under Section  
10 14-4.01 of this Code to be maintained for use when necessary.  
11 Any supply of oxygen tanks shall be maintained in accordance  
12 with the manufacturer's instructions and with the local fire  
13 department's rules.

14 (f-3) Whichever entity initiates the process of obtaining  
15 undesignated epinephrine injectors and providing training to  
16 personnel for carrying and administering undesignated  
17 epinephrine injectors shall pay for the costs of the  
18 undesignated epinephrine injectors.

19 (f-5) Upon any administration of an epinephrine injector,  
20 a school district, public school, charter school, or nonpublic  
21 school must immediately activate the EMS system and notify the  
22 student's parent, guardian, or emergency contact, if known.

23 Upon any administration of an opioid antagonist, a school  
24 district, public school, charter school, or nonpublic school  
25 must immediately activate the EMS system and notify the  
26 student's parent, guardian, or emergency contact, if known.

1           (f-10) Within 24 hours of the administration of an  
2 undesignated epinephrine injector, a school district, public  
3 school, charter school, or nonpublic school must notify the  
4 physician, physician assistant, or advanced practice  
5 registered nurse who provided the standing protocol and a  
6 prescription for the undesignated epinephrine injector of its  
7 use.

8           Within 24 hours after the administration of an opioid  
9 antagonist, a school district, public school, charter school,  
10 or nonpublic school must notify the health care professional  
11 who provided the prescription for the opioid antagonist of its  
12 use.

13           Within 24 hours after the administration of undesignated  
14 asthma medication, a school district, public school, charter  
15 school, or nonpublic school must notify the student's parent  
16 or guardian or emergency contact, if known, and the physician,  
17 physician assistant, or advanced practice registered nurse who  
18 provided the standing protocol and a prescription for the  
19 undesignated asthma medication of its use. The district or  
20 school must follow up with the school nurse, if available, and  
21 may, with the consent of the child's parent or guardian,  
22 notify the child's health care provider of record, as  
23 determined under this Section, of its use.

24           (g) Prior to the administration of an undesignated  
25 epinephrine injector, trained personnel must submit to the  
26 school's administration proof of completion of a training



1 curriculum to recognize and respond to anaphylaxis that meets  
2 the requirements of subsection (h) of this Section. Training  
3 must be completed annually. The school district, public  
4 school, charter school, or nonpublic school must maintain  
5 records related to the training curriculum and trained  
6 personnel.

7 Prior to the administration of an opioid antagonist,  
8 trained personnel must submit to the school's administration  
9 proof of completion of a training curriculum to recognize and  
10 respond to an opioid overdose, which curriculum must meet the  
11 requirements of subsection (h-5) of this Section. The school  
12 district, public school, charter school, or nonpublic school  
13 must maintain records relating to the training curriculum and  
14 the trained personnel.

15 Prior to the administration of undesignated asthma  
16 medication, trained personnel must submit to the school's  
17 administration proof of completion of a training curriculum to  
18 recognize and respond to respiratory distress, which must meet  
19 the requirements of subsection (h-10) of this Section.  
20 Training must be completed annually, and the school district,  
21 public school, charter school, or nonpublic school must  
22 maintain records relating to the training curriculum and the  
23 trained personnel.

24 (h) A training curriculum to recognize and respond to  
25 anaphylaxis, including the administration of an undesignated  
26 epinephrine injector, may be conducted online or in person.

1 Training shall include, but is not limited to:

2 (1) how to recognize signs and symptoms of an allergic  
3 reaction, including anaphylaxis;

4 (2) how to administer an epinephrine injector; and

5 (3) a test demonstrating competency of the knowledge  
6 required to recognize anaphylaxis and administer an  
7 epinephrine injector.

8 Training may also include, but is not limited to:

9 (A) a review of high-risk areas within a school and  
10 its related facilities;

11 (B) steps to take to prevent exposure to allergens;

12 (C) emergency follow-up procedures, including the  
13 importance of calling 9-1-1 or, if 9-1-1 is not available,  
14 other local emergency medical services;

15 (D) how to respond to a student with a known allergy,  
16 as well as a student with a previously unknown allergy;

17 (E) other criteria as determined in rules adopted  
18 pursuant to this Section; and

19 (F) any policy developed by the State Board of  
20 Education under Section 2-3.190.

21 In consultation with statewide professional organizations  
22 representing physicians licensed to practice medicine in all  
23 of its branches, registered nurses, and school nurses, the  
24 State Board of Education shall make available resource  
25 materials consistent with criteria in this subsection (h) for  
26 educating trained personnel to recognize and respond to

1 anaphylaxis. The State Board may take into consideration the  
2 curriculum on this subject developed by other states, as well  
3 as any other curricular materials suggested by medical experts  
4 and other groups that work on life-threatening allergy issues.  
5 The State Board is not required to create new resource  
6 materials. The State Board shall make these resource materials  
7 available on its Internet website.

8 (h-5) A training curriculum to recognize and respond to an  
9 opioid overdose, including the administration of an opioid  
10 antagonist, may be conducted online or in person. The training  
11 must comply with any training requirements under Section 5-23  
12 of the Substance Use Disorder Act and the corresponding rules.  
13 It must include, but is not limited to:

- 14 (1) how to recognize symptoms of an opioid overdose;
- 15 (2) information on drug overdose prevention and  
16 recognition;
- 17 (3) how to perform rescue breathing and resuscitation;
- 18 (4) how to respond to an emergency involving an opioid  
19 overdose;
- 20 (5) opioid antagonist dosage and administration;
- 21 (6) the importance of calling 9-1-1 or, if 9-1-1 is  
22 not available, other local emergency medical services;
- 23 (7) care for the overdose victim after administration  
24 of the overdose antagonist;
- 25 (8) a test demonstrating competency of the knowledge  
26 required to recognize an opioid overdose and administer a

1 dose of an opioid antagonist; and

2 (9) other criteria as determined in rules adopted  
3 pursuant to this Section.

4 (h-10) A training curriculum to recognize and respond to  
5 respiratory distress, including the administration of  
6 undesignated asthma medication, may be conducted online or in  
7 person. The training must include, but is not limited to:

8 (1) how to recognize symptoms of respiratory distress  
9 and how to distinguish respiratory distress from  
10 anaphylaxis;

11 (2) how to respond to an emergency involving  
12 respiratory distress;

13 (3) asthma medication dosage and administration;

14 (4) the importance of calling 9-1-1 or, if 9-1-1 is  
15 not available, other local emergency medical services;

16 (5) a test demonstrating competency of the knowledge  
17 required to recognize respiratory distress and administer  
18 asthma medication; and

19 (6) other criteria as determined in rules adopted  
20 under this Section.

21 (i) Within 3 days after the administration of an  
22 undesignated epinephrine injector by a school nurse, trained  
23 personnel, or a student at a school or school-sponsored  
24 activity, the school must report to the State Board of  
25 Education in a form and manner prescribed by the State Board  
26 the following information:

1           (1) age and type of person receiving epinephrine  
2           (student, staff, visitor);

3           (2) any previously known diagnosis of a severe  
4           allergy;

5           (3) trigger that precipitated allergic episode;

6           (4) location where symptoms developed;

7           (5) number of doses administered;

8           (6) type of person administering epinephrine (school  
9           nurse, trained personnel, student); and

10          (7) any other information required by the State Board.

11          If a school district, public school, charter school, or  
12          nonpublic school maintains or has an independent contractor  
13          providing transportation to students who maintains a supply of  
14          undesignated epinephrine injectors, then the school district,  
15          public school, charter school, or nonpublic school must report  
16          that information to the State Board of Education upon adoption  
17          or change of the policy of the school district, public school,  
18          charter school, nonpublic school, or independent contractor,  
19          in a manner as prescribed by the State Board. The report must  
20          include the number of undesignated epinephrine injectors in  
21          supply.

22          (i-5) Within 3 days after the administration of an opioid  
23          antagonist by a school nurse or trained personnel, the school  
24          must report to the State Board of Education, in a form and  
25          manner prescribed by the State Board, the following  
26          information:

1           (1) the age and type of person receiving the opioid  
2 antagonist (student, staff, or visitor);

3           (2) the location where symptoms developed;

4           (3) the type of person administering the opioid  
5 antagonist (school nurse or trained personnel); and

6           (4) any other information required by the State Board.

7           (i-10) Within 3 days after the administration of  
8 undesignated asthma medication by a school nurse, trained  
9 personnel, or a student at a school or school-sponsored  
10 activity, the school must report to the State Board of  
11 Education, on a form and in a manner prescribed by the State  
12 Board of Education, the following information:

13           (1) the age and type of person receiving the asthma  
14 medication (student, staff, or visitor);

15           (2) any previously known diagnosis of asthma for the  
16 person;

17           (3) the trigger that precipitated respiratory  
18 distress, if identifiable;

19           (4) the location of where the symptoms developed;

20           (5) the number of doses administered;

21           (6) the type of person administering the asthma  
22 medication (school nurse, trained personnel, or student);

23           (7) the outcome of the asthma medication  
24 administration; and

25           (8) any other information required by the State Board.

26           (j) By October 1, 2015 and every year thereafter, the

1 State Board of Education shall submit a report to the General  
2 Assembly identifying the frequency and circumstances of  
3 undesignated epinephrine and undesignated asthma medication  
4 administration during the preceding academic year. Beginning  
5 with the 2017 report, the report shall also contain  
6 information on which school districts, public schools, charter  
7 schools, and nonpublic schools maintain or have independent  
8 contractors providing transportation to students who maintain  
9 a supply of undesignated epinephrine injectors. This report  
10 shall be published on the State Board's Internet website on  
11 the date the report is delivered to the General Assembly.

12 (j-5) Annually, each school district, public school,  
13 charter school, or nonpublic school shall request an asthma  
14 action plan from the parents or guardians of a pupil with  
15 asthma. If provided, the asthma action plan must be kept on  
16 file in the office of the school nurse or, in the absence of a  
17 school nurse, the school administrator. Copies of the asthma  
18 action plan may be distributed to appropriate school staff who  
19 interact with the pupil on a regular basis, and, if  
20 applicable, may be attached to the pupil's federal Section 504  
21 plan or individualized education program plan.

22 (j-10) To assist schools with emergency response  
23 procedures for asthma, the State Board of Education, in  
24 consultation with statewide professional organizations with  
25 expertise in asthma management and a statewide organization  
26 representing school administrators, shall develop a model

1 asthma episode emergency response protocol before September 1,  
2 2016. Each school district, charter school, and nonpublic  
3 school shall adopt an asthma episode emergency response  
4 protocol before January 1, 2017 that includes all of the  
5 components of the State Board's model protocol.

6 (j-15) (Blank).

7 (j-20) On or before October 1, 2016 and every year  
8 thereafter, the State Board of Education shall submit a report  
9 to the General Assembly and the Department of Public Health  
10 identifying the frequency and circumstances of opioid  
11 antagonist administration during the preceding academic year.  
12 This report shall be published on the State Board's Internet  
13 website on the date the report is delivered to the General  
14 Assembly.

15 (k) The State Board of Education may adopt rules necessary  
16 to implement this Section.

17 (l) Nothing in this Section shall limit the amount of  
18 epinephrine injectors that any type of school or student may  
19 carry or maintain a supply of.

20 (Source: P.A. 102-413, eff. 8-20-21; 102-813, eff. 5-13-22;  
21 103-175, eff. 6-30-23; 103-196, eff. 1-1-24; 103-348, eff.  
22 1-1-24; 103-542, eff. 7-1-24 (see Section 905 of P.A. 103-563  
23 for effective date of P.A. 103-542); revised 11-27-23.)

24 (105 ILCS 5/22-95)

25 (This Section may contain text from a Public Act with a



1 delayed effective date)

2 Sec. 22-95. Policy on discrimination, harassment, and  
3 retaliation; response procedures.

4 (a) As used in this Section, "policy" means either the use  
5 of a singular policy or multiple policies.

6 (b) Each school district, charter school, or nonpublic,  
7 nonsectarian elementary or secondary school must create,  
8 implement, and maintain at least one written policy that  
9 prohibits discrimination and harassment based on race, color,  
10 and national origin and prohibits retaliation. The policy may  
11 be included as part of a broader anti-harassment or  
12 anti-discrimination policy, provided that the policy  
13 prohibiting discrimination and harassment based on race,  
14 color, and national origin and retaliation shall be  
15 distinguished with an appropriate title, heading, or label.  
16 This policy must comply with and be distributed in accordance  
17 with all of the following:

18 (1) The policy must be in writing and must include at a  
19 minimum, the following information:

20 (A) descriptions of various forms of  
21 discrimination and harassment based on race, color,  
22 and national origin, including examples;

23 (B) the school district's, charter school's, or  
24 nonpublic, nonsectarian elementary or secondary  
25 school's internal process for filing a complaint  
26 regarding a violation of the policy described in this

1 subsection, or a reference to that process if  
2 described elsewhere in policy;

3 (C) an overview of the school district's, charter  
4 school's, or nonpublic, nonsectarian elementary or  
5 secondary school's prevention and response program  
6 pursuant to subsection (c);

7 (D) potential remedies for a violation of the  
8 policy described in this subsection;

9 (E) a prohibition on retaliation for making a  
10 complaint or participating in the complaint process;

11 (F) the legal recourse available through the  
12 Department of Human Rights and through federal  
13 agencies if a school district, charter school, or  
14 nonpublic, nonsectarian elementary or secondary school  
15 fails to take corrective action, or a reference to  
16 that process if described elsewhere in policy; and

17 (G) directions on how to contact the Department of  
18 Human Rights or a reference to those directions if  
19 described elsewhere in the policy.

20 The policy shall make clear that the policy does not  
21 impair or otherwise diminish the rights of unionized  
22 employees under federal law, State law, or a collective  
23 bargaining agreement to request an exclusive bargaining  
24 representative to be present during investigator  
25 interviews, nor does the policy diminish any rights  
26 available under the applicable negotiated collective

1 bargaining agreement, including, but not limited to, the  
2 grievance procedure.

3 (2) The policy described in this subsection shall be  
4 posted in a prominent and accessible location and  
5 distributed in such a manner as to ensure notice of the  
6 policy to all employees. If the school district, charter  
7 school, or nonpublic, nonsectarian elementary or secondary  
8 school maintains an Internet website or has an employee  
9 Intranet, the website or Intranet shall be considered a  
10 prominent and accessible location for the purpose of this  
11 paragraph (2). Posting and distribution shall be  
12 effectuated by the beginning of the 2024-2025 school year  
13 and shall occur annually thereafter.

14 (3) The policy described in this subsection shall be  
15 published on the school district's, charter school's, or  
16 nonpublic, nonsectarian elementary or secondary school's  
17 Internet website, if one exists, and in a student  
18 handbook, if one exists. A summary of the policy in  
19 accessible, age-appropriate language shall be distributed  
20 annually to students and to the parents or guardians of  
21 minor students. School districts, charter schools, and  
22 nonpublic, nonsectarian elementary or secondary schools  
23 shall provide a summary of the policy in the parent or  
24 guardian's native language. For the annual distribution of  
25 the summary, inclusion of the summary in a student  
26 handbook is deemed compliant.

1 (c) Each school district, charter school, and nonpublic,  
2 nonsectarian elementary or secondary school must establish  
3 procedures for responding to complaints of discrimination and  
4 harassment based on race, color, and national origin and  
5 retaliation. These procedures must comply with subsection (b)  
6 of this Section. Based on these procedures, school districts,  
7 charter schools, and nonpublic, nonsectarian elementary or  
8 secondary schools:

9 (1) shall reduce or remove, to the extent practicable,  
10 barriers to reporting discrimination, harassment, and  
11 retaliation;

12 (2) shall permit any person who reports or is the  
13 victim of an incident of alleged discrimination,  
14 harassment, or retaliation to be accompanied when making a  
15 report by a support individual of the person's choice who  
16 complies with the school district's, charter school's, or  
17 nonpublic, nonsectarian elementary or secondary school's  
18 policies or rules;

19 (3) shall permit anonymous reporting, except that this  
20 paragraph (3) may not be construed to permit formal  
21 disciplinary action solely on the basis of an anonymous  
22 report;

23 (4) shall offer remedial interventions or take such  
24 disciplinary action as may be appropriate on a  
25 case-by-case basis;

26 (5) may offer, but not require or unduly influence, a

1 person who reports or is the victim of an incident of  
2 discrimination, harassment, or retaliation the option to  
3 resolve allegations directly with the offender; and

4 (6) may not cause a person who reports or is the victim  
5 of an incident of discrimination, harassment, or  
6 retaliation to suffer adverse consequences as a result of  
7 a report of, an investigation of, or a response to the  
8 incident; this protection may not permit victims to engage  
9 in retaliation against the offender or limit a school  
10 district, charter school, or nonpublic, nonsectarian  
11 elementary or secondary school from applying disciplinary  
12 measures in response to other acts or conduct not related  
13 to the process of reporting, investigating, or responding  
14 to a report of an incident of discrimination, harassment,  
15 or retaliation.

16 (Source: P.A. 103-472, eff. 8-1-24.)

17 (105 ILCS 5/22-97)

18 (Section scheduled to be repealed on February 1, 2029)

19 Sec. 22-97 ~~22-95~~. Whole Child Task Force.

20 (a) The General Assembly makes all of the following  
21 findings:

22 (1) The COVID-19 pandemic has exposed systemic  
23 inequities in American society. Students, educators, and  
24 families throughout this State have been deeply affected  
25 by the pandemic, and the impact of the pandemic will be

1           felt for years to come. The negative consequences of the  
2           pandemic have impacted students and communities  
3           differently along the lines of race, income, language, and  
4           special needs. However, students in this State faced  
5           significant unmet physical health, mental health, and  
6           social and emotional needs even prior to the pandemic.

7           (2) The path to recovery requires a commitment from  
8           adults in this State to address our students cultural,  
9           physical, emotional, and mental health needs and to  
10          provide them with stronger and increased systemic support  
11          and intervention.

12          (3) It is well documented that trauma and toxic stress  
13          diminish a child's ability to thrive. Forms of childhood  
14          trauma and toxic stress include adverse childhood  
15          experiences, systemic racism, poverty, food and housing  
16          insecurity, and gender-based violence. The COVID-19  
17          pandemic has exacerbated these issues and brought them  
18          into focus.

19          (4) It is estimated that, overall, approximately 40%  
20          of children in this State have experienced at least one  
21          adverse childhood experience and approximately 10% have  
22          experienced 3 or more adverse childhood experiences.  
23          However, the number of adverse childhood experiences is  
24          higher for Black and Hispanic children who are growing up  
25          in poverty. The COVID-19 pandemic has amplified the number  
26          of students who have experienced childhood trauma. Also,

1 the COVID-19 pandemic has highlighted preexisting  
2 inequities in school disciplinary practices that  
3 disproportionately impact Black and Brown students.  
4 Research shows, for example, that girls of color are  
5 disproportionately impacted by trauma, adversity, and  
6 abuse, and instead of receiving the care and  
7 trauma-informed support they may need, many Black girls in  
8 particular face disproportionately harsh disciplinary  
9 measures.

10 (5) The cumulative effects of trauma and toxic stress  
11 adversely impact the physical health of students, as well  
12 as the students' ability to learn, form relationships, and  
13 self-regulate. If left unaddressed, these effects increase  
14 a student's risk for depression, alcoholism, anxiety,  
15 asthma, smoking, and suicide, all of which are risks that  
16 disproportionately affect Black youth and may lead to a  
17 host of medical diseases as an adult. Access to infant and  
18 early childhood mental health services is critical to  
19 ensure the social and emotional well-being of this State's  
20 youngest children, particularly those children who have  
21 experienced trauma.

22 (6) Although this State enacted measures through  
23 Public Act 100-105 to address the high rate of early care  
24 and preschool expulsions of infants, toddlers, and  
25 preschoolers and the disproportionately higher rate of  
26 expulsion for Black and Hispanic children, a recent study

1 found a wide variation in the awareness, understanding,  
2 and compliance with the law by providers of early  
3 childhood care. Further work is needed to implement the  
4 law, which includes providing training to early childhood  
5 care providers to increase the providers' understanding of  
6 the law, increasing the availability and access to infant  
7 and early childhood mental health services, and building  
8 aligned data collection systems to better understand  
9 expulsion rates and to allow for accurate reporting as  
10 required by the law.

11 (7) Many educators and schools in this State have  
12 embraced and implemented evidence-based restorative  
13 justice and trauma-responsive and culturally relevant  
14 practices and interventions. However, the use of these  
15 interventions on students is often isolated or is  
16 implemented occasionally and only if the school has the  
17 appropriate leadership, resources, and partners available  
18 to engage seriously in this work. It would be malpractice  
19 to deny our students access to these practices and  
20 interventions, especially in the aftermath of a  
21 once-in-a-century pandemic.

22 (b) The Whole Child Task Force created by Public Act  
23 101-654 is reestablished for the purpose of establishing an  
24 equitable, inclusive, safe, and supportive environment in all  
25 schools for every student in this State. The task force shall  
26 have all of the following goals, which means key steps have to



1 be taken to ensure that every child in every school in this  
2 State has access to teachers, social workers, school leaders,  
3 support personnel, and others who have been trained in  
4 evidence-based interventions and restorative practices:

5 (1) To create a common definition of a  
6 trauma-responsive school, a trauma-responsive district,  
7 and a trauma-responsive community.

8 (2) To outline the training and resources required to  
9 create and sustain a system of support for  
10 trauma-responsive schools, districts, and communities and  
11 to identify this State's role in that work, including  
12 recommendations concerning options for redirecting  
13 resources from school resource officers to classroom-based  
14 support.

15 (3) To identify or develop a process to conduct an  
16 analysis of the organizations that provide training in  
17 restorative practices, implicit bias, anti-racism, and  
18 trauma-responsive systems, mental health services, and  
19 social and emotional services to schools.

20 (4) To provide recommendations concerning the key data  
21 to be collected and reported to ensure that this State has  
22 a full and accurate understanding of the progress toward  
23 ensuring that all schools, including programs and  
24 providers of care to pre-kindergarten children, employ  
25 restorative, anti-racist, and trauma-responsive  
26 strategies and practices. The data collected must include

1 information relating to the availability of trauma  
2 responsive support structures in schools, as well as  
3 disciplinary practices employed on students in person or  
4 through other means, including during remote or blended  
5 learning. It should also include information on the use of  
6 and funding for school resource officers and other similar  
7 police personnel in school programs.

8 (5) To recommend an implementation timeline, including  
9 the key roles, responsibilities, and resources to advance  
10 this State toward a system in which every school,  
11 district, and community is progressing toward becoming  
12 trauma-responsive.

13 (6) To seek input and feedback from stakeholders,  
14 including parents, students, and educators, who reflect  
15 the diversity of this State.

16 (7) To recommend legislation, policies, and practices  
17 to prevent learning loss in students during periods of  
18 suspension and expulsion, including, but not limited to,  
19 remote instruction.

20 (c) Members of the Whole Child Task Force shall be  
21 appointed by the State Superintendent of Education. Members of  
22 this task force must represent the diversity of this State and  
23 possess the expertise needed to perform the work required to  
24 meet the goals of the task force set forth under subsection  
25 (a). Members of the task force shall include all of the  
26 following:

1           (1) One member of a statewide professional teachers'  
2 organization.

3           (2) One member of another statewide professional  
4 teachers' organization.

5           (3) One member who represents a school district  
6 serving a community with a population of 500,000 or more.

7           (4) One member of a statewide organization  
8 representing social workers.

9           (5) One member of an organization that has specific  
10 expertise in trauma-responsive school practices and  
11 experience in supporting schools in developing  
12 trauma-responsive and restorative practices.

13           (6) One member of another organization that has  
14 specific expertise in trauma-responsive school practices  
15 and experience in supporting schools in developing  
16 trauma-responsive and restorative practices.

17           (7) One member of a statewide organization that  
18 represents school administrators.

19           (8) One member of a statewide policy organization that  
20 works to build a healthy public education system that  
21 prepares all students for a successful college, career,  
22 and civic life.

23           (9) One member of a statewide organization that brings  
24 teachers together to identify and address issues critical  
25 to student success.

26           (10) One member of the General Assembly recommended by

1 the President of the Senate.

2 (11) One member of the General Assembly recommended by  
3 the Speaker of the House of Representatives.

4 (12) One member of the General Assembly recommended by  
5 the Minority Leader of the Senate.

6 (13) One member of the General Assembly recommended by  
7 the Minority Leader of the House of Representatives.

8 (14) One member of a civil rights organization that  
9 works actively on issues regarding student support.

10 (15) One administrator from a school district that has  
11 actively worked to develop a system of student support  
12 that uses a trauma-informed lens.

13 (16) One educator from a school district that has  
14 actively worked to develop a system of student support  
15 that uses a trauma-informed lens.

16 (17) One member of a youth-led organization.

17 (18) One member of an organization that has  
18 demonstrated expertise in restorative practices.

19 (19) One member of a coalition of mental health and  
20 school practitioners who assist schools in developing and  
21 implementing trauma-informed and restorative strategies  
22 and systems.

23 (20) One member of an organization whose mission is to  
24 promote the safety, health, and economic success of  
25 children, youth, and families in this State.

26 (21) One member who works or has worked as a

1 restorative justice coach or disciplinarian.

2 (22) One member who works or has worked as a social  
3 worker.

4 (23) One member of the State Board of Education.

5 (24) One member who represents a statewide principals'  
6 organization.

7 (25) One member who represents a statewide  
8 organization of school boards.

9 (26) One member who has expertise in pre-kindergarten  
10 education.

11 (27) One member who represents a school social worker  
12 association.

13 (28) One member who represents an organization that  
14 represents school districts in the south suburbs of the  
15 City of Chicago.

16 (29) One member who is a licensed clinical  
17 psychologist who (i) has a doctor of philosophy in the  
18 field of clinical psychology and has an appointment at an  
19 independent free-standing children's hospital located in  
20 the City of Chicago, (ii) serves as an associate professor  
21 at a medical school located in the City of Chicago, and  
22 (iii) serves as the clinical director of a coalition of  
23 voluntary collaboration of organizations that are  
24 committed to applying a trauma lens to the member's  
25 efforts on behalf of families and children in the State.

26 (30) One member who represents a school district in

1 the west suburbs of the City of Chicago.

2 (31) One member from a governmental agency who has  
3 expertise in child development and who is responsible for  
4 coordinating early childhood mental health programs and  
5 services.

6 (32) One member who has significant expertise in early  
7 childhood mental health and childhood trauma.

8 (33) One member who represents an organization that  
9 represents school districts in the collar counties around  
10 the City of Chicago.

11 (34) One member who represents an organization  
12 representing regional offices of education.

13 (d) The Whole Child Task Force shall meet at the call of  
14 the State Superintendent of Education or his or her designee,  
15 who shall serve as the chairperson. The State Board of  
16 Education shall provide administrative and other support to  
17 the task force. Members of the task force shall serve without  
18 compensation.

19 (e) The Whole Child Task Force shall reconvene by March  
20 2027 to review progress on the recommendations in the March  
21 2022 report submitted pursuant to Public Act 101-654 and shall  
22 submit a new report on its assessment of the State's progress  
23 and any additional recommendations to the General Assembly,  
24 the Illinois Legislative Black Caucus, the State Board of  
25 Education, and the Governor on or before December 31, 2027.

26 (f) This Section is repealed on February 1, 2029.

1 (Source: P.A. 103-413, eff. 1-1-24; revised 9-25-23.)

2 (105 ILCS 5/22-98)

3 Sec. 22-98 ~~22-95~~. Retirement and deferred compensation  
4 plans.

5 (a) This Section applies only to school districts, other  
6 than a school district organized under Article 34, with a  
7 full-time licensed teacher population of 575 or more teachers  
8 that maintain a 457 plan. Every applicable school district  
9 shall make available to participants more than one financial  
10 institution or investment provider to provide services to the  
11 school district's 457 plan.

12 (b) A financial institution or investment provider, by  
13 entering into a written agreement, may offer or provide  
14 services to a plan offered, established, or maintained by a  
15 school district under Section 457 of the Internal Revenue Code  
16 of 1986 if the written agreement is not combined with any other  
17 written agreement for the administration of the school  
18 district's 457 plan.

19 Each school district that offers a 457 plan shall make  
20 available to participants, in the manner provided in  
21 subsection (d), more than one financial institution or  
22 investment provider that has not entered into a written  
23 agreement to provide administration services and that provides  
24 services to a 457 plan offered to school districts.

25 (c) A financial institution or investment provider

1 providing services for any plan offered, established, or  
2 maintained by a school district under Section 457 of the  
3 Internal Revenue Code of 1986 shall:

4 (1) enter into an agreement with the school district  
5 or the school district's independent compliance  
6 administrator that requires the financial institution or  
7 investment provider to provide, in an electronic format,  
8 all data necessary for the administration of the 457 plan,  
9 as determined by the school district or the school  
10 district's compliance administrator;

11 (2) provide all data required by the school district  
12 or the school district's compliance administrator to  
13 facilitate disclosure of all fees, charges, expenses,  
14 commissions, compensation, and payments to third parties  
15 related to investments offered under the 457 plan; and

16 (3) cover all plan administration costs agreed to by  
17 the school district relating to the administration of the  
18 457 plan.

19 (d) A school district that offers, establishes, or  
20 maintains a plan under Section 457 of the Internal Revenue  
21 Code of 1986, except for a plan established under Section  
22 16-204 of the Illinois Pension Code, shall select more than  
23 one financial institution or investment provider, in addition  
24 to the financial institution or investment provider that has  
25 entered into a written agreement under subsection (b), to  
26 provide services to the 457 plan. A financial institution or



1 investment provider shall be designated a 457 plan provider if  
2 the financial institution or investment provider enters into  
3 an agreement in accordance with subsection (c).

4 (e) A school district shall have one year after the  
5 effective date of this amendatory Act of the 103rd General  
6 Assembly to find a 457 plan provider under this Section.

7 (f) Nothing in this Section shall apply to or impact the  
8 optional defined contribution benefit established by the  
9 Teachers' Retirement System of the State of Illinois under  
10 Section 16-204 of the Illinois Pension Code. Notwithstanding  
11 the foregoing, the Teachers' Retirement System may elect to  
12 share plan data for the 457 plan established pursuant to  
13 Section 16-204 of the Illinois Pension Code with the school  
14 district, upon request by the school district, in order to  
15 facilitate school districts' compliance with this Section and  
16 Section 457 of the Internal Revenue Code of 1986. If a school  
17 district requests that the Teachers' Retirement System share  
18 plan information for the 457 plan established pursuant to  
19 Section 16-204 of the Illinois Pension Code, the Teachers'  
20 Retirement System may assess a fee on the applicable school  
21 district.

22 (Source: P.A. 103-481, eff. 1-1-24; revised 9-25-23.)

23 (105 ILCS 5/22-99)

24 (Section scheduled to be repealed on December 31, 2031)

25 Sec. 22-99 ~~22-95~~. Rural Education Advisory Council.

1           (a) The Rural Education Advisory Council is created as a  
2 statewide advisory council to exchange thoughtful dialogue  
3 concerning the needs, challenges, and opportunities of rural  
4 school ~~schools~~ districts and to provide policy recommendations  
5 to the State. The Council shall perform all of the following  
6 functions:

7           (1) Convey and impart the perspective of rural  
8 communities and provide context during policy discussions  
9 on various statewide issues with the State Superintendent  
10 of Education.

11           (2) Present to the State Superintendent of Education  
12 the opportunity to speak directly with representatives of  
13 rural communities on various policy and legal issues, to  
14 present feedback on critical issues facing rural  
15 communities, to generate ideas, and to communicate  
16 information to the State Superintendent.

17           (3) Provide feedback about this State's  
18 pre-kindergarten through grade 12 practices and policies  
19 so that the application of policies in rural areas may be  
20 more fully understood.

21           (b) The Council shall consist of all of the following  
22 members:

23           (1) The State Superintendent of Education or his or  
24 her designee.

25           (2) One representative of an association representing  
26 rural and small schools, appointed by the State

1 Superintendent of Education.

2 (3) Five superintendents of rural school districts who  
3 represent 3 super-regions of this State and who are  
4 recommended by an association representing rural and small  
5 schools, appointed by the State Superintendent of  
6 Education.

7 (4) One principal from a rural school district  
8 recommended by a statewide organization representing  
9 school principals, appointed by the State Superintendent  
10 of Education.

11 (5) One representative from a rural school district  
12 recommended by a statewide organization representing  
13 school boards, appointed by the State Superintendent of  
14 Education.

15 (6) One representative of a statewide organization  
16 representing district superintendents, appointed by the  
17 State Superintendent of Education.

18 (7) One representative of a statewide organization  
19 representing regional superintendents of schools,  
20 appointed by the State Superintendent of Education.

21 (8) One student who is at least 15 years old, who is a  
22 member of the State Board of Education's Student Advisory  
23 Council, and who is from a rural school district,  
24 appointed by the State Superintendent of Education.

25 Council members must reflect, as much as possible, the  
26 racial and ethnic diversity of this State.

1 Council members shall serve without compensation but shall  
2 be reimbursed for their reasonable and necessary expenses from  
3 funds appropriated to the State Board of Education for that  
4 purpose, subject to the rules of the appropriate travel  
5 control board.

6 (c) The Council shall meet initially at the call of the  
7 State Superintendent of Education, shall select one member as  
8 chairperson at its initial meeting, and shall thereafter meet  
9 at the call of the chairperson.

10 (d) The State Board of Education shall provide  
11 administrative and other support to the Council as needed.

12 (e) The Council is dissolved and this Section is repealed  
13 on December 31, 2031.

14 (Source: P.A. 103-497, eff. 1-1-24; revised 1-30-24.)

15 (105 ILCS 5/24-2)

16 Sec. 24-2. Holidays.

17 (a) Teachers shall not be required to teach on Saturdays,  
18 nor, except as provided in subsection (b) of this Section,  
19 shall teachers, educational support personnel employees, or  
20 other school employees, other than noncertificated school  
21 employees whose presence is necessary because of an emergency  
22 or for the continued operation and maintenance of school  
23 facilities or property, be required to work on legal school  
24 holidays, which are January 1, New Year's Day; the third  
25 Monday in January, the Birthday of Dr. Martin Luther King,

1 Jr.; February 12, the Birthday of President Abraham Lincoln;  
2 the first Monday in March (to be known as Casimir Pulaski's  
3 birthday); Good Friday; the day designated as Memorial Day by  
4 federal law; June 19, Juneteenth National Freedom Day; July 4,  
5 Independence Day; the first Monday in September, Labor Day;  
6 the second Monday in October, Columbus Day; November 11,  
7 Veterans' Day; the Thursday in November commonly called  
8 Thanksgiving Day; and December 25, Christmas Day. School  
9 boards may grant special holidays whenever in their judgment  
10 such action is advisable. No deduction shall be made from the  
11 time or compensation of a school employee, including an  
12 educational support personnel employee, on account of any  
13 legal or special holiday in which that employee would have  
14 otherwise been scheduled to work but for the legal or special  
15 holiday.

16 (b) A school board or other entity eligible to apply for  
17 waivers and modifications under Section 2-3.25g of this Code  
18 is authorized to hold school or schedule teachers' institutes,  
19 parent-teacher conferences, or staff development on the third  
20 Monday in January (the Birthday of Dr. Martin Luther King,  
21 Jr.); February 12 (the Birthday of President Abraham Lincoln);  
22 the first Monday in March (known as Casimir Pulaski's  
23 birthday); the second Monday in October (Columbus Day); and  
24 November 11 (Veterans' Day), provided that:

25 (1) the person or persons honored by the holiday are  
26 recognized through instructional activities conducted on

1 that day or, if the day is not used for student attendance,  
2 on the first school day preceding or following that day;  
3 and

4 (2) the entity that chooses to exercise this authority  
5 first holds a public hearing about the proposal. The  
6 entity shall provide notice preceding the public hearing  
7 to both educators and parents. The notice shall set forth  
8 the time, date, and place of the hearing, describe the  
9 proposal, and indicate that the entity will take testimony  
10 from educators and parents about the proposal.

11 (c) Commemorative holidays, which recognize specified  
12 patriotic, civic, cultural or historical persons, activities,  
13 or events, are regular school days. Commemorative holidays  
14 are: January 17 (the birthday of Muhammad Ali), January 28 (to  
15 be known as Christa McAuliffe Day and observed as a  
16 commemoration of space exploration), February 15 (the birthday  
17 of Susan B. Anthony), March 29 (Viet Nam War Veterans' Day),  
18 September 11 (September 11th Day of Remembrance), September 17  
19 (Constitution Day), the school day immediately preceding  
20 Veterans' Day (Korean War Veterans' Day), October 1 (Recycling  
21 Day), October 7 (Iraq and Afghanistan Veterans Remembrance  
22 Day), December 7 (Pearl Harbor Veterans' Day), and any day so  
23 appointed by the President or Governor. School boards may  
24 establish commemorative holidays whenever in their judgment  
25 such action is advisable. School boards shall include  
26 instruction relative to commemorated persons, activities, or

1 events on the commemorative holiday or at any other time  
2 during the school year and at any point in the curriculum when  
3 such instruction may be deemed appropriate. The State Board of  
4 Education shall prepare and make available to school boards  
5 instructional materials relative to commemorated persons,  
6 activities, or events which may be used by school boards in  
7 conjunction with any instruction provided pursuant to this  
8 paragraph.

9 (d) City of Chicago School District 299 shall observe  
10 March 4 of each year as a commemorative holiday. This holiday  
11 shall be known as Mayors' Day which shall be a day to  
12 commemorate and be reminded of the past Chief Executive  
13 Officers of the City of Chicago, and in particular the late  
14 Mayor Richard J. Daley and the late Mayor Harold Washington.  
15 If March 4 falls on a Saturday or Sunday, Mayors' Day shall be  
16 observed on the following Monday.

17 (e) Notwithstanding any other provision of State law to  
18 the contrary, November 3, 2020 shall be a State holiday known  
19 as 2020 General Election Day and shall be observed throughout  
20 the State pursuant to Public Act 101-642 ~~this amendatory Act~~  
21 ~~of the 101st General Assembly~~. All government offices, with  
22 the exception of election authorities, shall be closed unless  
23 authorized to be used as a location for election day services  
24 or as a polling place.

25 Notwithstanding any other provision of State law to the  
26 contrary, November 8, 2022 shall be a State holiday known as

1 2022 General Election Day and shall be observed throughout the  
2 State under Public Act 102-15.

3 Notwithstanding any other provision of State law to the  
4 contrary, November 5, 2024 shall be a State holiday known as  
5 2024 General Election Day and shall be observed throughout  
6 this State pursuant to Public Act 103-467 ~~this amendatory Act~~  
7 ~~of the 103rd General Assembly.~~

8 (Source: P.A. 102-14, eff. 1-1-22; 102-15, eff. 6-17-21;  
9 102-334, eff. 8-9-21; 102-411, eff. 1-1-22; 102-813, eff.  
10 5-13-22; 103-15, eff. 7-1-23; 103-395, eff. 1-1-24; 103-467,  
11 eff. 8-4-23; revised 9-1-23.)

12 (105 ILCS 5/24-12)

13 Sec. 24-12. Removal or dismissal of teachers in  
14 contractual continued service.

15 (a) This subsection (a) applies only to honorable  
16 dismissals and recalls in which the notice of dismissal is  
17 provided on or before the end of the 2010-2011 school term. If  
18 a teacher in contractual continued service is removed or  
19 dismissed as a result of a decision of the board to decrease  
20 the number of teachers employed by the board or to discontinue  
21 some particular type of teaching service, written notice shall  
22 be mailed to the teacher and also given the teacher either by  
23 certified mail, return receipt requested or personal delivery  
24 with receipt at least 60 days before the end of the school  
25 term, together with a statement of honorable dismissal and the



1 reason therefor, and in all such cases the board shall first  
2 remove or dismiss all teachers who have not entered upon  
3 contractual continued service before removing or dismissing  
4 any teacher who has entered upon contractual continued service  
5 and who is legally qualified to hold a position currently held  
6 by a teacher who has not entered upon contractual continued  
7 service.

8 As between teachers who have entered upon contractual  
9 continued service, the teacher or teachers with the shorter  
10 length of continuing service with the district shall be  
11 dismissed first unless an alternative method of determining  
12 the sequence of dismissal is established in a collective  
13 bargaining agreement or contract between the board and a  
14 professional faculty members' organization and except that  
15 this provision shall not impair the operation of any  
16 affirmative action program in the district, regardless of  
17 whether it exists by operation of law or is conducted on a  
18 voluntary basis by the board. Any teacher dismissed as a  
19 result of such decrease or discontinuance shall be paid all  
20 earned compensation on or before the third business day  
21 following the last day of pupil attendance in the regular  
22 school term.

23 If the board has any vacancies for the following school  
24 term or within one calendar year from the beginning of the  
25 following school term, the positions thereby becoming  
26 available shall be tendered to the teachers so removed or

1 dismissed so far as they are legally qualified to hold such  
2 positions; provided, however, that if the number of honorable  
3 dismissal notices based on economic necessity exceeds 15% of  
4 the number of full-time equivalent positions filled by  
5 certified employees (excluding principals and administrative  
6 personnel) during the preceding school year, then if the board  
7 has any vacancies for the following school term or within 2  
8 calendar years from the beginning of the following school  
9 term, the positions so becoming available shall be tendered to  
10 the teachers who were so notified and removed or dismissed  
11 whenever they are legally qualified to hold such positions.  
12 Each board shall, in consultation with any exclusive employee  
13 representatives, each year establish a list, categorized by  
14 positions, showing the length of continuing service of each  
15 teacher who is qualified to hold any such positions, unless an  
16 alternative method of determining a sequence of dismissal is  
17 established as provided for in this Section, in which case a  
18 list shall be made in accordance with the alternative method.  
19 Copies of the list shall be distributed to the exclusive  
20 employee representative on or before February 1 of each year.  
21 Whenever the number of honorable dismissal notices based upon  
22 economic necessity exceeds 5, or 150% of the average number of  
23 teachers honorably dismissed in the preceding 3 years,  
24 whichever is more, then the board also shall hold a public  
25 hearing on the question of the dismissals. Following the  
26 hearing and board review, the action to approve any such

1 reduction shall require a majority vote of the board members.

2 (b) If any teacher, whether or not in contractual  
3 continued service, is removed or dismissed as a result of a  
4 decision of a school board to decrease the number of teachers  
5 employed by the board, a decision of a school board to  
6 discontinue some particular type of teaching service, or a  
7 reduction in the number of programs or positions in a special  
8 education joint agreement, then written notice must be mailed  
9 to the teacher and also given to the teacher either by  
10 electronic mail, certified mail, return receipt requested, or  
11 personal delivery with receipt on or before April 15, together  
12 with a statement of honorable dismissal and the reason  
13 therefor, and in all such cases the sequence of dismissal  
14 shall occur in accordance with this subsection (b); except  
15 that this subsection (b) shall not impair the operation of any  
16 affirmative action program in the school district, regardless  
17 of whether it exists by operation of law or is conducted on a  
18 voluntary basis by the board.

19 Each teacher must be categorized into one or more  
20 positions for which the teacher is qualified to hold, based  
21 upon legal qualifications and any other qualifications  
22 established in a district or joint agreement job description,  
23 on or before the May 10 prior to the school year during which  
24 the sequence of dismissal is determined. Within each position  
25 and subject to agreements made by the joint committee on  
26 honorable dismissals that are authorized by subsection (c) of

1 this Section, the school district or joint agreement must  
2 establish 4 groupings of teachers qualified to hold the  
3 position as follows:

4 (1) Grouping one shall consist of each teacher who is  
5 not in contractual continued service and who (i) has not  
6 received a performance evaluation rating, (ii) is employed  
7 for one school term or less to replace a teacher on leave,  
8 or (iii) is employed on a part-time basis. "Part-time  
9 basis" for the purposes of this subsection (b) means a  
10 teacher who is employed to teach less than a full-day,  
11 teacher workload or less than 5 days of the normal student  
12 attendance week, unless otherwise provided for in a  
13 collective bargaining agreement between the district and  
14 the exclusive representative of the district's teachers.  
15 For the purposes of this Section, a teacher (A) who is  
16 employed as a full-time teacher but who actually teaches  
17 or is otherwise present and participating in the  
18 district's educational program for less than a school term  
19 or (B) who, in the immediately previous school term, was  
20 employed on a full-time basis and actually taught or was  
21 otherwise present and participated in the district's  
22 educational program for 120 days or more is not considered  
23 employed on a part-time basis.

24 (2) Grouping 2 shall consist of each teacher with a  
25 Needs Improvement or Unsatisfactory performance evaluation  
26 rating on either of the teacher's last 2 performance

1 evaluation ratings.

2 (3) Grouping 3 shall consist of each teacher with a  
3 performance evaluation rating of at least Satisfactory or  
4 Proficient on both of the teacher's last 2 performance  
5 evaluation ratings, if 2 ratings are available, or on the  
6 teacher's last performance evaluation rating, if only one  
7 rating is available, unless the teacher qualifies for  
8 placement into grouping 4.

9 (4) Grouping 4 shall consist of each teacher whose  
10 last 2 performance evaluation ratings are Excellent and  
11 each teacher with 2 Excellent performance evaluation  
12 ratings out of the teacher's last 3 performance evaluation  
13 ratings with a third rating of Satisfactory or Proficient.

14 Among teachers qualified to hold a position, teachers must  
15 be dismissed in the order of their groupings, with teachers in  
16 grouping one dismissed first and teachers in grouping 4  
17 dismissed last.

18 Within grouping one, the sequence of dismissal must be at  
19 the discretion of the school district or joint agreement.  
20 Within grouping 2, the sequence of dismissal must be based  
21 upon average performance evaluation ratings, with the teacher  
22 or teachers with the lowest average performance evaluation  
23 rating dismissed first. A teacher's average performance  
24 evaluation rating must be calculated using the average of the  
25 teacher's last 2 performance evaluation ratings, if 2 ratings  
26 are available, or the teacher's last performance evaluation

1 rating, if only one rating is available, using the following  
2 numerical values: 4 for Excellent; 3 for Proficient or  
3 Satisfactory; 2 for Needs Improvement; and 1 for  
4 Unsatisfactory. As between or among teachers in grouping 2  
5 with the same average performance evaluation rating and within  
6 each of groupings 3 and 4, the teacher or teachers with the  
7 shorter length of continuing service with the school district  
8 or joint agreement must be dismissed first unless an  
9 alternative method of determining the sequence of dismissal is  
10 established in a collective bargaining agreement or contract  
11 between the board and a professional faculty members'  
12 organization.

13 Each board, including the governing board of a joint  
14 agreement, shall, in consultation with any exclusive employee  
15 representatives, each year establish a sequence of honorable  
16 dismissal list categorized by positions and the groupings  
17 defined in this subsection (b). Copies of the list showing  
18 each teacher by name, along with the race or ethnicity of the  
19 teacher if provided by the teacher, and categorized by  
20 positions and the groupings defined in this subsection (b)  
21 must be distributed to the exclusive bargaining representative  
22 at least 75 days before the end of the school term, provided  
23 that the school district or joint agreement may, with notice  
24 to any exclusive employee representatives, move teachers from  
25 grouping one into another grouping during the period of time  
26 from 75 days until April 15. Each year, each board shall also

1 establish, in consultation with any exclusive employee  
2 representatives, a list showing the length of continuing  
3 service of each teacher who is qualified to hold any such  
4 positions, unless an alternative method of determining a  
5 sequence of dismissal is established as provided for in this  
6 Section, in which case a list must be made in accordance with  
7 the alternative method. Copies of the list must be distributed  
8 to the exclusive employee representative at least 75 days  
9 before the end of the school term.

10 Any teacher dismissed as a result of such decrease or  
11 discontinuance must be paid all earned compensation on or  
12 before the third business day following the last day of pupil  
13 attendance in the regular school term.

14 If the board or joint agreement has any vacancies for the  
15 following school term or within one calendar year from the  
16 beginning of the following school term, the positions thereby  
17 becoming available must be tendered to the teachers so removed  
18 or dismissed who were in grouping 3 or 4 of the sequence of  
19 dismissal and are qualified to hold the positions, based upon  
20 legal qualifications and any other qualifications established  
21 in a district or joint agreement job description, on or before  
22 the May 10 prior to the date of the positions becoming  
23 available, provided that if the number of honorable dismissal  
24 notices based on economic necessity exceeds 15% of the number  
25 of full-time equivalent positions filled by certified  
26 employees (excluding principals and administrative personnel)

1 during the preceding school year, then the recall period is  
2 for the following school term or within 2 calendar years from  
3 the beginning of the following school term. If the board or  
4 joint agreement has any vacancies within the period from the  
5 beginning of the following school term through February 1 of  
6 the following school term (unless a date later than February  
7 1, but no later than 6 months from the beginning of the  
8 following school term, is established in a collective  
9 bargaining agreement), the positions thereby becoming  
10 available must be tendered to the teachers so removed or  
11 dismissed who were in grouping 2 of the sequence of dismissal  
12 due to one "needs improvement" rating on either of the  
13 teacher's last 2 performance evaluation ratings, provided  
14 that, if 2 ratings are available, the other performance  
15 evaluation rating used for grouping purposes is  
16 "satisfactory", "proficient", or "excellent", and are  
17 qualified to hold the positions, based upon legal  
18 qualifications and any other qualifications established in a  
19 district or joint agreement job description, on or before the  
20 May 10 prior to the date of the positions becoming available.  
21 On and after July 1, 2014 (the effective date of Public Act  
22 98-648), the preceding sentence shall apply to teachers  
23 removed or dismissed by honorable dismissal, even if notice of  
24 honorable dismissal occurred during the 2013-2014 school year.  
25 Among teachers eligible for recall pursuant to the preceding  
26 sentence, the order of recall must be in inverse order of



1 dismissal, unless an alternative order of recall is  
2 established in a collective bargaining agreement or contract  
3 between the board and a professional faculty members'  
4 organization. Whenever the number of honorable dismissal  
5 notices based upon economic necessity exceeds 5 notices or  
6 150% of the average number of teachers honorably dismissed in  
7 the preceding 3 years, whichever is more, then the school  
8 board or governing board of a joint agreement, as applicable,  
9 shall also hold a public hearing on the question of the  
10 dismissals. Following the hearing and board review, the action  
11 to approve any such reduction shall require a majority vote of  
12 the board members.

13 For purposes of this subsection (b), subject to agreement  
14 on an alternative definition reached by the joint committee  
15 described in subsection (c) of this Section, a teacher's  
16 performance evaluation rating means the overall performance  
17 evaluation rating resulting from an annual or biennial  
18 performance evaluation conducted pursuant to Article 24A of  
19 this Code by the school district or joint agreement  
20 determining the sequence of dismissal, not including any  
21 performance evaluation conducted during or at the end of a  
22 remediation period. No more than one evaluation rating each  
23 school term shall be one of the evaluation ratings used for the  
24 purpose of determining the sequence of dismissal. Except as  
25 otherwise provided in this subsection for any performance  
26 evaluations conducted during or at the end of a remediation

1 period, if multiple performance evaluations are conducted in a  
2 school term, only the rating from the last evaluation  
3 conducted prior to establishing the sequence of honorable  
4 dismissal list in such school term shall be the one evaluation  
5 rating from that school term used for the purpose of  
6 determining the sequence of dismissal. Averaging ratings from  
7 multiple evaluations is not permitted unless otherwise agreed  
8 to in a collective bargaining agreement or contract between  
9 the board and a professional faculty members' organization.  
10 The preceding 3 sentences are not a legislative declaration  
11 that existing law does or does not already require that only  
12 one performance evaluation each school term shall be used for  
13 the purpose of determining the sequence of dismissal. For  
14 performance evaluation ratings determined prior to September  
15 1, 2012, any school district or joint agreement with a  
16 performance evaluation rating system that does not use either  
17 of the rating category systems specified in subsection (d) of  
18 Section 24A-5 of this Code for all teachers must establish a  
19 basis for assigning each teacher a rating that complies with  
20 subsection (d) of Section 24A-5 of this Code for all of the  
21 performance evaluation ratings that are to be used to  
22 determine the sequence of dismissal. A teacher's grouping and  
23 ranking on a sequence of honorable dismissal shall be deemed a  
24 part of the teacher's performance evaluation, and that  
25 information shall be disclosed to the exclusive bargaining  
26 representative as part of a sequence of honorable dismissal

1 list, notwithstanding any laws prohibiting disclosure of such  
2 information. A performance evaluation rating may be used to  
3 determine the sequence of dismissal, notwithstanding the  
4 pendency of any grievance resolution or arbitration procedures  
5 relating to the performance evaluation. If a teacher has  
6 received at least one performance evaluation rating conducted  
7 by the school district or joint agreement determining the  
8 sequence of dismissal and a subsequent performance evaluation  
9 is not conducted in any school year in which such evaluation is  
10 required to be conducted under Section 24A-5 of this Code, the  
11 teacher's performance evaluation rating for that school year  
12 for purposes of determining the sequence of dismissal is  
13 deemed Proficient, except that, during any time in which the  
14 Governor has declared a disaster due to a public health  
15 emergency pursuant to Section 7 of the Illinois Emergency  
16 Management Agency Act, this default to Proficient does not  
17 apply to any teacher who has entered into contractual  
18 continued service and who was deemed Excellent on his or her  
19 most recent evaluation. During any time in which the Governor  
20 has declared a disaster due to a public health emergency  
21 pursuant to Section 7 of the Illinois Emergency Management  
22 Agency Act and unless the school board and any exclusive  
23 bargaining representative have completed the performance  
24 rating for teachers or have mutually agreed to an alternate  
25 performance rating, any teacher who has entered into  
26 contractual continued service, whose most recent evaluation

1 was deemed Excellent, and whose performance evaluation is not  
2 conducted when the evaluation is required to be conducted  
3 shall receive a teacher's performance rating deemed Excellent.  
4 A school board and any exclusive bargaining representative may  
5 mutually agree to an alternate performance rating for teachers  
6 not in contractual continued service during any time in which  
7 the Governor has declared a disaster due to a public health  
8 emergency pursuant to Section 7 of the Illinois Emergency  
9 Management Agency Act, as long as the agreement is in writing.  
10 If a performance evaluation rating is nullified as the result  
11 of an arbitration, administrative agency, or court  
12 determination, then the school district or joint agreement is  
13 deemed to have conducted a performance evaluation for that  
14 school year, but the performance evaluation rating may not be  
15 used in determining the sequence of dismissal.

16 Nothing in this subsection (b) shall be construed as  
17 limiting the right of a school board or governing board of a  
18 joint agreement to dismiss a teacher not in contractual  
19 continued service in accordance with Section 24-11 of this  
20 Code.

21 Any provisions regarding the sequence of honorable  
22 dismissals and recall of honorably dismissed teachers in a  
23 collective bargaining agreement entered into on or before  
24 January 1, 2011 and in effect on June 13, 2011 (the effective  
25 date of Public Act 97-8) that may conflict with Public Act 97-8  
26 shall remain in effect through the expiration of such

1 agreement or June 30, 2013, whichever is earlier.

2 (c) Each school district and special education joint  
3 agreement must use a joint committee composed of equal  
4 representation selected by the school board and its teachers  
5 or, if applicable, the exclusive bargaining representative of  
6 its teachers, to address the matters described in paragraphs  
7 (1) through (5) of this subsection (c) pertaining to honorable  
8 dismissals under subsection (b) of this Section.

9 (1) The joint committee must consider and may agree to  
10 criteria for excluding from grouping 2 and placing into  
11 grouping 3 a teacher whose last 2 performance evaluations  
12 include a Needs Improvement and either a Proficient or  
13 Excellent.

14 (2) The joint committee must consider and may agree to  
15 an alternative definition for grouping 4, which definition  
16 must take into account prior performance evaluation  
17 ratings and may take into account other factors that  
18 relate to the school district's or program's educational  
19 objectives. An alternative definition for grouping 4 may  
20 not permit the inclusion of a teacher in the grouping with  
21 a Needs Improvement or Unsatisfactory performance  
22 evaluation rating on either of the teacher's last 2  
23 performance evaluation ratings.

24 (3) The joint committee may agree to including within  
25 the definition of a performance evaluation rating a  
26 performance evaluation rating administered by a school

1 district or joint agreement other than the school district  
2 or joint agreement determining the sequence of dismissal.

3 (4) For each school district or joint agreement that  
4 administers performance evaluation ratings that are  
5 inconsistent with either of the rating category systems  
6 specified in subsection (d) of Section 24A-5 of this Code,  
7 the school district or joint agreement must consult with  
8 the joint committee on the basis for assigning a rating  
9 that complies with subsection (d) of Section 24A-5 of this  
10 Code to each performance evaluation rating that will be  
11 used in a sequence of dismissal.

12 (5) Upon request by a joint committee member submitted  
13 to the employing board by no later than 10 days after the  
14 distribution of the sequence of honorable dismissal list,  
15 a representative of the employing board shall, within 5  
16 days after the request, provide to members of the joint  
17 committee a list showing the most recent and prior  
18 performance evaluation ratings of each teacher identified  
19 only by length of continuing service in the district or  
20 joint agreement and not by name. If, after review of this  
21 list, a member of the joint committee has a good faith  
22 belief that a disproportionate number of teachers with  
23 greater length of continuing service with the district or  
24 joint agreement have received a recent performance  
25 evaluation rating lower than the prior rating, the member  
26 may request that the joint committee review the list to

1 assess whether such a trend may exist. Following the joint  
2 committee's review, but by no later than the end of the  
3 applicable school term, the joint committee or any member  
4 or members of the joint committee may submit a report of  
5 the review to the employing board and exclusive bargaining  
6 representative, if any. Nothing in this paragraph (5)  
7 shall impact the order of honorable dismissal or a school  
8 district's or joint agreement's authority to carry out a  
9 dismissal in accordance with subsection (b) of this  
10 Section.

11 Agreement by the joint committee as to a matter requires  
12 the majority vote of all committee members, and if the joint  
13 committee does not reach agreement on a matter, then the  
14 otherwise applicable requirements of subsection (b) of this  
15 Section shall apply. Except as explicitly set forth in this  
16 subsection (c), a joint committee has no authority to agree to  
17 any further modifications to the requirements for honorable  
18 dismissals set forth in subsection (b) of this Section. The  
19 joint committee must be established, and the first meeting of  
20 the joint committee each school year must occur on or before  
21 December 1.

22 The joint committee must reach agreement on a matter on or  
23 before February 1 of a school year in order for the agreement  
24 of the joint committee to apply to the sequence of dismissal  
25 determined during that school year. Subject to the February 1  
26 deadline for agreements, the agreement of a joint committee on

1 a matter shall apply to the sequence of dismissal until the  
2 agreement is amended or terminated by the joint committee.

3 The provisions of the Open Meetings Act shall not apply to  
4 meetings of a joint committee created under this subsection  
5 (c).

6 (d) Notwithstanding anything to the contrary in this  
7 subsection (d), the requirements and dismissal procedures of  
8 Section 24-16.5 of this Code shall apply to any dismissal  
9 sought under Section 24-16.5 of this Code.

10 (1) If a dismissal of a teacher in contractual  
11 continued service is sought for any reason or cause other  
12 than an honorable dismissal under subsections (a) or (b)  
13 of this Section or a dismissal sought under Section  
14 24-16.5 of this Code, including those under Section  
15 10-22.4, the board must first approve a motion containing  
16 specific charges by a majority vote of all its members.  
17 Written notice of such charges, including a bill of  
18 particulars and the teacher's right to request a hearing,  
19 must be mailed to the teacher and also given to the teacher  
20 either by electronic mail, certified mail, return receipt  
21 requested, or personal delivery with receipt within 5 days  
22 of the adoption of the motion. Any written notice sent on  
23 or after July 1, 2012 shall inform the teacher of the right  
24 to request a hearing before a mutually selected hearing  
25 officer, with the cost of the hearing officer split  
26 equally between the teacher and the board, or a hearing



1 before a board-selected hearing officer, with the cost of  
2 the hearing officer paid by the board.

3 Before setting a hearing on charges stemming from  
4 causes that are considered remediable, a board must give  
5 the teacher reasonable warning in writing, stating  
6 specifically the causes that, if not removed, may result  
7 in charges; however, no such written warning is required  
8 if the causes have been the subject of a remediation plan  
9 pursuant to Article 24A of this Code.

10 If, in the opinion of the board, the interests of the  
11 school require it, the board may suspend the teacher  
12 without pay, pending the hearing, but if the board's  
13 dismissal or removal is not sustained, the teacher shall  
14 not suffer the loss of any salary or benefits by reason of  
15 the suspension.

16 (2) No hearing upon the charges is required unless the  
17 teacher within 17 days after receiving notice requests in  
18 writing of the board that a hearing be scheduled before a  
19 mutually selected hearing officer or a hearing officer  
20 selected by the board. The secretary of the school board  
21 shall forward a copy of the notice to the State Board of  
22 Education.

23 (3) Within 5 business days after receiving a notice of  
24 hearing in which either notice to the teacher was sent  
25 before July 1, 2012 or, if the notice was sent on or after  
26 July 1, 2012, the teacher has requested a hearing before a

1 mutually selected hearing officer, the State Board of  
2 Education shall provide a list of 5 prospective, impartial  
3 hearing officers from the master list of qualified,  
4 impartial hearing officers maintained by the State Board  
5 of Education. Each person on the master list must (i) be  
6 accredited by a national arbitration organization and have  
7 had a minimum of 5 years of experience directly related to  
8 labor and employment relations matters between employers  
9 and employees or their exclusive bargaining  
10 representatives and (ii) beginning September 1, 2012, have  
11 participated in training provided or approved by the State  
12 Board of Education for teacher dismissal hearing officers  
13 so that he or she is familiar with issues generally  
14 involved in evaluative and non-evaluative dismissals.

15 If notice to the teacher was sent before July 1, 2012  
16 or, if the notice was sent on or after July 1, 2012, the  
17 teacher has requested a hearing before a mutually selected  
18 hearing officer, the board and the teacher or their legal  
19 representatives within 3 business days shall alternately  
20 strike one name from the list provided by the State Board  
21 of Education until only one name remains. Unless waived by  
22 the teacher, the teacher shall have the right to proceed  
23 first with the striking. Within 3 business days of receipt  
24 of the list provided by the State Board of Education, the  
25 board and the teacher or their legal representatives shall  
26 each have the right to reject all prospective hearing

1 officers named on the list and notify the State Board of  
2 Education of such rejection. Within 3 business days after  
3 receiving this notification, the State Board of Education  
4 shall appoint a qualified person from the master list who  
5 did not appear on the list sent to the parties to serve as  
6 the hearing officer, unless the parties notify it that  
7 they have chosen to alternatively select a hearing officer  
8 under paragraph (4) of this subsection (d).

9 If the teacher has requested a hearing before a  
10 hearing officer selected by the board, the board shall  
11 select one name from the master list of qualified  
12 impartial hearing officers maintained by the State Board  
13 of Education within 3 business days after receipt and  
14 shall notify the State Board of Education of its  
15 selection.

16 A hearing officer mutually selected by the parties,  
17 selected by the board, or selected through an alternative  
18 selection process under paragraph (4) of this subsection  
19 (d) (A) must not be a resident of the school district, (B)  
20 must be available to commence the hearing within 75 days  
21 and conclude the hearing within 120 days after being  
22 selected as the hearing officer, and (C) must issue a  
23 decision as to whether the teacher must be dismissed and  
24 give a copy of that decision to both the teacher and the  
25 board within 30 days from the conclusion of the hearing or  
26 closure of the record, whichever is later.

1           Any hearing convened during a public health emergency  
2           pursuant to Section 7 of the Illinois Emergency Management  
3           Agency Act may be convened remotely. Any hearing officer  
4           for a hearing convened during a public health emergency  
5           pursuant to Section 7 of the Illinois Emergency Management  
6           Agency Act may voluntarily withdraw from the hearing and  
7           another hearing officer shall be selected or appointed  
8           pursuant to this Section.

9           In this paragraph, "pre-hearing procedures" refers to  
10          the pre-hearing procedures under Section 51.55 of Title 23  
11          of the Illinois Administrative Code and "hearing" refers  
12          to the hearing under Section 51.60 of Title 23 of the  
13          Illinois Administrative Code. Any teacher who has been  
14          charged with engaging in acts of corporal punishment,  
15          physical abuse, grooming, or sexual misconduct and who  
16          previously paused pre-hearing procedures or a hearing  
17          pursuant to Public Act 101-643 must proceed with selection  
18          of a hearing officer or hearing date, or both, within the  
19          timeframes established by this paragraph (3) and  
20          paragraphs (4) through (6) of this subsection (d), unless  
21          the timeframes are mutually waived in writing by both  
22          parties, and all timelines set forth in this Section in  
23          cases concerning corporal punishment, physical abuse,  
24          grooming, or sexual misconduct shall be reset to begin the  
25          day after April 22, 2022 (the effective date of Public Act  
26          102-708) ~~this amendatory Act of the 102nd General~~

1 ~~Assembly~~. Any teacher charged with engaging in acts of  
2 corporal punishment, physical abuse, grooming, or sexual  
3 misconduct on or after April 22, 2022 (the effective date  
4 of Public Act 102-708) ~~this amendatory Act of the 102nd~~  
5 ~~General Assembly~~ may not pause pre-hearing procedures or a  
6 hearing.

7 (4) In the alternative to selecting a hearing officer  
8 from the list received from the State Board of Education  
9 or accepting the appointment of a hearing officer by the  
10 State Board of Education or if the State Board of  
11 Education cannot provide a list or appoint a hearing  
12 officer that meets the foregoing requirements, the board  
13 and the teacher or their legal representatives may  
14 mutually agree to select an impartial hearing officer who  
15 is not on the master list either by direct appointment by  
16 the parties or by using procedures for the appointment of  
17 an arbitrator established by the Federal Mediation and  
18 Conciliation Service or the American Arbitration  
19 Association. The parties shall notify the State Board of  
20 Education of their intent to select a hearing officer  
21 using an alternative procedure within 3 business days of  
22 receipt of a list of prospective hearing officers provided  
23 by the State Board of Education, notice of appointment of  
24 a hearing officer by the State Board of Education, or  
25 receipt of notice from the State Board of Education that  
26 it cannot provide a list that meets the foregoing

1 requirements, whichever is later.

2 (5) If the notice of dismissal was sent to the teacher  
3 before July 1, 2012, the fees and costs for the hearing  
4 officer must be paid by the State Board of Education. If  
5 the notice of dismissal was sent to the teacher on or after  
6 July 1, 2012, the hearing officer's fees and costs must be  
7 paid as follows in this paragraph (5). The fees and  
8 permissible costs for the hearing officer must be  
9 determined by the State Board of Education. If the board  
10 and the teacher or their legal representatives mutually  
11 agree to select an impartial hearing officer who is not on  
12 a list received from the State Board of Education, they  
13 may agree to supplement the fees determined by the State  
14 Board to the hearing officer, at a rate consistent with  
15 the hearing officer's published professional fees. If the  
16 hearing officer is mutually selected by the parties, then  
17 the board and the teacher or their legal representatives  
18 shall each pay 50% of the fees and costs and any  
19 supplemental allowance to which they agree. If the hearing  
20 officer is selected by the board, then the board shall pay  
21 100% of the hearing officer's fees and costs. The fees and  
22 costs must be paid to the hearing officer within 14 days  
23 after the board and the teacher or their legal  
24 representatives receive the hearing officer's decision set  
25 forth in paragraph (7) of this subsection (d).

26 (6) The teacher is required to answer the bill of

1           particulars and aver affirmative matters in his or her  
2           defense, and the time for initially doing so and the time  
3           for updating such answer and defenses after pre-hearing  
4           discovery must be set by the hearing officer. The State  
5           Board of Education shall promulgate rules so that each  
6           party has a fair opportunity to present its case and to  
7           ensure that the dismissal process proceeds in a fair and  
8           expeditious manner. These rules shall address, without  
9           limitation, discovery and hearing scheduling conferences;  
10          the teacher's initial answer and affirmative defenses to  
11          the bill of particulars and the updating of that  
12          information after pre-hearing discovery; provision for  
13          written interrogatories and requests for production of  
14          documents; the requirement that each party initially  
15          disclose to the other party and then update the disclosure  
16          no later than 10 calendar days prior to the commencement  
17          of the hearing, the names and addresses of persons who may  
18          be called as witnesses at the hearing, a summary of the  
19          facts or opinions each witness will testify to, and all  
20          other documents and materials, including information  
21          maintained electronically, relevant to its own as well as  
22          the other party's case (the hearing officer may exclude  
23          witnesses and exhibits not identified and shared, except  
24          those offered in rebuttal for which the party could not  
25          reasonably have anticipated prior to the hearing);  
26          pre-hearing discovery and preparation, including provision

1 for written interrogatories and requests for production of  
2 documents, provided that discovery depositions are  
3 prohibited; the conduct of the hearing; the right of each  
4 party to be represented by counsel, the offer of evidence  
5 and witnesses and the cross-examination of witnesses; the  
6 authority of the hearing officer to issue subpoenas and  
7 subpoenas duces tecum, provided that the hearing officer  
8 may limit the number of witnesses to be subpoenaed on  
9 behalf of each party to no more than 7; the length of  
10 post-hearing briefs; and the form, length, and content of  
11 hearing officers' decisions. The hearing officer shall  
12 hold a hearing and render a final decision for dismissal  
13 pursuant to Article 24A of this Code or shall report to the  
14 school board findings of fact and a recommendation as to  
15 whether or not the teacher must be dismissed for conduct.  
16 The hearing officer shall commence the hearing within 75  
17 days and conclude the hearing within 120 days after being  
18 selected as the hearing officer, provided that the hearing  
19 officer may modify these timelines upon the showing of  
20 good cause or mutual agreement of the parties. Good cause  
21 for the purpose of this subsection (d) shall mean the  
22 illness or otherwise unavoidable emergency of the teacher,  
23 district representative, their legal representatives, the  
24 hearing officer, or an essential witness as indicated in  
25 each party's pre-hearing submission. In a dismissal  
26 hearing pursuant to Article 24A of this Code in which a



1 witness is a student or is under the age of 18, the hearing  
2 officer must make accommodations for the witness, as  
3 provided under paragraph (6.5) of this subsection. The  
4 hearing officer shall consider and give weight to all of  
5 the teacher's evaluations written pursuant to Article 24A  
6 that are relevant to the issues in the hearing.

7 Each party shall have no more than 3 days to present  
8 its case, unless extended by the hearing officer to enable  
9 a party to present adequate evidence and testimony,  
10 including due to the other party's cross-examination of  
11 the party's witnesses, for good cause or by mutual  
12 agreement of the parties. The State Board of Education  
13 shall define in rules the meaning of "day" for such  
14 purposes. All testimony at the hearing shall be taken  
15 under oath administered by the hearing officer. The  
16 hearing officer shall cause a record of the proceedings to  
17 be kept and shall employ a competent reporter to take  
18 stenographic or stenotype notes of all the testimony. The  
19 costs of the reporter's attendance and services at the  
20 hearing shall be paid by the party or parties who are  
21 responsible for paying the fees and costs of the hearing  
22 officer. Either party desiring a transcript of the hearing  
23 shall pay for the cost thereof. Any post-hearing briefs  
24 must be submitted by the parties by no later than 21 days  
25 after a party's receipt of the transcript of the hearing,  
26 unless extended by the hearing officer for good cause or

1 by mutual agreement of the parties.

2 (6.5) In the case of charges involving any witness who  
3 is or was at the time of the alleged conduct a student or a  
4 person under the age of 18, the hearing officer shall make  
5 accommodations to protect a witness from being  
6 intimidated, traumatized, or re-traumatized. No alleged  
7 victim or other witness who is or was at the time of the  
8 alleged conduct a student or under the age of 18 may be  
9 compelled to testify in the physical or visual presence of  
10 a teacher or other witness. If such a witness invokes this  
11 right, then the hearing officer must provide an  
12 accommodation consistent with the invoked right and use a  
13 procedure by which each party may hear such witness's  
14 ~~witness'~~ testimony. Accommodations may include, but are  
15 not limited to: (i) testimony made via a telecommunication  
16 device in a location other than the hearing room and  
17 outside the physical or visual presence of the teacher and  
18 other hearing participants, but accessible to the teacher  
19 via a telecommunication device, (ii) testimony made in the  
20 hearing room but outside the physical presence of the  
21 teacher and accessible to the teacher via a  
22 telecommunication device, (iii) non-public testimony, (iv)  
23 testimony made via videoconference with the cameras and  
24 microphones of the teacher turned off, or (v) pre-recorded  
25 testimony, including, but not limited to, a recording of a  
26 forensic interview conducted at an accredited Children's

1 Advocacy Center. With all accommodations, the hearing  
2 officer shall give such testimony the same consideration  
3 as if the witness testified without the accommodation. The  
4 teacher may not directly, or through a representative,  
5 question a witness called by the school board who is or was  
6 a student or under 18 years of age at the time of the  
7 alleged conduct. The hearing officer must permit the  
8 teacher to submit all relevant questions and follow-up  
9 questions for such a witness to have the questions posed  
10 by the hearing officer. All questions must exclude  
11 evidence of the witness' sexual behavior or  
12 predisposition, unless the evidence is offered to prove  
13 that someone other than the teacher subject to the  
14 dismissal hearing engaged in the charge at issue.

15 (7) The hearing officer shall, within 30 days from the  
16 conclusion of the hearing or closure of the record,  
17 whichever is later, make a decision as to whether or not  
18 the teacher shall be dismissed pursuant to Article 24A of  
19 this Code or report to the school board findings of fact  
20 and a recommendation as to whether or not the teacher  
21 shall be dismissed for cause and shall give a copy of the  
22 decision or findings of fact and recommendation to both  
23 the teacher and the school board. If a hearing officer  
24 fails without good cause, specifically provided in writing  
25 to both parties and the State Board of Education, to  
26 render a decision or findings of fact and recommendation

1 within 30 days after the hearing is concluded or the  
2 record is closed, whichever is later, the parties may  
3 mutually agree to select a hearing officer pursuant to the  
4 alternative procedure, as provided in this Section, to  
5 rehear the charges heard by the hearing officer who failed  
6 to render a decision or findings of fact and  
7 recommendation or to review the record and render a  
8 decision. If any hearing officer fails without good cause,  
9 specifically provided in writing to both parties and the  
10 State Board of Education, to render a decision or findings  
11 of fact and recommendation within 30 days after the  
12 hearing is concluded or the record is closed, whichever is  
13 later, or if any hearing officer fails to make an  
14 accommodation as described in paragraph (6.5), the hearing  
15 officer shall be removed from the master list of hearing  
16 officers maintained by the State Board of Education for  
17 not more than 24 months. The parties and the State Board of  
18 Education may also take such other actions as it deems  
19 appropriate, including recovering, reducing, or  
20 withholding any fees paid or to be paid to the hearing  
21 officer. If any hearing officer repeats such failure, he  
22 or she must be permanently removed from the master list  
23 maintained by the State Board of Education and may not be  
24 selected by parties through the alternative selection  
25 process under this paragraph (7) or paragraph (4) of this  
26 subsection (d). The board shall not lose jurisdiction to

1 discharge a teacher if the hearing officer fails to render  
2 a decision or findings of fact and recommendation within  
3 the time specified in this Section. If the decision of the  
4 hearing officer for dismissal pursuant to Article 24A of  
5 this Code or of the school board for dismissal for cause is  
6 in favor of the teacher, then the hearing officer or  
7 school board shall order reinstatement to the same or  
8 substantially equivalent position and shall determine the  
9 amount for which the school board is liable, including,  
10 but not limited to, loss of income and benefits.

11 (8) The school board, within 45 days after receipt of  
12 the hearing officer's findings of fact and recommendation  
13 as to whether (i) the conduct at issue occurred, (ii) the  
14 conduct that did occur was remediable, and (iii) the  
15 proposed dismissal should be sustained, shall issue a  
16 written order as to whether the teacher must be retained  
17 or dismissed for cause from its employ. The school board's  
18 written order shall incorporate the hearing officer's  
19 findings of fact, except that the school board may modify  
20 or supplement the findings of fact if, in its opinion, the  
21 findings of fact are against the manifest weight of the  
22 evidence.

23 If the school board dismisses the teacher  
24 notwithstanding the hearing officer's findings of fact and  
25 recommendation, the school board shall make a conclusion  
26 in its written order, giving its reasons therefor, and

1 such conclusion and reasons must be included in its  
2 written order. The failure of the school board to strictly  
3 adhere to the timelines contained in this Section shall  
4 not render it without jurisdiction to dismiss the teacher.  
5 The school board shall not lose jurisdiction to discharge  
6 the teacher for cause if the hearing officer fails to  
7 render a recommendation within the time specified in this  
8 Section. The decision of the school board is final, unless  
9 reviewed as provided in paragraph (9) of this subsection  
10 (d).

11 If the school board retains the teacher, the school  
12 board shall enter a written order stating the amount of  
13 back pay and lost benefits, less mitigation, to be paid to  
14 the teacher, within 45 days after its retention order.  
15 Should the teacher object to the amount of the back pay and  
16 lost benefits or amount mitigated, the teacher shall give  
17 written objections to the amount within 21 days. If the  
18 parties fail to reach resolution within 7 days, the  
19 dispute shall be referred to the hearing officer, who  
20 shall consider the school board's written order and  
21 teacher's written objection and determine the amount to  
22 which the school board is liable. The costs of the hearing  
23 officer's review and determination must be paid by the  
24 board.

25 (9) The decision of the hearing officer pursuant to  
26 Article 24A of this Code or of the school board's decision

1 to dismiss for cause is final unless reviewed as provided  
2 in Section 24-16 of this Code. If the school board's  
3 decision to dismiss for cause is contrary to the hearing  
4 officer's recommendation, the court on review shall give  
5 consideration to the school board's decision and its  
6 supplemental findings of fact, if applicable, and the  
7 hearing officer's findings of fact and recommendation in  
8 making its decision. In the event such review is  
9 instituted, the school board shall be responsible for  
10 preparing and filing the record of proceedings, and such  
11 costs associated therewith must be divided equally between  
12 the parties.

13 (10) If a decision of the hearing officer for  
14 dismissal pursuant to Article 24A of this Code or of the  
15 school board for dismissal for cause is adjudicated upon  
16 review or appeal in favor of the teacher, then the trial  
17 court shall order reinstatement and shall remand the  
18 matter to the school board with direction for entry of an  
19 order setting the amount of back pay, lost benefits, and  
20 costs, less mitigation. The teacher may challenge the  
21 school board's order setting the amount of back pay, lost  
22 benefits, and costs, less mitigation, through an expedited  
23 arbitration procedure, with the costs of the arbitrator  
24 borne by the school board.

25 Any teacher who is reinstated by any hearing or  
26 adjudication brought under this Section shall be assigned

1 by the board to a position substantially similar to the  
2 one which that teacher held prior to that teacher's  
3 suspension or dismissal.

4 (11) Subject to any later effective date referenced in  
5 this Section for a specific aspect of the dismissal  
6 process, the changes made by Public Act 97-8 shall apply  
7 to dismissals instituted on or after September 1, 2011.  
8 Any dismissal instituted prior to September 1, 2011 must  
9 be carried out in accordance with the requirements of this  
10 Section prior to amendment by Public Act 97-8.

11 (e) Nothing contained in Public Act 98-648 repeals,  
12 supersedes, invalidates, or nullifies final decisions in  
13 lawsuits pending on July 1, 2014 (the effective date of Public  
14 Act 98-648) in Illinois courts involving the interpretation of  
15 Public Act 97-8.

16 (Source: P.A. 102-708, eff. 4-22-22; 103-354, eff. 1-1-24;  
17 103-398, eff. 1-1-24; 103-500, eff. 8-4-23; revised 8-30-23.)

18 (105 ILCS 5/24A-5) (from Ch. 122, par. 24A-5)

19 Sec. 24A-5. Content of evaluation plans. This Section  
20 does not apply to teachers assigned to schools identified in  
21 an agreement entered into between the board of a school  
22 district operating under Article 34 of this Code and the  
23 exclusive representative of the district's teachers in  
24 accordance with Section 34-85c of this Code.

25 Each school district to which this Article applies shall



1 establish a teacher evaluation plan which ensures that each  
2 teacher in contractual continued service is evaluated at least  
3 once in the course of every 2 or 3 school years as provided in  
4 this Section.

5 Each school district shall establish a teacher evaluation  
6 plan that ensures that:

7 (1) each teacher not in contractual continued service  
8 is evaluated at least once every school year; and

9 (2) except as otherwise provided in this Section, each  
10 teacher in contractual continued service is evaluated at  
11 least once in the course of every 2 school years. However,  
12 any teacher in contractual continued service whose  
13 performance is rated as either "needs improvement" or  
14 "unsatisfactory" must be evaluated at least once in the  
15 school year following the receipt of such rating.

16 No later than September 1, 2022, each school district must  
17 establish a teacher evaluation plan that ensures that each  
18 teacher in contractual continued service whose performance is  
19 rated as either "excellent" or "proficient" is evaluated at  
20 least once in the course of the 3 school years after receipt of  
21 the rating and implement an informal teacher observation plan  
22 established by agency rule and by agreement of the joint  
23 committee established under subsection (b) of Section 24A-4 of  
24 this Code that ensures that each teacher in contractual  
25 continued service whose performance is rated as either  
26 "excellent" or "proficient" is informally observed at least

1 once in the course of the 2 school years after receipt of the  
2 rating.

3 For the 2022-2023 school year only, if the Governor has  
4 declared a disaster due to a public health emergency pursuant  
5 to Section 7 of the Illinois Emergency Management Agency Act,  
6 a school district may waive the evaluation requirement of all  
7 teachers in contractual continued service whose performances  
8 were rated as either "excellent" or "proficient" during the  
9 last school year in which the teachers were evaluated under  
10 this Section.

11 Notwithstanding anything to the contrary in this Section  
12 or any other Section of this Code, a principal shall not be  
13 prohibited from evaluating any teachers within a school during  
14 his or her first year as principal of such school. If a  
15 first-year principal exercises this option in a school  
16 district where the evaluation plan provides for a teacher in  
17 contractual continued service to be evaluated once in the  
18 course of every 2 or 3 school years, as applicable, then a new  
19 2-year or 3-year evaluation plan must be established.

20 The evaluation plan shall comply with the requirements of  
21 this Section and of any rules adopted by the State Board of  
22 Education pursuant to this Section.

23 The plan shall include a description of each teacher's  
24 duties and responsibilities and of the standards to which that  
25 teacher is expected to conform, and shall include at least the  
26 following components:

1 (a) personal observation of the teacher in the  
2 classroom by the evaluator, unless the teacher has no  
3 classroom duties.

4 (b) consideration of the teacher's attendance,  
5 planning, instructional methods, classroom management,  
6 where relevant, and competency in the subject matter  
7 taught.

8 (c) by no later than the applicable implementation  
9 date, consideration of student growth as a significant  
10 factor in the rating of the teacher's performance.

11 (d) prior to September 1, 2012, rating of the  
12 performance of teachers in contractual continued service  
13 as either:

14 (i) "excellent", "satisfactory" or  
15 "unsatisfactory"; or

16 (ii) "excellent", "proficient", "needs  
17 improvement" or "unsatisfactory".

18 (e) on and after September 1, 2012, rating of the  
19 performance of all teachers as "excellent", "proficient",  
20 "needs improvement" or "unsatisfactory".

21 (f) specification as to the teacher's strengths and  
22 weaknesses, with supporting reasons for the comments made.

23 (g) inclusion of a copy of the evaluation in the  
24 teacher's personnel file and provision of a copy to the  
25 teacher.

26 (h) within 30 school days after the completion of an

1 evaluation rating a teacher in contractual continued  
2 service as "needs improvement", development by the  
3 evaluator, in consultation with the teacher, and taking  
4 into account the teacher's on-going professional  
5 responsibilities including his or her regular teaching  
6 assignments, of a professional development plan directed  
7 to the areas that need improvement and any supports that  
8 the district will provide to address the areas identified  
9 as needing improvement.

10 (i) within 30 school days after completion of an  
11 evaluation rating a teacher in contractual continued  
12 service as "unsatisfactory", development and commencement  
13 by the district of a remediation plan designed to correct  
14 deficiencies cited, provided the deficiencies are deemed  
15 remediable. In all school districts the remediation plan  
16 for unsatisfactory, tenured teachers shall provide for 90  
17 school days of remediation within the classroom, unless an  
18 applicable collective bargaining agreement provides for a  
19 shorter duration. In all school districts evaluations  
20 issued pursuant to this Section shall be issued within 10  
21 days after the conclusion of the respective remediation  
22 plan. However, the school board or other governing  
23 authority of the district shall not lose jurisdiction to  
24 discharge a teacher in the event the evaluation is not  
25 issued within 10 days after the conclusion of the  
26 respective remediation plan.

1           (j) participation in the remediation plan by the  
2 teacher in contractual continued service rated  
3 "unsatisfactory", an evaluator and a consulting teacher  
4 selected by the evaluator of the teacher who was rated  
5 "unsatisfactory", which consulting teacher is an  
6 educational employee as defined in the Illinois  
7 Educational Labor Relations Act, has at least 5 years'  
8 teaching experience, and a reasonable familiarity with the  
9 assignment of the teacher being evaluated, and who  
10 received an "excellent" rating on his or her most recent  
11 evaluation. Where no teachers who meet these criteria are  
12 available within the district, the district shall request  
13 and the applicable regional office of education shall  
14 supply, to participate in the remediation process, an  
15 individual who meets these criteria.

16           In a district having a population of less than 500,000  
17 with an exclusive bargaining agent, the bargaining agent  
18 may, if it so chooses, supply a roster of qualified  
19 teachers from whom the consulting teacher is to be  
20 selected. That roster shall, however, contain the names of  
21 at least 5 teachers, each of whom meets the criteria for  
22 consulting teacher with regard to the teacher being  
23 evaluated, or the names of all teachers so qualified if  
24 that number is less than 5. In the event of a dispute as to  
25 qualification, the State Board shall determine  
26 qualification.

1 (k) a mid-point and final evaluation by an evaluator  
2 during and at the end of the remediation period,  
3 immediately following receipt of a remediation plan  
4 provided for under subsections (i) and (j) of this  
5 Section. Each evaluation shall assess the teacher's  
6 performance during the time period since the prior  
7 evaluation; provided that the last evaluation shall also  
8 include an overall evaluation of the teacher's performance  
9 during the remediation period. A written copy of the  
10 evaluations and ratings, in which any deficiencies in  
11 performance and recommendations for correction are  
12 identified, shall be provided to and discussed with the  
13 teacher within 10 school days after the date of the  
14 evaluation, unless an applicable collective bargaining  
15 agreement provides to the contrary. These subsequent  
16 evaluations shall be conducted by an evaluator. The  
17 consulting teacher shall provide advice to the teacher  
18 rated "unsatisfactory" on how to improve teaching skills  
19 and to successfully complete the remediation plan. The  
20 consulting teacher shall participate in developing the  
21 remediation plan, but the final decision as to the  
22 evaluation shall be done solely by the evaluator, unless  
23 an applicable collective bargaining agreement provides to  
24 the contrary. Evaluations at the conclusion of the  
25 remediation process shall be separate and distinct from  
26 the required annual evaluations of teachers and shall not

1 be subject to the guidelines and procedures relating to  
2 those annual evaluations. The evaluator may but is not  
3 required to use the forms provided for the annual  
4 evaluation of teachers in the district's evaluation plan.

5 (l) reinstatement to the evaluation schedule set forth  
6 in the district's evaluation plan for any teacher in  
7 contractual continued service who achieves a rating equal  
8 to or better than "satisfactory" or "proficient" in the  
9 school year following a rating of "needs improvement" or  
10 "unsatisfactory".

11 (m) dismissal in accordance with subsection (d) of  
12 Section 24-12 or Section 24-16.5 or 34-85 of this Code of  
13 any teacher who fails to complete any applicable  
14 remediation plan with a rating equal to or better than a  
15 "satisfactory" or "proficient" rating. Districts and  
16 teachers subject to dismissal hearings are precluded from  
17 compelling the testimony of consulting teachers at such  
18 hearings under subsection (d) of Section 24-12 or Section  
19 24-16.5 or 34-85 of this Code, either as to the rating  
20 process or for opinions of performances by teachers under  
21 remediation.

22 (n) After the implementation date of an evaluation  
23 system for teachers in a district as specified in Section  
24 24A-2.5 of this Code, if a teacher in contractual  
25 continued service successfully completes a remediation  
26 plan following a rating of "unsatisfactory" in an overall

1 performance evaluation received after the foregoing  
2 implementation date and receives a subsequent rating of  
3 "unsatisfactory" in any of the teacher's overall  
4 performance evaluation ratings received during the  
5 36-month period following the teacher's completion of the  
6 remediation plan, then the school district may forgo  
7 ~~forego~~ remediation and seek dismissal in accordance with  
8 subsection (d) of Section 24-12 or Section 34-85 of this  
9 Code.

10 (o) Teachers who are due to be evaluated in the last  
11 year before they are set to retire shall be offered the  
12 opportunity to waive their evaluation and to retain their  
13 most recent rating, unless the teacher was last rated as  
14 "needs improvement" or "unsatisfactory". The school  
15 district may still reserve the right to evaluate a teacher  
16 provided the district gives notice to the teacher at least  
17 14 days before the evaluation and a reason for evaluating  
18 the teacher.

19 Nothing in this Section or Section 24A-4 shall be  
20 construed as preventing immediate dismissal of a teacher for  
21 deficiencies which are deemed irremediable or for actions  
22 which are injurious to or endanger the health or person of  
23 students in the classroom or school, or preventing the  
24 dismissal or non-renewal of teachers not in contractual  
25 continued service for any reason not prohibited by applicable  
26 employment, labor, and civil rights laws. Failure to strictly



1 comply with the time requirements contained in Section 24A-5  
2 shall not invalidate the results of the remediation plan.

3 Nothing contained in Public Act 98-648 ~~this amendatory Act~~  
4 ~~of the 98th General Assembly~~ repeals, supersedes, invalidates,  
5 or nullifies final decisions in lawsuits pending on July 1,  
6 2014 (the effective date of Public Act 98-648) ~~this amendatory~~  
7 ~~Act of the 98th General Assembly~~ in Illinois courts involving  
8 the interpretation of Public Act 97-8.

9 If the Governor has declared a disaster due to a public  
10 health emergency pursuant to Section 7 of the Illinois  
11 Emergency Management Agency Act that suspends in-person  
12 instruction, the timelines in this Section connected to the  
13 commencement and completion of any remediation plan are  
14 waived. Except if the parties mutually agree otherwise and the  
15 agreement is in writing, any remediation plan that had been in  
16 place for more than 45 days prior to the suspension of  
17 in-person instruction shall resume when in-person instruction  
18 resumes and any remediation plan that had been in place for  
19 fewer than 45 days prior to the suspension of in-person  
20 instruction shall be discontinued and a new remediation period  
21 shall begin when in-person instruction resumes. The  
22 requirements of this paragraph apply regardless of whether  
23 they are included in a school district's teacher evaluation  
24 plan.

25 (Source: P.A. 102-252, eff. 1-1-22; 102-729, eff. 5-6-22;  
26 103-85, eff. 6-9-23; revised 9-20-23.)

1 (105 ILCS 5/26A-40)

2 (This Section may contain text from a Public Act with a  
3 delayed effective date)

4 Sec. 26A-40. Support and services.

5 (a) To facilitate the full participation of students who  
6 are parents, expectant parents, or victims of domestic or  
7 sexual violence, each school district must provide those  
8 students with in-school support services and information  
9 regarding nonschool-based support services, and the ability to  
10 make up work missed on account of circumstances related to the  
11 student's status as a parent, expectant parent, or victim of  
12 domestic or sexual violence. Victims of domestic or sexual  
13 violence must have access to those supports and services  
14 regardless of when or where the violence for which they are  
15 seeking supports and services occurred. All supports and  
16 services must be offered for as long as necessary to maintain  
17 the mental and physical well-being and safety of the student.  
18 Schools may periodically check on students receiving supports  
19 and services to determine whether each support and service  
20 continues to be necessary to maintain the mental and physical  
21 well-being and safety of the student or whether termination is  
22 appropriate.

23 (b) Supports provided under subsection (a) shall include,  
24 but are not limited to (i) the provision of sufficiently  
25 private settings to ensure confidentiality and time off from

1 class for meetings with counselors or other service providers,  
2 (ii) assisting the student with a student success plan, (iii)  
3 transferring a victim of domestic or sexual violence or the  
4 student perpetrator to a different classroom or school, if  
5 available, (iv) changing a seating assignment, (v)  
6 implementing in-school, school grounds, and bus safety  
7 procedures, (vi) honoring court orders, including orders of  
8 protection and no-contact orders to the fullest extent  
9 possible, and (vii) providing any other supports that may  
10 facilitate the full participation in the regular education  
11 program of students who are parents, expectant parents, or  
12 victims of domestic or sexual violence.

13 (c) If a student who is a parent, expectant parent, or  
14 victim of domestic or sexual violence is a student at risk of  
15 academic failure or displays poor academic performance, the  
16 student or the student's parent or guardian may request that  
17 the school district provide the student with or refer the  
18 student to education and support services designed to assist  
19 the student in meeting State learning standards. A school  
20 district may either provide education or support services  
21 directly or may collaborate with public or private State,  
22 local, or community-based organizations or agencies that  
23 provide these services. A school district must also inform  
24 those students about support services of nonschool-based  
25 organizations and agencies from which those students typically  
26 receive services in the community.

1 (d) Any student who is unable, because of circumstances  
2 related to the student's status as a parent, expectant parent,  
3 or victim of domestic or sexual violence, to participate in  
4 classes on a particular day or days or at the particular time  
5 of day must be excused in accordance with the procedures set  
6 forth in this Code. Upon student or parent or guardian's  
7 request, the teachers and of the school administrative  
8 personnel and officials shall make available to each student  
9 who is unable to participate because of circumstances related  
10 to the student's status as a parent, expectant parent, or  
11 victim of domestic or sexual violence a meaningful opportunity  
12 to make up any examination, study, or work requirement that  
13 the student has missed because of the inability to participate  
14 on any particular day or days or at any particular time of day.  
15 For a student receiving homebound instruction, it is the  
16 responsibility of the student and parent to work with the  
17 school or school district to meet academic standards for  
18 matriculation, as defined by school district policy. Costs  
19 assessed by the school district on the student for  
20 participation in those activities shall be considered waivable  
21 fees for any student whose parent or guardian is unable to  
22 afford them, consistent with Section 10-20.13. Each school  
23 district must adopt written policies for waiver of those fees  
24 in accordance with rules adopted by the State Board of  
25 Education.

26 (e) If a school or school district employee or agent

1 becomes aware of or suspects a student's status as a parent,  
2 expectant parent, or victim of domestic or sexual violence, it  
3 is the responsibility of the employee or agent of the school or  
4 school district to refer the student to the school district's  
5 domestic or sexual violence and parenting resource personnel  
6 set forth in Section 26A-35. A school district must make  
7 respecting a student's privacy, confidentiality, mental and  
8 physical health, and safety a paramount concern.

9 (f) Each school must honor a student's and a parent's or  
10 guardian's decision to obtain education and support services  
11 and nonschool-based support services, to terminate the receipt  
12 of those education and support services, or nonschool-based  
13 support services, or to decline participation in those  
14 education and support services, or nonschool-based support  
15 services. No student is obligated to use education and support  
16 services, or nonschool-based support services. In developing  
17 educational support services, the privacy, mental and physical  
18 health, and safety of the student shall be of paramount  
19 concern. No adverse or prejudicial effects may result to any  
20 student because of the student's availing of or declining the  
21 provisions of this Section as long as the student is working  
22 with the school to meet academic standards for matriculation  
23 as defined by school district policy.

24 (g) Any support services must be available in any school  
25 or by home or hospital instruction to the highest quality and  
26 fullest extent possible for the individual setting.

1 (h) School-based counseling services, if available, must  
2 be offered to students who are parents, expectant parents, or  
3 victims of domestic or sexual violence consistent with the  
4 Mental Health and Developmental Disabilities Code. At least  
5 once every school year, each school district must inform, in  
6 writing, all school personnel and all students 12 years of age  
7 or older of the availability of counseling without parental or  
8 guardian consent under ~~Section 3-5A-105 (to be renumbered as~~  
9 ~~Section 3-550 in a revisory bill as of the effective date of~~  
10 ~~this amendatory Act of the 102nd General Assembly)~~ of the  
11 Mental Health and Developmental Disabilities Code. This  
12 information must also be provided to students immediately  
13 after any school personnel becomes aware that a student is a  
14 parent, expectant parent, or victim of domestic or sexual  
15 violence.

16 (i) All domestic or sexual violence organizations and  
17 their staff and any other nonschool organization and its staff  
18 shall maintain confidentiality under federal and State laws  
19 and their professional ethics policies regardless of when or  
20 where information, advice, counseling, or any other  
21 interaction with students takes place. A school or school  
22 district may not request or require those organizations or  
23 individuals to breach confidentiality.

24 (Source: P.A. 102-466, eff. 7-1-25; revised 4-3-23.)

25 (105 ILCS 5/27-23.1) (from Ch. 122, par. 27-23.1)

1           Sec. 27-23.1. Parenting education.

2           (a) The State Board of Education must assist each school  
3 district that offers an evidence-based parenting education  
4 model. School districts may provide instruction in parenting  
5 education for grades 6 through 12 and include such instruction  
6 in the courses of study regularly taught therein. School  
7 districts may give regular school credit for satisfactory  
8 completion by the student of such courses.

9           As used in this subsection (a), "parenting education"  
10 means and includes instruction in the following:

11           (1) Child growth and development, including prenatal  
12 development.

13           (2) Childbirth and child care.

14           (3) Family structure, function, and management.

15           (4) Prenatal and postnatal care for mothers and  
16 infants.

17           (5) Prevention of child abuse.

18           (6) The physical, mental, emotional, social, economic,  
19 and psychological aspects of interpersonal and family  
20 relationships.

21           (7) Parenting skill development.

22           The State Board of Education shall assist those districts  
23 offering parenting education instruction, upon request, in  
24 developing instructional materials, training teachers, and  
25 establishing appropriate time allotments for each of the areas  
26 included in such instruction.

1 School districts may offer parenting education courses  
2 during that period of the day which is not part of the regular  
3 school day. Residents of the school district may enroll in  
4 such courses. The school board may establish fees and collect  
5 such charges as may be necessary for attendance at such  
6 courses in an amount not to exceed the per capita cost of the  
7 operation thereof, except that the board may waive all or part  
8 of such charges if it determines that the individual is  
9 indigent or that the educational needs of the individual  
10 requires his or her attendance at such courses.

11 (b) Beginning with the 2019-2020 school year, from  
12 appropriations made for the purposes of this Section, the  
13 State Board of Education shall implement and administer a  
14 7-year pilot program supporting the health and wellness  
15 student-learning requirement by utilizing a unit of  
16 instruction on parenting education in participating school  
17 districts that maintain grades 9 through 12, to be determined  
18 by the participating school districts. The program is  
19 encouraged to include, but is not ~~be~~ limited to, instruction  
20 on (i) family structure, function, and management, (ii) the  
21 prevention of child abuse, (iii) the physical, mental,  
22 emotional, social, economic, and psychological aspects of  
23 interpersonal and family relationships, and (iv) parenting  
24 education competency development that is aligned to the social  
25 and emotional learning standards of the student's grade level.  
26 Instruction under this subsection (b) may be included in the



1 Comprehensive Health Education Program set forth under Section  
2 3 of the Critical Health Problems and Comprehensive Health  
3 Education Act. The State Board of Education is authorized to  
4 make grants to school districts that apply to participate in  
5 the pilot program under this subsection (b). The provisions of  
6 this subsection (b), other than this sentence, are inoperative  
7 at the conclusion of the pilot program.

8 (Source: P.A. 103-8, eff. 6-7-23; 103-175, eff. 6-30-23;  
9 revised 9-5-23.)

10 (105 ILCS 5/27A-3)

11 Sec. 27A-3. Definitions. For purposes of this Article:

12 "At-risk pupil" means a pupil who, because of physical,  
13 emotional, socioeconomic, or cultural factors, is less likely  
14 to succeed in a conventional educational environment.

15 "Authorizer" means an entity authorized under this Article  
16 to review applications, decide whether to approve or reject  
17 applications, enter into charter contracts with applicants,  
18 oversee charter schools, and decide whether to renew, not  
19 renew, or revoke a charter.

20 "Local school board" means the duly elected or appointed  
21 school board or board of education of a public school  
22 district, including special charter districts and school  
23 districts located in cities having a population of more than  
24 500,000, organized under the laws of this State.

25 "State Board" means the State Board of Education.

1 "Union neutrality clause" means a provision whereby a  
2 charter school agrees: (1) to be neutral regarding the  
3 unionization of any of its employees, such that the charter  
4 school will not at any time express a position on the matter of  
5 whether its employees will be unionized and such that the  
6 charter school will not threaten, intimidate, discriminate  
7 against, retaliate against, or take any adverse action against  
8 any employees based on their decision to support or oppose  
9 union representation; (2) to provide any bona fide labor  
10 organization access at reasonable times to areas in which the  
11 charter school's employees work for the purpose of meeting  
12 with employees to discuss their right to representation,  
13 employment rights under the law, and terms and conditions of  
14 employment; and (3) that union recognition shall be through a  
15 majority card check verified by a neutral third-party  
16 arbitrator mutually selected by the charter school and the  
17 bona fide labor organization through alternate striking from a  
18 panel of arbitrators provided by the Federal Mediation and  
19 Conciliation Service. As used in this definition, "bona fide  
20 labor organization" means a labor organization recognized  
21 under the National Labor Relations Act or the Illinois  
22 Educational Labor Relations Act. As used in this definition,  
23 "employees" means non-represented, non-management, and  
24 non-confidential employees of a charter school.

25 (Source: P.A. 103-175, eff. 6-30-23; 103-416, eff. 8-4-23;  
26 revised 9-5-23.)

1 (105 ILCS 5/27A-5)

2 (Text of Section before amendment by P.A. 102-466 and  
3 103-472)

4 Sec. 27A-5. Charter school; legal entity; requirements.

5 (a) A charter school shall be a public, nonsectarian,  
6 nonreligious, non-home based, and non-profit school. A charter  
7 school shall be organized and operated as a nonprofit  
8 corporation or other discrete, legal, nonprofit entity  
9 authorized under the laws of the State of Illinois.

10 (b) A charter school may be established under this Article  
11 by creating a new school or by converting an existing public  
12 school or attendance center to charter school status. In all  
13 new applications to establish a charter school in a city  
14 having a population exceeding 500,000, operation of the  
15 charter school shall be limited to one campus. This limitation  
16 does not apply to charter schools existing or approved on or  
17 before April 16, 2003.

18 (b-5) (Blank).

19 (c) A charter school shall be administered and governed by  
20 its board of directors or other governing body in the manner  
21 provided in its charter. The governing body of a charter  
22 school shall be subject to the Freedom of Information Act and  
23 the Open Meetings Act. A charter school's board of directors  
24 or other governing body must include at least one parent or  
25 guardian of a pupil currently enrolled in the charter school

1 who may be selected through the charter school or a charter  
2 network election, appointment by the charter school's board of  
3 directors or other governing body, or by the charter school's  
4 Parent Teacher Organization or its equivalent.

5 (c-5) No later than January 1, 2021 or within the first  
6 year of his or her first term, every voting member of a charter  
7 school's board of directors or other governing body shall  
8 complete a minimum of 4 hours of professional development  
9 leadership training to ensure that each member has sufficient  
10 familiarity with the board's or governing body's role and  
11 responsibilities, including financial oversight and  
12 accountability of the school, evaluating the principal's and  
13 school's performance, adherence to the Freedom of Information  
14 Act and the Open Meetings Act, and compliance with education  
15 and labor law. In each subsequent year of his or her term, a  
16 voting member of a charter school's board of directors or  
17 other governing body shall complete a minimum of 2 hours of  
18 professional development training in these same areas. The  
19 training under this subsection may be provided or certified by  
20 a statewide charter school membership association or may be  
21 provided or certified by other qualified providers approved by  
22 the State Board.

23 (d) For purposes of this subsection (d), "non-curricular  
24 health and safety requirement" means any health and safety  
25 requirement created by statute or rule to provide, maintain,  
26 preserve, or safeguard safe or healthful conditions for

1 students and school personnel or to eliminate, reduce, or  
2 prevent threats to the health and safety of students and  
3 school personnel. "Non-curricular health and safety  
4 requirement" does not include any course of study or  
5 specialized instructional requirement for which the State  
6 Board has established goals and learning standards or which is  
7 designed primarily to impart knowledge and skills for students  
8 to master and apply as an outcome of their education.

9 A charter school shall comply with all non-curricular  
10 health and safety requirements applicable to public schools  
11 under the laws of the State of Illinois. The State Board shall  
12 promulgate and post on its Internet website a list of  
13 non-curricular health and safety requirements that a charter  
14 school must meet. The list shall be updated annually no later  
15 than September 1. Any charter contract between a charter  
16 school and its authorizer must contain a provision that  
17 requires the charter school to follow the list of all  
18 non-curricular health and safety requirements promulgated by  
19 the State Board and any non-curricular health and safety  
20 requirements added by the State Board to such list during the  
21 term of the charter. Nothing in this subsection (d) precludes  
22 an authorizer from including non-curricular health and safety  
23 requirements in a charter school contract that are not  
24 contained in the list promulgated by the State Board,  
25 including non-curricular health and safety requirements of the  
26 authorizing local school board.

1           (e) Except as otherwise provided in the School Code, a  
2 charter school shall not charge tuition; provided that a  
3 charter school may charge reasonable fees for textbooks,  
4 instructional materials, and student activities.

5           (f) A charter school shall be responsible for the  
6 management and operation of its fiscal affairs, including, but  
7 not limited to, the preparation of its budget. An audit of each  
8 charter school's finances shall be conducted annually by an  
9 outside, independent contractor retained by the charter  
10 school. The contractor shall not be an employee of the charter  
11 school or affiliated with the charter school or its authorizer  
12 in any way, other than to audit the charter school's finances.  
13 To ensure financial accountability for the use of public  
14 funds, on or before December 1 of every year of operation, each  
15 charter school shall submit to its authorizer and the State  
16 Board a copy of its audit and a copy of the Form 990 the  
17 charter school filed that year with the federal Internal  
18 Revenue Service. In addition, if deemed necessary for proper  
19 financial oversight of the charter school, an authorizer may  
20 require quarterly financial statements from each charter  
21 school.

22           (g) A charter school shall comply with all provisions of  
23 this Article, the Illinois Educational Labor Relations Act,  
24 all federal and State laws and rules applicable to public  
25 schools that pertain to special education and the instruction  
26 of English learners, and its charter. A charter school is

1 exempt from all other State laws and regulations in this Code  
2 governing public schools and local school board policies;  
3 however, a charter school is not exempt from the following:

4 (1) Sections 10-21.9 and 34-18.5 of this Code  
5 regarding criminal history records checks and checks of  
6 the Statewide Sex Offender Database and Statewide Murderer  
7 and Violent Offender Against Youth Database of applicants  
8 for employment;

9 (2) Sections 10-20.14, 10-22.6, 24-24, 34-19, and  
10 34-84a of this Code regarding discipline of students;

11 (3) the Local Governmental and Governmental Employees  
12 Tort Immunity Act;

13 (4) Section 108.75 of the General Not For Profit  
14 Corporation Act of 1986 regarding indemnification of  
15 officers, directors, employees, and agents;

16 (5) the Abused and Neglected Child Reporting Act;

17 (5.5) subsection (b) of Section 10-23.12 and  
18 subsection (b) of Section 34-18.6 of this Code;

19 (6) the Illinois School Student Records Act;

20 (7) Section 10-17a of this Code regarding school  
21 report cards;

22 (8) the P-20 Longitudinal Education Data System Act;

23 (9) Section 27-23.7 of this Code regarding bullying  
24 prevention;

25 (10) Section 2-3.162 of this Code regarding student  
26 discipline reporting;

- 1 (11) Sections 22-80 and 27-8.1 of this Code;
- 2 (12) Sections 10-20.60 and 34-18.53 of this Code;
- 3 (13) Sections 10-20.63 and 34-18.56 of this Code;
- 4 (14) Sections 22-90 and 26-18 of this Code;
- 5 (15) Section 22-30 of this Code;
- 6 (16) Sections 24-12 and 34-85 of this Code;
- 7 (17) the Seizure Smart School Act;
- 8 (18) Section 2-3.64a-10 of this Code;
- 9 (19) Sections 10-20.73 and 34-21.9 of this Code;
- 10 (20) Section 10-22.25b of this Code;
- 11 (21) Section 27-9.1a of this Code;
- 12 (22) Section 27-9.1b of this Code;
- 13 (23) Section 34-18.8 of this Code;
- 14 (25) Section 2-3.188 of this Code;
- 15 (26) Section 22-85.5 of this Code;
- 16 (27) subsections (d-10), (d-15), and (d-20) of Section  
17 10-20.56 of this Code;
- 18 (28) Sections 10-20.83 and 34-18.78 of this Code;
- 19 (29) Section 10-20.13 of this Code;
- 20 (30) Section 28-19.2 of this Code;
- 21 (31) Section 34-21.6 of this Code; and
- 22 (32) Section 22-85.10 of this Code.

23 The change made by Public Act 96-104 to this subsection  
24 (g) is declaratory of existing law.

25 (h) A charter school may negotiate and contract with a  
26 school district, the governing body of a State college or



1 university or public community college, or any other public or  
2 for-profit or nonprofit private entity for: (i) the use of a  
3 school building and grounds or any other real property or  
4 facilities that the charter school desires to use or convert  
5 for use as a charter school site, (ii) the operation and  
6 maintenance thereof, and (iii) the provision of any service,  
7 activity, or undertaking that the charter school is required  
8 to perform in order to carry out the terms of its charter.  
9 Except as provided in subsection (i) of this Section, a school  
10 district may charge a charter school reasonable rent for the  
11 use of the district's buildings, grounds, and facilities. Any  
12 services for which a charter school contracts with a school  
13 district shall be provided by the district at cost. Any  
14 services for which a charter school contracts with a local  
15 school board or with the governing body of a State college or  
16 university or public community college shall be provided by  
17 the public entity at cost.

18 (i) In no event shall a charter school that is established  
19 by converting an existing school or attendance center to  
20 charter school status be required to pay rent for space that is  
21 deemed available, as negotiated and provided in the charter  
22 agreement, in school district facilities. However, all other  
23 costs for the operation and maintenance of school district  
24 facilities that are used by the charter school shall be  
25 subject to negotiation between the charter school and the  
26 local school board and shall be set forth in the charter.

1 (j) A charter school may limit student enrollment by age  
2 or grade level.

3 (k) If the charter school is authorized by the State  
4 Board, then the charter school is its own local education  
5 agency.

6 (Source: P.A. 102-51, eff. 7-9-21; 102-157, eff. 7-1-22;  
7 102-360, eff. 1-1-22; 102-445, eff. 8-20-21; 102-522, eff.  
8 8-20-21; 102-558, eff. 8-20-21; 102-676, eff. 12-3-21;  
9 102-697, eff. 4-5-22; 102-702, eff. 7-1-23; 102-805, eff.  
10 1-1-23; 102-813, eff. 5-13-22; 103-154, eff. 6-30-23; 103-175,  
11 eff. 6-30-23.)

12 (Text of Section after amendment by P.A. 103-472 but  
13 before amendment by P.A. 102-466)

14 Sec. 27A-5. Charter school; legal entity; requirements.

15 (a) A charter school shall be a public, nonsectarian,  
16 nonreligious, non-home based, and non-profit school. A charter  
17 school shall be organized and operated as a nonprofit  
18 corporation or other discrete, legal, nonprofit entity  
19 authorized under the laws of the State of Illinois.

20 (b) A charter school may be established under this Article  
21 by creating a new school or by converting an existing public  
22 school or attendance center to charter school status. In all  
23 new applications to establish a charter school in a city  
24 having a population exceeding 500,000, operation of the  
25 charter school shall be limited to one campus. This limitation

1 does not apply to charter schools existing or approved on or  
2 before April 16, 2003.

3 (b-5) (Blank).

4 (c) A charter school shall be administered and governed by  
5 its board of directors or other governing body in the manner  
6 provided in its charter. The governing body of a charter  
7 school shall be subject to the Freedom of Information Act and  
8 the Open Meetings Act. A charter school's board of directors  
9 or other governing body must include at least one parent or  
10 guardian of a pupil currently enrolled in the charter school  
11 who may be selected through the charter school or a charter  
12 network election, appointment by the charter school's board of  
13 directors or other governing body, or by the charter school's  
14 Parent Teacher Organization or its equivalent.

15 (c-5) No later than January 1, 2021 or within the first  
16 year of his or her first term, every voting member of a charter  
17 school's board of directors or other governing body shall  
18 complete a minimum of 4 hours of professional development  
19 leadership training to ensure that each member has sufficient  
20 familiarity with the board's or governing body's role and  
21 responsibilities, including financial oversight and  
22 accountability of the school, evaluating the principal's and  
23 school's performance, adherence to the Freedom of Information  
24 Act and the Open Meetings Act, and compliance with education  
25 and labor law. In each subsequent year of his or her term, a  
26 voting member of a charter school's board of directors or

1 other governing body shall complete a minimum of 2 hours of  
2 professional development training in these same areas. The  
3 training under this subsection may be provided or certified by  
4 a statewide charter school membership association or may be  
5 provided or certified by other qualified providers approved by  
6 the State Board.

7 (d) For purposes of this subsection (d), "non-curricular  
8 health and safety requirement" means any health and safety  
9 requirement created by statute or rule to provide, maintain,  
10 preserve, or safeguard safe or healthful conditions for  
11 students and school personnel or to eliminate, reduce, or  
12 prevent threats to the health and safety of students and  
13 school personnel. "Non-curricular health and safety  
14 requirement" does not include any course of study or  
15 specialized instructional requirement for which the State  
16 Board has established goals and learning standards or which is  
17 designed primarily to impart knowledge and skills for students  
18 to master and apply as an outcome of their education.

19 A charter school shall comply with all non-curricular  
20 health and safety requirements applicable to public schools  
21 under the laws of the State of Illinois. The State Board shall  
22 promulgate and post on its Internet website a list of  
23 non-curricular health and safety requirements that a charter  
24 school must meet. The list shall be updated annually no later  
25 than September 1. Any charter contract between a charter  
26 school and its authorizer must contain a provision that

1 requires the charter school to follow the list of all  
2 non-curricular health and safety requirements promulgated by  
3 the State Board and any non-curricular health and safety  
4 requirements added by the State Board to such list during the  
5 term of the charter. Nothing in this subsection (d) precludes  
6 an authorizer from including non-curricular health and safety  
7 requirements in a charter school contract that are not  
8 contained in the list promulgated by the State Board,  
9 including non-curricular health and safety requirements of the  
10 authorizing local school board.

11 (e) Except as otherwise provided in the School Code, a  
12 charter school shall not charge tuition; provided that a  
13 charter school may charge reasonable fees for textbooks,  
14 instructional materials, and student activities.

15 (f) A charter school shall be responsible for the  
16 management and operation of its fiscal affairs, including, but  
17 not limited to, the preparation of its budget. An audit of each  
18 charter school's finances shall be conducted annually by an  
19 outside, independent contractor retained by the charter  
20 school. The contractor shall not be an employee of the charter  
21 school or affiliated with the charter school or its authorizer  
22 in any way, other than to audit the charter school's finances.  
23 To ensure financial accountability for the use of public  
24 funds, on or before December 1 of every year of operation, each  
25 charter school shall submit to its authorizer and the State  
26 Board a copy of its audit and a copy of the Form 990 the

1 charter school filed that year with the federal Internal  
2 Revenue Service. In addition, if deemed necessary for proper  
3 financial oversight of the charter school, an authorizer may  
4 require quarterly financial statements from each charter  
5 school.

6 (g) A charter school shall comply with all provisions of  
7 this Article, the Illinois Educational Labor Relations Act,  
8 all federal and State laws and rules applicable to public  
9 schools that pertain to special education and the instruction  
10 of English learners, and its charter. A charter school is  
11 exempt from all other State laws and regulations in this Code  
12 governing public schools and local school board policies;  
13 however, a charter school is not exempt from the following:

14 (1) Sections 10-21.9 and 34-18.5 of this Code  
15 regarding criminal history records checks and checks of  
16 the Statewide Sex Offender Database and Statewide Murderer  
17 and Violent Offender Against Youth Database of applicants  
18 for employment;

19 (2) Sections 10-20.14, 10-22.6, 24-24, 34-19, and  
20 34-84a of this Code regarding discipline of students;

21 (3) the Local Governmental and Governmental Employees  
22 Tort Immunity Act;

23 (4) Section 108.75 of the General Not For Profit  
24 Corporation Act of 1986 regarding indemnification of  
25 officers, directors, employees, and agents;

26 (5) the Abused and Neglected Child Reporting Act;

- 1 (5.5) subsection (b) of Section 10-23.12 and
- 2 subsection (b) of Section 34-18.6 of this Code;
- 3 (6) the Illinois School Student Records Act;
- 4 (7) Section 10-17a of this Code regarding school
- 5 report cards;
- 6 (8) the P-20 Longitudinal Education Data System Act;
- 7 (9) Section 27-23.7 of this Code regarding bullying
- 8 prevention;
- 9 (10) Section 2-3.162 of this Code regarding student
- 10 discipline reporting;
- 11 (11) Sections 22-80 and 27-8.1 of this Code;
- 12 (12) Sections 10-20.60 and 34-18.53 of this Code;
- 13 (13) Sections 10-20.63 and 34-18.56 of this Code;
- 14 (14) Sections 22-90 and 26-18 of this Code;
- 15 (15) Section 22-30 of this Code;
- 16 (16) Sections 24-12 and 34-85 of this Code;
- 17 (17) the Seizure Smart School Act;
- 18 (18) Section 2-3.64a-10 of this Code;
- 19 (19) Sections 10-20.73 and 34-21.9 of this Code;
- 20 (20) Section 10-22.25b of this Code;
- 21 (21) Section 27-9.1a of this Code;
- 22 (22) Section 27-9.1b of this Code;
- 23 (23) Section 34-18.8 of this Code;
- 24 (25) Section 2-3.188 of this Code;
- 25 (26) Section 22-85.5 of this Code;
- 26 (27) subsections (d-10), (d-15), and (d-20) of Section

- 1           10-20.56 of this Code;
- 2           (28) Sections 10-20.83 and 34-18.78 of this Code;
- 3           (29) Section 10-20.13 of this Code;
- 4           (30) Section 28-19.2 of this Code;
- 5           (31) Section 34-21.6 of this Code; ~~and~~
- 6           (32) Section 22-85.10 of this Code;
- 7           (33) Section 2-3.196 of this Code;
- 8           (34) Section 22-95 of this Code;
- 9           (35) Section 34-18.62 of this Code; and
- 10          (36) the Illinois Human Rights Act.

11           The change made by Public Act 96-104 to this subsection  
12           (g) is declaratory of existing law.

13           (h) A charter school may negotiate and contract with a  
14           school district, the governing body of a State college or  
15           university or public community college, or any other public or  
16           for-profit or nonprofit private entity for: (i) the use of a  
17           school building and grounds or any other real property or  
18           facilities that the charter school desires to use or convert  
19           for use as a charter school site, (ii) the operation and  
20           maintenance thereof, and (iii) the provision of any service,  
21           activity, or undertaking that the charter school is required  
22           to perform in order to carry out the terms of its charter.  
23           Except as provided in subsection (i) of this Section, a school  
24           district may charge a charter school reasonable rent for the  
25           use of the district's buildings, grounds, and facilities. Any  
26           services for which a charter school contracts with a school



1 district shall be provided by the district at cost. Any  
2 services for which a charter school contracts with a local  
3 school board or with the governing body of a State college or  
4 university or public community college shall be provided by  
5 the public entity at cost.

6 (i) In no event shall a charter school that is established  
7 by converting an existing school or attendance center to  
8 charter school status be required to pay rent for space that is  
9 deemed available, as negotiated and provided in the charter  
10 agreement, in school district facilities. However, all other  
11 costs for the operation and maintenance of school district  
12 facilities that are used by the charter school shall be  
13 subject to negotiation between the charter school and the  
14 local school board and shall be set forth in the charter.

15 (j) A charter school may limit student enrollment by age  
16 or grade level.

17 (k) If the charter school is authorized by the State  
18 Board, then the charter school is its own local education  
19 agency.

20 (Source: P.A. 102-51, eff. 7-9-21; 102-157, eff. 7-1-22;  
21 102-360, eff. 1-1-22; 102-445, eff. 8-20-21; 102-522, eff.  
22 8-20-21; 102-558, eff. 8-20-21; 102-676, eff. 12-3-21;  
23 102-697, eff. 4-5-22; 102-702, eff. 7-1-23; 102-805, eff.  
24 1-1-23; 102-813, eff. 5-13-22; 103-154, eff. 6-30-23; 103-175,  
25 eff. 6-30-23; 103-472, eff. 8-1-24; revised 8-31-23.)

1 (Text of Section after amendment by P.A. 102-466)

2 Sec. 27A-5. Charter school; legal entity; requirements.

3 (a) A charter school shall be a public, nonsectarian,  
4 nonreligious, non-home based, and non-profit school. A charter  
5 school shall be organized and operated as a nonprofit  
6 corporation or other discrete, legal, nonprofit entity  
7 authorized under the laws of the State of Illinois.

8 (b) A charter school may be established under this Article  
9 by creating a new school or by converting an existing public  
10 school or attendance center to charter school status. In all  
11 new applications to establish a charter school in a city  
12 having a population exceeding 500,000, operation of the  
13 charter school shall be limited to one campus. This limitation  
14 does not apply to charter schools existing or approved on or  
15 before April 16, 2003.

16 (b-5) (Blank).

17 (c) A charter school shall be administered and governed by  
18 its board of directors or other governing body in the manner  
19 provided in its charter. The governing body of a charter  
20 school shall be subject to the Freedom of Information Act and  
21 the Open Meetings Act. A charter school's board of directors  
22 or other governing body must include at least one parent or  
23 guardian of a pupil currently enrolled in the charter school  
24 who may be selected through the charter school or a charter  
25 network election, appointment by the charter school's board of  
26 directors or other governing body, or by the charter school's

1 Parent Teacher Organization or its equivalent.

2 (c-5) No later than January 1, 2021 or within the first  
3 year of his or her first term, every voting member of a charter  
4 school's board of directors or other governing body shall  
5 complete a minimum of 4 hours of professional development  
6 leadership training to ensure that each member has sufficient  
7 familiarity with the board's or governing body's role and  
8 responsibilities, including financial oversight and  
9 accountability of the school, evaluating the principal's and  
10 school's performance, adherence to the Freedom of Information  
11 Act and the Open Meetings Act, and compliance with education  
12 and labor law. In each subsequent year of his or her term, a  
13 voting member of a charter school's board of directors or  
14 other governing body shall complete a minimum of 2 hours of  
15 professional development training in these same areas. The  
16 training under this subsection may be provided or certified by  
17 a statewide charter school membership association or may be  
18 provided or certified by other qualified providers approved by  
19 the State Board.

20 (d) For purposes of this subsection (d), "non-curricular  
21 health and safety requirement" means any health and safety  
22 requirement created by statute or rule to provide, maintain,  
23 preserve, or safeguard safe or healthful conditions for  
24 students and school personnel or to eliminate, reduce, or  
25 prevent threats to the health and safety of students and  
26 school personnel. "Non-curricular health and safety

1 requirement" does not include any course of study or  
2 specialized instructional requirement for which the State  
3 Board has established goals and learning standards or which is  
4 designed primarily to impart knowledge and skills for students  
5 to master and apply as an outcome of their education.

6 A charter school shall comply with all non-curricular  
7 health and safety requirements applicable to public schools  
8 under the laws of the State of Illinois. The State Board shall  
9 promulgate and post on its Internet website a list of  
10 non-curricular health and safety requirements that a charter  
11 school must meet. The list shall be updated annually no later  
12 than September 1. Any charter contract between a charter  
13 school and its authorizer must contain a provision that  
14 requires the charter school to follow the list of all  
15 non-curricular health and safety requirements promulgated by  
16 the State Board and any non-curricular health and safety  
17 requirements added by the State Board to such list during the  
18 term of the charter. Nothing in this subsection (d) precludes  
19 an authorizer from including non-curricular health and safety  
20 requirements in a charter school contract that are not  
21 contained in the list promulgated by the State Board,  
22 including non-curricular health and safety requirements of the  
23 authorizing local school board.

24 (e) Except as otherwise provided in the School Code, a  
25 charter school shall not charge tuition; provided that a  
26 charter school may charge reasonable fees for textbooks,

1 instructional materials, and student activities.

2 (f) A charter school shall be responsible for the  
3 management and operation of its fiscal affairs, including, but  
4 not limited to, the preparation of its budget. An audit of each  
5 charter school's finances shall be conducted annually by an  
6 outside, independent contractor retained by the charter  
7 school. The contractor shall not be an employee of the charter  
8 school or affiliated with the charter school or its authorizer  
9 in any way, other than to audit the charter school's finances.  
10 To ensure financial accountability for the use of public  
11 funds, on or before December 1 of every year of operation, each  
12 charter school shall submit to its authorizer and the State  
13 Board a copy of its audit and a copy of the Form 990 the  
14 charter school filed that year with the federal Internal  
15 Revenue Service. In addition, if deemed necessary for proper  
16 financial oversight of the charter school, an authorizer may  
17 require quarterly financial statements from each charter  
18 school.

19 (g) A charter school shall comply with all provisions of  
20 this Article, the Illinois Educational Labor Relations Act,  
21 all federal and State laws and rules applicable to public  
22 schools that pertain to special education and the instruction  
23 of English learners, and its charter. A charter school is  
24 exempt from all other State laws and regulations in this Code  
25 governing public schools and local school board policies;  
26 however, a charter school is not exempt from the following:

1           (1) Sections 10-21.9 and 34-18.5 of this Code  
2 regarding criminal history records checks and checks of  
3 the Statewide Sex Offender Database and Statewide Murderer  
4 and Violent Offender Against Youth Database of applicants  
5 for employment;

6           (2) Sections 10-20.14, 10-22.6, 24-24, 34-19, and  
7 34-84a of this Code regarding discipline of students;

8           (3) the Local Governmental and Governmental Employees  
9 Tort Immunity Act;

10          (4) Section 108.75 of the General Not For Profit  
11 Corporation Act of 1986 regarding indemnification of  
12 officers, directors, employees, and agents;

13          (5) the Abused and Neglected Child Reporting Act;

14          (5.5) subsection (b) of Section 10-23.12 and  
15 subsection (b) of Section 34-18.6 of this Code;

16          (6) the Illinois School Student Records Act;

17          (7) Section 10-17a of this Code regarding school  
18 report cards;

19          (8) the P-20 Longitudinal Education Data System Act;

20          (9) Section 27-23.7 of this Code regarding bullying  
21 prevention;

22          (10) Section 2-3.162 of this Code regarding student  
23 discipline reporting;

24          (11) Sections 22-80 and 27-8.1 of this Code;

25          (12) Sections 10-20.60 and 34-18.53 of this Code;

26          (13) Sections 10-20.63 and 34-18.56 of this Code;

- 1 (14) Sections 22-90 and 26-18 of this Code;
- 2 (15) Section 22-30 of this Code;
- 3 (16) Sections 24-12 and 34-85 of this Code;
- 4 (17) the Seizure Smart School Act;
- 5 (18) Section 2-3.64a-10 of this Code;
- 6 (19) Sections 10-20.73 and 34-21.9 of this Code;
- 7 (20) Section 10-22.25b of this Code;
- 8 (21) Section 27-9.1a of this Code;
- 9 (22) Section 27-9.1b of this Code;
- 10 (23) Section 34-18.8 of this Code;
- 11 (24) Article 26A of this Code;
- 12 (25) Section 2-3.188 of this Code;
- 13 (26) Section 22-85.5 of this Code;
- 14 (27) subsections (d-10), (d-15), and (d-20) of Section  
15 10-20.56 of this Code;
- 16 (28) Sections 10-20.83 and 34-18.78 of this Code;
- 17 (29) Section 10-20.13 of this Code;
- 18 (30) Section 28-19.2 of this Code;
- 19 (31) Section 34-21.6 of this Code; ~~and~~
- 20 (32) Section 22-85.10 of this Code;
- 21 (33) Section 2-3.196 of this Code;
- 22 (34) Section 22-95 of this Code;
- 23 (35) Section 34-18.62 of this Code; and
- 24 (36) the Illinois Human Rights Act.

25 The change made by Public Act 96-104 to this subsection  
26 (g) is declaratory of existing law.

1 (h) A charter school may negotiate and contract with a  
2 school district, the governing body of a State college or  
3 university or public community college, or any other public or  
4 for-profit or nonprofit private entity for: (i) the use of a  
5 school building and grounds or any other real property or  
6 facilities that the charter school desires to use or convert  
7 for use as a charter school site, (ii) the operation and  
8 maintenance thereof, and (iii) the provision of any service,  
9 activity, or undertaking that the charter school is required  
10 to perform in order to carry out the terms of its charter.  
11 Except as provided in subsection (i) of this Section, a school  
12 district may charge a charter school reasonable rent for the  
13 use of the district's buildings, grounds, and facilities. Any  
14 services for which a charter school contracts with a school  
15 district shall be provided by the district at cost. Any  
16 services for which a charter school contracts with a local  
17 school board or with the governing body of a State college or  
18 university or public community college shall be provided by  
19 the public entity at cost.

20 (i) In no event shall a charter school that is established  
21 by converting an existing school or attendance center to  
22 charter school status be required to pay rent for space that is  
23 deemed available, as negotiated and provided in the charter  
24 agreement, in school district facilities. However, all other  
25 costs for the operation and maintenance of school district  
26 facilities that are used by the charter school shall be



1 subject to negotiation between the charter school and the  
2 local school board and shall be set forth in the charter.

3 (j) A charter school may limit student enrollment by age  
4 or grade level.

5 (k) If the charter school is authorized by the State  
6 Board, then the charter school is its own local education  
7 agency.

8 (Source: P.A. 102-51, eff. 7-9-21; 102-157, eff. 7-1-22;  
9 102-360, eff. 1-1-22; 102-445, eff. 8-20-21; 102-466, eff.  
10 7-1-25; 102-522, eff. 8-20-21; 102-558, eff. 8-20-21; 102-676,  
11 eff. 12-3-21; 102-697, eff. 4-5-22; 102-702, eff. 7-1-23;  
12 102-805, eff. 1-1-23; 102-813, eff. 5-13-22; 103-154, eff.  
13 6-30-23; 103-175, eff. 6-30-23; 103-472, eff. 8-1-24; revised  
14 8-31-23.)

15 (105 ILCS 5/27A-6)

16 Sec. 27A-6. Contract contents; applicability of laws and  
17 regulations.

18 (a) A certified charter shall constitute a binding  
19 contract and agreement between the charter school and a local  
20 school board under the terms of which the local school board  
21 authorizes the governing body of the charter school to operate  
22 the charter school on the terms specified in the contract.

23 (b) Notwithstanding any other provision of this Article,  
24 the certified charter may not waive or release the charter  
25 school from the State goals, standards, and assessments

1 established pursuant to Section 2-3.64a-5 of this Code. The  
2 certified charter for a charter school operating in a city  
3 having a population exceeding 500,000 shall require the  
4 charter school to administer any other nationally recognized  
5 standardized tests to its students that the chartering entity  
6 administers to other students, and the results on such tests  
7 shall be included in the chartering entity's assessment  
8 reports.

9 (c) Subject to the provisions of subsection (e), a  
10 material revision to a previously certified contract or a  
11 renewal shall be made with the approval of both the local  
12 school board and the governing body of the charter school.

13 (c-5) The proposed contract shall include a provision on  
14 how both parties will address minor violations of the  
15 contract.

16 (c-10) After August 4, 2023 (the effective date of Public  
17 Act 103-416) ~~this amendatory Act of the 103rd General~~  
18 ~~Assembly~~, any renewal of a certified charter must include a  
19 union neutrality clause.

20 (d) The proposed contract between the governing body of a  
21 proposed charter school and the local school board as  
22 described in Section 27A-7 must be submitted to and certified  
23 by the State Board before it can take effect. If the State  
24 Board recommends that the proposed contract be modified for  
25 consistency with this Article before it can be certified, the  
26 modifications must be consented to by both the governing body

1 of the charter school and the local school board, and  
2 resubmitted to the State Board for its certification. If the  
3 proposed contract is resubmitted in a form that is not  
4 consistent with this Article, the State Board may refuse to  
5 certify the charter.

6 The State Board shall assign a number to each submission  
7 or resubmission in chronological order of receipt, and shall  
8 determine whether the proposed contract is consistent with the  
9 provisions of this Article. If the proposed contract complies,  
10 the State Board shall so certify.

11 (e) No renewal of a previously certified contract is  
12 effective unless and until the State Board certifies that the  
13 renewal is consistent with the provisions of this Article. A  
14 material revision to a previously certified contract may go  
15 into effect immediately upon approval of both the local school  
16 board and the governing body of the charter school, unless  
17 either party requests in writing that the State Board certify  
18 that the material revision is consistent with the provisions  
19 of this Article. If such a request is made, the proposed  
20 material revision is not effective unless and until the State  
21 Board so certifies.

22 (Source: P.A. 103-175, eff. 6-30-23; 103-416, eff. 8-4-23;  
23 revised 9-5-23.)

24 (105 ILCS 5/27A-7)

25 Sec. 27A-7. Charter submission.

1           (a) A proposal to establish a charter school shall be  
2 submitted to the local school board and the State Board for  
3 certification under Section 27A-6 of this Code in the form of a  
4 proposed contract entered into between the local school board  
5 and the governing body of a proposed charter school. The  
6 charter school proposal shall include:

7           (1) The name of the proposed charter school, which  
8 must include the words "Charter School".

9           (2) The age or grade range, areas of focus, minimum  
10 and maximum numbers of pupils to be enrolled in the  
11 charter school, and any other admission criteria that  
12 would be legal if used by a school district.

13           (3) A description of and address for the physical  
14 plant in which the charter school will be located;  
15 provided that nothing in the Article shall be deemed to  
16 justify delaying or withholding favorable action on or  
17 approval of a charter school proposal because the building  
18 or buildings in which the charter school is to be located  
19 have not been acquired or rented at the time a charter  
20 school proposal is submitted or approved or a charter  
21 school contract is entered into or submitted for  
22 certification or certified, so long as the proposal or  
23 submission identifies and names at least 2 sites that are  
24 potentially available as a charter school facility by the  
25 time the charter school is to open.

26           (4) The mission statement of the charter school, which

1 must be consistent with the General Assembly's declared  
2 purposes; provided that nothing in this Article shall be  
3 construed to require that, in order to receive favorable  
4 consideration and approval, a charter school proposal  
5 demonstrate unequivocally that the charter school will be  
6 able to meet each of those declared purposes, it being the  
7 intention of the Charter Schools Law that those purposes  
8 be recognized as goals that charter schools must aspire to  
9 attain.

10 (5) The goals, objectives, and pupil performance  
11 standards to be achieved by the charter school.

12 (6) In the case of a proposal to establish a charter  
13 school by converting an existing public school or  
14 attendance center to charter school status, evidence that  
15 the proposed formation of the charter school has received  
16 the approval of certified teachers, parents and guardians,  
17 and, if applicable, a local school council as provided in  
18 subsection (b) of Section 27A-8.

19 (7) A description of the charter school's educational  
20 program, pupil performance standards, curriculum, school  
21 year, school days, and hours of operation.

22 (8) A description of the charter school's plan for  
23 evaluating pupil performance, the types of assessments  
24 that will be used to measure pupil progress toward ~~towards~~  
25 achievement of the school's pupil performance standards,  
26 the timeline for achievement of those standards, and the

1 procedures for taking corrective action in the event that  
2 pupil performance at the charter school falls below those  
3 standards.

4 (9) Evidence that the terms of the charter as proposed  
5 are economically sound for both the charter school and the  
6 school district, a proposed budget for the term of the  
7 charter, a description of the manner in which an annual  
8 audit of the financial and administrative operations of  
9 the charter school, including any services provided by the  
10 school district, are to be conducted, and a plan for the  
11 displacement of pupils, teachers, and other employees who  
12 will not attend or be employed in the charter school.

13 (10) A description of the governance and operation of  
14 the charter school, including the nature and extent of  
15 parental, professional educator, and community involvement  
16 in the governance and operation of the charter school.

17 (11) An explanation of the relationship that will  
18 exist between the charter school and its employees,  
19 including evidence that the terms and conditions of  
20 employment have been addressed with affected employees and  
21 their recognized representative, if any. However, a  
22 bargaining unit of charter school employees shall be  
23 separate and distinct from any bargaining units formed  
24 from employees of a school district in which the charter  
25 school is located.

26 (12) An agreement between the parties regarding their

1           respective legal liability and applicable insurance  
2           coverage.

3           (13) A description of how the charter school plans to  
4           meet the transportation needs of its pupils, and a plan  
5           for addressing the transportation needs of low-income and  
6           at-risk pupils.

7           (14) The proposed effective date and term of the  
8           charter; provided that the first day of the first academic  
9           year shall be no earlier than August 15 and no later than  
10          September 15 of a calendar year, and the first day of the  
11          fiscal year shall be July 1.

12          (14.5) Disclosure of any known active civil or  
13          criminal investigation by a local, state, or federal law  
14          enforcement agency into an organization submitting the  
15          charter school proposal or a criminal investigation by a  
16          local, state, or federal law enforcement agency into any  
17          member of the governing body of that organization. For the  
18          purposes of this subdivision (14.5), a known investigation  
19          means a request for an interview by a law enforcement  
20          agency, a subpoena, an arrest, or an indictment. Such  
21          disclosure is required for a period from the initial  
22          application submission through 10 business days prior to  
23          the authorizer's scheduled decision date.

24          (14.7) A union neutrality clause.

25          (15) Any other information reasonably required by the  
26          State Board.

1 (b) A proposal to establish a charter school may be  
2 initiated by individuals or organizations that will have  
3 majority representation on the board of directors or other  
4 governing body of the corporation or other discrete legal  
5 entity that is to be established to operate the proposed  
6 charter school, by a board of education or an  
7 intergovernmental agreement between or among boards of  
8 education, or by the board of directors or other governing  
9 body of a discrete legal entity already existing or  
10 established to operate the proposed charter school. The  
11 individuals or organizations referred to in this subsection  
12 may be school teachers, school administrators, local school  
13 councils, colleges or universities or their faculty members,  
14 public community colleges or their instructors or other  
15 representatives, corporations, or other entities or their  
16 representatives. The proposal shall be submitted to the local  
17 school board for consideration and, if appropriate, for  
18 development of a proposed contract to be submitted to the  
19 State Board for certification under Section 27A-6.

20 (c) The local school board may not without the consent of  
21 the governing body of the charter school condition its  
22 approval of a charter school proposal on acceptance of an  
23 agreement to operate under State laws and regulations and  
24 local school board policies from which the charter school is  
25 otherwise exempted under this Article.

26 (Source: P.A. 103-175, eff. 6-30-23; 103-416, eff. 8-4-23;



1 revised 9-6-23.)

2 (105 ILCS 5/27A-11.5)

3 Sec. 27A-11.5. State financing. The State Board shall make  
4 the following funds available to school districts and charter  
5 schools:

6 (1) From a separate appropriation made to the State  
7 Board for purposes of this subdivision (1), the State  
8 Board shall make transition impact aid available to school  
9 districts that approve a new charter school. The amount of  
10 the aid shall equal 90% of the per capita funding paid to  
11 the charter school during the first year of its initial  
12 charter term, 65% of the per capita funding paid to the  
13 charter school during the second year of its initial term,  
14 and 35% of the per capita funding paid to the charter  
15 school during the third year of its initial term. This  
16 transition impact aid shall be paid to the local school  
17 board in equal quarterly installments, with the payment of  
18 the installment for the first quarter being made by August  
19 1st immediately preceding the first, second, and third  
20 years of the initial term. The district shall file an  
21 application for this aid with the State Board in a format  
22 designated by the State Board. If the appropriation is  
23 insufficient in any year to pay all approved claims, the  
24 impact aid shall be prorated. If any funds remain after  
25 these claims have been paid, then the State Board may pay

1 all other approved claims on a pro rata basis. Transition  
2 impact aid shall be paid for charter schools that are in  
3 the first, second, or third year of their initial term.  
4 Transition impact aid shall not be paid for any charter  
5 school that is proposed and created by one or more boards  
6 of education, as authorized under subsection (b) of  
7 Section 27A-7.

8 (2) From a separate appropriation made for the purpose  
9 of this subdivision (2), the State Board shall make grants  
10 to charter schools to pay their start-up costs of  
11 acquiring educational materials and supplies, textbooks,  
12 electronic textbooks and the technological equipment  
13 necessary to gain access to and use electronic textbooks,  
14 furniture, and other equipment or materials needed during  
15 their initial term. The State Board shall annually  
16 establish the time and manner of application for these  
17 grants, which shall not exceed \$250 per student enrolled  
18 in the charter school.

19 (3) The Charter Schools Revolving Loan Fund is created  
20 as a special fund in the State treasury. Federal funds,  
21 such other funds as may be made available for costs  
22 associated with the establishment of charter schools in  
23 Illinois, and amounts repaid by charter schools that have  
24 received a loan from the Charter Schools Revolving Loan  
25 Fund shall be deposited into the Charter Schools Revolving  
26 Loan Fund, and the moneys in the Charter Schools Revolving

1 Loan Fund shall be appropriated to the State Board and  
2 used to provide interest-free loans to charter schools.  
3 These funds shall be used to pay start-up costs of  
4 acquiring educational materials and supplies, textbooks,  
5 electronic textbooks and the technological equipment  
6 necessary to gain access to and use electronic textbooks,  
7 furniture, and other equipment or materials needed in the  
8 initial term of the charter school and for acquiring and  
9 remodeling a suitable physical plant, within the initial  
10 term of the charter school. Loans shall be limited to one  
11 loan per charter school and shall not exceed \$750 per  
12 student enrolled in the charter school. A loan shall be  
13 repaid by the end of the initial term of the charter  
14 school. The State Board may deduct amounts necessary to  
15 repay the loan from funds due to the charter school or may  
16 require that the local school board that authorized the  
17 charter school deduct such amounts from funds due the  
18 charter school and remit these amounts to the State Board,  
19 provided that the local school board shall not be  
20 responsible for repayment of the loan. The State Board may  
21 use up to 3% of the appropriation to contract with a  
22 non-profit entity to administer the loan program.

23 (4) A charter school may apply for and receive,  
24 subject to the same restrictions applicable to school  
25 districts, any grant administered by the State Board that  
26 is available for school districts.

1           If a charter school fails to make payments toward  
2 administrative costs, the State Board may withhold State funds  
3 from that school until it has made all payments for those  
4 costs.

5           (Source: P.A. 103-175, eff. 6-30-23; revised 9-20-23.)

6           (105 ILCS 5/34-18.82)

7           Sec. 34-18.82. Trauma kit; trauma response training.

8           (a) In this Section, "trauma kit" means a first aid  
9 response kit that contains, at a minimum, all of the  
10 following:

11           (1) One tourniquet endorsed by the Committee on  
12 Tactical Combat Casualty Care.

13           (2) One compression bandage.

14           (3) One hemostatic bleeding control dressing endorsed  
15 by the Committee on Tactical Combat Casualty Care.

16           (4) Protective gloves and a marker.

17           (5) Scissors.

18           (6) Instructional documents developed by the Stop the  
19 Bleed national awareness campaign of the United States  
20 Department of Homeland Security or the American College of  
21 Surgeons' Committee on Trauma, or both.

22           (7) Any other medical materials or equipment similar  
23 to those described in paragraphs (1) through (3) or any  
24 other items that (i) are approved by a local law  
25 enforcement agency or first responders, (ii) can

1           adequately treat a traumatic injury, and (iii) can be  
2           stored in a readily available kit.

3           (b) The school district may maintain an on-site trauma kit  
4           at each school for bleeding emergencies.

5           (c) Products purchased for the trauma kit, including those  
6           products endorsed by the Committee on Tactical Combat Casualty  
7           Care, shall, whenever possible, be manufactured in the United  
8           States.

9           (d) At least once every 2 years, the board shall conduct  
10          in-service training for all school district employees on the  
11          methods to respond to trauma. The training must include  
12          instruction on how to respond to an incident involving  
13          life-threatening bleeding and, if applicable, how to use a  
14          school's trauma kit. The board may satisfy the training  
15          requirements under this subsection by using the training,  
16          including online training, available from the American College  
17          of Surgeons or any other similar organization.

18          School district employees who are trained to respond to  
19          trauma pursuant to this subsection (d) shall be immune from  
20          civil liability in the use of a trauma kit unless the action  
21          constitutes willful or wanton misconduct.

22          (Source: P.A. 103-128, eff. 6-30-23.)

23                   (105 ILCS 5/34-18.83)

24           Sec. 34-18.83 ~~34-18.82~~. Subsequent teaching endorsements  
25           for employees.

1           (a) Subsequent teaching endorsements may be granted to  
2 employees licensed under Article 21B of this Code for specific  
3 content areas and grade levels as part of a pilot program.

4           (b) The school district is authorized to prepare educators  
5 for subsequent teaching endorsements on licenses issued under  
6 paragraph (1) of Section 21B-20 of this Code to applicants who  
7 meet all of the requirements for the endorsement or  
8 endorsements, including passing any required content area  
9 knowledge tests. If seeking to provide subsequent  
10 endorsements, the school district must establish professional  
11 development sequences to be offered instead of coursework  
12 required for issuance of the subsequent endorsement and must  
13 apply for approval of these professional development sequences  
14 by the State Board of Education, in collaboration with the  
15 State Educator Preparation and Licensure Board. The  
16 professional development sequences under this Section shall  
17 include a comprehensive review of relevant State learning  
18 standards, the applicable State content-test framework, and,  
19 if applicable, relevant educator preparation standards.

20           (c) The State Board of Education shall adopt any rules  
21 necessary to implement this Section no later than June 30,  
22 2024.

23           (Source: P.A. 103-157, eff. 6-30-23; revised 8-30-23.)

24           (105 ILCS 5/34-18.84)

25           (This Section may contain text from a Public Act with a

1 delayed effective date)

2 Sec. 34-18.84 ~~34-18.82~~. Community input on local  
3 assessments.

4 (a) As used in this Section, "district-administered  
5 assessment" means an assessment that requires all student test  
6 takers at any grade level to answer the same questions, or a  
7 selection of questions from a common bank of questions, in the  
8 same manner or substantially the same questions in the same  
9 manner. The term does not include an observational assessment  
10 tool used to satisfy the requirements of Section 2-3.64a-10 of  
11 this Code or an assessment developed by district teachers or  
12 administrators that will be used to measure student progress  
13 at an attendance center within the school district.

14 (b) Prior to approving a new contract for any  
15 district-administered assessment, the board must hold a public  
16 vote at a regular meeting of the board, at which the terms of  
17 the proposal must be substantially presented and an  
18 opportunity for allowing public comments must be provided,  
19 subject to applicable notice requirements. However, if the  
20 assessment being made available to review is subject to  
21 copyright, trademark, or other intellectual property  
22 protection, the review process shall include technical and  
23 procedural safeguards to ensure that the materials are not  
24 able to be widely disseminated to the general public in  
25 violation of the intellectual property rights of the publisher  
26 and to ensure content validity is not undermined.

1 (Source: P.A. 103-393, eff. 7-1-24; revised 8-30-23.)

2 (105 ILCS 5/34-84) (from Ch. 122, par. 34-84)

3 Sec. 34-84. Appointments and promotions of teachers.

4 Appointments and promotions of teachers shall be made for  
5 merit only, and after satisfactory service for a probationary  
6 period of 3 years with respect to probationary employees  
7 employed as full-time teachers in the public school system of  
8 the district before January 1, 1998 or on or after July 1, 2023  
9 and 4 years with respect to probationary employees who are  
10 first employed as full-time teachers in the public school  
11 system of the district on or after January 1, 1998 but before  
12 July 1, 2023, during which period the board may dismiss or  
13 discharge any such probationary employee upon the  
14 recommendation, accompanied by the written reasons therefor,  
15 of the general superintendent of schools and after which  
16 period appointments of teachers shall become permanent,  
17 subject to removal for cause in the manner provided by Section  
18 34-85.

19 For a probationary-appointed teacher in full-time service  
20 who is appointed on or after July 1, 2013 and who receives  
21 ratings of "excellent" during his or her first 3 school terms  
22 of full-time service, the probationary period shall be 3  
23 school terms of full-time service. For a  
24 probationary-appointed teacher in full-time service who is  
25 appointed on or after July 1, 2013 and who had previously



1 entered into contractual continued service in another school  
2 district in this State or a program of a special education  
3 joint agreement in this State, as defined in Section 24-11 of  
4 this Code, the probationary period shall be 2 school terms of  
5 full-time service, provided that (i) the teacher voluntarily  
6 resigned or was honorably dismissed from the prior district or  
7 program within the 3-month period preceding his or her  
8 appointment date, (ii) the teacher's last 2 ratings in the  
9 prior district or program were at least "proficient" and were  
10 issued after the prior district's or program's PERA  
11 implementation date, as defined in Section 24-11 of this Code,  
12 and (iii) the teacher receives ratings of "excellent" during  
13 his or her first 2 school terms of full-time service.

14 For a probationary-appointed teacher in full-time service  
15 who has not entered into contractual continued service after 2  
16 or 3 school terms of full-time service as provided in this  
17 Section, the probationary period shall be 3 school terms of  
18 full-time service, provided that the teacher holds a  
19 Professional Educator License and receives a rating of at  
20 least "proficient" in the last school term and a rating of at  
21 least "proficient" in either the second or third school term.

22 As used in this Section, "school term" means the school  
23 term established by the board pursuant to Section 10-19 of  
24 this Code, and "full-time service" means the teacher has  
25 actually worked at least 150 days during the school term. As  
26 used in this Article, "teachers" means and includes all

1 members of the teaching force excluding the general  
2 superintendent and principals.

3 There shall be no reduction in teachers because of a  
4 decrease in student membership or a change in subject  
5 requirements within the attendance center organization after  
6 the 20th day following the first day of the school year, except  
7 that: (1) this provision shall not apply to desegregation  
8 positions, special education positions, or any other positions  
9 funded by State or federal categorical funds, and (2) at  
10 attendance centers maintaining any of grades 9 through 12,  
11 there may be a second reduction in teachers on the first day of  
12 the second semester of the regular school term because of a  
13 decrease in student membership or a change in subject  
14 requirements within the attendance center organization.

15 A teacher ~~Teachers~~ who is ~~are~~ due to be evaluated in the  
16 last year before the teacher is ~~they are~~ set to retire shall be  
17 offered the opportunity to waive the ~~their~~ evaluation and to  
18 retain the teacher's ~~their~~ most recent rating, unless the  
19 teacher was last rated as "needs improvement" or  
20 "unsatisfactory". The school district may still reserve the  
21 right to evaluate a teacher provided the district gives notice  
22 to the teacher at least 14 days before the evaluation and a  
23 reason for evaluating the teacher.

24 The school principal shall make the decision in selecting  
25 teachers to fill new and vacant positions consistent with  
26 Section 34-8.1.

1 (Source: P.A. 103-85, eff. 6-9-23; 103-500, eff. 8-4-23;  
2 revised 9-6-23.)

3 Section 280. The Asbestos Abatement Act is amended by  
4 changing Section 10a as follows:

5 (105 ILCS 105/10a) (from Ch. 122, par. 1410a)

6 Sec. 10a. Licensing. No inspector, management planner,  
7 project designer, project manager, air sampling professional,  
8 asbestos abatement contractor, worker or project supervisor  
9 may be employed as a response action contractor unless that  
10 individual or entity is licensed by the Department. Those  
11 individuals and entities wishing to be licensed shall make  
12 application on forms prescribed and furnished by the  
13 Department. A license shall expire annually according to a  
14 schedule determined by the Department. Applications for  
15 renewal of licenses shall be filed with the Department at  
16 least 30 days before the expiration date. When a licensure  
17 examination is required, the application for licensure shall  
18 be submitted to the Department at least 30 days prior to the  
19 date of the scheduled examination. The Department shall  
20 evaluate each application based on its minimum standards for  
21 licensure, promulgated as rules, and render a decision. Such  
22 standards may include a requirement for the successful  
23 completion of a course of training approved by the Department.  
24 If the Department denies the application, the applicant may

1 appeal such decision pursuant to the provisions of the  
2 "Administrative Review Law".

3 The Department, upon notification by the Illinois Workers'  
4 Compensation Commission or the Department of Insurance, shall  
5 refuse the issuance or renewal of a license to, or suspend or  
6 revoke the license of, any individual, corporation,  
7 partnership, or other business entity that has been found by  
8 the Illinois Workers' Compensation Commission or the  
9 Department of Insurance to have failed:

10 (a) to secure workers' compensation obligations in the  
11 manner required by subsections (a) and (b) of Section 4 of  
12 the Workers' Compensation Act;

13 (b) to pay in full a fine or penalty imposed by the  
14 Illinois Workers' Compensation Commission or the  
15 Department of Insurance due to a failure to secure  
16 workers' compensation obligations in the manner required  
17 by subsections (a) and (b) of Section 4 of the Workers'  
18 Compensation Act; or

19 (c) to fulfill all obligations assumed pursuant to any  
20 settlement reached with the Illinois Workers' Compensation  
21 Commission or the Department of Insurance due to a failure  
22 to secure workers' compensation obligations in the manner  
23 required by subsections (a) and (b) of Section 4 of the  
24 Workers' Compensation Act.

25 A complaint filed with the Department by the Illinois  
26 Workers' Compensation Commission or the Department of

1 Insurance that includes a certification, signed by its  
2 Director or Chairman, or the Director or Chairman's designee,  
3 attesting to a finding of the failure to secure workers'  
4 compensation obligations in the manner required by subsections  
5 (a) and (b) of Section 4 of the Workers' Compensation Act or  
6 the failure to pay any fines or penalties or to discharge any  
7 obligation under a settlement relating to the failure to  
8 secure workers' compensation obligations in the manner  
9 required by subsections (a) and (b) of Section 4 of the  
10 Workers' Compensation Act is prima facie evidence of the  
11 licensee's or applicant's failure to comply with subsections  
12 (a) and (b) of Section 4 of the Workers' Compensation Act. Upon  
13 receipt of that certification, the Department shall, without a  
14 hearing, immediately suspend all licenses held by the licensee  
15 or the processing of any application from the applicant.  
16 Enforcement of the Department's order shall be stayed for 60  
17 days. The Department shall provide notice of the suspension to  
18 the licensee by mailing a copy of the Department's order to the  
19 licensee's or applicant's address of record or emailing a copy  
20 of the order to the licensee's or applicant's email address of  
21 record. The notice shall advise the licensee or applicant that  
22 the suspension shall be effective 60 days after the issuance  
23 of the order unless the Department receives, from the licensee  
24 or applicant, a request for a hearing before the Department to  
25 dispute the matters contained in the order.

26 Upon receiving notice from the Illinois Workers'

1 Compensation Commission or the Department of Insurance that  
2 the violation has been corrected or otherwise resolved, the  
3 Department shall vacate the order suspending a licensee's  
4 license or the processing of an applicant's application.

5 No license shall be suspended or revoked until after the  
6 licensee is afforded any due process protection guaranteed by  
7 statute or rule adopted by the Illinois Workers' Compensation  
8 Commission or the Department of Insurance.

9 (Source: P.A. 103-26, eff. 1-1-24; revised 1-2-24.)

10 Section 285. The Critical Health Problems and  
11 Comprehensive Health Education Act is amended by changing  
12 Section 3 as follows:

13 (105 ILCS 110/3)

14 Sec. 3. Comprehensive Health Education Program. The  
15 program established under this Act shall include, but not be  
16 limited to, the following major educational areas as a basis  
17 for curricula in all elementary and secondary schools in this  
18 State: human ecology and health; human growth and development;  
19 the emotional, psychological, physiological, hygienic, and  
20 social responsibilities of family life, including sexual  
21 abstinence until marriage; the prevention and control of  
22 disease, including instruction in grades 6 through 12 on the  
23 prevention, transmission, and spread of AIDS; age-appropriate  
24 sexual abuse and assault awareness and prevention education in

1 grades pre-kindergarten through 12; public and environmental  
2 health; consumer health; safety education and disaster  
3 survival; mental health and illness; personal health habits;  
4 alcohol and drug use and abuse, including the medical and  
5 legal ramifications of alcohol, drug, and tobacco use; abuse  
6 during pregnancy; evidence-based and medically accurate  
7 information regarding sexual abstinence; tobacco and  
8 e-cigarettes and other vapor devices; nutrition; and dental  
9 health. The instruction on mental health and illness must  
10 evaluate the multiple dimensions of health by reviewing the  
11 relationship between physical and mental health so as to  
12 enhance student understanding, attitudes, and behaviors that  
13 promote health, well-being, and human dignity and must include  
14 how and where to find mental health resources and specialized  
15 treatment in the State. The program shall also provide course  
16 material and instruction to advise pupils of the Abandoned  
17 Newborn Infant Protection Act. The program shall include  
18 information about cancer, including, without limitation, types  
19 of cancer, signs and symptoms, risk factors, the importance of  
20 early prevention and detection, and information on where to go  
21 for help. Notwithstanding the above educational areas, the  
22 following areas may also be included as a basis for curricula  
23 in all elementary and secondary schools in this State: basic  
24 first aid (including, but not limited to, cardiopulmonary  
25 resuscitation and the Heimlich maneuver), heart disease,  
26 diabetes, stroke, the prevention of child abuse, neglect, and

1 suicide, and teen dating violence in grades 7 through 12.  
2 Beginning with the 2014-2015 school year, training on how to  
3 properly administer cardiopulmonary resuscitation (which  
4 training must be in accordance with standards of the American  
5 Red Cross, the American Heart Association, or another  
6 nationally recognized certifying organization) and how to use  
7 an automated external defibrillator shall be included as a  
8 basis for curricula in all secondary schools in this State.

9 Beginning with the 2024-2025 school year in grades 9  
10 through 12, the program shall include instruction, study, and  
11 discussion on the dangers of allergies. Information for the  
12 instruction, study, and discussion shall come from information  
13 provided by the Department of Public Health and the federal  
14 Centers for Disease Control and Prevention. This instruction,  
15 study, and discussion shall include, at a minimum:

16 (1) recognizing the signs and symptoms of an allergic  
17 reaction, including anaphylaxis;

18 (2) the steps to take to prevent exposure to  
19 allergens; and

20 (3) safe emergency epinephrine administration.

21 The school board of each public elementary and secondary  
22 school in the State shall encourage all teachers and other  
23 school personnel to acquire, develop, and maintain the  
24 knowledge and skills necessary to properly administer  
25 life-saving techniques, including, without limitation, the  
26 Heimlich maneuver and rescue breathing. The training shall be



1 in accordance with standards of the American Red Cross, the  
2 American Heart Association, or another nationally recognized  
3 certifying organization. A school board may use the services  
4 of non-governmental entities whose personnel have expertise in  
5 life-saving techniques to instruct teachers and other school  
6 personnel in these techniques. Each school board is encouraged  
7 to have in its employ, or on its volunteer staff, at least one  
8 person who is certified, by the American Red Cross or by  
9 another qualified certifying agency, as qualified to  
10 administer first aid and cardiopulmonary resuscitation. In  
11 addition, each school board is authorized to allocate  
12 appropriate portions of its institute or inservice days to  
13 conduct training programs for teachers and other school  
14 personnel who have expressed an interest in becoming qualified  
15 to administer emergency first aid or cardiopulmonary  
16 resuscitation. School boards are urged to encourage their  
17 teachers and other school personnel who coach school athletic  
18 programs and other extracurricular school activities to  
19 acquire, develop, and maintain the knowledge and skills  
20 necessary to properly administer first aid and cardiopulmonary  
21 resuscitation in accordance with standards and requirements  
22 established by the American Red Cross or another qualified  
23 certifying agency. Subject to appropriation, the State Board  
24 of Education shall establish and administer a matching grant  
25 program to pay for half of the cost that a school district  
26 incurs in training those teachers and other school personnel

1 who express an interest in becoming qualified to administer  
2 cardiopulmonary resuscitation (which training must be in  
3 accordance with standards of the American Red Cross, the  
4 American Heart Association, or another nationally recognized  
5 certifying organization) or in learning how to use an  
6 automated external defibrillator. A school district that  
7 applies for a grant must demonstrate that it has funds to pay  
8 half of the cost of the training for which matching grant money  
9 is sought. The State Board of Education shall award the grants  
10 on a first-come, first-serve basis.

11 No pupil shall be required to take or participate in any  
12 class or course on AIDS or family life instruction or to  
13 receive training on how to properly administer cardiopulmonary  
14 resuscitation or how to use an automated external  
15 defibrillator if his or her parent or guardian submits written  
16 objection thereto, and refusal to take or participate in the  
17 course or program or the training shall not be reason for  
18 suspension or expulsion of the pupil.

19 Curricula developed under programs established in  
20 accordance with this Act in the major educational area of  
21 alcohol and drug use and abuse shall include classroom  
22 instruction in grades 5 through 12. The instruction, which  
23 shall include matters relating to both the physical and legal  
24 effects and ramifications of drug and substance abuse, shall  
25 be integrated into existing curricula; and the State Board of  
26 Education shall develop and make available to all elementary

1 and secondary schools in this State instructional materials  
2 and guidelines which will assist the schools in incorporating  
3 the instruction into their existing curricula. In addition,  
4 school districts may offer, as part of existing curricula  
5 during the school day or as part of an after-school ~~after~~  
6 ~~school~~ program, support services and instruction for pupils or  
7 pupils whose parent, parents, or guardians are chemically  
8 dependent. Curricula developed under programs established in  
9 accordance with this Act in the major educational area of  
10 alcohol and drug use and abuse shall include the instruction,  
11 study, and discussion required under subsection (c) of Section  
12 27-13.2 of the School Code.

13 (Source: P.A. 102-464, eff. 8-20-21; 102-558, eff. 8-20-21;  
14 102-1034, eff. 1-1-23; 103-212, eff. 1-1-24; 103-365, eff.  
15 1-1-24; revised 12-12-23.)

16 Section 290. The School Safety Drill Act is amended by  
17 setting forth, renumbering, and changing multiple versions of  
18 Section 50 as follows:

19 (105 ILCS 128/50)

20 Sec. 50. Crisis response mapping data grants.

21 (a) Subject to appropriation, a public school district, a  
22 charter school, a special education cooperative or district,  
23 an education for employment system, a State-approved area  
24 career center, a public university laboratory school, the

1 Illinois Mathematics and Science Academy, the Department of  
2 Juvenile Justice School District, a regional office of  
3 education, the Illinois School for the Deaf, the Illinois  
4 School for the Visually Impaired, the Philip J. Rock Center  
5 and School, an early childhood or preschool program supported  
6 by the Early Childhood Block Grant, or any other public school  
7 entity designated by the State Board of Education by rule, may  
8 apply to the State Board of Education ~~or the State Board of~~  
9 ~~Education~~ or the State Board's designee for a grant to obtain  
10 crisis response mapping data and to provide copies of the  
11 crisis response mapping data to appropriate local, county,  
12 State, and federal first responders for use in response to  
13 emergencies. The crisis response mapping data shall be stored  
14 and provided in an electronic or digital format to assist  
15 first responders in responding to emergencies at the school.

16 (b) Subject to appropriation, including funding for any  
17 administrative costs reasonably incurred by the State Board of  
18 Education or the State Board's designee in the administration  
19 of the grant program described by this Section, the State  
20 Board shall provide grants to any entity in subsection (a)  
21 upon approval of an application submitted by the entity to  
22 cover the costs incurred in obtaining crisis response mapping  
23 data under this Section. The grant application must include  
24 crisis response mapping data for all schools under the  
25 jurisdiction of the entity submitting the application,  
26 including, in the case of a public school district, any

1 charter schools authorized by the school board for the school  
2 district.

3 (c) To be eligible for a grant under this Section, the  
4 crisis response mapping data must, at a minimum:

5 (1) be compatible and integrate into security software  
6 platforms in use by the specific school for which the data  
7 is provided without requiring local law enforcement  
8 agencies or the school district to purchase additional  
9 software or requiring the integration of third-party  
10 software to view the data;

11 (2) be compatible with security software platforms in  
12 use by the specific school for which the data is provided  
13 without requiring local public safety agencies or the  
14 school district to purchase additional software or  
15 requiring the integration of third-party software to view  
16 the data;

17 (3) be capable of being provided in a printable  
18 format;

19 (4) be verified for accuracy by an on-site  
20 walk-through of the school building and grounds;

21 (5) be oriented to true north;

22 (6) be overlaid on current aerial imagery or plans of  
23 the school building;

24 (7) contain site-specific labeling that matches the  
25 structure of the school building, including room labels,  
26 hallway names, and external door or stairwell numbers and

1 the location of hazards, critical utilities, key boxes,  
2 automated external defibrillators, and trauma kits, and  
3 that matches the school grounds, including parking areas,  
4 athletic fields, surrounding roads, and neighboring  
5 properties; and

6 (8) be overlaid with gridded x/y coordinates.

7 (d) Subject to appropriation, the crisis response mapping  
8 data may be reviewed annually to update the data as necessary.

9 (e) Crisis response mapping data obtained pursuant to this  
10 Section are confidential and exempt from disclosure under the  
11 Freedom of Information Act.

12 (f) The State Board may adopt rules to implement the  
13 provisions of this Section.

14 (Source: P.A. 103-8, eff. 6-7-23; revised 1-20-24.)

15 (105 ILCS 128/55)

16 Sec. 55 ~~50~~. Rapid entry. A school building's emergency and  
17 crisis response plan, protocol, and procedures shall include a  
18 plan for local law enforcement to rapidly enter a school  
19 building in the event of an emergency.

20 (Source: P.A. 103-194, eff. 1-1-24; revised 1-2-24.)

21 Section 295. The University of Illinois Act is amended by  
22 changing Section 115 as follows:

23 (110 ILCS 305/115)

1 (Section scheduled to be repealed on January 1, 2025)

2 Sec. 115. Water rates report.

3 (a) Subject to appropriation, no later than June 30, 2023,  
4 the Government Finance Research Center at the University of  
5 Illinois at Chicago, in coordination with an intergovernmental  
6 advisory committee, must issue a report evaluating the setting  
7 of water rates throughout the Lake Michigan service area of  
8 northeastern Illinois and, no later than December 31, 2024,  
9 for the remainder of Illinois. The report must provide  
10 recommendations for policy and regulatory needs at the State  
11 and local level based on its findings. The report shall, at a  
12 minimum, address all of the following areas:

13 (1) The components of a water bill.

14 (2) Reasons for increases in water rates.

15 (3) The definition of affordability throughout the  
16 State and any variances to that definition.

17 (4) Evidence of rate-setting that utilizes  
18 inappropriate practices.

19 (5) The extent to which State or local policies drive  
20 cost increases or variations in rate-settings.

21 (6) Challenges within economically disadvantaged  
22 communities in setting water rates.

23 (7) Opportunities for increased intergovernmental  
24 coordination for setting equitable water rates.

25 (b) In developing the report under this Section, the  
26 Government Finance Research Center shall form an advisory

1 committee, which shall be composed of all of the following  
2 members:

3 (1) The Director of the Environmental Protection  
4 Agency, or his or her designee.

5 (2) The Director of Natural Resources, or his or her  
6 designee.

7 (3) The Director of Commerce and Economic Opportunity,  
8 or his or her designee.

9 (4) The Attorney General, or his or her designee.

10 (5) At least 2 members who are representatives of  
11 private water utilities operating in Illinois, appointed  
12 by the Director of the Government Finance Research Center.

13 (6) At least 4 members who are representatives of  
14 municipal water utilities, appointed by the Director of  
15 the Government Finance Research Center.

16 (7) One member who is a representative of an  
17 environmental justice advocacy organization, appointed by  
18 the Director of the Government Finance Research Center.

19 (8) One member who is a representative of a consumer  
20 advocacy organization, appointed by the Director of the  
21 Government Finance Research Center.

22 (9) One member who is a representative of an  
23 environmental planning organization that serves  
24 northeastern Illinois, appointed by the Director of the  
25 Government Finance Research Center.

26 (10) The Director of the Illinois State Water Survey,



1 or his or her designee.

2 (11) The Chairperson of the Illinois Commerce  
3 Commission, or his or her designee.

4 (c) After all members are appointed, the committee shall  
5 hold its first meeting at the call of the Director of the  
6 Government Finance Research Center, at which meeting the  
7 members shall select a chairperson from among themselves.  
8 After its first meeting, the committee shall meet at the call  
9 of the chairperson. Members of the committee shall serve  
10 without compensation but may be reimbursed for their  
11 reasonable and necessary expenses incurred in performing their  
12 duties. The Government Finance Research Center shall provide  
13 administrative and other support to the committee.

14 (d) ~~(Blank)~~.

15 (e) This Section is repealed on January 1, 2025.

16 (Source: P.A. 102-507, eff. 8-20-21; 102-558, eff. 8-20-21;  
17 103-4, eff. 5-31-23; revised 9-20-23.)

18 Section 300. The University of Illinois Hospital Act is  
19 amended by setting forth, renumbering, and changing multiple  
20 versions of Section 8h as follows:

21 (110 ILCS 330/8h)

22 Sec. 8h. Maternal milk donation education.

23 (a) To ensure an adequate supply of pasteurized donor  
24 human milk for premature infants in Illinois, the University

1 of Illinois Hospital shall provide information and  
2 instructional materials to parents of each newborn, upon  
3 discharge from the University of Illinois Hospital, regarding  
4 the option to voluntarily donate milk to nonprofit ~~non-profit~~  
5 milk banks that are accredited by the Human Milk Banking  
6 Association of North America or its successor organization.  
7 The materials shall be provided free of charge and shall  
8 include general information regarding nonprofit ~~non-profit~~  
9 milk banking practices and contact information for area  
10 nonprofit milk banks that are accredited by the Human Milk  
11 Banking Association of North America.

12 (b) The information and instructional materials described  
13 in subsection (a) may be provided electronically.

14 (c) Nothing in this Section prohibits the University of  
15 Illinois Hospital from obtaining free and suitable information  
16 on voluntary milk donation from the Human Milk Banking  
17 Association of North America, or its successor organization,  
18 or their accredited members.

19 (Source: P.A. 103-160, eff. 1-1-24; revised 9-26-23.)

20 (110 ILCS 330/8i)

21 Sec. 8i ~~8h~~. Emergency room treatment; delay of treatment  
22 prohibition. Notwithstanding any provision of law to the  
23 contrary, the University of Illinois Hospital, in accordance  
24 with Section 1395dd(a) and 1395dd(b) of the Social Security  
25 Act, shall not delay provisions of a required appropriate

1 medical screening examination or further medical examination  
2 and treatment for a patient in a University of Illinois  
3 Hospital emergency room in order to inquire about the  
4 individual's method of payment or insurance status.

5 (Source: P.A. 103-213, eff. 1-1-24; revised 1-2-24.)

6 Section 305. The Underserved Health Care Provider  
7 Workforce Act is amended by changing Section 3.09 as follows:

8 (110 ILCS 935/3.09)

9 Sec. 3.09. Eligible health care provider. "Eligible health  
10 care provider" means a primary care physician, general  
11 surgeon, emergency medicine physician, obstetrician,  
12 chiropractic physician, anesthesiologist, advanced practice  
13 registered nurse, or physician assistant who accepts Medicaid,  
14 Medicare, the State's Children's Health Insurance Program,  
15 private insurance, and self-pay.

16 (Source: P.A. 102-888, eff. 5-17-22; 103-219, eff. 1-1-24;  
17 103-507, eff. 1-1-24; revised 9-5-23.)

18 Section 310. The Higher Education Student Assistance Act  
19 is amended by changing Sections 65.100 and 67 as follows:

20 (110 ILCS 947/65.100)

21 Sec. 65.100. AIM HIGH Grant Program.

22 (a) The General Assembly makes all of the following

1 findings:

2 (1) Both access and affordability are important  
3 aspects of the Illinois Public Agenda for College and  
4 Career Success report.

5 (2) This State is in the top quartile with respect to  
6 the percentage of family income needed to pay for college.

7 (3) Research suggests that as loan amounts increase,  
8 rather than an increase in grant amounts, the probability  
9 of college attendance decreases.

10 (4) There is further research indicating that  
11 socioeconomic status may affect the willingness of  
12 students to use loans to attend college.

13 (5) Strategic use of tuition discounting can decrease  
14 the amount of loans that students must use to pay for  
15 tuition.

16 (6) A modest, individually tailored tuition discount  
17 can make the difference in a student choosing to attend  
18 college and enhance college access for low-income and  
19 middle-income families.

20 (7) Even if the federally calculated financial need  
21 for college attendance is met, the federally determined  
22 Expected Family Contribution can still be a daunting  
23 amount.

24 (8) This State is the second largest exporter of  
25 students in the country.

26 (9) When talented Illinois students attend

1 universities in this State, the State and those  
2 universities benefit.

3 (10) State universities in other states have adopted  
4 pricing and incentives that allow many Illinois residents  
5 to pay less to attend an out-of-state university than to  
6 remain in this State for college.

7 (11) Supporting Illinois student attendance at  
8 Illinois public universities can assist in State efforts  
9 to maintain and educate a highly trained workforce.

10 (12) Modest tuition discounts that are individually  
11 targeted and tailored can result in enhanced revenue for  
12 public universities.

13 (13) By increasing a public university's capacity to  
14 strategically use tuition discounting, the public  
15 university will be capable of creating enhanced tuition  
16 revenue by increasing enrollment yields.

17 (b) In this Section:

18 "Eligible applicant" means a student from any high school  
19 in this State, whether or not recognized by the State Board of  
20 Education, who is engaged in a program of study that in due  
21 course will be completed by the end of the school year and who  
22 meets all of the qualifications and requirements under this  
23 Section.

24 "Tuition and other necessary fees" includes the customary  
25 charge for instruction and use of facilities in general and  
26 the additional fixed fees charged for specified purposes that

1 are required generally of non-grant recipients for each  
2 academic period for which the grant applicant actually  
3 enrolls, but does not include fees payable only once or  
4 breakage fees and other contingent deposits that are  
5 refundable in whole or in part. The Commission may adopt, by  
6 rule not inconsistent with this Section, detailed provisions  
7 concerning the computation of tuition and other necessary  
8 fees.

9 (c) Beginning with the 2019-2020 academic year, each  
10 public university may establish a merit-based scholarship  
11 program known as the AIM HIGH Grant Program. Each year, the  
12 Commission shall receive and consider applications from public  
13 universities under this Section. Each participating public  
14 university shall indicate that grants under the program come  
15 from AIM HIGH and shall use the words "AIM HIGH" in the name of  
16 any grant under the program and in any published or posted  
17 materials about the program. Subject to appropriation and any  
18 tuition waiver limitation established by the Board of Higher  
19 Education, a public university campus may award a grant to a  
20 student under this Section if it finds that the applicant  
21 meets all of the following criteria:

22 (1) He or she is a resident of this State and a citizen  
23 or eligible noncitizen of the United States.

24 (2) He or she files a Free Application for Federal  
25 Student Aid and demonstrates financial need with a  
26 household income no greater than 8 times the poverty

1 guidelines updated periodically in the Federal Register by  
2 the U.S. Department of Health and Human Services under the  
3 authority of 42 U.S.C. 9902(2). The household income of  
4 the applicant at the time of initial application shall be  
5 deemed to be the household income of the applicant for the  
6 duration of the program.

7 (3) He or she meets the minimum cumulative grade point  
8 average or ACT or SAT college admissions test score, as  
9 determined by the public university campus.

10 (4) He or she is enrolled in a public university as an  
11 undergraduate student on a full-time basis.

12 (5) He or she has not yet received a baccalaureate  
13 degree or the equivalent of 135 semester credit hours.

14 (6) He or she is not incarcerated.

15 (7) He or she is not in default on any student loan or  
16 does not owe a refund or repayment on any State or federal  
17 grant or scholarship.

18 (8) Any other reasonable criteria, as determined by  
19 the public university campus.

20 Each public university campus shall allow qualified  
21 full-time undergraduate students to apply for a grant, but may  
22 choose to allow qualified part-time undergraduate students who  
23 are enrolling in their final semester at the public university  
24 campus to also apply.

25 (d) Each public university campus shall determine grant  
26 renewal criteria consistent with the requirements under this

1 Section.

2 (e) Each participating public university campus shall post  
3 on its Internet website criteria and eligibility requirements  
4 for receiving awards that use funds under this Section that  
5 include a range in the sizes of these individual awards. The  
6 criteria and amounts must also be reported to the Commission  
7 and the Board of Higher Education, who shall post the  
8 information on their respective Internet websites.

9 (f) After enactment of an appropriation for this Program,  
10 the Commission shall determine an allocation of funds to each  
11 public university in an amount proportionate to the number of  
12 undergraduate students who are residents of this State and  
13 citizens or eligible noncitizens of the United States and who  
14 were enrolled at each public university campus in the previous  
15 academic year. All applications must be made to the Commission  
16 on or before a date determined by the Commission and on forms  
17 that the Commission shall provide to each public university  
18 campus. The form of the application and the information  
19 required shall be determined by the Commission and shall  
20 include, without limitation, the total public university  
21 campus funds used to match funds received from the Commission  
22 in the previous academic year under this Section, if any, the  
23 total enrollment of undergraduate students who are residents  
24 of this State from the previous academic year, and any  
25 supporting documents as the Commission deems necessary. Each  
26 public university campus shall match the amount of funds



1 received by the Commission with financial aid for eligible  
2 students.

3 A public university in which an average of at least 49% of  
4 the students seeking a bachelor's degree or certificate  
5 received a Pell Grant over the prior 3 academic years, as  
6 reported to the Commission, shall match 35% of the amount of  
7 funds awarded in a given academic year with non-loan financial  
8 aid for eligible students. A public university in which an  
9 average of less than 49% of the students seeking a bachelor's  
10 degree or certificate received a Pell Grant over the prior 3  
11 academic years, as reported to the Commission, shall match 70%  
12 of the amount of funds awarded in a given academic year with  
13 non-loan financial aid for eligible students.

14 A public university campus is not required to claim its  
15 entire allocation. The Commission shall make available to all  
16 public universities, on a date determined by the Commission,  
17 any unclaimed funds and the funds must be made available to  
18 those public university campuses in the proportion determined  
19 under this subsection (f), excluding from the calculation  
20 those public university campuses not claiming their full  
21 allocations.

22 Each public university campus may determine the award  
23 amounts for eligible students on an individual or broad basis,  
24 but, subject to renewal eligibility, each renewed award may  
25 not be less than the amount awarded to the eligible student in  
26 his or her first year attending the public university campus.

1 Notwithstanding this limitation, a renewal grant may be  
2 reduced due to changes in the student's cost of attendance,  
3 including, but not limited to, if a student reduces the number  
4 of credit hours in which he or she is enrolled, but remains a  
5 full-time student, or switches to a course of study with a  
6 lower tuition rate.

7 An eligible applicant awarded grant assistance under this  
8 Section is eligible to receive other financial aid. Total  
9 grant aid to the student from all sources may not exceed the  
10 total cost of attendance at the public university campus.

11 (g) All money allocated to a public university campus  
12 under this Section may be used only for financial aid purposes  
13 for students attending the public university campus during the  
14 academic year, not including summer terms. Notwithstanding any  
15 other provision of law to the contrary, any funds received by a  
16 public university campus under this Section that are not  
17 granted to students in the academic year for which the funds  
18 are received may be retained by the public university campus  
19 for expenditure on students participating in the Program or  
20 students eligible to participate in the Program.

21 (h) Each public university campus that establishes a  
22 Program under this Section must annually report to the  
23 Commission, on or before a date determined by the Commission,  
24 the number of undergraduate students enrolled at that campus  
25 who are residents of this State.

26 (i) Each public university campus must report to the

1 Commission the total non-loan financial aid amount given by  
2 the public university campus to undergraduate students in the  
3 2017-2018 academic year or the 2021-2022 academic year, not  
4 including the summer terms. To be eligible to receive funds  
5 under the Program, a public university campus may not decrease  
6 the total amount of non-loan financial aid it gives to  
7 undergraduate students, not including any funds received from  
8 the Commission under this Section or any funds used to match  
9 grant awards under this Section, to an amount lower than the  
10 amount reported under this subsection (i) for the 2017-2018  
11 academic year or the 2021-2022 academic year, whichever is  
12 less, not including the summer terms.

13 (j) On or before a date determined by the Commission, each  
14 public university campus that participates in the Program  
15 under this Section shall annually submit a report to the  
16 Commission with all of the following information:

17 (1) The Program's impact on tuition revenue and  
18 enrollment goals and increase in access and affordability  
19 at the public university campus.

20 (2) Total funds received by the public university  
21 campus under the Program.

22 (3) Total non-loan financial aid awarded to  
23 undergraduate students attending the public university  
24 campus.

25 (4) Total amount of funds matched by the public  
26 university campus.

1           (5) Total amount of claimed and unexpended funds  
2 retained by the public university campus.

3           (6) The percentage of total financial aid distributed  
4 under the Program by the public university campus.

5           (7) The total number of students receiving grants from  
6 the public university campus under the Program and those  
7 students' grade level, race, gender, income level, family  
8 size, Monetary Award Program eligibility, Pell Grant  
9 eligibility, and zip code of residence and the amount of  
10 each grant award. This information shall include unit  
11 record data on those students regarding variables  
12 associated with the parameters of the public university's  
13 Program, including, but not limited to, a student's ACT or  
14 SAT college admissions test score, high school or  
15 university cumulative grade point average, or program of  
16 study.

17           On or before October 1, 2020 and annually on or before  
18 October 1 through 2024, the Commission shall submit a report  
19 with the findings under this subsection (j) and any other  
20 information regarding the AIM HIGH Grant Program to (i) the  
21 Governor, (ii) the Speaker of the House of Representatives,  
22 (iii) the Minority Leader of the House of Representatives,  
23 (iv) the President of the Senate, and (v) the Minority Leader  
24 of the Senate. The reports to the General Assembly shall be  
25 filed with the Clerk of the House of Representatives and the  
26 Secretary of the Senate in electronic form only, in the manner

1 that the Clerk and the Secretary shall direct. The  
2 Commission's report may not disaggregate data to a level that  
3 may disclose personally identifying information of individual  
4 students.

5 The sharing and reporting of student data under this  
6 subsection (j) must be in accordance with the requirements  
7 under the federal Family Educational Rights and Privacy Act of  
8 1974 and the Illinois School Student Records Act. All parties  
9 must preserve the confidentiality of the information as  
10 required by law. The names of the grant recipients under this  
11 Section are not subject to disclosure under the Freedom of  
12 Information Act.

13 Public university campuses that fail to submit a report  
14 under this subsection (j) or that fail to adhere to any other  
15 requirements under this Section may not be eligible for  
16 distribution of funds under the Program for the next academic  
17 year, but may be eligible for distribution of funds for each  
18 academic year thereafter.

19 (k) The Commission shall adopt rules to implement this  
20 Section.

21 (l) (Blank).

22 (Source: P.A. 103-8, eff. 6-7-23; 103-516, eff. 8-11-23;  
23 revised 9-6-23.)

24 (110 ILCS 947/67)

25 Sec. 67. Illinois DREAM Fund Commission.

1           (a) The Illinois Student Assistance Commission shall  
2 establish an Illinois DREAM Fund Commission. The Governor  
3 shall appoint, with the advice and consent of the Senate,  
4 members to the Illinois DREAM Fund Commission, which shall be  
5 comprised of 9 members representing the geographic and ethnic  
6 diversity of this State, including students, college and  
7 university administrators and faculty, and other individuals  
8 committed to advancing the educational opportunities of the  
9 children of immigrants.

10           (b) The Illinois DREAM Fund Commission is charged with all  
11 of the following responsibilities:

12                 (1) Administering this Section and raising funds for  
13 the Illinois DREAM Fund.

14                 (2) Establishing a not-for-profit entity charged with  
15 raising funds for the administration of this Section, any  
16 educational or training programs the Commission is tasked  
17 with administering, and funding scholarships to students  
18 who are the children of immigrants to the United States.

19                 (3) Publicizing the availability of scholarships from  
20 the Illinois DREAM Fund.

21                 (4) Selecting the recipients of scholarships funded  
22 through the Illinois DREAM Fund.

23                 (5) Researching issues pertaining to the availability  
24 of assistance with the costs of higher education for the  
25 children of immigrants and other issues regarding access  
26 for and the performance of the children of immigrants

1 within higher education.

2 (6) Overseeing implementation of the other provisions  
3 of Public Act 97-233 ~~this amendatory Act of the 97th~~  
4 ~~General Assembly.~~

5 (7) Establishing and administering training programs  
6 for high school counselors and counselors, admissions  
7 officers, and financial aid officers of public  
8 institutions of higher education. The training programs  
9 shall instruct participants on the educational  
10 opportunities available to college-bound students who are  
11 the children of immigrants, including, but not limited to,  
12 in-state tuition and scholarship programs. The Illinois  
13 DREAM Fund Commission may also establish a public  
14 awareness campaign regarding educational opportunities  
15 available to college bound students who are the children  
16 of immigrants.

17 The Illinois DREAM Fund Commission shall establish, by  
18 rule, procedures for accepting and evaluating applications for  
19 scholarships from the children of immigrants and issuing  
20 scholarships to selected student applicants.

21 (c) To receive a scholarship under this Section, a student  
22 must meet all of the following qualifications:

23 (1) Have resided with his or her parents or guardian  
24 while attending a public or private high school in this  
25 State.

26 (2) Have graduated from a public or private high

1 school or received the equivalent of a high school diploma  
2 in this State.

3 (3) Have attended school in this State for at least 3  
4 years as of the date he or she graduated from high school  
5 or received the equivalent of a high school diploma.

6 (4) Have at least one parent who immigrated to the  
7 United States.

8 (d) The Illinois Student Assistance Commission shall  
9 establish an Illinois DREAM Fund to provide scholarships under  
10 this Section. The Illinois DREAM Fund shall be funded entirely  
11 from private contributions, gifts, grants, awards, and  
12 proceeds from the scratch-off created in Section 21.16 of the  
13 Illinois Lottery Law.

14 (e) The Illinois DREAM Fund Commission shall develop a  
15 comprehensive program, including creation of informational  
16 materials and a marketing plan, to educate people in the State  
17 of Illinois about the purpose and benefits of contributions  
18 made to the Illinois DREAM Fund. The Illinois DREAM Fund  
19 Commission shall develop specific marketing materials for the  
20 voluntary use by persons licensed pursuant to the Transmitters  
21 of Money Act.

22 (Source: P.A. 103-338, eff. 7-28-23; 103-381, eff. 7-28-23;  
23 revised 9-6-23.)

24 Section 315. The Illinois Educational Labor Relations Act  
25 is amended by changing Section 2 as follows:



1 (115 ILCS 5/2) (from Ch. 48, par. 1702)

2 Sec. 2. Definitions. As used in this Act:

3 (a) "Educational employer" or "employer" means the  
4 governing body of a public school district, including the  
5 governing body of a charter school established under Article  
6 27A of the School Code or of a contract school or contract  
7 turnaround school established under paragraph 30 of Section  
8 34-18 of the School Code, combination of public school  
9 districts, including the governing body of joint agreements of  
10 any type formed by 2 or more school districts, public  
11 community college district or State college or university, a  
12 subcontractor of instructional services of a school district  
13 (other than a school district organized under Article 34 of  
14 the School Code), combination of school districts, charter  
15 school established under Article 27A of the School Code, or  
16 contract school or contract turnaround school established  
17 under paragraph 30 of Section 34-18 of the School Code, an  
18 Independent Authority created under Section 2-3.25f-5 of the  
19 School Code, and any State agency whose major function is  
20 providing educational services. "Educational employer" or  
21 "employer" does not include (1) a Financial Oversight Panel  
22 created pursuant to Section 1A-8 of the School Code due to a  
23 district violating a financial plan or (2) an approved  
24 nonpublic special education facility that contracts with a  
25 school district or combination of school districts to provide

1 special education services pursuant to Section 14-7.02 of the  
2 School Code, but does include a School Finance Authority  
3 created under Article 1E of the School Code and a Financial  
4 Oversight Panel created under Article 1B or 1H of the School  
5 Code. The change made by Public Act 96-104 ~~this amendatory Act~~  
6 ~~of the 96th General Assembly~~ to this paragraph (a) to make  
7 clear that the governing body of a charter school is an  
8 "educational employer" is declaratory of existing law.

9 (b) "Educational employee" or "employee" means any  
10 individual, excluding supervisors, managerial, confidential,  
11 short term employees, student, and part-time academic  
12 employees of community colleges employed full or part time by  
13 an educational employer, but shall not include elected  
14 officials and appointees of the Governor with the advice and  
15 consent of the Senate, firefighters as defined by subsection  
16 (g-1) of Section 3 of the Illinois Public Labor Relations Act,  
17 and peace officers employed by a State university. However,  
18 with respect to an educational employer of a school district  
19 organized under Article 34 of the School Code, a supervisor  
20 shall be considered an educational employee under this  
21 definition unless the supervisor is also a managerial  
22 employee. For the purposes of this Act, part-time academic  
23 employees of community colleges shall be defined as those  
24 employees who provide less than 3 credit hours of instruction  
25 per academic semester. In this subsection (b), the term  
26 "student" does not include graduate students who are research

1 assistants primarily performing duties that involve research,  
2 graduate assistants primarily performing duties that are  
3 pre-professional, graduate students who are teaching  
4 assistants primarily performing duties that involve the  
5 delivery and support of instruction, or any other graduate  
6 assistants.

7 (c) "Employee organization" or "labor organization" means  
8 an organization of any kind in which membership includes  
9 educational employees, and which exists for the purpose, in  
10 whole or in part, of dealing with employers concerning  
11 grievances, employee-employer disputes, wages, rates of pay,  
12 hours of employment, or conditions of work, but shall not  
13 include any organization which practices discrimination in  
14 membership because of race, color, creed, age, gender,  
15 national origin or political affiliation.

16 (d) "Exclusive representative" means the labor  
17 organization which has been designated by the Illinois  
18 Educational Labor Relations Board as the representative of the  
19 majority of educational employees in an appropriate unit, or  
20 recognized by an educational employer prior to January 1, 1984  
21 as the exclusive representative of the employees in an  
22 appropriate unit or, after January 1, 1984, recognized by an  
23 employer upon evidence that the employee organization has been  
24 designated as the exclusive representative by a majority of  
25 the employees in an appropriate unit.

26 (e) "Board" means the Illinois Educational Labor Relations

1 Board.

2 (f) "Regional Superintendent" means the regional  
3 superintendent of schools provided for in Articles 3 and 3A of  
4 The School Code.

5 (g) "Supervisor" means any individual having authority in  
6 the interests of the employer to hire, transfer, suspend, lay  
7 off, recall, promote, discharge, reward or discipline other  
8 employees within the appropriate bargaining unit and adjust  
9 their grievances, or to effectively recommend such action if  
10 the exercise of such authority is not of a merely routine or  
11 clerical nature but requires the use of independent judgment.  
12 The term "supervisor" includes only those individuals who  
13 devote a preponderance of their employment time to such  
14 exercising authority.

15 (h) "Unfair labor practice" or "unfair practice" means any  
16 practice prohibited by Section 14 of this Act.

17 (i) "Person" includes an individual, educational employee,  
18 educational employer, legal representative, or employee  
19 organization.

20 (j) "Wages" means salaries or other forms of compensation  
21 for services rendered.

22 (k) "Professional employee" means, in the case of a public  
23 community college, State college or university, State agency  
24 whose major function is providing educational services, the  
25 Illinois School for the Deaf, and the Illinois School for the  
26 Visually Impaired, (1) any employee engaged in work (i)

1 predominantly intellectual and varied in character as opposed  
2 to routine mental, manual, mechanical, or physical work; (ii)  
3 involving the consistent exercise of discretion and judgment  
4 in its performance; (iii) of such character that the output  
5 produced or the result accomplished cannot be standardized in  
6 relation to a given period of time; and (iv) requiring  
7 knowledge of an advanced type in a field of science or learning  
8 customarily acquired by a prolonged course of specialized  
9 intellectual instruction and study in an institution of higher  
10 learning or a hospital, as distinguished from a general  
11 academic education or from an apprenticeship or from training  
12 in the performance of routine mental, manual, or physical  
13 processes; or (2) any employee, who (i) has completed the  
14 courses of specialized intellectual instruction and study  
15 described in clause (iv) of paragraph (1) of this subsection,  
16 and (ii) is performing related work under the supervision of a  
17 professional person to qualify himself or herself to become a  
18 professional as defined in paragraph (1).

19 (l) "Professional employee" means, in the case of any  
20 public school district, or combination of school districts  
21 pursuant to joint agreement, any employee who has a license  
22 issued under Article 21B of the School Code.

23 (m) "Unit" or "bargaining unit" means any group of  
24 employees for which an exclusive representative is selected.

25 (n) "Confidential employee" means an employee, who (i) in  
26 the regular course of his or her duties, assists and acts in a

1 confidential capacity to persons who formulate, determine and  
2 effectuate management policies with regard to labor relations  
3 or who (ii) in the regular course of his or her duties has  
4 access to information relating to the effectuation or review  
5 of the employer's collective bargaining policies.

6 (o) "Managerial employee" means, with respect to an  
7 educational employer other than an educational employer of a  
8 school district organized under Article 34 of the School Code,  
9 an individual who is engaged predominantly in executive and  
10 management functions and is charged with the responsibility of  
11 directing the effectuation of such management policies and  
12 practices or, with respect to an educational employer of a  
13 school district organized under Article 34 of the School Code,  
14 an individual who has a significant role in the negotiation of  
15 collective bargaining agreements or who formulates and  
16 determines employer-wide management policies and practices.  
17 "Managerial employee" includes a general superintendent of  
18 schools provided for under Section 34-6 of the School Code.

19 (p) "Craft employee" means a skilled journeyman, craft  
20 person, and his or her apprentice or helper.

21 (q) "Short-term employee" is an employee who is employed  
22 for less than 2 consecutive calendar quarters during a  
23 calendar year and who does not have a reasonable expectation  
24 that he or she will be rehired by the same employer for the  
25 same service in a subsequent calendar year. Nothing in this  
26 subsection shall affect the employee status of individuals who

1 were covered by a collective bargaining agreement on January  
2 1, 1992 (the effective date of Public Act 87-736) ~~this~~  
3 ~~amendatory Act of 1991.~~

4 The changes made to this Section by Public Act 102-1138  
5 ~~this amendatory Act of the 102nd General Assembly~~ may not be  
6 construed to void or change the powers and duties given to  
7 local school councils under Section 34-2.3 of the School Code.  
8 (Source: P.A. 101-380, eff. 1-1-20; 102-894, eff. 5-20-22;  
9 102-1071, eff. 6-10-22; 102-1138, eff. 2-10-23; revised  
10 3-2-23.)

11 Section 320. The Alternative Health Care Delivery Act is  
12 amended by changing Section 35.2 as follows:

13 (210 ILCS 3/35.2)

14 Sec. 35.2. Maternal milk donation education.

15 (a) To ensure an adequate supply of pasteurized donor  
16 human milk for premature infants in Illinois, a birth center  
17 with obstetrical service beds shall provide information and  
18 instructional materials to parents of each newborn, upon  
19 discharge from the birth center, regarding the option to  
20 voluntarily donate milk to nonprofit ~~non-profit~~ milk banks  
21 that are accredited by the Human Milk Banking Association of  
22 North America or its successor organization. The materials  
23 shall be provided free of charge and shall include general  
24 information regarding nonprofit ~~non-profit~~ milk banking

1 practices and contact information for area nonprofit milk  
2 banks that are accredited by the Human Milk Banking  
3 Association of North America.

4 (b) The information and instructional materials described  
5 in subsection (a) may be provided electronically.

6 (c) Nothing in this Section prohibits a birth center from  
7 obtaining free and suitable information on voluntary milk  
8 donation from the Human Milk Banking Association of North  
9 America, ~~or~~ its successor organization, or its accredited  
10 members.

11 (Source: P.A. 103-160, eff. 1-1-24; revised 12-22-23.)

12 Section 325. The Life Care Facilities Act is amended by  
13 setting forth, renumbering, and changing multiple versions of  
14 Section 10.3 as follows:

15 (210 ILCS 40/10.3)

16 Sec. 10.3. Posting of Long Term Care Ombudsman Program  
17 information.

18 (a) Except as provided under subsection (b), all licensed  
19 facilities shall post on the home page of the facility's  
20 website the following:

21 (1) The Long Term Care Ombudsman Program's statewide  
22 toll-free telephone number.

23 (2) A link to the Long Term Care Ombudsman Program's  
24 website.



1 (b) A facility:

2 (1) may comply with this Section by posting the  
3 required information on the website of the facility's  
4 parent company if the facility does not maintain a unique  
5 website;

6 (2) is not required to comply with this Section if the  
7 facility and any parent company do not maintain a website;  
8 and

9 (3) is not required to comply with this Section in  
10 instances where the parent company operates in multiple  
11 states and the facility does not maintain a unique  
12 website.

13 (Source: P.A. 103-119, eff. 1-1-24; revised 12-22-23.)

14 (210 ILCS 40/10.4)

15 Sec. 10.4 ~~10.3~~. Provision of at-home continuing care.

16 (a) The Department shall adopt rules that:

17 (1) establish standards for providers of at-home  
18 continuing care;

19 (2) provide for the certification and registration of  
20 providers of at-home continuing care and the annual  
21 renewal of certificates of registration;

22 (3) provide for and encourage the establishment of  
23 at-home continuing care programs;

24 (4) set minimum requirements for any individual who is  
25 employed by or under contract with a provider of at-home

1 continuing care and who will enter a provider of at-home  
2 continuing care's subscriber's home to provide at-home  
3 continuing care services, including requirements for  
4 criminal background checks of such an individual who will  
5 have routine, direct access to a subscriber;

6 (5) establish standards for the renewal of  
7 certificates of registration for providers of at-home  
8 continuing care;

9 (6) establish standards for the number of executed  
10 agreements necessary to begin operation as a provider of  
11 at-home continuing care;

12 (7) establish standards for when and how a provider of  
13 at-home continuing care or a subscriber may rescind an  
14 at-home continuing care agreement before at-home  
15 continuing care services are provided to the subscriber;

16 (8) allow a subscriber to rescind an agreement for  
17 at-home continuing care services at any time if the terms  
18 of the agreement violate this Section;

19 (9) establish that a provider may terminate an  
20 agreement to provide at-home continuing care services or  
21 discharge a subscriber only for just cause; and

22 (10) establish procedures to carry out a termination  
23 or discharge under paragraph (9).

24 (b) The Department shall certify and register a person as  
25 a provider of at-home continuing care services under this  
26 Section if the Department determines that:

1           (1) a reasonable financial plan has been developed to  
2 provide at-home continuing care services, including a plan  
3 for the number of agreements to be executed before  
4 beginning operation;

5           (2) a market for the at-home continuing care program  
6 exists;

7           (3) the provider has submitted all proposed  
8 advertisements, advertising campaigns, and other  
9 promotional materials for the program;

10           (4) the form and substance of all advertisements,  
11 advertising campaigns, and other promotional materials  
12 submitted are not deceptive, misleading, or likely to  
13 mislead; and

14           (5) an actuarial forecast supports the market for the  
15 program.

16           (c) A provider may not enter into an agreement to provide  
17 at-home continuing care services until the Department issues a  
18 preliminary certificate of registration to the provider. An  
19 application for a preliminary certificate of registration  
20 shall:

21           (1) be filed in a form determined by the Department by  
22 rule; and

23           (2) include:

24           (A) a copy of the proposed at-home continuing care  
25 agreement; and

26           (B) the form and substance of any proposed

1 advertisements, advertising campaigns, or other  
2 promotional materials for the program that are ~~is~~  
3 available at the time of filing the application and  
4 that have ~~has~~ not been filed previously with the  
5 Department.

6 (d) The Department shall issue a preliminary certificate  
7 of registration to a provider under subsection (c) if the  
8 Department determines that:

9 (1) the proposed at-home continuing care agreement is  
10 satisfactory;

11 (2) the provider has submitted all proposed  
12 advertisements, advertising campaigns, and other  
13 promotional materials for the program; and

14 (3) the form and substance of all advertisements,  
15 advertising campaigns, and other promotional materials  
16 submitted are not deceptive, misleading, or likely to  
17 mislead.

18 (e) A person may not provide at-home continuing care  
19 services until the Department issues a certificate of  
20 registration to the person. An application for a certificate  
21 of registration shall:

22 (1) be filed in a form determined by the Department by  
23 rule; and

24 (2) include:

25 (A) verification that the required number of  
26 agreements has been executed;

1 (B) the form and substance of any proposed  
2 advertisements, advertising campaigns, or other  
3 promotional materials for the program that are  
4 available at the time of filing and that have not been  
5 filed previously with the Department; and

6 (C) verification that any other license or  
7 certificate required by other appropriate State units  
8 has been issued to the provider.

9 (f) The Department shall issue a certificate of  
10 registration to a provider under subsection (e) if the  
11 Department determines that:

12 (1) the information and documents submitted and  
13 application for a preliminary certificate of registration  
14 are current and accurate or have been updated to make them  
15 accurate;

16 (2) the required agreements have been executed;

17 (3) any other license or certificate required by other  
18 appropriate State units has been issued to the provider;

19 (4) the provider has submitted all proposed  
20 advertisements, advertising campaigns, and other  
21 promotional materials for the program; and

22 (5) the material submitted is not an advertisement,  
23 advertising campaign, or other promotional material that  
24 is deceptive, misleading, or likely to mislead.

25 If a provider intends to advertise before the Department  
26 issues a certificate of registration, the provider shall

1 submit to the Department any advertisement, advertising  
2 campaign, or other promotional material ~~materials~~ before using  
3 it.

4 (g) Every 2 years, within 120 days after the end of a  
5 provider's fiscal year, a provider shall file an application  
6 for a renewal certificate of registration with the Department.  
7 The application shall:

8 (A) be filed in a form determined by the  
9 Department by rule; and

10 (B) contain any reasonable and pertinent  
11 information that the Department requires.

12 (h) The Department shall issue a renewal certificate of  
13 registration under subsection (g) if the Department determines  
14 that:

15 (1) all required documents have been filed and are  
16 satisfactory;

17 (2) any revised agreements for at-home continuing care  
18 services meet the Department's requirements;

19 (3) the provider has submitted all proposed  
20 advertisements, advertising campaigns, and other  
21 promotional materials for the program; and

22 (4) the form and substance of all advertisements,  
23 advertising campaigns, and other promotional materials  
24 submitted are not deceptive, misleading, or likely to  
25 mislead.

26 (i) The Department may deny, suspend, or revoke a

1 preliminary, initial, or renewal certificate of registration  
2 under this Section for cause. The Department shall set forth  
3 in writing its reasons for a denial, suspension, or  
4 revocation. A provider may appeal a denial in writing. Grounds  
5 for a denial, suspension, or revocation include, but are not  
6 limited to:

7 (1) violation of this Section;

8 (2) violation of a rule adopted by the Department  
9 under this Section;

10 (3) misrepresentation; or

11 (4) submission of false information.

12 (Source: P.A. 103-332, eff. 1-1-24; revised 1-2-24.)

13 Section 330. The Emergency Medical Services (EMS) Systems  
14 Act is amended by changing Sections 3.55 and 3.116 as follows:

15 (210 ILCS 50/3.55)

16 Sec. 3.55. Scope of practice.

17 (a) Any person currently licensed as an EMR, EMT, EMT-I,  
18 A-EMT, PHRN, PHAPRN, PHPA, or Paramedic may perform emergency  
19 and non-emergency medical services as defined in this Act, in  
20 accordance with his or her level of education, training and  
21 licensure, the standards of performance and conduct prescribed  
22 by the Department in rules adopted pursuant to this Act, and  
23 the requirements of the EMS System in which he or she  
24 practices, as contained in the approved Program Plan for that

1 System. The Director may, by written order, temporarily modify  
2 individual scopes of practice in response to public health  
3 emergencies for periods not exceeding 180 days.

4 (a-5) EMS personnel who have successfully completed a  
5 Department approved course in automated defibrillator  
6 operation and who are functioning within a Department approved  
7 EMS System may utilize such automated defibrillator according  
8 to the standards of performance and conduct prescribed by the  
9 Department in rules adopted pursuant to this Act and the  
10 requirements of the EMS System in which they practice, as  
11 contained in the approved Program Plan for that System.

12 (a-7) An EMT, EMT-I, A-EMT, PHRN, PHAPRN, PHPA, or  
13 Paramedic who has successfully completed a Department approved  
14 course in the administration of epinephrine shall be required  
15 to carry epinephrine with him or her as part of the EMS  
16 personnel medical supplies whenever he or she is performing  
17 official duties as determined by the EMS System. The  
18 epinephrine may be administered from a glass vial,  
19 auto-injector, ampule, or pre-filled syringe.

20 (b) An EMR, EMT, EMT-I, A-EMT, PHRN, PHAPRN, PHPA, or  
21 Paramedic may practice as an EMR, EMT, EMT-I, A-EMT, or  
22 Paramedic or utilize his or her EMR, EMT, EMT-I, A-EMT, PHRN,  
23 PHAPRN, PHPA, or Paramedic license in pre-hospital or  
24 inter-hospital emergency care settings or non-emergency  
25 medical transport situations, under the written or verbal  
26 direction of the EMS Medical Director. For purposes of this



1 Section, a "pre-hospital emergency care setting" may include a  
2 location, that is not a health care facility, which utilizes  
3 EMS personnel to render pre-hospital emergency care prior to  
4 the arrival of a transport vehicle. The location shall include  
5 communication equipment and all of the portable equipment and  
6 drugs appropriate for the EMR, EMT, EMT-I, A-EMT, or  
7 Paramedic's level of care, as required by this Act, rules  
8 adopted by the Department pursuant to this Act, and the  
9 protocols of the EMS Systems, and shall operate only with the  
10 approval and under the direction of the EMS Medical Director.

11 This Section shall not prohibit an EMR, EMT, EMT-I, A-EMT,  
12 PHRN, PHAPRN, PHPA, or Paramedic from practicing within an  
13 emergency department or other health care setting for the  
14 purpose of receiving continuing education or training approved  
15 by the EMS Medical Director. This Section shall also not  
16 prohibit an EMT, EMT-I, A-EMT, PHRN, PHAPRN, PHPA, or  
17 Paramedic from seeking credentials other than his or her EMT,  
18 EMT-I, A-EMT, PHRN, PHAPRN, PHPA, or Paramedic license and  
19 utilizing such credentials to work in emergency departments or  
20 other health care settings under the jurisdiction of that  
21 employer.

22 (c) An EMT, EMT-I, A-EMT, PHRN, PHAPRN, PHPA, or Paramedic  
23 may honor Do Not Resuscitate (DNR) orders and powers of  
24 attorney for health care only in accordance with rules adopted  
25 by the Department pursuant to this Act and protocols of the EMS  
26 System in which he or she practices.

1 (d) A student enrolled in a Department approved EMS  
2 personnel program, while fulfilling the clinical training and  
3 in-field supervised experience requirements mandated for  
4 licensure or approval by the System and the Department, may  
5 perform prescribed procedures under the direct supervision of  
6 a physician licensed to practice medicine in all of its  
7 branches, a qualified registered professional nurse, or  
8 qualified EMS personnel, only when authorized by the EMS  
9 Medical Director.

10 (e) An EMR, EMT, EMT-I, A-EMT, PHRN, PHAPRN, PHPA, or  
11 Paramedic may transport a police dog injured in the line of  
12 duty to a veterinary clinic or similar facility if there are no  
13 persons requiring medical attention or transport at that time.  
14 For the purposes of this subsection, "police dog" means a dog  
15 owned or used by a law enforcement department or agency in the  
16 course of the department or agency's work, including a search  
17 and rescue dog, service dog, accelerant detection canine, or  
18 other dog that is in use by a county, municipal, or State law  
19 enforcement agency.

20 (f) Nothing in this Act shall be construed to prohibit an  
21 EMT, EMT-I, A-EMT, Paramedic, or PHRN from completing an  
22 initial Occupational Safety and Health Administration  
23 Respirator Medical Evaluation Questionnaire on behalf of fire  
24 service personnel, as permitted by his or her EMS System  
25 Medical Director.

26 (g) An EMT, EMT-I, A-EMT, Paramedic, PHRN, PHAPRN, or PHPA

1 shall be eligible to work for another EMS System for a period  
2 not to exceed 2 weeks if the individual is under the direct  
3 supervision of another licensed individual operating at the  
4 same or higher level as the EMT, EMT-I, A-EMT, Paramedic,  
5 PHRN, PHAPRN, or PHPA; obtained approval in writing from the  
6 EMS System's Medical Director; and tests into the EMS System  
7 based upon appropriate standards as outlined in the EMS System  
8 Program Plan. The EMS System within which the EMT, EMT-I,  
9 A-EMT, Paramedic, PHRN, PHAPRN, or PHPA is seeking to join  
10 must make all required testing available to the EMT, EMT-I,  
11 A-EMT, Paramedic, PHRN, PHAPRN, or PHPA within 2 weeks after  
12 the written request. Failure to do so by the EMS System shall  
13 allow the EMT, EMT-I, A-EMT, Paramedic, PHRN, PHAPRN, or PHPA  
14 to continue working for another EMS System until all required  
15 testing becomes available.

16 (h) ~~(g)~~ A member of a fire department's or fire protection  
17 district's collective bargaining unit shall be eligible to  
18 work under a silver spanner program for another EMS System's  
19 fire department or fire protection district that is not the  
20 full-time employer of that member, for a period not to exceed 2  
21 weeks, if the member: (1) is under the direct supervision of  
22 another licensed individual operating at the same or higher  
23 licensure level as the member; (2) made a written request to  
24 the EMS System's Medical Director for approval to work under  
25 the silver spanner program, which shall be approved or denied  
26 within 24 hours after the EMS System's Medical Director

1 received the request; and (3) tests into the EMS System based  
2 upon appropriate standards as outlined in the EMS System  
3 Program Plan. The EMS System within which the member is  
4 seeking to join must make all required testing available to  
5 the member within 2 weeks of the written request. Failure to do  
6 so by the EMS System shall allow the member to continue working  
7 under a silver spanner program until all required testing  
8 becomes available.

9 (Source: P.A. 102-79, eff. 1-1-22; 103-521, eff. 1-1-24;  
10 103-547, eff. 8-11-23; revised 8-30-23.)

11 (210 ILCS 50/3.116)

12 Sec. 3.116. Hospital Stroke Care; definitions. As used in  
13 Sections 3.116 through 3.119, 3.130, and 3.200 of this Act:

14 "Acute Stroke-Ready Hospital" means a hospital that has  
15 been designated by the Department as meeting the criteria for  
16 providing emergent stroke care. Designation may be provided  
17 after a hospital has been certified or through application and  
18 designation as such.

19 "Certification" or "certified" means certification, using  
20 evidence-based standards, from a nationally recognized  
21 certifying body approved by the Department.

22 "Comprehensive Stroke Center" means a hospital that has  
23 been certified and has been designated as such.

24 "Designation" or "designated" means the Department's  
25 recognition of a hospital as a Comprehensive Stroke Center,

1 Primary Stroke Center, or Acute Stroke-Ready Hospital.

2 "Emergent stroke care" is emergency medical care that  
3 includes diagnosis and emergency medical treatment of acute  
4 stroke patients.

5 "Emergent Stroke Ready Hospital" means a hospital that has  
6 been designated by the Department as meeting the criteria for  
7 providing emergent stroke care.

8 "Primary Stroke Center" means a hospital that has been  
9 certified by a Department-approved, nationally recognized  
10 certifying body and designated as such by the Department.

11 "Primary Stroke Center Plus" means a hospital that has  
12 been certified by a Department-approved, nationally recognized  
13 certifying body and designated as such by the Department.

14 "Regional Stroke Advisory Subcommittee" means a  
15 subcommittee formed within each Regional EMS Advisory  
16 Committee to advise the Director and the Region's EMS Medical  
17 Directors Committee on the triage, treatment, and transport of  
18 possible acute stroke patients and to select the Region's  
19 representative to the State Stroke Advisory Subcommittee. At  
20 minimum, the Regional Stroke Advisory Subcommittee shall  
21 consist of: one representative from the EMS Medical Directors  
22 Committee; one EMS coordinator from a Resource Hospital; one  
23 administrative representative or his or her designee from each  
24 level of stroke care, including Comprehensive Stroke Centers  
25 within the Region, if any, Thrombectomy Capable Stroke Centers  
26 within the Region, if any, Thrombectomy Ready Stroke Centers

1 within the Region, if any, Primary Stroke Centers Plus within  
2 the Region, if any, Primary Stroke Centers within the Region,  
3 if any, and Acute Stroke-Ready Hospitals within the Region, if  
4 any; one physician from each level of stroke care, including  
5 one physician who is a neurologist or who provides advanced  
6 stroke care at a Comprehensive Stroke Center in the Region, if  
7 any, one physician who is a neurologist or who provides acute  
8 stroke care at a Thrombectomy Capable Stroke Center within the  
9 Region, if any, a Thrombectomy Ready Stroke Center within the  
10 Region, if any, or a Primary Stroke Center Plus in the Region,  
11 if any, one physician who is a neurologist or who provides  
12 acute stroke care at a Primary Stroke Center in the Region, if  
13 any, and one physician who provides acute stroke care at an  
14 Acute Stroke-Ready Hospital in the Region, if any; one nurse  
15 practicing in each level of stroke care, including one nurse  
16 from a Comprehensive Stroke Center in the Region, if any, one  
17 nurse from a Thrombectomy Capable Stroke Center, if any, a  
18 Thrombectomy Ready Stroke Center within the Region, if any, or  
19 a Primary Stroke Center Plus in the Region, if any, one nurse  
20 from a Primary Stroke Center in the Region, if any, and one  
21 nurse from an Acute Stroke-Ready Hospital in the Region, if  
22 any; one representative from both a public and a private  
23 vehicle service provider that transports possible acute stroke  
24 patients within the Region; the State-designated regional EMS  
25 Coordinator; and a fire chief or his or her designee from the  
26 EMS Region, if the Region serves a population of more than

1 2,000,000. The Regional Stroke Advisory Subcommittee shall  
2 establish bylaws to ensure equal membership that rotates and  
3 clearly delineates committee responsibilities and structure.  
4 Of the members first appointed, one-third shall be appointed  
5 for a term of one year, one-third shall be appointed for a term  
6 of 2 years, and the remaining members shall be appointed for a  
7 term of 3 years. The terms of subsequent appointees shall be 3  
8 years.

9 "State Stroke Advisory Subcommittee" means a standing  
10 advisory body within the State Emergency Medical Services  
11 Advisory Council.

12 "Thrombectomy Capable Stroke Center" means a hospital that  
13 has been certified by a Department-approved, nationally  
14 recognized certifying body and designated as such by the  
15 Department.

16 "Thrombectomy Ready Stroke Center" means a hospital that  
17 has been certified by a Department-approved, nationally  
18 recognized certifying body and designated as such by the  
19 Department.

20 (Source: P.A. 102-687, eff. 12-17-21; 103-149, eff. 1-1-24;  
21 103-363, eff. 7-28-23; revised 12-12-23.)

22 Section 335. The Hospital Licensing Act is amended by  
23 changing Sections 10.10 and 11.9 as follows:

24 (210 ILCS 85/10.10)

1           Sec. 10.10. Nurse staffing by patient acuity.

2           (a) Findings. The Legislature finds and declares all of  
3 the following:

4                 (1) The State of Illinois has a substantial interest  
5 in promoting quality care and improving the delivery of  
6 health care services.

7                 (2) Evidence-based studies have shown that the basic  
8 principles of staffing in the acute care setting should be  
9 based on the complexity of patients' care needs aligned  
10 with available nursing skills to promote quality patient  
11 care consistent with professional nursing standards.

12                 (3) Compliance with this Section promotes an  
13 organizational climate that values registered nurses'  
14 input in meeting the health care needs of hospital  
15 patients.

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

17                 "Acuity model" means an assessment tool selected and  
18 implemented by a hospital, as recommended by a nursing care  
19 committee, that assesses the complexity of patient care needs  
20 requiring professional nursing care and skills and aligns  
21 patient care needs and nursing skills consistent with  
22 professional nursing standards.

23                 "Department" means the Department of Public Health.

24                 "Direct patient care" means care provided by a registered  
25 professional nurse with direct responsibility to oversee or  
26 carry out medical regimens or nursing care for one or more



1 patients.

2 "Nursing care committee" means a hospital-wide committee  
3 or committees of nurses whose functions, in part or in whole,  
4 contribute to the development, recommendation, and review of  
5 the hospital's nurse staffing plan established pursuant to  
6 subsection (d).

7 "Registered professional nurse" means a person licensed as  
8 a Registered Nurse under the Nurse Practice Act.

9 "Written staffing plan for nursing care services" means a  
10 written plan for the assignment of patient care nursing staff  
11 based on multiple nurse and patient considerations that yield  
12 minimum staffing levels for inpatient care units and the  
13 adopted acuity model aligning patient care needs with nursing  
14 skills required for quality patient care consistent with  
15 professional nursing standards.

16 (c) Written staffing plan.

17 (1) Every hospital shall implement a written  
18 hospital-wide staffing plan, prepared by a nursing care  
19 committee or committees, that provides for minimum direct  
20 care professional registered nurse-to-patient staffing  
21 needs for each inpatient care unit, including inpatient  
22 emergency departments. If the staffing plan prepared by  
23 the nursing care committee is not adopted by the hospital,  
24 or if substantial changes are proposed to it, the chief  
25 nursing officer shall either: (i) provide a written  
26 explanation to the committee of the reasons the plan was

1 not adopted; or (ii) provide a written explanation of any  
2 substantial changes made to the proposed plan prior to it  
3 being adopted by the hospital. The written hospital-wide  
4 staffing plan shall include, but need not be limited to,  
5 the following considerations:

6 (A) The complexity of complete care, assessment on  
7 patient admission, volume of patient admissions,  
8 discharges and transfers, evaluation of the progress  
9 of a patient's problems, ongoing physical assessments,  
10 planning for a patient's discharge, assessment after a  
11 change in patient condition, and assessment of the  
12 need for patient referrals.

13 (B) The complexity of clinical professional  
14 nursing judgment needed to design and implement a  
15 patient's nursing care plan, the need for specialized  
16 equipment and technology, the skill mix of other  
17 personnel providing or supporting direct patient care,  
18 and involvement in quality improvement activities,  
19 professional preparation, and experience.

20 (C) Patient acuity and the number of patients for  
21 whom care is being provided.

22 (D) The ongoing assessments of a unit's patient  
23 acuity levels and nursing staff needed shall be  
24 routinely made by the unit nurse manager or his or her  
25 designee.

26 (E) The identification of additional registered

1 nurses available for direct patient care when  
2 patients' unexpected needs exceed the planned workload  
3 for direct care staff.

4 (2) In order to provide staffing flexibility to meet  
5 patient needs, every hospital shall identify an acuity  
6 model for adjusting the staffing plan for each inpatient  
7 care unit.

8 (2.5) Each hospital shall implement the staffing plan  
9 and assign nursing personnel to each inpatient care unit,  
10 including inpatient emergency departments, in accordance  
11 with the staffing plan.

12 (A) A registered nurse may report to the nursing  
13 care committee any variations where the nurse  
14 personnel assignment in an inpatient care unit is not  
15 in accordance with the adopted staffing plan and may  
16 make a written report to the nursing care committee  
17 based on the variations.

18 (B) Shift-to-shift adjustments in staffing levels  
19 required by the staffing plan may be made by the  
20 appropriate hospital personnel overseeing inpatient  
21 care operations. If a registered nurse in an inpatient  
22 care unit objects to a shift-to-shift adjustment, the  
23 registered nurse may submit a written report to the  
24 nursing care committee.

25 (C) The nursing care committee shall develop a  
26 process to examine and respond to written reports

1 submitted under subparagraphs (A) and (B) of this  
2 paragraph (2.5), including the ability to determine if  
3 a specific written report is resolved or should be  
4 dismissed.

5 (3) The written staffing plan shall be posted, either  
6 by physical or electronic means, in a conspicuous and  
7 accessible location for both patients and direct care  
8 staff, as required under the Hospital Report Card Act. A  
9 copy of the written staffing plan shall be provided to any  
10 member of the general public upon request.

11 (d) Nursing care committee.

12 (1) Every hospital shall have a nursing care committee  
13 that meets at least 6 times per year. A hospital shall  
14 appoint members of a committee whereby at least 55% of the  
15 members are registered professional nurses providing  
16 direct inpatient care, one of whom shall be selected  
17 annually by the direct inpatient care nurses to serve as  
18 co-chair of the committee.

19 (2) (Blank).

20 (2.5) A nursing care committee shall prepare and  
21 recommend to hospital administration the hospital's  
22 written hospital-wide staffing plan. If the staffing plan  
23 is not adopted by the hospital, the chief nursing officer  
24 shall provide a written statement to the committee prior  
25 to a staffing plan being adopted by the hospital that: (A)  
26 explains the reasons the committee's proposed staffing

1 plan was not adopted; and (B) describes the changes to the  
2 committee's proposed staffing or any alternative to the  
3 committee's proposed staffing plan.

4 (3) A nursing care committee's or committees' written  
5 staffing plan for the hospital shall be based on the  
6 principles from the staffing components set forth in  
7 subsection (c). In particular, a committee or committees  
8 shall provide input and feedback on the following:

9 (A) Selection, implementation, and evaluation of  
10 minimum staffing levels for inpatient care units.

11 (B) Selection, implementation, and evaluation of  
12 an acuity model to provide staffing flexibility that  
13 aligns changing patient acuity with nursing skills  
14 required.

15 (C) Selection, implementation, and evaluation of a  
16 written staffing plan incorporating the items  
17 described in subdivisions (c)(1) and (c)(2) of this  
18 Section.

19 (D) Review the nurse staffing plans for all  
20 inpatient areas and current acuity tools and measures  
21 in use. The nursing care committee's review shall  
22 consider:

23 (i) patient outcomes;

24 (ii) complaints regarding staffing, including  
25 complaints about a delay in direct care nursing or  
26 an absence of direct care nursing;

1 (iii) the number of hours of nursing care  
2 provided through an inpatient hospital unit  
3 compared with the number of inpatients served by  
4 the hospital unit during a 24-hour period;

5 (iv) the aggregate hours of overtime worked by  
6 the nursing staff;

7 (v) the extent to which actual nurse staffing  
8 for each hospital inpatient unit differs from the  
9 staffing specified by the staffing plan; and

10 (vi) any other matter or change to the  
11 staffing plan determined by the committee to  
12 ensure that the hospital is staffed to meet the  
13 health care needs of patients.

14 (4) A nursing care committee must issue a written  
15 report addressing the items described in subparagraphs (A)  
16 through (D) of paragraph (3) semi-annually. A written copy  
17 of this report shall be made available to direct inpatient  
18 care nurses by making available a paper copy of the  
19 report, distributing it electronically, or posting it on  
20 the hospital's website.

21 (5) A nursing care committee must issue a written  
22 report at least annually to the hospital governing board  
23 that addresses items including, but not limited to: the  
24 items described in paragraph (3); changes made based on  
25 committee recommendations and the impact of such changes;  
26 and recommendations for future changes related to nurse

1 staffing.

2 (6) A nursing care committee must annually notify the  
3 hospital nursing staff of the staff's rights under this  
4 Section. The annual notice must provide a phone number and  
5 an email address for staff to report noncompliance with  
6 the nursing staff's rights as described in this Section.  
7 The notice must be provided by email or by regular mail in  
8 a manner that effectively facilitates receipt of the  
9 notice. The Department shall monitor and enforce the  
10 requirements of this paragraph (6).

11 (e) Nothing in this Section 10.10 shall be construed to  
12 limit, alter, or modify any of the terms, conditions, or  
13 provisions of a collective bargaining agreement entered into  
14 by the hospital.

15 (f) No hospital may discipline, discharge, or take any  
16 other adverse employment action against an employee solely  
17 because the employee expresses a concern or complaint  
18 regarding an alleged violation of this Section or concerns  
19 related to nurse staffing.

20 (g) Any employee of a hospital may file a complaint with  
21 the Department regarding an alleged violation of this Section.  
22 The Department must forward notification of the alleged  
23 violation to the hospital in question within 10 business days  
24 after the complaint is filed. Upon receiving a complaint of a  
25 violation of this Section, the Department may take any action  
26 authorized under Section ~~Sections~~ 7 or 9 of this Act.

1 (Source: P.A. 102-4, eff. 4-27-21; 102-641, eff. 8-27-21;  
2 102-813, eff. 5-13-22; 103-211, eff. 1-1-24; revised 1-2-24.)

3 (210 ILCS 85/11.9)

4 Sec. 11.9. Maternal milk donation education.

5 (a) To ensure an adequate supply of pasteurized donor  
6 human milk for premature infants in Illinois, a hospital with  
7 licensed obstetric beds shall provide information and  
8 instructional materials to parents of each newborn, upon  
9 discharge from the hospital, regarding the option to  
10 voluntarily donate milk to nonprofit ~~non-profit~~ milk banks  
11 that are accredited by the Human Milk Banking Association of  
12 North America or its successor organization. The materials  
13 shall be provided free of charge and shall include general  
14 information regarding nonprofit ~~non-profit~~ milk banking  
15 practices and contact information for area nonprofit milk  
16 banks that are accredited by the Human Milk Banking  
17 Association of North America.

18 (b) The information and instructional materials described  
19 in subsection (a) may be provided electronically.

20 (c) Nothing in this Section prohibits a hospital from  
21 obtaining free and suitable information on voluntary milk  
22 donation from the Human Milk Banking Association of North  
23 America, ~~or~~ its successor organization, or its accredited  
24 members.

25 (Source: P.A. 103-160, eff. 1-1-24; revised 12-22-23.)



1           Section 340. The Hospital Uninsured Patient Discount Act  
2 is amended by changing Section 15 as follows:

3           (210 ILCS 89/15)

4           Sec. 15. Patient responsibility.

5           (a) Hospitals may make the availability of a discount and  
6 the maximum collectible amount under this Act contingent upon  
7 the uninsured patient first applying for coverage under public  
8 health insurance programs, such as Medicare, Medicaid,  
9 AllKids, the State Children's Health Insurance Program, the  
10 Health Benefits for Immigrants program, or any other program,  
11 if there is a reasonable basis to believe that the uninsured  
12 patient may be eligible for such program. If the patient  
13 declines to apply for a public health insurance program on the  
14 basis of concern for immigration-related consequences, the  
15 hospital may refer the patient to a free, unbiased resource,  
16 such as an Immigrant Family Resource Program, to address the  
17 patient's immigration-related concerns and assist in enrolling  
18 the patient in a public health insurance program. The hospital  
19 may still screen the patient for eligibility under its  
20 financial assistance policy.

21           (b) Hospitals shall permit an uninsured patient to apply  
22 for a discount within 90 days of the date of discharge, date of  
23 service, completion of the screening under the Fair Patient  
24 Billing Act, or denial of an application for a public health

1 insurance program.

2 Hospitals shall offer uninsured patients who receive  
3 community-based primary care provided by a community health  
4 center or a free and charitable clinic, are referred by such an  
5 entity to the hospital, and seek access to nonemergency  
6 hospital-based health care services with an opportunity to be  
7 screened for and assistance with applying for public health  
8 insurance programs if there is a reasonable basis to believe  
9 that the uninsured patient may be eligible for a public health  
10 insurance program. An uninsured patient who receives  
11 community-based primary care provided by a community health  
12 center or free and charitable clinic and is referred by such an  
13 entity to the hospital for whom there is not a reasonable basis  
14 to believe that the uninsured patient may be eligible for a  
15 public health insurance program shall be given the opportunity  
16 to apply for hospital financial assistance when hospital  
17 services are scheduled.

18 (1) Income verification. Hospitals may require an  
19 uninsured patient who is requesting an uninsured discount  
20 to provide documentation of family income. Acceptable  
21 family income documentation shall include any one of the  
22 following:

23 (A) a copy of the most recent tax return;

24 (B) a copy of the most recent W-2 form and 1099  
25 forms;

26 (C) copies of the 2 most recent pay stubs;

1 (D) written income verification from an employer  
2 if paid in cash; or

3 (E) one other reasonable form of third-party ~~third~~  
4 ~~party~~ income verification deemed acceptable to the  
5 hospital.

6 (2) Asset verification. Hospitals may require an  
7 uninsured patient who is requesting an uninsured discount  
8 to certify the existence or absence of assets owned by the  
9 patient and to provide documentation of the value of such  
10 assets, except for those assets referenced in paragraph  
11 (4) of subsection (c) of Section 10. Acceptable  
12 documentation may include statements from financial  
13 institutions or some other third-party ~~third-party~~  
14 verification of an asset's value. If no third-party ~~third~~  
15 ~~party~~ verification exists, then the patient shall certify  
16 as to the estimated value of the asset.

17 (3) Illinois resident verification. Hospitals may  
18 require an uninsured patient who is requesting an  
19 uninsured discount to verify Illinois residency.  
20 Acceptable verification of Illinois residency shall  
21 include any one of the following:

22 (A) any of the documents listed in paragraph (1);

23 (B) a valid state-issued identification card;

24 (C) a recent residential utility bill;

25 (D) a lease agreement;

26 (E) a vehicle registration card;

1 (F) a voter registration card;

2 (G) mail addressed to the uninsured patient at an  
3 Illinois address from a government or other credible  
4 source;

5 (H) a statement from a family member of the  
6 uninsured patient who resides at the same address and  
7 presents verification of residency;

8 (I) a letter from a homeless shelter, transitional  
9 house or other similar facility verifying that the  
10 uninsured patient resides at the facility; or

11 (J) a temporary visitor's drivers license.

12 (c) Hospital obligations toward an individual uninsured  
13 patient under this Act shall cease if that patient  
14 unreasonably fails or refuses to provide the hospital with  
15 information or documentation requested under subsection (b) or  
16 to apply for coverage under public programs when requested  
17 under subsection (a) within 30 days of the hospital's request.

18 (d) In order for a hospital to determine the 12 month  
19 maximum amount that can be collected from a patient deemed  
20 eligible under Section 10, an uninsured patient shall inform  
21 the hospital in subsequent inpatient admissions or outpatient  
22 encounters that the patient has previously received health  
23 care services from that hospital and was determined to be  
24 entitled to the uninsured discount.

25 (e) Hospitals may require patients to certify that all of  
26 the information provided in the application is true. The

1 application may state that if any of the information is  
2 untrue, any discount granted to the patient is forfeited and  
3 the patient is responsible for payment of the hospital's full  
4 charges.

5 (f) Hospitals shall ask for an applicant's race,  
6 ethnicity, sex, and preferred language on the financial  
7 assistance application. However, the questions shall be  
8 clearly marked as optional responses for the patient and shall  
9 note that responses or nonresponses by the patient will not  
10 have any impact on the outcome of the application.

11 (Source: P.A. 102-581, eff. 1-1-22; 103-323, eff. 1-1-24;  
12 103-492, eff. 1-1-24; revised 9-7-23.)

13 Section 345. The Birth Center Licensing Act is amended by  
14 changing Section 46 as follows:

15 (210 ILCS 170/46)

16 Sec. 46. Maternal milk donation education.

17 (a) To ensure an adequate supply of pasteurized donor  
18 human milk for premature infants in Illinois, a birth center  
19 with obstetrical service beds shall provide information and  
20 instructional materials to parents of each newborn, upon  
21 discharge from the birth center, regarding the option to  
22 voluntarily donate milk to nonprofit ~~non-profit~~ milk banks  
23 that are accredited by the Human Milk Banking Association of  
24 North America or its successor organization. The materials

1 shall be provided free of charge and shall include general  
2 information regarding nonprofit ~~non-profit~~ milk banking  
3 practices and contact information for area nonprofit milk  
4 banks that are accredited by the Human Milk Banking  
5 Association of North America.

6 (b) The information and instructional materials described  
7 in subsection (a) may be provided electronically.

8 (c) Nothing in this Section prohibits a birth center from  
9 obtaining free and suitable information on voluntary milk  
10 donation from the Human Milk Banking Association of North  
11 America, ~~or~~ its successor organization, or its accredited  
12 members.

13 (Source: P.A. 103-160, eff. 1-1-24; revised 12-22-23.)

14 Section 350. The Illinois Insurance Code is amended by  
15 setting forth, renumbering, and changing multiple versions of  
16 Section 356z.61 and by changing Section 370c.1 as follows:

17 (215 ILCS 5/356z.61)

18 Sec. 356z.61. Coverage for liver disease screening. A  
19 group or individual policy of accident and health insurance or  
20 a managed care plan that is amended, delivered, issued, or  
21 renewed on or after January 1, 2025 shall provide coverage for  
22 preventative liver disease screenings for individuals 35 years  
23 of age or older and under the age of 65 at high risk for liver  
24 disease, including liver ultrasounds and alpha-fetoprotein

1 blood tests every 6 months, without imposing a deductible,  
2 coinsurance, copayment, or any other cost-sharing requirement  
3 on the coverage provided; except that this Section does not  
4 apply to coverage of liver disease screenings to the extent  
5 such coverage would disqualify a high-deductible health plan  
6 from eligibility for a health savings account pursuant to  
7 Section 223 of the Internal Revenue Code.

8 (Source: P.A. 103-84, eff. 1-1-24.)

9 (215 ILCS 5/356z.63)

10 Sec. 356z.63 ~~356z.61~~. Coverage of pharmacy testing,  
11 screening, vaccinations, and treatment. A group or individual  
12 policy of accident and health insurance or a managed care plan  
13 that is amended, delivered, issued, or renewed on or after  
14 January 1, 2025 shall provide coverage for health care or  
15 patient care services provided by a pharmacist if:

16 (1) the pharmacist meets the requirements and scope of  
17 practice described in paragraph (15), (16), or (17) of  
18 subsection (d) of Section 3 of the Pharmacy Practice Act;

19 (2) the health plan provides coverage for the same  
20 service provided by a licensed physician, an advanced  
21 practice registered nurse, or a physician assistant;

22 (3) the pharmacist is included in the health benefit  
23 plan's network of participating providers; and

24 (4) reimbursement has been successfully negotiated in  
25 good faith between the pharmacist and the health plan.

1 (Source: P.A. 103-1, eff. 4-27-23; revised 8-29-23.)

2 (215 ILCS 5/356z.64)

3 Sec. 356z.64 ~~356z.61~~. Coverage for compression sleeves. A  
4 group or individual policy of accident and health insurance or  
5 a managed care plan that is amended, delivered, issued, or  
6 renewed on or after January 1, 2025 shall provide coverage for  
7 compression sleeves that are ~~is~~ medically necessary for the  
8 enrollee to prevent or mitigate lymphedema.

9 (Source: P.A. 103-91, eff. 1-1-24; revised 8-29-23.)

10 (215 ILCS 5/356z.65)

11 Sec. 356z.65 ~~356z.61~~. Coverage for reconstructive  
12 services.

13 (a) As used in this Section, "reconstructive services"  
14 means treatments performed on structures of the body damaged  
15 by trauma to restore physical appearance.

16 (b) A group or individual policy of accident and health  
17 insurance or a managed care plan that is amended, delivered,  
18 issued, or renewed on or after January 1, 2025 may not deny  
19 coverage for medically necessary reconstructive services that  
20 are intended to restore physical appearance.

21 (Source: P.A. 103-123, eff. 1-1-24; revised 8-29-23.)

22 (215 ILCS 5/356z.66)

23 Sec. 356z.66 ~~356z.61~~. Proton beam therapy.



1 (a) As used in this Section:

2 "Medically necessary" has the meaning given to that term  
3 in the Prior Authorization Reform Act.

4 "Proton beam therapy" means a type of radiation therapy  
5 treatment that utilizes protons as the radiation delivery  
6 method for the treatment of tumors and cancerous cells.

7 "Radiation therapy treatment" means the delivery of  
8 biological effective doses with proton therapy, intensity  
9 modulated radiation therapy, brachytherapy, stereotactic body  
10 radiation therapy, three-dimensional conformal radiation  
11 therapy, or other forms of therapy using radiation.

12 (b) A group or individual policy of accident and health  
13 insurance or managed care plan that is amended, delivered,  
14 issued, or renewed on or after January 1, 2025 that provides  
15 coverage for the treatment of cancer shall not apply a higher  
16 standard of clinical evidence for the coverage of proton beam  
17 therapy than the insurer applies for the coverage of any other  
18 form of radiation therapy treatment.

19 (c) A group or individual policy of accident and health  
20 insurance or managed care plan that is amended, delivered,  
21 issued, or renewed on or after January 1, 2025 that provides  
22 coverage or benefits to any resident of this State for  
23 radiation oncology shall include coverage or benefits for  
24 medically necessary proton beam therapy for the treatment of  
25 cancer.

26 (Source: P.A. 103-325, eff. 1-1-24; revised 8-29-23.)

1 (215 ILCS 5/356z.67)

2 Sec. 356z.67 ~~356z.61~~. Coverage of prescription estrogen.

3 (a) A group or individual policy of accident and health  
4 insurance or a managed care plan that is amended, delivered,  
5 issued, or renewed on or after January 1, 2025 and that  
6 provides coverage for prescription drugs shall include  
7 coverage for one or more therapeutic equivalent versions of  
8 vaginal estrogen in its formulary.

9 (b) If a particular vaginal estrogen product or its  
10 therapeutic equivalent version approved by the United States  
11 Food and Drug Administration is determined to be medically  
12 necessary, the issuer must cover that service or item pursuant  
13 to the cost-sharing requirement contained in subsection (c).

14 (c) A policy subject to this Section shall not impose a  
15 deductible, copayment, or any other cost sharing requirement  
16 that exceeds any deductible, coinsurance, copayment, or any  
17 other cost-sharing requirement imposed on any prescription  
18 drug authorized for the treatment of erectile dysfunction  
19 covered by the policy; except that this subsection does not  
20 apply to coverage of vaginal estrogen to the extent such  
21 coverage would disqualify a high-deductible health plan from  
22 eligibility for a health savings account pursuant to Section  
23 223 of the Internal Revenue Code.

24 (d) As used in this Section, "therapeutic equivalent  
25 version" has the meaning given to that term in paragraph (2) of

1 subsection (a) of Section 356z.4.

2 (Source: P.A. 103-420, eff. 1-1-24; revised 8-29-23.)

3 (215 ILCS 5/356z.68)

4 Sec. 356z.68 ~~356z.61~~. Home saliva cancer screening.

5 (a) As used in this Section, "home saliva cancer  
6 screening" means an outpatient test that utilizes an  
7 individual's saliva to detect biomarkers for early-stage  
8 cancer.

9 (b) An individual or group policy of accident and health  
10 insurance that is amended, delivered, issued, or renewed on or  
11 after January 1, 2025 shall cover a medically necessary home  
12 saliva cancer screening every 24 months if the patient:

13 (1) is asymptomatic and at high risk for the disease  
14 being tested for; or

15 (2) demonstrates symptoms of the disease being tested  
16 for at a physical exam.

17 (Source: P.A. 103-445, eff. 1-1-24; revised 8-29-23.)

18 (215 ILCS 5/356z.69)

19 Sec. 356z.69 ~~356z.61~~. Coverage for children with  
20 neuromuscular, neurological, or cognitive impairment. A group  
21 or individual policy of accident and health insurance amended,  
22 delivered, issued, or renewed on or after January 1, 2025  
23 shall provide coverage for therapy, diagnostic testing, and  
24 equipment necessary to increase quality of life for children

1 who have been clinically or genetically diagnosed with any  
2 disease, syndrome, or disorder that includes low tone  
3 neuromuscular impairment, neurological impairment, or  
4 cognitive impairment.

5 (Source: P.A. 103-458, eff. 1-1-24; revised 8-29-23.)

6 (215 ILCS 5/356z.70)

7 Sec. 356z.70 ~~356z.61~~. Coverage of no-cost mental health  
8 prevention and wellness visits.

9 (a) A group or individual policy of accident and health  
10 insurance or managed care plan that is amended, delivered,  
11 issued, or renewed on or after January 1, 2025 shall provide  
12 coverage for one annual mental health prevention and wellness  
13 visit for children and for adults.

14 (b) Mental health prevention and wellness visits shall  
15 include any age-appropriate screening recommended by the  
16 United States Preventive Services Task Force or by the  
17 American Academy of Pediatrics' Bright Futures: Guidelines for  
18 Health Supervision of Infants, Children, and Adolescents for  
19 purposes of identifying a mental health issue, condition, or  
20 disorder; discussing mental health symptoms that might be  
21 present, including symptoms of a previously diagnosed mental  
22 health condition or disorder; performing an evaluation of  
23 adverse childhood experiences; and discussing mental health  
24 and wellness.

25 (c) A mental health prevention and wellness visit shall be

1 covered for up to 60 minutes and may be performed by a  
2 physician licensed to practice medicine in all of its  
3 branches, a licensed clinical psychologist, a licensed  
4 clinical social worker, a licensed clinical professional  
5 counselor, a licensed marriage and family therapist, a  
6 licensed social worker, or a licensed professional counselor.

7 (d) A policy subject to this Section shall not impose a  
8 deductible, coinsurance, copayment, or other cost-sharing  
9 requirement for mental health prevention and wellness visits.  
10 The cost-sharing prohibition in this subsection (d) does not  
11 apply to coverage of mental health prevention and wellness  
12 visits to the extent such coverage would disqualify a  
13 high-deductible health plan from eligibility for a health  
14 savings account pursuant to Section 223 of the Internal  
15 Revenue Code.

16 (e) A mental health prevention and wellness visit shall be  
17 in addition to an annual physical examination and shall not  
18 replace a well-child visit or a general health or medical  
19 visit.

20 (f) A mental health prevention and wellness visit shall be  
21 reimbursed through the following American Medical Association  
22 current procedural terminology codes and at the same rate that  
23 current procedural terminology codes are reimbursed for the  
24 provision of other medical care: 99381-99387 and 99391-99397.  
25 The Department shall update the current procedural terminology  
26 codes through adoption of rules if the codes listed in this

1 subsection are altered, amended, changed, deleted, or  
2 supplemented.

3 (g) Reimbursement of any of the current procedural  
4 terminology codes listed in this Section shall comply with the  
5 following:

6 (1) reimbursement may be adjusted for payment of  
7 claims that are billed by a nonphysician clinician so long  
8 as the methodology to determine the adjustments are  
9 comparable to and applied no more stringently than the  
10 methodology for adjustments made for reimbursement of  
11 claims billed by nonphysician clinicians for other medical  
12 care, in accordance with 45 CFR 146.136(c) (4); and

13 (2) for a mental health prevention and wellness visit  
14 and for a service other than a mental health prevention  
15 and wellness visit, reimbursement shall not be denied if  
16 they occur on the same date by the same provider and the  
17 provider is a primary care provider.

18 (h) A mental health prevention and wellness visit may be  
19 incorporated into and reimbursed within any type of integrated  
20 primary care service delivery method, including, but not  
21 limited to, a psychiatric collaborative care model as provided  
22 for under this Code.

23 (i) The Department shall adopt any rules necessary to  
24 implement this Section by no later than October 31, 2024.

25 (Source: P.A. 103-535, eff. 8-11-23; revised 8-29-23.)

1 (215 ILCS 5/370c.1)

2 Sec. 370c.1. Mental, emotional, nervous, or substance use  
3 disorder or condition parity.

4 (a) On and after July 23, 2021 (the effective date of  
5 Public Act 102-135), every insurer that amends, delivers,  
6 issues, or renews a group or individual policy of accident and  
7 health insurance or a qualified health plan offered through  
8 the Health Insurance Marketplace in this State providing  
9 coverage for hospital or medical treatment and for the  
10 treatment of mental, emotional, nervous, or substance use  
11 disorders or conditions shall ensure prior to policy issuance  
12 that:

13 (1) the financial requirements applicable to such  
14 mental, emotional, nervous, or substance use disorder or  
15 condition benefits are no more restrictive than the  
16 predominant financial requirements applied to  
17 substantially all hospital and medical benefits covered by  
18 the policy and that there are no separate cost-sharing  
19 requirements that are applicable only with respect to  
20 mental, emotional, nervous, or substance use disorder or  
21 condition benefits; and

22 (2) the treatment limitations applicable to such  
23 mental, emotional, nervous, or substance use disorder or  
24 condition benefits are no more restrictive than the  
25 predominant treatment limitations applied to substantially  
26 all hospital and medical benefits covered by the policy

1 and that there are no separate treatment limitations that  
2 are applicable only with respect to mental, emotional,  
3 nervous, or substance use disorder or condition benefits.

4 (b) The following provisions shall apply concerning  
5 aggregate lifetime limits:

6 (1) In the case of a group or individual policy of  
7 accident and health insurance or a qualified health plan  
8 offered through the Health Insurance Marketplace amended,  
9 delivered, issued, or renewed in this State on or after  
10 September 9, 2015 (the effective date of Public Act  
11 99-480) that provides coverage for hospital or medical  
12 treatment and for the treatment of mental, emotional,  
13 nervous, or substance use disorders or conditions the  
14 following provisions shall apply:

15 (A) if the policy does not include an aggregate  
16 lifetime limit on substantially all hospital and  
17 medical benefits, then the policy may not impose any  
18 aggregate lifetime limit on mental, emotional,  
19 nervous, or substance use disorder or condition  
20 benefits; or

21 (B) if the policy includes an aggregate lifetime  
22 limit on substantially all hospital and medical  
23 benefits (in this subsection referred to as the  
24 "applicable lifetime limit"), then the policy shall  
25 either:

26 (i) apply the applicable lifetime limit both



1 to the hospital and medical benefits to which it  
2 otherwise would apply and to mental, emotional,  
3 nervous, or substance use disorder or condition  
4 benefits and not distinguish in the application of  
5 the limit between the hospital and medical  
6 benefits and mental, emotional, nervous, or  
7 substance use disorder or condition benefits; or

8 (ii) not include any aggregate lifetime limit  
9 on mental, emotional, nervous, or substance use  
10 disorder or condition benefits that is less than  
11 the applicable lifetime limit.

12 (2) In the case of a policy that is not described in  
13 paragraph (1) of subsection (b) of this Section and that  
14 includes no or different aggregate lifetime limits on  
15 different categories of hospital and medical benefits, the  
16 Director shall establish rules under which subparagraph  
17 (B) of paragraph (1) of subsection (b) of this Section is  
18 applied to such policy with respect to mental, emotional,  
19 nervous, or substance use disorder or condition benefits  
20 by substituting for the applicable lifetime limit an  
21 average aggregate lifetime limit that is computed taking  
22 into account the weighted average of the aggregate  
23 lifetime limits applicable to such categories.

24 (c) The following provisions shall apply concerning annual  
25 limits:

26 (1) In the case of a group or individual policy of

1 accident and health insurance or a qualified health plan  
2 offered through the Health Insurance Marketplace amended,  
3 delivered, issued, or renewed in this State on or after  
4 September 9, 2015 (the effective date of Public Act  
5 99-480) that provides coverage for hospital or medical  
6 treatment and for the treatment of mental, emotional,  
7 nervous, or substance use disorders or conditions the  
8 following provisions shall apply:

9 (A) if the policy does not include an annual limit  
10 on substantially all hospital and medical benefits,  
11 then the policy may not impose any annual limits on  
12 mental, emotional, nervous, or substance use disorder  
13 or condition benefits; or

14 (B) if the policy includes an annual limit on  
15 substantially all hospital and medical benefits (in  
16 this subsection referred to as the "applicable annual  
17 limit"), then the policy shall either:

18 (i) apply the applicable annual limit both to  
19 the hospital and medical benefits to which it  
20 otherwise would apply and to mental, emotional,  
21 nervous, or substance use disorder or condition  
22 benefits and not distinguish in the application of  
23 the limit between the hospital and medical  
24 benefits and mental, emotional, nervous, or  
25 substance use disorder or condition benefits; or

26 (ii) not include any annual limit on mental,

1           emotional, nervous, or substance use disorder or  
2           condition benefits that is less than the  
3           applicable annual limit.

4           (2) In the case of a policy that is not described in  
5           paragraph (1) of subsection (c) of this Section and that  
6           includes no or different annual limits on different  
7           categories of hospital and medical benefits, the Director  
8           shall establish rules under which subparagraph (B) of  
9           paragraph (1) of subsection (c) of this Section is applied  
10          to such policy with respect to mental, emotional, nervous,  
11          or substance use disorder or condition benefits by  
12          substituting for the applicable annual limit an average  
13          annual limit that is computed taking into account the  
14          weighted average of the annual limits applicable to such  
15          categories.

16          (d) With respect to mental, emotional, nervous, or  
17          substance use disorders or conditions, an insurer shall use  
18          policies and procedures for the election and placement of  
19          mental, emotional, nervous, or substance use disorder or  
20          condition treatment drugs on their formulary that are no less  
21          favorable to the insured as those policies and procedures the  
22          insurer uses for the selection and placement of drugs for  
23          medical or surgical conditions and shall follow the expedited  
24          coverage determination requirements for substance abuse  
25          treatment drugs set forth in Section 45.2 of the Managed Care  
26          Reform and Patient Rights Act.

1           (e) This Section shall be interpreted in a manner  
2 consistent with all applicable federal parity regulations  
3 including, but not limited to, the Paul Wellstone and Pete  
4 Domenici Mental Health Parity and Addiction Equity Act of  
5 2008, final regulations issued under the Paul Wellstone and  
6 Pete Domenici Mental Health Parity and Addiction Equity Act of  
7 2008 and final regulations applying the Paul Wellstone and  
8 Pete Domenici Mental Health Parity and Addiction Equity Act of  
9 2008 to Medicaid managed care organizations, the Children's  
10 Health Insurance Program, and alternative benefit plans.

11           (f) The provisions of subsections (b) and (c) of this  
12 Section shall not be interpreted to allow the use of lifetime  
13 or annual limits otherwise prohibited by State or federal law.

14           (g) As used in this Section:

15           "Financial requirement" includes deductibles, copayments,  
16 coinsurance, and out-of-pocket maximums, but does not include  
17 an aggregate lifetime limit or an annual limit subject to  
18 subsections (b) and (c).

19           "Mental, emotional, nervous, or substance use disorder or  
20 condition" means a condition or disorder that involves a  
21 mental health condition or substance use disorder that falls  
22 under any of the diagnostic categories listed in the mental  
23 and behavioral disorders chapter of the current edition of the  
24 International Classification of Disease or that is listed in  
25 the most recent version of the Diagnostic and Statistical  
26 Manual of Mental Disorders.

1 "Treatment limitation" includes limits on benefits based  
2 on the frequency of treatment, number of visits, days of  
3 coverage, days in a waiting period, or other similar limits on  
4 the scope or duration of treatment. "Treatment limitation"  
5 includes both quantitative treatment limitations, which are  
6 expressed numerically (such as 50 outpatient visits per year),  
7 and nonquantitative treatment limitations, which otherwise  
8 limit the scope or duration of treatment. A permanent  
9 exclusion of all benefits for a particular condition or  
10 disorder shall not be considered a treatment limitation.  
11 "Nonquantitative treatment" means those limitations as  
12 described under federal regulations (26 CFR 54.9812-1).  
13 "Nonquantitative treatment limitations" include, but are not  
14 limited to, those limitations described under federal  
15 regulations 26 CFR 54.9812-1, 29 CFR 2590.712, and 45 CFR  
16 146.136.

17 (h) The Department of Insurance shall implement the  
18 following education initiatives:

19 (1) By January 1, 2016, the Department shall develop a  
20 plan for a Consumer Education Campaign on parity. The  
21 Consumer Education Campaign shall focus its efforts  
22 throughout the State and include trainings in the  
23 northern, southern, and central regions of the State, as  
24 defined by the Department, as well as each of the 5 managed  
25 care regions of the State as identified by the Department  
26 of Healthcare and Family Services. Under this Consumer

1 Education Campaign, the Department shall: (1) by January  
2 1, 2017, provide at least one live training in each region  
3 on parity for consumers and providers and one webinar  
4 training to be posted on the Department website and (2)  
5 establish a consumer hotline to assist consumers in  
6 navigating the parity process by March 1, 2017. By January  
7 1, 2018 the Department shall issue a report to the General  
8 Assembly on the success of the Consumer Education  
9 Campaign, which shall indicate whether additional training  
10 is necessary or would be recommended.

11 (2) The Department, in coordination with the  
12 Department of Human Services and the Department of  
13 Healthcare and Family Services, shall convene a working  
14 group of health care insurance carriers, mental health  
15 advocacy groups, substance abuse patient advocacy groups,  
16 and mental health physician groups for the purpose of  
17 discussing issues related to the treatment and coverage of  
18 mental, emotional, nervous, or substance use disorders or  
19 conditions and compliance with parity obligations under  
20 State and federal law. Compliance shall be measured,  
21 tracked, and shared during the meetings of the working  
22 group. The working group shall meet once before January 1,  
23 2016 and shall meet semiannually thereafter. The  
24 Department shall issue an annual report to the General  
25 Assembly that includes a list of the health care insurance  
26 carriers, mental health advocacy groups, substance abuse

1 patient advocacy groups, and mental health physician  
2 groups that participated in the working group meetings,  
3 details on the issues and topics covered, and any  
4 legislative recommendations developed by the working  
5 group.

6 (3) Not later than January 1 of each year, the  
7 Department, in conjunction with the Department of  
8 Healthcare and Family Services, shall issue a joint report  
9 to the General Assembly and provide an educational  
10 presentation to the General Assembly. The report and  
11 presentation shall:

12 (A) Cover the methodology the Departments use to  
13 check for compliance with the federal Paul Wellstone  
14 and Pete Domenici Mental Health Parity and Addiction  
15 Equity Act of 2008, 42 U.S.C. 18031(j), and any  
16 federal regulations or guidance relating to the  
17 compliance and oversight of the federal Paul Wellstone  
18 and Pete Domenici Mental Health Parity and Addiction  
19 Equity Act of 2008 and 42 U.S.C. 18031(j).

20 (B) Cover the methodology the Departments use to  
21 check for compliance with this Section and Sections  
22 356z.23 and 370c of this Code.

23 (C) Identify market conduct examinations or, in  
24 the case of the Department of Healthcare and Family  
25 Services, audits conducted or completed during the  
26 preceding 12-month period regarding compliance with

1 parity in mental, emotional, nervous, and substance  
2 use disorder or condition benefits under State and  
3 federal laws and summarize the results of such market  
4 conduct examinations and audits. This shall include:

5 (i) the number of market conduct examinations  
6 and audits initiated and completed;

7 (ii) the benefit classifications examined by  
8 each market conduct examination and audit;

9 (iii) the subject matter of each market  
10 conduct examination and audit, including  
11 quantitative and nonquantitative treatment  
12 limitations; and

13 (iv) a summary of the basis for the final  
14 decision rendered in each market conduct  
15 examination and audit.

16 Individually identifiable information shall be  
17 excluded from the reports consistent with federal  
18 privacy protections.

19 (D) Detail any educational or corrective actions  
20 the Departments have taken to ensure compliance with  
21 the federal Paul Wellstone and Pete Domenici Mental  
22 Health Parity and Addiction Equity Act of 2008, 42  
23 U.S.C. 18031(j), this Section, and Sections 356z.23  
24 and 370c of this Code.

25 (E) The report must be written in non-technical,  
26 readily understandable language and shall be made



1 available to the public by, among such other means as  
2 the Departments find appropriate, posting the report  
3 on the Departments' websites.

4 (i) The Parity Advancement Fund is created as a special  
5 fund in the State treasury. Moneys from fines and penalties  
6 collected from insurers for violations of this Section shall  
7 be deposited into the Fund. Moneys deposited into the Fund for  
8 appropriation by the General Assembly to the Department shall  
9 be used for the purpose of providing financial support of the  
10 Consumer Education Campaign, parity compliance advocacy, and  
11 other initiatives that support parity implementation and  
12 enforcement on behalf of consumers.

13 (j) (Blank).

14 (j-5) The Department of Insurance shall collect the  
15 following information:

16 (1) The number of employment disability insurance  
17 plans offered in this State, including, but not limited  
18 to:

19 (A) individual short-term policies;

20 (B) individual long-term policies;

21 (C) group short-term policies; and

22 (D) group long-term policies.

23 (2) The number of policies referenced in paragraph (1)  
24 of this subsection that limit mental health and substance  
25 use disorder benefits.

26 (3) The average defined benefit period for the

1 policies referenced in paragraph (1) of this subsection,  
2 both for those policies that limit and those policies that  
3 have no limitation on mental health and substance use  
4 disorder benefits.

5 (4) Whether the policies referenced in paragraph (1)  
6 of this subsection are purchased on a voluntary or  
7 non-voluntary basis.

8 (5) The identities of the individuals, entities, or a  
9 combination of the ~~27~~ that assume the cost associated with  
10 covering the policies referenced in paragraph (1) of this  
11 subsection.

12 (6) The average defined benefit period for plans that  
13 cover physical disability and mental health and substance  
14 abuse without limitation, including, but not limited to:

15 (A) individual short-term policies;

16 (B) individual long-term policies;

17 (C) group short-term policies; and

18 (D) group long-term policies.

19 (7) The average premiums for disability income  
20 insurance issued in this State for:

21 (A) individual short-term policies that limit  
22 mental health and substance use disorder benefits;

23 (B) individual long-term policies that limit  
24 mental health and substance use disorder benefits;

25 (C) group short-term policies that limit mental  
26 health and substance use disorder benefits;

1 (D) group long-term policies that limit mental  
2 health and substance use disorder benefits;

3 (E) individual short-term policies that include  
4 mental health and substance use disorder benefits  
5 without limitation;

6 (F) individual long-term policies that include  
7 mental health and substance use disorder benefits  
8 without limitation;

9 (G) group short-term policies that include mental  
10 health and substance use disorder benefits without  
11 limitation; and

12 (H) group long-term policies that include mental  
13 health and substance use disorder benefits without  
14 limitation.

15 The Department shall present its findings regarding  
16 information collected under this subsection (j-5) to the  
17 General Assembly no later than April 30, 2024. Information  
18 regarding a specific insurance provider's contributions to the  
19 Department's report shall be exempt from disclosure under  
20 paragraph (t) of subsection (1) of Section 7 of the Freedom of  
21 Information Act. The aggregated information gathered by the  
22 Department shall not be exempt from disclosure under paragraph  
23 (t) of subsection (1) of Section 7 of the Freedom of  
24 Information Act.

25 (k) An insurer that amends, delivers, issues, or renews a  
26 group or individual policy of accident and health insurance or

1 a qualified health plan offered through the health insurance  
2 marketplace in this State providing coverage for hospital or  
3 medical treatment and for the treatment of mental, emotional,  
4 nervous, or substance use disorders or conditions shall submit  
5 an annual report, the format and definitions for which will be  
6 determined by the Department and the Department of Healthcare  
7 and Family Services and posted on their respective websites,  
8 starting on September 1, 2023 and annually thereafter, that  
9 contains the following information separately for inpatient  
10 in-network benefits, inpatient out-of-network benefits,  
11 outpatient in-network benefits, outpatient out-of-network  
12 benefits, emergency care benefits, and prescription drug  
13 benefits in the case of accident and health insurance or  
14 qualified health plans, or inpatient, outpatient, emergency  
15 care, and prescription drug benefits in the case of medical  
16 assistance:

17 (1) A summary of the plan's pharmacy management  
18 processes for mental, emotional, nervous, or substance use  
19 disorder or condition benefits compared to those for other  
20 medical benefits.

21 (2) A summary of the internal processes of review for  
22 experimental benefits and unproven technology for mental,  
23 emotional, nervous, or substance use disorder or condition  
24 benefits and those for other medical benefits.

25 (3) A summary of how the plan's policies and  
26 procedures for utilization management for mental,

1 emotional, nervous, or substance use disorder or condition  
2 benefits compare to those for other medical benefits.

3 (4) A description of the process used to develop or  
4 select the medical necessity criteria for mental,  
5 emotional, nervous, or substance use disorder or condition  
6 benefits and the process used to develop or select the  
7 medical necessity criteria for medical and surgical  
8 benefits.

9 (5) Identification of all nonquantitative treatment  
10 limitations that are applied to both mental, emotional,  
11 nervous, or substance use disorder or condition benefits  
12 and medical and surgical benefits within each  
13 classification of benefits.

14 (6) The results of an analysis that demonstrates that  
15 for the medical necessity criteria described in  
16 subparagraph (A) and for each nonquantitative treatment  
17 limitation identified in subparagraph (B), as written and  
18 in operation, the processes, strategies, evidentiary  
19 standards, or other factors used in applying the medical  
20 necessity criteria and each nonquantitative treatment  
21 limitation to mental, emotional, nervous, or substance use  
22 disorder or condition benefits within each classification  
23 of benefits are comparable to, and are applied no more  
24 stringently than, the processes, strategies, evidentiary  
25 standards, or other factors used in applying the medical  
26 necessity criteria and each nonquantitative treatment

1 limitation to medical and surgical benefits within the  
2 corresponding classification of benefits; at a minimum,  
3 the results of the analysis shall:

4 (A) identify the factors used to determine that a  
5 nonquantitative treatment limitation applies to a  
6 benefit, including factors that were considered but  
7 rejected;

8 (B) identify and define the specific evidentiary  
9 standards used to define the factors and any other  
10 evidence relied upon in designing each nonquantitative  
11 treatment limitation;

12 (C) provide the comparative analyses, including  
13 the results of the analyses, performed to determine  
14 that the processes and strategies used to design each  
15 nonquantitative treatment limitation, as written, for  
16 mental, emotional, nervous, or substance use disorder  
17 or condition benefits are comparable to, and are  
18 applied no more stringently than, the processes and  
19 strategies used to design each nonquantitative  
20 treatment limitation, as written, for medical and  
21 surgical benefits;

22 (D) provide the comparative analyses, including  
23 the results of the analyses, performed to determine  
24 that the processes and strategies used to apply each  
25 nonquantitative treatment limitation, in operation,  
26 for mental, emotional, nervous, or substance use

1 disorder or condition benefits are comparable to, and  
2 applied no more stringently than, the processes or  
3 strategies used to apply each nonquantitative  
4 treatment limitation, in operation, for medical and  
5 surgical benefits; and

6 (E) disclose the specific findings and conclusions  
7 reached by the insurer that the results of the  
8 analyses described in subparagraphs (C) and (D)  
9 indicate that the insurer is in compliance with this  
10 Section and the Mental Health Parity and Addiction  
11 Equity Act of 2008 and its implementing regulations,  
12 which includes 42 CFR Parts 438, 440, and 457 and 45  
13 CFR 146.136 and any other related federal regulations  
14 found in the Code of Federal Regulations.

15 (7) Any other information necessary to clarify data  
16 provided in accordance with this Section requested by the  
17 Director, including information that may be proprietary or  
18 have commercial value, under the requirements of Section  
19 30 of the Viatical Settlements Act of 2009.

20 (1) An insurer that amends, delivers, issues, or renews a  
21 group or individual policy of accident and health insurance or  
22 a qualified health plan offered through the health insurance  
23 marketplace in this State providing coverage for hospital or  
24 medical treatment and for the treatment of mental, emotional,  
25 nervous, or substance use disorders or conditions on or after  
26 January 1, 2019 (the effective date of Public Act 100-1024)

1 shall, in advance of the plan year, make available to the  
2 Department or, with respect to medical assistance, the  
3 Department of Healthcare and Family Services and to all plan  
4 participants and beneficiaries the information required in  
5 subparagraphs (C) through (E) of paragraph (6) of subsection  
6 (k). For plan participants and medical assistance  
7 beneficiaries, the information required in subparagraphs (C)  
8 through (E) of paragraph (6) of subsection (k) shall be made  
9 available on a publicly available ~~publicly available~~ website  
10 whose web address is prominently displayed in plan and managed  
11 care organization informational and marketing materials.

12 (m) In conjunction with its compliance examination program  
13 conducted in accordance with the Illinois State Auditing Act,  
14 the Auditor General shall undertake a review of compliance by  
15 the Department and the Department of Healthcare and Family  
16 Services with Section 370c and this Section. Any findings  
17 resulting from the review conducted under this Section shall  
18 be included in the applicable State agency's compliance  
19 examination report. Each compliance examination report shall  
20 be issued in accordance with Section 3-14 of the Illinois  
21 State Auditing Act. A copy of each report shall also be  
22 delivered to the head of the applicable State agency and  
23 posted on the Auditor General's website.

24 (Source: P.A. 102-135, eff. 7-23-21; 102-579, eff. 8-25-21;  
25 102-813, eff. 5-13-22; 103-94, eff. 1-1-24; 103-105, eff.  
26 6-27-23; revised 12-15-23.)



1           Section 355. The Network Adequacy and Transparency Act is  
2 amended by changing Section 25 as follows:

3           (215 ILCS 124/25)

4           Sec. 25. Network transparency.

5           (a) A network plan shall post electronically an  
6 up-to-date, accurate, and complete provider directory for each  
7 of its network plans, with the information and search  
8 functions, as described in this Section.

9           (1) In making the directory available electronically,  
10 the network plans shall ensure that the general public is  
11 able to view all of the current providers for a plan  
12 through a clearly identifiable link or tab and without  
13 creating or accessing an account or entering a policy or  
14 contract number.

15           (2) The network plan shall update the online provider  
16 directory at least monthly. Providers shall notify the  
17 network plan electronically or in writing of any changes  
18 to their information as listed in the provider directory,  
19 including the information required in subparagraph (K) of  
20 paragraph (1) of subsection (b). The network plan shall  
21 update its online provider directory in a manner  
22 consistent with the information provided by the provider  
23 within 10 business days after being notified of the change  
24 by the provider. Nothing in this paragraph (2) shall void

1 any contractual relationship between the provider and the  
2 plan.

3 (3) The network plan shall audit periodically at least  
4 25% of its provider directories for accuracy, make any  
5 corrections necessary, and retain documentation of the  
6 audit. The network plan shall submit the audit to the  
7 Director upon request. As part of these audits, the  
8 network plan shall contact any provider in its network  
9 that has not submitted a claim to the plan or otherwise  
10 communicated his or her intent to continue participation  
11 in the plan's network.

12 (4) A network plan shall provide a printed ~~print~~ copy  
13 of a current provider directory or a printed ~~print~~ copy of  
14 the requested directory information upon request of a  
15 beneficiary or a prospective beneficiary. Printed ~~Print~~  
16 copies must be updated quarterly and an errata that  
17 reflects changes in the provider network must be updated  
18 quarterly.

19 (5) For each network plan, a network plan shall  
20 include, in plain language in both the electronic and  
21 print directory, the following general information:

22 (A) in plain language, a description of the  
23 criteria the plan has used to build its provider  
24 network;

25 (B) if applicable, in plain language, a  
26 description of the criteria the insurer or network

1 plan has used to create tiered networks;

2 (C) if applicable, in plain language, how the  
3 network plan designates the different provider tiers  
4 or levels in the network and identifies for each  
5 specific provider, hospital, or other type of facility  
6 in the network which tier each is placed, for example,  
7 by name, symbols, or grouping, in order for a  
8 beneficiary-covered person or a prospective  
9 beneficiary-covered person to be able to identify the  
10 provider tier; and

11 (D) if applicable, a notation that authorization  
12 or referral may be required to access some providers.

13 (6) A network plan shall make it clear for both its  
14 electronic and print directories what provider directory  
15 applies to which network plan, such as including the  
16 specific name of the network plan as marketed and issued  
17 in this State. The network plan shall include in both its  
18 electronic and print directories a customer service email  
19 address and telephone number or electronic link that  
20 beneficiaries or the general public may use to notify the  
21 network plan of inaccurate provider directory information  
22 and contact information for the Department's Office of  
23 Consumer Health Insurance.

24 (7) A provider directory, whether in electronic or  
25 print format, shall accommodate the communication needs of  
26 individuals with disabilities, and include a link to or

1 information regarding available assistance for persons  
2 with limited English proficiency.

3 (b) For each network plan, a network plan shall make  
4 available through an electronic provider directory the  
5 following information in a searchable format:

6 (1) for health care professionals:

7 (A) name;

8 (B) gender;

9 (C) participating office locations;

10 (D) specialty, if applicable;

11 (E) medical group affiliations, if applicable;

12 (F) facility affiliations, if applicable;

13 (G) participating facility affiliations, if  
14 applicable;

15 (H) languages spoken other than English, if  
16 applicable;

17 (I) whether accepting new patients;

18 (J) board certifications, if applicable; and

19 (K) use of telehealth or telemedicine, including,  
20 but not limited to:

21 (i) whether the provider offers the use of  
22 telehealth or telemedicine to deliver services to  
23 patients for whom it would be clinically  
24 appropriate;

25 (ii) what modalities are used and what types  
26 of services may be provided via telehealth or

1 telemedicine; and

2 (iii) whether the provider has the ability and  
3 willingness to include in a telehealth or  
4 telemedicine encounter a family caregiver who is  
5 in a separate location than the patient if the  
6 patient wishes and provides his or her consent;

7 (2) for hospitals:

8 (A) hospital name;

9 (B) hospital type (such as acute, rehabilitation,  
10 children's, or cancer);

11 (C) participating hospital location; and

12 (D) hospital accreditation status; and

13 (3) for facilities, other than hospitals, by type:

14 (A) facility name;

15 (B) facility type;

16 (C) types of services performed; and

17 (D) participating facility location or locations.

18 (c) For the electronic provider directories, for each  
19 network plan, a network plan shall make available all of the  
20 following information in addition to the searchable  
21 information required in this Section:

22 (1) for health care professionals:

23 (A) contact information; and

24 (B) languages spoken other than English by  
25 clinical staff, if applicable;

26 (2) for hospitals, telephone number; and

1           (3) for facilities other than hospitals, telephone  
2           number.

3           (d) The insurer or network plan shall make available in  
4           print, upon request, the following provider directory  
5           information for the applicable network plan:

6           (1) for health care professionals:

7           (A) name;

8           (B) contact information;

9           (C) participating office location or locations;

10          (D) specialty, if applicable;

11          (E) languages spoken other than English, if  
12          applicable;

13          (F) whether accepting new patients; and

14          (G) use of telehealth or telemedicine, including,  
15          but not limited to:

16               (i) whether the provider offers the use of  
17               telehealth or telemedicine to deliver services to  
18               patients for whom it would be clinically  
19               appropriate;

20               (ii) what modalities are used and what types  
21               of services may be provided via telehealth or  
22               telemedicine; and

23               (iii) whether the provider has the ability and  
24               willingness to include in a telehealth or  
25               telemedicine encounter a family caregiver who is  
26               in a separate location than the patient if the

1 patient wishes and provides his or her consent;

2 (2) for hospitals:

3 (A) hospital name;

4 (B) hospital type (such as acute, rehabilitation,  
5 children's, or cancer); and

6 (C) participating hospital location and telephone  
7 number; and

8 (3) for facilities, other than hospitals, by type:

9 (A) facility name;

10 (B) facility type;

11 (C) types of services performed; and

12 (D) participating facility location or locations  
13 and telephone numbers.

14 (e) The network plan shall include a disclosure in the  
15 print format provider directory that the information included  
16 in the directory is accurate as of the date of printing and  
17 that beneficiaries or prospective beneficiaries should consult  
18 the insurer's electronic provider directory on its website and  
19 contact the provider. The network plan shall also include a  
20 telephone number in the print format provider directory for a  
21 customer service representative where the beneficiary can  
22 obtain current provider directory information.

23 (f) The Director may conduct periodic audits of the  
24 accuracy of provider directories. A network plan shall not be  
25 subject to any fines or penalties for information required in  
26 this Section that a provider submits that is inaccurate or

1 incomplete.

2 (Source: P.A. 102-92, eff. 7-9-21; revised 9-26-23.)

3 Section 360. The Health Maintenance Organization Act is  
4 amended by changing Section 5-3 as follows:

5 (215 ILCS 125/5-3) (from Ch. 111 1/2, par. 1411.2)

6 Sec. 5-3. Insurance Code provisions.

7 (a) Health Maintenance Organizations shall be subject to  
8 the provisions of Sections 133, 134, 136, 137, 139, 140,  
9 141.1, 141.2, 141.3, 143, 143c, 147, 148, 149, 151, 152, 153,  
10 154, 154.5, 154.6, 154.7, 154.8, 155.04, 155.22a, 155.49,  
11 355.2, 355.3, 355b, 355c, 356f, 356g.5-1, 356m, 356q, 356v,  
12 356w, 356x, 356z.2, 356z.3a, 356z.4, 356z.4a, 356z.5, 356z.6,  
13 356z.8, 356z.9, 356z.10, 356z.11, 356z.12, 356z.13, 356z.14,  
14 356z.15, 356z.17, 356z.18, 356z.19, 356z.20, 356z.21, 356z.22,  
15 356z.23, 356z.24, 356z.25, 356z.26, 356z.28, 356z.29, 356z.30,  
16 356z.30a, 356z.31, 356z.32, 356z.33, 356z.34, 356z.35,  
17 356z.36, 356z.37, 356z.38, 356z.39, 356z.40, 356z.41, 356z.44,  
18 356z.45, 356z.46, 356z.47, 356z.48, 356z.49, 356z.50, 356z.51,  
19 356z.53, 356z.54, 356z.55, 356z.56, 356z.57, 356z.58, 356z.59,  
20 356z.60, 356z.61, 356z.62, 356z.64, 356z.65, 356z.67, 356z.68,  
21 364, 364.01, 364.3, 367.2, 367.2-5, 367i, 368a, 368b, 368c,  
22 368d, 368e, 370c, 370c.1, 401, 401.1, 402, 403, 403A, 408,  
23 408.2, 409, 412, 444, and 444.1, paragraph (c) of subsection  
24 (2) of Section 367, and Articles IIA, VIII 1/2, XII, XII 1/2,



1 XIII, XIII 1/2, XXV, XXVI, and XXXIIB of the Illinois  
2 Insurance Code.

3 (b) For purposes of the Illinois Insurance Code, except  
4 for Sections 444 and 444.1 and Articles XIII and XIII 1/2,  
5 Health Maintenance Organizations in the following categories  
6 are deemed to be "domestic companies":

7 (1) a corporation authorized under the Dental Service  
8 Plan Act or the Voluntary Health Services Plans Act;

9 (2) a corporation organized under the laws of this  
10 State; or

11 (3) a corporation organized under the laws of another  
12 state, 30% or more of the enrollees of which are residents  
13 of this State, except a corporation subject to  
14 substantially the same requirements in its state of  
15 organization as is a "domestic company" under Article VIII  
16 1/2 of the Illinois Insurance Code.

17 (c) In considering the merger, consolidation, or other  
18 acquisition of control of a Health Maintenance Organization  
19 pursuant to Article VIII 1/2 of the Illinois Insurance Code,

20 (1) the Director shall give primary consideration to  
21 the continuation of benefits to enrollees and the  
22 financial conditions of the acquired Health Maintenance  
23 Organization after the merger, consolidation, or other  
24 acquisition of control takes effect;

25 (2) (i) the criteria specified in subsection (1) (b) of  
26 Section 131.8 of the Illinois Insurance Code shall not

1 apply and (ii) the Director, in making his determination  
2 with respect to the merger, consolidation, or other  
3 acquisition of control, need not take into account the  
4 effect on competition of the merger, consolidation, or  
5 other acquisition of control;

6 (3) the Director shall have the power to require the  
7 following information:

8 (A) certification by an independent actuary of the  
9 adequacy of the reserves of the Health Maintenance  
10 Organization sought to be acquired;

11 (B) pro forma financial statements reflecting the  
12 combined balance sheets of the acquiring company and  
13 the Health Maintenance Organization sought to be  
14 acquired as of the end of the preceding year and as of  
15 a date 90 days prior to the acquisition, as well as pro  
16 forma financial statements reflecting projected  
17 combined operation for a period of 2 years;

18 (C) a pro forma business plan detailing an  
19 acquiring party's plans with respect to the operation  
20 of the Health Maintenance Organization sought to be  
21 acquired for a period of not less than 3 years; and

22 (D) such other information as the Director shall  
23 require.

24 (d) The provisions of Article VIII 1/2 of the Illinois  
25 Insurance Code and this Section 5-3 shall apply to the sale by  
26 any health maintenance organization of greater than 10% of its

1 enrollee population (including, without limitation, the health  
2 maintenance organization's right, title, and interest in and  
3 to its health care certificates).

4 (e) In considering any management contract or service  
5 agreement subject to Section 141.1 of the Illinois Insurance  
6 Code, the Director (i) shall, in addition to the criteria  
7 specified in Section 141.2 of the Illinois Insurance Code,  
8 take into account the effect of the management contract or  
9 service agreement on the continuation of benefits to enrollees  
10 and the financial condition of the health maintenance  
11 organization to be managed or serviced, and (ii) need not take  
12 into account the effect of the management contract or service  
13 agreement on competition.

14 (f) Except for small employer groups as defined in the  
15 Small Employer Rating, Renewability and Portability Health  
16 Insurance Act and except for medicare supplement policies as  
17 defined in Section 363 of the Illinois Insurance Code, a  
18 Health Maintenance Organization may by contract agree with a  
19 group or other enrollment unit to effect refunds or charge  
20 additional premiums under the following terms and conditions:

21 (i) the amount of, and other terms and conditions with  
22 respect to, the refund or additional premium are set forth  
23 in the group or enrollment unit contract agreed in advance  
24 of the period for which a refund is to be paid or  
25 additional premium is to be charged (which period shall  
26 not be less than one year); and

1           (ii) the amount of the refund or additional premium  
2 shall not exceed 20% of the Health Maintenance  
3 Organization's profitable or unprofitable experience with  
4 respect to the group or other enrollment unit for the  
5 period (and, for purposes of a refund or additional  
6 premium, the profitable or unprofitable experience shall  
7 be calculated taking into account a pro rata share of the  
8 Health Maintenance Organization's administrative and  
9 marketing expenses, but shall not include any refund to be  
10 made or additional premium to be paid pursuant to this  
11 subsection (f)). The Health Maintenance Organization and  
12 the group or enrollment unit may agree that the profitable  
13 or unprofitable experience may be calculated taking into  
14 account the refund period and the immediately preceding 2  
15 plan years.

16           The Health Maintenance Organization shall include a  
17 statement in the evidence of coverage issued to each enrollee  
18 describing the possibility of a refund or additional premium,  
19 and upon request of any group or enrollment unit, provide to  
20 the group or enrollment unit a description of the method used  
21 to calculate (1) the Health Maintenance Organization's  
22 profitable experience with respect to the group or enrollment  
23 unit and the resulting refund to the group or enrollment unit  
24 or (2) the Health Maintenance Organization's unprofitable  
25 experience with respect to the group or enrollment unit and  
26 the resulting additional premium to be paid by the group or

1 enrollment unit.

2 In no event shall the Illinois Health Maintenance  
3 Organization Guaranty Association be liable to pay any  
4 contractual obligation of an insolvent organization to pay any  
5 refund authorized under this Section.

6 (g) Rulemaking authority to implement Public Act 95-1045,  
7 if any, is conditioned on the rules being adopted in  
8 accordance with all provisions of the Illinois Administrative  
9 Procedure Act and all rules and procedures of the Joint  
10 Committee on Administrative Rules; any purported rule not so  
11 adopted, for whatever reason, is unauthorized.

12 (Source: P.A. 102-30, eff. 1-1-22; 102-34, eff. 6-25-21;  
13 102-203, eff. 1-1-22; 102-306, eff. 1-1-22; 102-443, eff.  
14 1-1-22; 102-589, eff. 1-1-22; 102-642, eff. 1-1-22; 102-665,  
15 eff. 10-8-21; 102-731, eff. 1-1-23; 102-775, eff. 5-13-22;  
16 102-804, eff. 1-1-23; 102-813, eff. 5-13-22; 102-816, eff.  
17 1-1-23; 102-860, eff. 1-1-23; 102-901, eff. 7-1-22; 102-1093,  
18 eff. 1-1-23; 102-1117, eff. 1-13-23; 103-84, eff. 1-1-24;  
19 103-91, eff. 1-1-24; 103-123, eff. 1-1-24; 103-154, eff.  
20 6-30-23; 103-420, eff. 1-1-24; 103-426, eff. 8-4-23; 103-445,  
21 eff. 1-1-24; 103-551, eff. 8-11-23; revised 8-29-23.)

22 Section 365. The Limited Health Service Organization Act  
23 is amended by changing Sections 3006 and 4003 as follows:

24 (215 ILCS 130/3006) (from Ch. 73, par. 1503-6)

1           Sec. 3006. Changes in rate methodology and benefits;  
2 material modifications; addition of limited health services.

3           (a) A limited health service organization shall file with  
4 the Director prior to use, a notice of any change in rate  
5 methodology, charges,    or benefits and of any material  
6 modification of any matter or document furnished pursuant to  
7 Section 2001, together with such supporting documents as are  
8 necessary to fully explain the change or modification.

9           (1) Contract modifications described in paragraphs (5)  
10 and (6) of subsection (c) of Section 2001 shall include  
11 all agreements between the organization and enrollees,  
12 providers, administrators of services,    and insurers of  
13 limited health services; also other material transactions  
14 or series of transactions, the total annual value of which  
15 exceeds the greater of \$100,000 or 5% of net earned  
16 subscription revenue for the most current 12-month ~~12~~  
17 ~~month~~ period as determined from filed financial  
18 statements.

19           (2) Contract modification for reinsurance. Any  
20 agreement between the organization and an insurer shall be  
21 subject to the provisions of Article XI of the Illinois  
22 Insurance Code, as now or hereafter amended. All  
23 reinsurance agreements must be filed with the Director.  
24 Approval of the Director in required agreements must be  
25 filed. Approval of the director is required for all  
26 agreements except individual stop loss, aggregate excess,

1 hospitalization benefits, or out-of-area of the  
2 participating providers, unless 20% or more of the  
3 organization's total risk is reinsured, in which case all  
4 reinsurance agreements shall require approval.

5 (b) If a limited health service organization desires to  
6 add one or more additional limited health services, it shall  
7 file a notice with the Director and, at the same time, submit  
8 the information required by Section 2001 if different from  
9 that filed with the prepaid limited health service  
10 organization's application. Issuance of such an amended  
11 certificate of authority shall be subject to the conditions of  
12 Section 2002 of this Act.

13 (c) In addition to any applicable provisions of this Act,  
14 premium rate filings shall be subject to subsection (i) of  
15 Section 355 of the Illinois Insurance Code.

16 (Source: P.A. 103-106, eff. 1-1-24; revised 1-2-24.)

17 (215 ILCS 130/4003) (from Ch. 73, par. 1504-3)

18 Sec. 4003. Illinois Insurance Code provisions. Limited  
19 health service organizations shall be subject to the  
20 provisions of Sections 133, 134, 136, 137, 139, 140, 141.1,  
21 141.2, 141.3, 143, 143c, 147, 148, 149, 151, 152, 153, 154,  
22 154.5, 154.6, 154.7, 154.8, 155.04, 155.37, 155.49, 355.2,  
23 355.3, 355b, 356q, 356v, 356z.4, 356z.4a, 356z.10, 356z.21,  
24 356z.22, 356z.25, 356z.26, 356z.29, 356z.30a, 356z.32,  
25 356z.33, 356z.41, 356z.46, 356z.47, 356z.51, 356z.53, 356z.54,

1 356z.57, 356z.59, 356z.61, 356z.64, 356z.67, 356z.68, 364.3,  
2 368a, 401, 401.1, 402, 403, 403A, 408, 408.2, 409, 412, 444,  
3 and 444.1 and Articles IIA, VIII 1/2, XII, XII 1/2, XIII, XIII  
4 1/2, XXV, and XXVI of the Illinois Insurance Code. Nothing in  
5 this Section shall require a limited health care plan to cover  
6 any service that is not a limited health service. For purposes  
7 of the Illinois Insurance Code, except for Sections 444 and  
8 444.1 and Articles XIII and XIII 1/2, limited health service  
9 organizations in the following categories are deemed to be  
10 domestic companies:

11 (1) a corporation under the laws of this State; or

12 (2) a corporation organized under the laws of another  
13 state, 30% or more of the enrollees of which are residents  
14 of this State, except a corporation subject to  
15 substantially the same requirements in its state of  
16 organization as is a domestic company under Article VIII  
17 1/2 of the Illinois Insurance Code.

18 (Source: P.A. 102-30, eff. 1-1-22; 102-203, eff. 1-1-22;  
19 102-306, eff. 1-1-22; 102-642, eff. 1-1-22; 102-731, eff.  
20 1-1-23; 102-775, eff. 5-13-22; 102-813, eff. 5-13-22; 102-816,  
21 eff. 1-1-23; 102-860, eff. 1-1-23; 102-1093, eff. 1-1-23;  
22 102-1117, eff. 1-13-23; 103-84, eff. 1-1-24; 103-91, eff.  
23 1-1-24; 103-420, eff. 1-1-24; 103-426, eff. 8-4-23; 103-445,  
24 eff. 1-1-24; revised 8-29-23.)

25 Section 370. The Voluntary Health Services Plans Act is



1 amended by changing Section 10 as follows:

2 (215 ILCS 165/10) (from Ch. 32, par. 604)

3 Sec. 10. Application of Insurance Code provisions. Health  
4 services plan corporations and all persons interested therein  
5 or dealing therewith shall be subject to the provisions of  
6 Articles IIA and XII 1/2 and Sections 3.1, 133, 136, 139, 140,  
7 143, 143c, 149, 155.22a, 155.37, 354, 355.2, 355.3, 355b,  
8 356g, 356g.5, 356g.5-1, 356q, 356r, 356t, 356u, 356v, 356w,  
9 356x, 356y, 356z.1, 356z.2, 356z.3a, 356z.4, 356z.4a, 356z.5,  
10 356z.6, 356z.8, 356z.9, 356z.10, 356z.11, 356z.12, 356z.13,  
11 356z.14, 356z.15, 356z.18, 356z.19, 356z.21, 356z.22, 356z.25,  
12 356z.26, 356z.29, 356z.30, 356z.30a, 356z.32, 356z.33,  
13 356z.40, 356z.41, 356z.46, 356z.47, 356z.51, 356z.53, 356z.54,  
14 356z.56, 356z.57, 356z.59, 356z.60, 356z.61, 356z.62, 356z.64,  
15 356z.67, 356z.68, 364.01, 364.3, 367.2, 368a, 401, 401.1, 402,  
16 403, 403A, 408, 408.2, and 412, and paragraphs (7) and (15) of  
17 Section 367 of the Illinois Insurance Code.

18 Rulemaking authority to implement Public Act 95-1045, if  
19 any, is conditioned on the rules being adopted in accordance  
20 with all provisions of the Illinois Administrative Procedure  
21 Act and all rules and procedures of the Joint Committee on  
22 Administrative Rules; any purported rule not so adopted, for  
23 whatever reason, is unauthorized.

24 (Source: P.A. 102-30, eff. 1-1-22; 102-203, eff. 1-1-22;  
25 102-306, eff. 1-1-22; 102-642, eff. 1-1-22; 102-665, eff.

1 10-8-21; 102-731, eff. 1-1-23; 102-775, eff. 5-13-22; 102-804,  
2 eff. 1-1-23; 102-813, eff. 5-13-22; 102-816, eff. 1-1-23;  
3 102-860, eff. 1-1-23; 102-901, eff. 7-1-22; 102-1093, eff.  
4 1-1-23; 102-1117, eff. 1-13-23; 103-84, eff. 1-1-24; 103-91,  
5 eff. 1-1-24; 103-420, eff. 1-1-24; 103-445, eff. 1-1-24;  
6 103-551, eff. 8-11-23; revised 8-29-23.)

7 Section 375. The Public Utilities Act is amended by  
8 changing Sections 8-205, 9-222.1A, and 9-229 as follows:

9 (220 ILCS 5/8-205) (from Ch. 111 2/3, par. 8-205)

10 Sec. 8-205. (a) Termination of gas and electric utility  
11 service to all residential users, including all tenants of  
12 mastermetered apartment buildings, for nonpayment of bills,  
13 where gas or electricity is used as the only source of space  
14 heating or to control or operate the only space heating  
15 equipment at the residence is prohibited:7

16 (1) on any day when the National Weather Service  
17 forecast for the following 24 hours covering the area of  
18 the utility in which the residence is located includes a  
19 forecast that the temperature will be 32 degrees  
20 Fahrenheit or below; or

21 (2) on any day preceding a holiday or a weekend when  
22 such a forecast indicated that the temperature will be 32  
23 degrees Fahrenheit or below during the holiday or weekend.

24 (b) If gas or electricity is used as the only source of

1 space cooling or to control or operate the only space cooling  
2 equipment at a residence, then a utility may not terminate gas  
3 or electric utility service to a residential user, including  
4 all tenants of mastermetered apartment buildings, for  
5 nonpayment of bills:

6 (1) on any day when the National Weather Service  
7 forecast for the following 24 hours covering the area of  
8 the utility in which the residence is located includes a  
9 forecast that the temperature will be 90 degrees  
10 Fahrenheit or above;

11 (2) on any day preceding a holiday or weekend when the  
12 National Weather Service for the following 24 hours  
13 covering the area of the utility in which the residence is  
14 located includes a forecast that the temperature will be  
15 90 degrees Fahrenheit or above during the holiday or  
16 weekend; or

17 (3) when the National Weather Service issues an  
18 excessive heat watch, heat advisory, or excessive heat  
19 warning covering the area of the utility in which the  
20 residence is located.

21 (Source: P.A. 103-19, eff. 1-1-24; revised 1-2-24.)

22 (220 ILCS 5/9-222.1A)

23 Sec. 9-222.1A. High impact business. Beginning on August  
24 1, 1998 and thereafter, a business enterprise that is  
25 certified as a High Impact Business by the Department of

1 Commerce and Economic Opportunity (formerly Department of  
2 Commerce and Community Affairs) is exempt from the tax imposed  
3 by Section 2-4 of the Electricity Excise Tax Law, if the High  
4 Impact Business is registered to self-assess that tax, and is  
5 exempt from any additional charges added to the business  
6 enterprise's utility bills as a pass-on of State utility taxes  
7 under Section 9-222 of this Act, to the extent the tax or  
8 charges are exempted by the percentage specified by the  
9 Department of Commerce and Economic Opportunity for State  
10 utility taxes, provided the business enterprise meets the  
11 following criteria:

12 (1) (A) it intends either (i) to make a minimum  
13 eligible investment of \$12,000,000 that will be placed  
14 in service in qualified property in Illinois and is  
15 intended to create at least 500 full-time equivalent  
16 jobs at a designated location in Illinois; or (ii) to  
17 make a minimum eligible investment of \$30,000,000 that  
18 will be placed in service in qualified property in  
19 Illinois and is intended to retain at least 1,500  
20 full-time equivalent jobs at a designated location in  
21 Illinois; or

22 (B) it meets the criteria of subdivision  
23 (a) (3) (B), (a) (3) (C), (a) (3) (D), (a) (3) (F), ~~or~~  
24 (a) (3) (G), or (a) (3) (H) of Section 5.5 of the Illinois  
25 Enterprise Zone Act;

26 (2) it is designated as a High Impact Business by the

1 Department of Commerce and Economic Opportunity; and

2 (3) it is certified by the Department of Commerce and  
3 Economic Opportunity as complying with the requirements  
4 specified in clauses (1) and (2) of this Section.

5 The Department of Commerce and Economic Opportunity shall  
6 determine the period during which the exemption from the  
7 Electricity Excise Tax Law and the charges imposed under  
8 Section 9-222 are in effect and shall specify the percentage  
9 of the exemption from those taxes or additional charges.

10 The Department of Commerce and Economic Opportunity is  
11 authorized to promulgate rules and regulations to carry out  
12 the provisions of this Section, including procedures for  
13 complying with the requirements specified in clauses (1) and  
14 (2) of this Section and procedures for applying for the  
15 exemptions authorized under this Section; to define the  
16 amounts and types of eligible investments that business  
17 enterprises must make in order to receive State utility tax  
18 exemptions or exemptions from the additional charges imposed  
19 under Section 9-222 and this Section; to approve such utility  
20 tax exemptions for business enterprises whose investments are  
21 not yet placed in service; and to require that business  
22 enterprises granted tax exemptions or exemptions from  
23 additional charges under Section 9-222 repay the exempted  
24 amount if the business enterprise fails to comply with the  
25 terms and conditions of the certification.

26 Upon certification of the business enterprises by the

1 Department of Commerce and Economic Opportunity, the  
2 Department of Commerce and Economic Opportunity shall notify  
3 the Department of Revenue of the certification. The Department  
4 of Revenue shall notify the public utilities of the exemption  
5 status of business enterprises from the tax or pass-on charges  
6 of State utility taxes. The exemption status shall take effect  
7 within 3 months after certification of the business  
8 enterprise.

9 (Source: P.A. 102-1125, eff. 2-3-23; 103-9, eff. 6-7-23;  
10 103-561, eff. 1-1-24; revised 11-21-23.)

11 (220 ILCS 5/9-229)

12 Sec. 9-229. Consideration of attorney and expert  
13 compensation as an expense and intervenor compensation fund.

14 (a) The Commission shall specifically assess the justness  
15 and reasonableness of any amount expended by a public utility  
16 to compensate attorneys or technical experts to prepare and  
17 litigate a general rate case filing. This issue shall be  
18 expressly addressed in the Commission's final order.

19 (b) The State of Illinois shall create a Consumer  
20 Intervenor Compensation Fund subject to the following:

21 (1) Provision of compensation for Consumer Interest  
22 Representatives that intervene in Illinois Commerce  
23 Commission proceedings will increase public engagement,  
24 encourage additional transparency, expand the information  
25 available to the Commission, and improve decision-making.

1           (2) As used in this Section, "Consumer interest  
2 representative" means:

3           (A) a residential utility customer or group of  
4 residential utility customers represented by a  
5 not-for-profit group or organization registered with  
6 the Illinois Attorney General under the Solicitation  
7 for ~~of~~ Charity Act;

8           (B) representatives of not-for-profit groups or  
9 organizations whose membership is limited to  
10 residential utility customers; or

11           (C) representatives of not-for-profit groups or  
12 organizations whose membership includes Illinois  
13 residents and that address the community, economic,  
14 environmental, or social welfare of Illinois  
15 residents, except government agencies or intervenors  
16 specifically authorized by Illinois law to participate  
17 in Commission proceedings on behalf of Illinois  
18 consumers.

19           (3) A consumer interest representative is eligible to  
20 receive compensation from the consumer intervenor  
21 compensation fund if its participation included lay or  
22 expert testimony or legal briefing and argument concerning  
23 the expenses, investments, rate design, rate impact, or  
24 other matters affecting the pricing, rates, costs or other  
25 charges associated with utility service, the Commission  
26 adopts a material recommendation related to a significant

1 issue in the docket, and participation caused a  
2 significant financial hardship to the participant;  
3 however, no consumer interest representative shall be  
4 eligible to receive an award pursuant to this Section if  
5 the consumer interest representative receives any  
6 compensation, funding, or donations, directly or  
7 indirectly, from parties that have a financial interest in  
8 the outcome of the proceeding.

9 (4) Within 30 days after September 15, 2021 (the  
10 effective date of Public Act 102-662) ~~this amendatory Act~~  
11 ~~of the 102nd General Assembly~~, each utility that files a  
12 request for an increase in rates under Article IX or  
13 Article XVI shall deposit an amount equal to one half of  
14 the rate case attorney and expert expense allowed by the  
15 Commission, but not to exceed \$500,000, into the fund  
16 within 35 days of the date of the Commission's final Order  
17 in the rate case or 20 days after the denial of rehearing  
18 under Section 10-113 of this Act, whichever is later. The  
19 Consumer Intervenor Compensation Fund shall be used to  
20 provide payment to consumer interest representatives as  
21 described in this Section.

22 (5) An electric public utility with 3,000,000 or more  
23 retail customers shall contribute \$450,000 to the Consumer  
24 Intervenor Compensation Fund within 60 days after  
25 September 15, 2021 (the effective date of Public Act  
26 102-662) ~~this amendatory Act of the 102nd General~~



1 ~~Assembly.~~ A combined electric and gas public utility  
2 serving fewer than 3,000,000 but more than 500,000 retail  
3 customers shall contribute \$225,000 to the Consumer  
4 Intervenor Compensation Fund within 60 days after  
5 September 15, 2021 (the effective date of Public Act  
6 102-662) ~~this amendatory Act of the 102nd General~~  
7 ~~Assembly.~~ A gas public utility with 1,500,000 or more  
8 retail customers that is not a combined electric and gas  
9 public utility shall contribute \$225,000 to the Consumer  
10 Intervenor Compensation Fund within 60 days after  
11 September 15, 2021 (the effective date of Public Act  
12 102-662) ~~this amendatory Act of the 102nd General~~  
13 ~~Assembly.~~ A gas public utility with fewer than 1,500,000  
14 retail customers but more than 300,000 retail customers  
15 that is not a combined electric and gas public utility  
16 shall contribute \$80,000 to the Consumer Intervenor  
17 Compensation Fund within 60 days after September 15, 2021  
18 (the effective date of Public Act 102-662) ~~this amendatory~~  
19 ~~Act of the 102nd General Assembly.~~ A gas public utility  
20 with fewer than 300,000 retail customers that is not a  
21 combined electric and gas public utility shall contribute  
22 \$20,000 to the Consumer Intervenor Compensation Fund  
23 within 60 days after September 15, 2021 (the effective  
24 date of Public Act 102-662) ~~this amendatory Act of the~~  
25 ~~102nd General Assembly.~~ A combined electric and gas public  
26 utility serving fewer than 500,000 retail customers shall

1 contribute \$20,000 to the Consumer Intervenor Compensation  
2 Fund within 60 days after September 15, 2021 (the  
3 effective date of Public Act 102-662) ~~this amendatory Act~~  
4 ~~of the 102nd General Assembly~~. A water or sewer public  
5 utility serving more than 100,000 retail customers shall  
6 contribute \$80,000, and a water or sewer public utility  
7 serving fewer than 100,000 but more than 10,000 retail  
8 customers shall contribute \$20,000.

9 (6) (A) Prior to the entry of a Final Order in a  
10 docketed case, the Commission Administrator shall provide  
11 a payment to a consumer interest representative that  
12 demonstrates through a verified application for funding  
13 that the consumer interest representative's participation  
14 or intervention without an award of fees or costs imposes  
15 a significant financial hardship based on a schedule to be  
16 developed by the Commission. The Administrator may require  
17 verification of costs incurred, including statements of  
18 hours spent, as a condition to paying the consumer  
19 interest representative prior to the entry of a Final  
20 Order in a docketed case.

21 (B) If the Commission adopts a material recommendation  
22 related to a significant issue in the docket and  
23 participation caused a financial hardship to the  
24 participant, then the consumer interest representative  
25 shall be allowed payment for some or all of the consumer  
26 interest representative's reasonable attorney's or

1 advocate's fees, reasonable expert witness fees, and other  
2 reasonable costs of preparation for and participation in a  
3 hearing or proceeding. Expenses related to travel or meals  
4 shall not be compensable.

5 (C) The consumer interest representative shall submit  
6 an itemized request for compensation to the Consumer  
7 Intervenor Compensation Fund, including the advocate's or  
8 attorney's reasonable fee rate, the number of hours  
9 expended, reasonable expert and expert witness fees, and  
10 other reasonable costs for the preparation for and  
11 participation in the hearing and briefing within 30 days  
12 of the Commission's final order after denial or decision  
13 on rehearing, if any.

14 (7) Administration of the Fund.

15 (A) The Consumer Intervenor Compensation Fund is  
16 created as a special fund in the State treasury. All  
17 disbursements from the Consumer Intervenor Compensation  
18 Fund shall be made only upon warrants of the Comptroller  
19 drawn upon the Treasurer as custodian of the Fund upon  
20 vouchers signed by the Executive Director of the  
21 Commission or by the person or persons designated by the  
22 Director for that purpose. The Comptroller is authorized  
23 to draw the warrant upon vouchers so signed. The Treasurer  
24 shall accept all warrants so signed and shall be released  
25 from liability for all payments made on those warrants.  
26 The Consumer Intervenor Compensation Fund shall be

1 administered by an Administrator that is a person or  
2 entity that is independent of the Commission. The  
3 administrator will be responsible for the prudent  
4 management of the Consumer Intervenor Compensation Fund  
5 and for recommendations for the award of consumer  
6 intervenor compensation from the Consumer Intervenor  
7 Compensation Fund. The Commission shall issue a request  
8 for qualifications for a third-party program administrator  
9 to administer the Consumer Intervenor Compensation Fund.  
10 The third-party administrator shall be chosen through a  
11 competitive bid process based on selection criteria and  
12 requirements developed by the Commission. The Illinois  
13 Procurement Code does not apply to the hiring or payment  
14 of the Administrator. All Administrator costs may be paid  
15 for using monies from the Consumer Intervenor Compensation  
16 Fund, but the Program Administrator shall strive to  
17 minimize costs in the implementation of the program.

18 (B) The computation of compensation awarded from the  
19 fund shall take into consideration the market rates paid  
20 to persons of comparable training and experience who offer  
21 similar services, but may not exceed the comparable market  
22 rate for services paid by the public utility as part of its  
23 rate case expense.

24 (C) (1) Recommendations on the award of compensation by  
25 the administrator shall include consideration of whether  
26 the Commission adopted a material recommendation related

1 to a significant issue in the docket and whether  
2 participation caused a financial hardship to the  
3 participant and the payment of compensation is fair, just  
4 and reasonable.

5 (2) Recommendations on the award of compensation by  
6 the administrator shall be submitted to the Commission for  
7 approval. Unless the Commission initiates an investigation  
8 within 45 days after the notice to the Commission, the  
9 award of compensation shall be allowed 45 days after  
10 notice to the Commission. Such notice shall be given by  
11 filing with the Commission on the Commission's e-docket  
12 system, and keeping open for public inspection the award  
13 for compensation proposed by the Administrator. The  
14 Commission shall have power, and it is hereby given  
15 authority, either upon complaint or upon its own  
16 initiative without complaint, at once, and if it so  
17 orders, without answer or other formal pleadings, but upon  
18 reasonable notice, to enter upon a hearing concerning the  
19 propriety of the award.

20 (c) The Commission may adopt rules to implement this  
21 Section.

22 (Source: P.A. 102-662, eff. 9-15-21; revised 1-20-24.)

23 Section 380. The Child Care Act of 1969 is amended by  
24 changing Sections 5.1, 7.2, and 18 as follows:

1 (225 ILCS 10/5.1) (from Ch. 23, par. 2215.1)

2 Sec. 5.1. (a) The Department shall ensure that no day care  
3 center, group home, or child care institution as defined in  
4 this Act shall on a regular basis transport a child or children  
5 with any motor vehicle unless such vehicle is operated by a  
6 person who complies with the following requirements:

7 1. is 21 years of age or older;

8 2. currently holds a valid driver's license, which has  
9 not been revoked or suspended for one or more traffic  
10 violations during the 3 years immediately prior to the  
11 date of application;

12 3. demonstrates physical fitness to operate vehicles  
13 by submitting the results of a medical examination  
14 conducted by a licensed physician;

15 4. has not been convicted of more than 2 offenses  
16 against traffic regulations governing the movement of  
17 vehicles within a 12-month ~~twelve-month~~ period;

18 5. has not been convicted of reckless driving or  
19 driving under the influence or manslaughter or reckless  
20 homicide resulting from the operation of a motor vehicle  
21 within the past 3 years;

22 6. has signed and submitted a written statement  
23 certifying that the person has not, through the unlawful  
24 operation of a motor vehicle, caused a crash which  
25 resulted in the death of any person within the 5 years  
26 immediately prior to the date of application.

1           However, such day care centers, group homes, and child  
2 care institutions may provide for transportation of a child or  
3 children for special outings, functions, or purposes that are  
4 not scheduled on a regular basis without verification that  
5 drivers for such purposes meet the requirements of this  
6 Section.

7           (a-5) As a means of ensuring compliance with the  
8 requirements set forth in subsection (a), the Department shall  
9 implement appropriate measures to verify that every individual  
10 who is employed at a group home or child care institution meets  
11 those requirements.

12           For every person employed at a group home or child care  
13 institution who regularly transports children in the course of  
14 performing the person's duties, the Department must make the  
15 verification every 2 years. Upon the Department's request, the  
16 Secretary of State shall provide the Department with the  
17 information necessary to enable the Department to make the  
18 verifications required under subsection (a).

19           In the case of an individual employed at a group home or  
20 child care institution who becomes subject to subsection (a)  
21 for the first time after January 1, 2007 (the effective date of  
22 Public Act 94-943) ~~this amendatory Act of the 94th General~~  
23 ~~Assembly~~, the Department must make that verification with the  
24 Secretary of State before the individual operates a motor  
25 vehicle to transport a child or children under the  
26 circumstances described in subsection (a).

1           In the case of an individual employed at a group home or  
2 child care institution who is subject to subsection (a) on  
3 January 1, 2007 (the effective date of Public Act 94-943) ~~this~~  
4 ~~amendatory Act of the 94th General Assembly~~, the Department  
5 must make that verification with the Secretary of State within  
6 30 days after January 1, 2007 ~~that effective date~~.

7           If the Department discovers that an individual fails to  
8 meet the requirements set forth in subsection (a), the  
9 Department shall promptly notify the appropriate group home or  
10 child care institution.

11           (b) Any individual who holds a valid Illinois school bus  
12 driver permit issued by the Secretary of State pursuant to the  
13 ~~The~~ Illinois Vehicle Code, and who is currently employed by a  
14 school district or parochial school, or by a contractor with a  
15 school district or parochial school, to drive a school bus  
16 transporting children to and from school, shall be deemed in  
17 compliance with the requirements of subsection (a).

18           (c) The Department may, pursuant to Section 8 of this Act,  
19 revoke the license of any day care center, group home, or child  
20 care institution that fails to meet the requirements of this  
21 Section.

22           (d) A group home or child care institution that fails to  
23 meet the requirements of this Section is guilty of a petty  
24 offense and is subject to a fine of not more than \$1,000. Each  
25 day that a group home or child care institution fails to meet  
26 the requirements of this Section is a separate offense.



1 (Source: P.A. 102-982, eff. 7-1-23; 103-22, eff. 8-8-23;  
2 revised 9-21-23.)

3 (225 ILCS 10/7.2) (from Ch. 23, par. 2217.2)

4 Sec. 7.2. Employer discrimination.

5 (a) For purposes of this Section:7

6 "Employer" ~~"employer"~~ means a licensee or holder of a  
7 permit subject to this Act.

8 "Employee" means an employee of such an employer.

9 (b) No employer shall discharge, demote<sub>L</sub> or suspend, or  
10 threaten to discharge, demote<sub>L</sub> or suspend, or in any manner  
11 discriminate against any employee who:

12 (1) Makes any good faith oral or written complaint of  
13 any employer's violation of any licensing or other laws  
14 (including<sub>L</sub> but not limited to<sub>L</sub> laws concerning child  
15 abuse or the transportation of children) which may result  
16 in closure of the facility pursuant to Section 11.2 of  
17 this Act to the Department or other agency having  
18 statutory responsibility for the enforcement of such laws  
19 or to the employer or representative of the employer;

20 (2) Institutes or causes to be instituted against any  
21 employer any proceeding concerning the violation of any  
22 licensing or other laws, including a proceeding to revoke  
23 or to refuse to renew a license under Section 9 of this  
24 Act;

25 (3) Is or will be a witness or testify in any

1 proceeding concerning the violation of any licensing or  
2 other laws, including a proceeding to revoke or to refuse  
3 to renew a license under Section 9 of this Act; or

4 (4) Refuses to perform work in violation of a  
5 licensing or other law or regulation after notifying the  
6 employer of the violation.

7 (c)(1) A claim by an employee alleging an employer's  
8 violation of subsection (b) of this Section shall be presented  
9 to the employer within 30 days after the date of the action  
10 complained of and shall be filed with the Department of Labor  
11 within 60 days after the date of the action complained of.

12 (2) Upon receipt of the complaint, the Department of Labor  
13 shall conduct whatever investigation it deems appropriate, and  
14 may hold a hearing. After investigation or hearing, the  
15 Department of Labor shall determine whether the employer has  
16 violated subsection (b) of this Section and it shall notify  
17 the employer and the employee of its determination.

18 (3) If the Department of Labor determines that the  
19 employer has violated subsection (b) of this Section, and the  
20 employer refuses to take remedial action to comply with the  
21 determination, the Department of Labor shall so notify the  
22 Attorney General, who shall bring an action against the  
23 employer in the circuit court seeking enforcement of its  
24 determination. The court may order any appropriate relief,  
25 including rehiring and reinstatement of the employee to the  
26 person's former position with backpay and other benefits.

1 (d) Except for any grievance procedure, arbitration, or  
2 hearing which is available to the employee pursuant to a  
3 collective bargaining agreement, this Section shall be the  
4 exclusive remedy for an employee complaining of any action  
5 described in subsection (b).

6 (e) Any employer who willfully refuses to rehire, promote,  
7 or otherwise restore an employee or former employee who has  
8 been determined eligible for rehiring or promotion as a result  
9 of any grievance procedure, arbitration, or hearing authorized  
10 by law shall be guilty of a Class A misdemeanor.

11 (Source: P.A. 103-22, eff. 8-8-23; revised 9-21-23.)

12 (225 ILCS 10/18) (from Ch. 23, par. 2228)

13 Sec. 18. Any person, group of persons, association, or  
14 corporation who:

15 (1) conducts, operates, or acts as a child care facility  
16 without a license or permit to do so in violation of Section 3  
17 of this Act;

18 (2) makes materially false statements in order to obtain a  
19 license or permit;

20 (3) fails to keep the records and make the reports  
21 provided under this Act;

22 (4) advertises any service not authorized by license or  
23 permit held;

24 (5) publishes any advertisement in violation of this Act;

25 (6) receives within this State any child in violation of

1 Section 16 of this Act; or

2 (7) violates any other provision of this Act or any  
3 reasonable rule or regulation adopted and published by the  
4 Department for the enforcement of the provisions of this Act,  
5 is guilty of a Class A misdemeanor and in case of an  
6 association or corporation, imprisonment may be imposed upon  
7 its officers who knowingly participated in the violation.

8 Any child care facility that continues to operate after  
9 its license is revoked under Section 8 of this Act or after its  
10 license expires and the Department refused to renew the  
11 license as provided in Section 8 of this Act is guilty of a  
12 business offense and shall be fined an amount in excess of \$500  
13 but not exceeding \$10,000, and each day of violation is a  
14 separate offense.

15 In a prosecution under this Act, a defendant who relies  
16 upon the relationship of any child to the defendant has the  
17 burden of proof as to that relationship.

18 (Source: P.A. 103-22, eff. 8-8-23; revised 9-21-23.)

19 Section 385. The Illinois Dental Practice Act is amended  
20 by changing Sections 4 and 17 as follows:

21 (225 ILCS 25/4)

22 (Section scheduled to be repealed on January 1, 2026)

23 Sec. 4. Definitions. As used in this Act:

24 "Address of record" means the designated address recorded

1 by the Department in the applicant's or licensee's application  
2 file or license file as maintained by the Department's  
3 licensure maintenance unit. It is the duty of the applicant or  
4 licensee to inform the Department of any change of address and  
5 those changes must be made either through the Department's  
6 website or by contacting the Department.

7 "Department" means the Department of Financial and  
8 Professional Regulation.

9 "Secretary" means the Secretary of Financial and  
10 Professional Regulation.

11 "Board" means the Board of Dentistry.

12 "Dentist" means a person who has received a general  
13 license pursuant to paragraph (a) of Section 11 of this Act and  
14 who may perform any intraoral and extraoral procedure required  
15 in the practice of dentistry and to whom is reserved the  
16 responsibilities specified in Section 17.

17 "Dental hygienist" means a person who holds a license  
18 under this Act to perform dental services as authorized by  
19 Section 18.

20 "Dental assistant" means an appropriately trained person  
21 who, under the supervision of a dentist, provides dental  
22 services as authorized by Section 17.

23 "Expanded function dental assistant" means a dental  
24 assistant who has completed the training required by Section  
25 17.1 of this Act.

26 "Dental laboratory" means a person, firm, or corporation

1     which:

2             (i) engages in making, providing, repairing, or  
3             altering dental prosthetic appliances and other artificial  
4             materials and devices which are returned to a dentist for  
5             insertion into the human oral cavity or which come in  
6             contact with its adjacent structures and tissues; and

7             (ii) utilizes or employs a dental technician to  
8             provide such services; and

9             (iii) performs such functions only for a dentist or  
10            dentists.

11            "Supervision" means supervision of a dental hygienist or a  
12            dental assistant requiring that a dentist authorize the  
13            procedure, remain in the dental facility while the procedure  
14            is performed, and approve the work performed by the dental  
15            hygienist or dental assistant before dismissal of the patient,  
16            but does not mean that the dentist must be present at all times  
17            in the treatment room.

18            "General supervision" means supervision of a dental  
19            hygienist requiring that the patient be a patient of record,  
20            that the dentist examine the patient in accordance with  
21            Section 18 prior to treatment by the dental hygienist, and  
22            that the dentist authorize the procedures which are being  
23            carried out by a notation in the patient's record, but not  
24            requiring that a dentist be present when the authorized  
25            procedures are being performed. The issuance of a prescription  
26            to a dental laboratory by a dentist does not constitute

1 general supervision.

2 "Public member" means a person who is not a health  
3 professional. For purposes of board membership, any person  
4 with a significant financial interest in a health service or  
5 profession is not a public member.

6 "Dentistry" means the healing art which is concerned with  
7 the examination, diagnosis, treatment planning, and care of  
8 conditions within the human oral cavity and its adjacent  
9 tissues and structures, as further specified in Section 17.

10 "Branches of dentistry" means the various specialties of  
11 dentistry which, for purposes of this Act, shall be limited to  
12 the following: endodontics, oral and maxillofacial surgery,  
13 orthodontics and dentofacial orthopedics, pediatric dentistry,  
14 periodontics, prosthodontics, oral and maxillofacial  
15 radiology, and dental anesthesiology.

16 "Specialist" means a dentist who has received a specialty  
17 license pursuant to Section 11(b).

18 "Dental technician" means a person who owns, operates, or  
19 is employed by a dental laboratory and engages in making,  
20 providing, repairing, or altering dental prosthetic appliances  
21 and other artificial materials and devices which are returned  
22 to a dentist for insertion into the human oral cavity or which  
23 come in contact with its adjacent structures and tissues.

24 "Impaired dentist" or "impaired dental hygienist" means a  
25 dentist or dental hygienist who is unable to practice with  
26 reasonable skill and safety because of a physical or mental

1 disability as evidenced by a written determination or written  
2 consent based on clinical evidence, including deterioration  
3 through the aging process, loss of motor skills, abuse of  
4 drugs or alcohol, or a psychiatric disorder, of sufficient  
5 degree to diminish the person's ability to deliver competent  
6 patient care.

7 "Nurse" means a registered professional nurse, a certified  
8 registered nurse anesthetist licensed as an advanced practice  
9 registered nurse, or a licensed practical nurse licensed under  
10 the Nurse Practice Act.

11 "Patient of record" means a patient for whom the patient's  
12 most recent dentist has obtained a relevant medical and dental  
13 history and on whom the dentist has performed an examination  
14 and evaluated the condition to be treated.

15 "Dental responder" means a dentist or dental hygienist who  
16 is appropriately certified in disaster preparedness,  
17 immunizations, and dental humanitarian medical response  
18 consistent with the Society of Disaster Medicine and Public  
19 Health and training certified by the National Incident  
20 Management System or the National Disaster Life Support  
21 Foundation.

22 "Mobile dental van or portable dental unit" means any  
23 self-contained or portable dental unit in which dentistry is  
24 practiced that can be moved, towed, or transported from one  
25 location to another in order to establish a location where  
26 dental services can be provided.



1 "Public health dental hygienist" means a hygienist who  
2 holds a valid license to practice in the State, has 2 years of  
3 full-time clinical experience or an equivalent of 4,000 hours  
4 of clinical experience, and has completed at least 42 clock  
5 hours of additional structured courses in dental education in  
6 advanced areas specific to public health dentistry.

7 "Public health setting" means a federally qualified health  
8 center; a federal, State, or local public health facility;  
9 Head Start; a special supplemental nutrition program for  
10 Women, Infants, and Children (WIC) facility; a certified  
11 school-based health center or school-based oral health  
12 program; a prison; or a long-term care facility.

13 "Public health supervision" means the supervision of a  
14 public health dental hygienist by a licensed dentist who has a  
15 written public health supervision agreement with that public  
16 health dental hygienist while working in an approved facility  
17 or program that allows the public health dental hygienist to  
18 treat patients, without a dentist first examining the patient  
19 and being present in the facility during treatment, (1) who  
20 are eligible for Medicaid or (2) who are uninsured or whose  
21 household income is not greater than 300% of the federal  
22 poverty level.

23 "Teledentistry" means the use of telehealth systems and  
24 methodologies in dentistry and includes patient care and  
25 education delivery using synchronous and asynchronous  
26 communications under a dentist's authority as provided under

1 this Act.

2 (Source: P.A. 102-93, eff. 1-1-22; 102-588, eff. 8-20-21;  
3 102-936, eff. 1-1-23; 103-425, eff. 1-1-24; 103-431, eff.  
4 1-1-24; revised 12-15-23.)

5 (225 ILCS 25/17)

6 (Section scheduled to be repealed on January 1, 2026)

7 Sec. 17. Acts constituting the practice of dentistry. A  
8 person practices dentistry, within the meaning of this Act:

9 (1) Who represents himself or herself as being able to  
10 diagnose or diagnoses, treats, prescribes, or operates for  
11 any disease, pain, deformity, deficiency, injury, or  
12 physical condition of the human tooth, teeth, alveolar  
13 process, gums, or jaw; or

14 (2) Who is a manager, proprietor, operator, or  
15 conductor of a business where dental operations are  
16 performed; or

17 (3) Who performs dental operations of any kind; or

18 (4) Who uses an X-Ray machine or X-Ray films for  
19 dental diagnostic purposes; or

20 (5) Who extracts a human tooth or teeth, or corrects  
21 or attempts to correct malpositions of the human teeth or  
22 jaws; or

23 (6) Who offers or undertakes, by any means or method,  
24 to diagnose, treat, or remove stains, calculus, and  
25 bonding materials from human teeth or jaws; or

1           (7) Who uses or administers local or general  
2           anesthetics in the treatment of dental or oral diseases or  
3           in any preparation incident to a dental operation of any  
4           kind or character; or

5           (8) Who takes material or digital scans for final  
6           impressions of the human tooth, teeth, or jaws or performs  
7           any phase of any operation incident to the replacement of  
8           a part of a tooth, a tooth, teeth, or associated tissues by  
9           means of a filling, a crown, a bridge, a denture, or other  
10          appliance; or

11          (9) Who offers to furnish, supply, construct,  
12          reproduce, or repair, or who furnishes, supplies,  
13          constructs, reproduces, or repairs, prosthetic dentures,  
14          bridges, or other substitutes for natural teeth, to the  
15          user or prospective user thereof; or

16          (10) Who instructs students on clinical matters or  
17          performs any clinical operation included in the curricula  
18          of recognized dental schools and colleges; or

19          (11) Who takes material or digital scans for final  
20          impressions of human teeth or places his or her hands in  
21          the mouth of any person for the purpose of applying teeth  
22          whitening materials, or who takes impressions of human  
23          teeth or places his or her hands in the mouth of any person  
24          for the purpose of assisting in the application of teeth  
25          whitening materials. A person does not practice dentistry  
26          when he or she discloses to the consumer that he or she is

1 not licensed as a dentist under this Act and (i) discusses  
2 the use of teeth whitening materials with a consumer  
3 purchasing these materials; (ii) provides instruction on  
4 the use of teeth whitening materials with a consumer  
5 purchasing these materials; or (iii) provides appropriate  
6 equipment on-site to the consumer for the consumer to  
7 self-apply teeth whitening materials.

8 The fact that any person engages in or performs, or offers  
9 to engage in or perform, any of the practices, acts, or  
10 operations set forth in this Section, shall be prima facie  
11 evidence that such person is engaged in the practice of  
12 dentistry.

13 The following practices, acts, and operations, however,  
14 are exempt from the operation of this Act:

15 (a) The rendering of dental relief in emergency cases  
16 in the practice of his or her profession by a physician or  
17 surgeon, licensed as such under the laws of this State,  
18 unless he or she undertakes to reproduce or reproduces  
19 lost parts of the human teeth in the mouth or to restore or  
20 replace lost or missing teeth in the mouth; or

21 (b) The practice of dentistry in the discharge of  
22 their official duties by dentists in any branch of the  
23 Armed Services of the United States, the United States  
24 Public Health Service, or the United States Veterans  
25 Administration; or

26 (c) The practice of dentistry by students in their

1 course of study in dental schools or colleges approved by  
2 the Department, when acting under the direction and  
3 supervision of dentists acting as instructors; or

4 (d) The practice of dentistry by clinical instructors  
5 in the course of their teaching duties in dental schools  
6 or colleges approved by the Department:

7 (i) when acting under the direction and  
8 supervision of dentists, provided that such clinical  
9 instructors have instructed continuously in this State  
10 since January 1, 1986; or

11 (ii) when holding the rank of full professor at  
12 such approved dental school or college and possessing  
13 a current valid license or authorization to practice  
14 dentistry in another country; or

15 (e) The practice of dentistry by licensed dentists of  
16 other states or countries at meetings of the Illinois  
17 State Dental Society or component parts thereof, alumni  
18 meetings of dental colleges, or any other like dental  
19 organizations, while appearing as clinicians; or

20 (f) The use of X-Ray machines for exposing X-Ray films  
21 of dental or oral tissues by dental hygienists or dental  
22 assistants; or

23 (g) The performance of any dental service by a dental  
24 assistant, if such service is performed under the  
25 supervision and full responsibility of a dentist. In  
26 addition, after being authorized by a dentist, a dental

1 assistant may, for the purpose of eliminating pain or  
2 discomfort, remove loose, broken, or irritating  
3 orthodontic appliances on a patient of record.

4 For purposes of this paragraph (g), "dental service"  
5 is defined to mean any intraoral procedure or act which  
6 shall be prescribed by rule or regulation of the  
7 Department. "Dental service", however, shall not include:

8 (1) Any and all diagnosis of or prescription for  
9 treatment of disease, pain, deformity, deficiency,  
10 injury, or physical condition of the human teeth or  
11 jaws, or adjacent structures.

12 (2) Removal of, restoration of, or addition to the  
13 hard or soft tissues of the oral cavity, except for the  
14 placing, carving, and finishing of amalgam  
15 restorations and placing, packing, and finishing  
16 composite restorations by dental assistants who have  
17 had additional formal education and certification.

18 A dental assistant may place, carve, and finish  
19 amalgam restorations, place, pack, and finish  
20 composite restorations, and place interim restorations  
21 if he or she (A) has successfully completed a  
22 structured training program as described in item (2)  
23 of subsection (g) provided by an educational  
24 institution accredited by the Commission on Dental  
25 Accreditation, such as a dental school or dental  
26 hygiene or dental assistant program, or (B) has at

1 least 4,000 hours of direct clinical patient care  
2 experience and has successfully completed a structured  
3 training program as described in item (2) of  
4 subsection (g) provided by a statewide dental  
5 association, approved by the Department to provide  
6 continuing education, that has developed and conducted  
7 training programs for expanded functions for dental  
8 assistants or hygienists. The training program must:  
9 (i) include a minimum of 16 hours of didactic study and  
10 14 hours of clinical manikin instruction; all training  
11 programs shall include areas of study in nomenclature,  
12 caries classifications, oral anatomy, periodontium,  
13 basic occlusion, instrumentations, pulp protection  
14 liners and bases, dental materials, matrix and wedge  
15 techniques, amalgam placement and carving, rubber dam  
16 clamp placement, and rubber dam placement and removal;  
17 (ii) include an outcome assessment examination that  
18 demonstrates competency; (iii) require the supervising  
19 dentist to observe and approve the completion of 8  
20 amalgam or composite restorations; and (iv) issue a  
21 certificate of completion of the training program,  
22 which must be kept on file at the dental office and be  
23 made available to the Department upon request. A  
24 dental assistant must have successfully completed an  
25 approved coronal polishing and dental sealant course  
26 prior to taking the amalgam and composite restoration

1 course.

2 A dentist utilizing dental assistants shall not  
3 supervise more than 4 dental assistants at any one  
4 time for placing, carving, and finishing of amalgam  
5 restorations or for placing, packing, and finishing  
6 composite restorations.

7 (3) Any and all correction of malformation of  
8 teeth or of the jaws.

9 (4) Administration of anesthetics, except for  
10 monitoring of nitrous oxide, conscious sedation, deep  
11 sedation, and general anesthetic as provided in  
12 Section 8.1 of this Act, that may be performed only  
13 after successful completion of a training program  
14 approved by the Department. A dentist utilizing dental  
15 assistants shall not supervise more than 4 dental  
16 assistants at any one time for the monitoring of  
17 nitrous oxide.

18 (5) Removal of calculus from human teeth.

19 (6) Taking of material or digital scans for final  
20 impressions for the fabrication of prosthetic  
21 appliances, crowns, bridges, inlays, onlays, or other  
22 restorative or replacement dentistry.

23 (7) The operative procedure of dental hygiene  
24 consisting of oral prophylactic procedures, except for  
25 coronal polishing and pit and fissure sealants, which  
26 may be performed by a dental assistant who has



1           successfully completed a training program approved by  
2           the Department. Dental assistants may perform coronal  
3           polishing under the following circumstances: (i) the  
4           coronal polishing shall be limited to polishing the  
5           clinical crown of the tooth and existing restorations,  
6           supragingivally; (ii) the dental assistant performing  
7           the coronal polishing shall be limited to the use of  
8           rotary instruments using a rubber cup or brush  
9           polishing method (air polishing is not permitted); and  
10          (iii) the supervising dentist shall not supervise more  
11          than 4 dental assistants at any one time for the task  
12          of coronal polishing or pit and fissure sealants.

13           In addition to coronal polishing and pit and  
14          fissure sealants as described in this item (7), a  
15          dental assistant who has at least 2,000 hours of  
16          direct clinical patient care experience and who has  
17          successfully completed a structured training program  
18          provided by (1) an educational institution including,  
19          but not limited to, a dental school or dental hygiene  
20          or dental assistant program, (2) a continuing  
21          education provider approved by the Department, or (3)  
22          a statewide dental or dental hygienist association  
23          that has developed and conducted a training program  
24          for expanded functions for dental assistants or  
25          hygienists may perform: (A) coronal scaling above the  
26          gum line, supragingivally, on the clinical crown of

1 the tooth only on patients 17 years of age or younger  
2 who have an absence of periodontal disease and who are  
3 not medically compromised or individuals with special  
4 needs and (B) intracoronal temporization of a tooth.  
5 The training program must: (I) include a minimum of 32  
6 hours of instruction in both didactic and clinical  
7 manikin or human subject instruction; all training  
8 programs shall include areas of study in dental  
9 anatomy, public health dentistry, medical history,  
10 dental emergencies, and managing the pediatric  
11 patient; (II) include an outcome assessment  
12 examination that demonstrates competency; (III)  
13 require the supervising dentist to observe and approve  
14 the completion of 6 full mouth supragingival scaling  
15 procedures unless the training was received as part of  
16 a Commission on Dental Accreditation approved dental  
17 assistant program; and (IV) issue a certificate of  
18 completion of the training program, which must be kept  
19 on file at the dental office and be made available to  
20 the Department upon request. A dental assistant must  
21 have successfully completed an approved coronal  
22 polishing course prior to taking the coronal scaling  
23 course. A dental assistant performing these functions  
24 shall be limited to the use of hand instruments only.  
25 In addition, coronal scaling as described in this  
26 paragraph shall only be utilized on patients who are

1 eligible for Medicaid, who are uninsured, or whose  
2 household income is not greater than 300% of the  
3 federal poverty level. A dentist may not supervise  
4 more than 2 dental assistants at any one time for the  
5 task of coronal scaling. This paragraph is inoperative  
6 on and after January 1, 2026.

7 The limitations on the number of dental assistants a  
8 dentist may supervise contained in items (2), (4), and (7)  
9 of this paragraph (g) mean a limit of 4 total dental  
10 assistants or dental hygienists doing expanded functions  
11 covered by these Sections being supervised by one dentist;  
12 or

13 (h) The practice of dentistry by an individual who:

14 (i) has applied in writing to the Department, in  
15 form and substance satisfactory to the Department, for  
16 a general dental license and has complied with all  
17 provisions of Section 9 of this Act, except for the  
18 passage of the examination specified in subsection (e)  
19 of Section 9 of this Act; or

20 (ii) has applied in writing to the Department, in  
21 form and substance satisfactory to the Department, for  
22 a temporary dental license and has complied with all  
23 provisions of subsection (c) of Section 11 of this  
24 Act; and

25 (iii) has been accepted or appointed for specialty  
26 or residency training by a hospital situated in this

1 State; or

2 (iv) has been accepted or appointed for specialty  
3 training in an approved dental program situated in  
4 this State; or

5 (v) has been accepted or appointed for specialty  
6 training in a dental public health agency situated in  
7 this State.

8 The applicant shall be permitted to practice dentistry  
9 for a period of 3 months from the starting date of the  
10 program, unless authorized in writing by the Department to  
11 continue such practice for a period specified in writing  
12 by the Department.

13 The applicant shall only be entitled to perform such  
14 acts as may be prescribed by and incidental to his or her  
15 program of residency or specialty training and shall not  
16 otherwise engage in the practice of dentistry in this  
17 State.

18 The authority to practice shall terminate immediately  
19 upon:

20 (1) the decision of the Department that the  
21 applicant has failed the examination; or

22 (2) denial of licensure by the Department; or

23 (3) withdrawal of the application.

24 (Source: P.A. 102-558, eff. 8-20-21; 102-936, eff. 1-1-23;  
25 103-425, eff. 1-1-24; 103-431, eff. 1-1-24; revised 12-15-23.)

1 Section 390. The Health Care Worker Background Check Act  
2 is amended by changing Section 25 as follows:

3 (225 ILCS 46/25)

4 Sec. 25. Hiring of people with criminal records by health  
5 care employers and long-term care facilities.

6 (a) A health care employer or long-term care facility may  
7 hire, employ, or retain any individual in a position involving  
8 direct care for clients, patients, or residents, or access to  
9 the living quarters or the financial, medical, or personal  
10 records of clients, patients, or residents who has been  
11 convicted of committing or attempting to commit one or more of  
12 the following offenses under the laws of this State, or of an  
13 offense that is substantially equivalent to the following  
14 offenses under the laws of any other state or of the laws of  
15 the United States, as verified by court records, records from  
16 a state agency, or a Federal Bureau of Investigation criminal  
17 history records check, only with a waiver described in Section  
18 40: those defined in Sections 8-1(b), 8-1.1, 8-1.2, 9-1,  
19 9-1.2, 9-2, 9-2.1, 9-3, 9-3.1, 9-3.2, 9-3.3, 9-3.4, 10-1,  
20 10-2, 10-3, 10-3.1, 10-4, 10-5, 10-7, 11-1.20, 11-1.30,  
21 11-1.40, 11-1.50, 11-1.60, 11-6, 11-9.1, 11-9.2, 11-9.3,  
22 11-9.4-1, 11-9.5, 11-19.2, 11-20.1, 11-20.1B, 11-20.3, 12-1,  
23 12-2, 12-3.05, 12-3.1, 12-3.2, 12-3.3, 12-4, 12-4.1, 12-4.2,  
24 12-4.3, 12-4.4, 12-4.5, 12-4.6, 12-4.7, 12-7.4, 12-11, 12-13,  
25 12-14, 12-14.1, 12-15, 12-16, 12-19, 12-20.5, 12-21, 12-21.5,

1 12-21.6, 12-32, 12-33, 12C-5, 12C-10, 16-1, 16-1.3, 16-25,  
2 16A-3, 17-3, 17-56, 18-1, 18-2, 18-3, 18-4, 18-5, 19-1, 19-3,  
3 19-4, 19-6, 20-1, 20-1.1, 24-1, 24-1.2, 24-1.5, 24-1.8,  
4 24-3.8, or 33A-2, or subdivision (a)(4) of Section 11-14.4, or  
5 in subsection (a) of Section 12-3 or subsection (a) or (b) of  
6 Section 12-4.4a, of the Criminal Code of 1961 or the Criminal  
7 Code of 2012; those provided in Section 4 of the Wrongs to  
8 Children Act; those provided in Section 53 of the Criminal  
9 Jurisprudence Act; those defined in subsection (c), (d), (e),  
10 (f), or (g) of Section 5 or Section 5.1, 5.2, 7, or 9 of the  
11 Cannabis Control Act; those defined in the Methamphetamine  
12 Control and Community Protection Act; those defined in  
13 Sections 401, 401.1, 404, 405, 405.1, 407, or 407.1 of the  
14 Illinois Controlled Substances Act; or subsection (a) of  
15 Section 3.01, Section 3.02, or Section 3.03 of the Humane Care  
16 for Animals Act.

17 (a-1) A health care employer or long-term care facility  
18 may hire, employ, or retain any individual in a position  
19 involving direct care for clients, patients, or residents, or  
20 access to the living quarters or the financial, medical, or  
21 personal records of clients, patients, or residents who has  
22 been convicted of committing or attempting to commit one or  
23 more of the following offenses under the laws of this State, or  
24 of an offense that is substantially equivalent to the  
25 following offenses under the laws of any other state or of the  
26 laws of the United States, as verified by court records,

1 records from a state agency, or a Federal Bureau of  
2 Investigation criminal history records check, only with a  
3 waiver described in Section 40: those offenses defined in  
4 Section 12-3.3, 12-4.2-5, 16-2, 16-30, 16G-15, 16G-20, 17-33,  
5 17-34, 17-36, 17-44, 18-5, 20-1.2, 24-1.1, 24-1.2-5, 24-1.6,  
6 24-3.2, or 24-3.3, or subsection (b) of Section 17-32,  
7 subsection (b) of Section 18-1, or subsection (b) of Section  
8 20-1, of the Criminal Code of 1961 or the Criminal Code of  
9 2012; Section 4, 5, 6, 8, or 17.02 of the Illinois Credit Card  
10 and Debit Card Act; or Section 11-9.1A of the Criminal Code of  
11 1961 or the Criminal Code of 2012 or Section 5.1 of the Wrongs  
12 to Children Act; or (ii) violated Section 50-50 of the Nurse  
13 Practice Act.

14 A health care employer is not required to retain an  
15 individual in a position with duties involving direct care for  
16 clients, patients, or residents, and no long-term care  
17 facility is required to retain an individual in a position  
18 with duties that involve or may involve contact with residents  
19 or access to the living quarters or the financial, medical, or  
20 personal records of residents, who has been convicted of  
21 committing or attempting to commit one or more of the offenses  
22 enumerated in this subsection.

23 (b) A health care employer shall not hire, employ, or  
24 retain, whether paid or on a volunteer basis, any individual  
25 in a position with duties involving direct care of clients,  
26 patients, or residents, and no long-term care facility shall

1 knowingly hire, employ, or retain, whether paid or on a  
2 volunteer basis, any individual in a position with duties that  
3 involve or may involve contact with residents or access to the  
4 living quarters or the financial, medical, or personal records  
5 of residents, if the health care employer becomes aware that  
6 the individual has been convicted in another state of  
7 committing or attempting to commit an offense that has the  
8 same or similar elements as an offense listed in subsection  
9 (a) or (a-1), as verified by court records, records from a  
10 state agency, or an FBI criminal history record check, unless  
11 the applicant or employee obtains a waiver pursuant to Section  
12 40 of this Act. This shall not be construed to mean that a  
13 health care employer has an obligation to conduct a criminal  
14 history records check in other states in which an employee has  
15 resided.

16 (c) A health care employer shall not hire, employ, or  
17 retain, whether paid or on a volunteer basis, any individual  
18 in a position with duties involving direct care of clients,  
19 patients, or residents, who has a finding by the Department of  
20 abuse, neglect, misappropriation of property, or theft denoted  
21 on the Health Care Worker Registry.

22 (d) A health care employer shall not hire, employ, or  
23 retain, whether paid or on a volunteer basis, any individual  
24 in a position with duties involving direct care of clients,  
25 patients, or residents if the individual has a verified and  
26 substantiated finding of abuse, neglect, or financial



1 exploitation, as identified within the Adult Protective  
2 Service Registry established under Section 7.5 of the Adult  
3 Protective Services Act.

4 (e) A health care employer shall not hire, employ, or  
5 retain, whether paid or on a volunteer basis, any individual  
6 in a position with duties involving direct care of clients,  
7 patients, or residents who has a finding by the Department of  
8 Human Services denoted on the Health Care Worker Registry of  
9 physical or sexual abuse, financial exploitation, egregious  
10 neglect, or material obstruction of an investigation.

11 (Source: P.A. 103-76, eff. 6-9-23; 103-428, eff. 1-1-24;  
12 revised 12-15-23.)

13 Section 395. The Music Therapy Licensing and Practice Act  
14 is amended by changing Section 95 as follows:

15 (225 ILCS 56/95)

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

17 Sec. 95. Grounds for discipline.

18 (a) The Department may refuse to issue, renew, or may  
19 revoke, suspend, place on probation, reprimand, or take other  
20 disciplinary or nondisciplinary action as the Department deems  
21 appropriate, including the issuance of fines not to exceed  
22 \$10,000 for each violation, with regard to any license for any  
23 one or more of the following:

24 (1) Material misstatement in furnishing information to

1 the Department or to any other State agency.

2 (2) Violations or negligent or intentional disregard  
3 of this Act, or any of its rules.

4 (3) Conviction by plea of guilty or nolo contendere,  
5 finding of guilt, jury verdict, or entry of judgment or  
6 sentencing, including, but not limited to, convictions,  
7 preceding sentences of supervision, conditional discharge,  
8 or first offender probation, under the laws of any  
9 jurisdiction of the United States (i) that is a felony or  
10 (ii) that is a misdemeanor, an essential element of which  
11 is dishonesty, or that is directly related to the practice  
12 of music therapy.

13 (4) Making any misrepresentation for the purpose of  
14 obtaining a license, or violating any provision of this  
15 Act or its rules.

16 (5) Negligence in the rendering of music therapy  
17 services.

18 (6) Aiding or assisting another person in violating  
19 any provision of this Act or any of its rules.

20 (7) Failing to provide information within 60 days in  
21 response to a written request made by the Department.

22 (8) Engaging in dishonorable, unethical, or  
23 unprofessional conduct of a character likely to deceive,  
24 defraud, or harm the public and violating the rules of  
25 professional conduct adopted by the Department.

26 (9) Failing to maintain the confidentiality of any

1 information received from a client, unless otherwise  
2 authorized or required by law.

3 (10) Failure to maintain client records of services  
4 provided and provide copies to clients upon request.

5 (11) Exploiting a client for personal advantage,  
6 profit, or interest.

7 (12) Habitual or excessive use or addiction to  
8 alcohol, narcotics, stimulants, or any other chemical  
9 agent or drug which results in inability to practice with  
10 reasonable skill, judgment, or safety.

11 (13) Discipline by another governmental agency or unit  
12 of government, by any jurisdiction of the United States,  
13 or by a foreign nation, if at least one of the grounds for  
14 the discipline is the same or substantially equivalent to  
15 those set forth in this Section.

16 (14) Directly or indirectly giving to or receiving  
17 from any person, firm, corporation, partnership, or  
18 association any fee, commission, rebate, or other form of  
19 compensation for any professional service not actually  
20 rendered. Nothing in this paragraph affects any bona fide  
21 independent contractor or employment arrangements among  
22 health care professionals, health facilities, health care  
23 providers, or other entities, except as otherwise  
24 prohibited by law. Any employment arrangements may include  
25 provisions for compensation, health insurance, pension, or  
26 other employment benefits for the provision of services

1 within the scope of the licensee's practice under this  
2 Act. Nothing in this paragraph shall be construed to  
3 require an employment arrangement to receive professional  
4 fees for services rendered.

5 (15) A finding by the Department that the licensee,  
6 after having the license placed on probationary status,  
7 has violated the terms of probation.

8 (16) Failing to refer a client to other health care  
9 professionals when the licensee is unable or unwilling to  
10 adequately support or serve the client.

11 (17) Willfully filing false reports relating to a  
12 licensee's practice, including, but not limited to, false  
13 records filed with federal or State agencies or  
14 departments.

15 (18) Willfully failing to report an instance of  
16 suspected child abuse or neglect as required by the Abused  
17 and Neglected Child Reporting Act.

18 (19) Being named as a perpetrator in an indicated  
19 report by the Department of Children and Family Services  
20 pursuant to the Abused and Neglected Child Reporting Act,  
21 and upon proof by clear and convincing evidence that the  
22 licensee has caused a child to be an abused child or  
23 neglected child as defined in the Abused and Neglected  
24 Child Reporting Act.

25 (20) Physical or mental disability, including  
26 deterioration through the aging process or loss of

1           abilities and skills which results in the inability to  
2           practice the profession with reasonable judgment, skill,  
3           or safety.

4           (21) Solicitation of professional services by using  
5           false or misleading advertising.

6           (22) Fraud or making any misrepresentation in applying  
7           for or procuring a license under this Act or in connection  
8           with applying for renewal of a license under this Act.

9           (23) Practicing or attempting to practice under a name  
10          other than the full name as shown on the license or any  
11          other legally authorized name.

12          (24) Gross overcharging for professional services,  
13          including filing statements for collection of fees or  
14          moneys for which services are not rendered.

15          (25) Charging for professional services not rendered,  
16          including filing false statements for the collection of  
17          fees for which services are not rendered.

18          (26) Allowing one's license under this Act to be used  
19          by an unlicensed person in violation of this Act.

20          (b) The determination by a court that a licensee is  
21          subject to involuntary admission or judicial admission as  
22          provided in the Mental Health and Developmental Disabilities  
23          Code shall result in an automatic suspension of the licensee's  
24          license. The suspension will end upon a finding by a court that  
25          the licensee is no longer subject to involuntary admission or  
26          judicial admission, the issuance of an order so finding and

1 discharging the patient, and the determination of the  
2 Secretary that the licensee be allowed to resume professional  
3 practice.

4 (c) The Department may refuse to issue or renew or may  
5 suspend without hearing the license of any person who fails to  
6 file a return, to pay the tax penalty or interest shown in a  
7 filed return, or to pay any final assessment of the tax,  
8 penalty, or interest as required by any Act regarding the  
9 payment of taxes administered by the Department of Revenue  
10 until the requirements of the Act are satisfied in accordance  
11 with subsection (g) of Section 2105-15 of the Department of  
12 Professional Regulation Law of the Civil Administrative Code  
13 of Illinois.

14 (d) In cases where the Department of Healthcare and Family  
15 Services has previously determined that a licensee or a  
16 potential licensee is more than 30 days delinquent in the  
17 payment of child support and has subsequently certified the  
18 delinquency to the Department, the Department may refuse to  
19 issue or renew or may revoke or suspend that person's license  
20 or may take other disciplinary action against that person  
21 based solely upon the certification of delinquency made by the  
22 Department of Healthcare and Family Services in accordance  
23 with paragraph (5) of subsection (a) of Section 2105-15 of the  
24 Department of Professional Regulation Law of the Civil  
25 Administrative Code of Illinois.

26 (e) All fines or costs imposed under this Section shall be

1 paid within 60 days after the effective date of the order  
2 imposing the fine or costs or in accordance with the terms set  
3 forth in the order imposing the fine.

4 (Source: P.A. 102-993, eff. 5-27-22; revised 1-3-24.)

5 Section 400. The Licensed Certified Professional Midwife  
6 Practice Act is amended by changing Section 100 as follows:

7 (225 ILCS 64/100)

8 (Section scheduled to be repealed on January 1, 2027)

9 Sec. 100. Grounds for disciplinary action.

10 (a) The Department may refuse to issue or to renew, or may  
11 revoke, suspend, place on probation, reprimand, or take other  
12 disciplinary or non-disciplinary action with regard to any  
13 license issued under this Act as the Department may deem  
14 proper, including the issuance of fines not to exceed \$10,000  
15 for each violation, for any one or combination of the  
16 following causes:

17 (1) Material misstatement in furnishing information to  
18 the Department.

19 (2) Violations of this Act, or the rules adopted under  
20 this Act.

21 (3) Conviction by plea of guilty or nolo contendere,  
22 finding of guilt, jury verdict, or entry of judgment or  
23 sentencing, including, but not limited to, convictions,  
24 preceding sentences of supervision, conditional discharge,

1 or first offender probation, under the laws of any  
2 jurisdiction of the United States that is: (i) a felony;  
3 or (ii) a misdemeanor, an essential element of which is  
4 dishonesty, or that is directly related to the practice of  
5 the profession.

6 (4) Making any misrepresentation for the purpose of  
7 obtaining licenses.

8 (5) Professional incompetence.

9 (6) Aiding or assisting another person in violating  
10 any provision of this Act or its rules.

11 (7) Failing, within 60 days, to provide information in  
12 response to a written request made by the Department.

13 (8) Engaging in dishonorable, unethical, or  
14 unprofessional conduct, as defined by rule, of a character  
15 likely to deceive, defraud, or harm the public.

16 (9) Habitual or excessive use or addiction to alcohol,  
17 narcotics, stimulants, or any other chemical agent or drug  
18 that results in a midwife's inability to practice with  
19 reasonable judgment, skill, or safety.

20 (10) Discipline by another U.S. jurisdiction or  
21 foreign nation, if at least one of the grounds for  
22 discipline is the same or substantially equivalent to  
23 those set forth in this Section.

24 (11) Directly or indirectly giving to or receiving  
25 from any person, firm, corporation, partnership, or  
26 association any fee, commission, rebate or other form of



1 compensation for any professional services not actually or  
2 personally rendered. Nothing in this paragraph affects any  
3 bona fide independent contractor or employment  
4 arrangements, including provisions for compensation,  
5 health insurance, pension, or other employment benefits,  
6 with persons or entities authorized under this Act for the  
7 provision of services within the scope of the licensee's  
8 practice under this Act.

9 (12) A finding by the Department that the licensee,  
10 after having his or her license placed on probationary  
11 status, has violated the terms of probation.

12 (13) Abandonment of a patient.

13 (14) Willfully making or filing false records or  
14 reports in his or her practice, including, but not limited  
15 to, false records filed with state agencies or  
16 departments.

17 (15) Willfully failing to report an instance of  
18 suspected child abuse or neglect as required by the Abused  
19 and Neglected Child Reporting Act.

20 (16) Physical illness, or mental illness or impairment  
21 that results in the inability to practice the profession  
22 with reasonable judgment, skill, or safety, including, but  
23 not limited to, deterioration through the aging process or  
24 loss of motor skill.

25 (17) Being named as a perpetrator in an indicated  
26 report by the Department of Children and Family Services

1 under the Abused and Neglected Child Reporting Act, and  
2 upon proof by clear and convincing evidence that the  
3 licensee has caused a child to be an abused child or  
4 neglected child as defined in the Abused and Neglected  
5 Child Reporting Act.

6 (18) Gross negligence resulting in permanent injury or  
7 death of a patient.

8 (19) Employment of fraud, deception, or any unlawful  
9 means in applying for or securing a license as a licensed  
10 certified professional ~~profession~~ midwife.

11 (21) Immoral conduct in the commission of any act,  
12 including sexual abuse, sexual misconduct, or sexual  
13 exploitation related to the licensee's practice.

14 (22) Violation of the Health Care Worker Self-Referral  
15 Act.

16 (23) Practicing under a false or assumed name, except  
17 as provided by law.

18 (24) Making a false or misleading statement regarding  
19 his or her skill or the efficacy or value of the medicine,  
20 treatment, or remedy prescribed by him or her in the  
21 course of treatment.

22 (25) Allowing another person to use his or her license  
23 to practice.

24 (26) Prescribing, selling, administering,  
25 distributing, giving, or self-administering a drug  
26 classified as a controlled substance for purposes other

1 than medically accepted ~~medically-accepted~~ therapeutic  
2 purposes.

3 (27) Promotion of the sale of drugs, devices,  
4 appliances, or goods provided for a patient in a manner to  
5 exploit the patient for financial gain.

6 (28) A pattern of practice or other behavior that  
7 demonstrates incapacity or incompetence to practice under  
8 this Act.

9 (29) Violating State or federal laws, rules, or  
10 regulations relating to controlled substances or other  
11 legend drugs or ephedra as defined in the Ephedra  
12 Prohibition Act.

13 (30) Failure to establish and maintain records of  
14 patient care and treatment as required by law.

15 (31) Attempting to subvert or cheat on the examination  
16 of the North American Registry of Midwives or its  
17 successor agency.

18 (32) Willfully or negligently violating the  
19 confidentiality between licensed certified professional  
20 ~~profession~~ midwives and patient, except as required by  
21 law.

22 (33) Willfully failing to report an instance of  
23 suspected abuse, neglect, financial exploitation, or  
24 self-neglect of an eligible adult as defined in and  
25 required by the Adult Protective Services Act.

26 (34) Being named as an abuser in a verified report by

1 the Department on Aging under the Adult Protective  
2 Services Act and upon proof by clear and convincing  
3 evidence that the licensee abused, neglected, or  
4 financially exploited an eligible adult as defined in the  
5 Adult Protective Services Act.

6 (35) Failure to report to the Department an adverse  
7 final action taken against him or her by another licensing  
8 jurisdiction of the United States or a foreign state or  
9 country, a peer review body, a health care institution, a  
10 professional society or association, a governmental  
11 agency, a law enforcement agency, or a court.

12 (36) Failure to provide copies of records of patient  
13 care or treatment, except as required by law.

14 (37) Failure of a licensee to report to the Department  
15 surrender by the licensee of a license or authorization to  
16 practice in another state or jurisdiction or current  
17 surrender by the licensee of membership professional  
18 association or society while under disciplinary  
19 investigation by any of those authorities or bodies for  
20 acts or conduct similar to acts or conduct that would  
21 constitute grounds for action under this Section.

22 (38) Failing, within 90 days, to provide a response to  
23 a request for information in response to a written request  
24 made by the Department by certified or registered mail or  
25 by email to the email address of record.

26 (39) Failure to supervise a midwife assistant or

1 student midwife including, but not limited to, allowing a  
2 midwife assistant or student midwife to exceed their  
3 scope.

4 (40) Failure to adequately inform a patient about  
5 their malpractice liability insurance coverage and the  
6 policy limits of the coverage.

7 (41) Failure to submit an annual report to the  
8 Department of Public Health.

9 (42) Failure to disclose active cardiopulmonary  
10 resuscitation certification or neonatal resuscitation  
11 provider status to clients.

12 (43) Engaging in one of the prohibited practices  
13 provided for in Section 85 of this Act.

14 (b) The Department may, without a hearing, refuse to issue  
15 or renew or may suspend the license of any person who fails to  
16 file a return, or to pay the tax, penalty, or interest shown in  
17 a filed return, or to pay any final assessment of the tax,  
18 penalty, or interest as required by any tax Act administered  
19 by the Department of Revenue, until the requirements of any  
20 such tax Act are satisfied.

21 (c) The determination by a circuit court that a licensee  
22 is subject to involuntary admission or judicial admission as  
23 provided in the Mental Health and Developmental Disabilities  
24 Code operates as an automatic suspension. The suspension will  
25 end only upon a finding by a court that the patient is no  
26 longer subject to involuntary admission or judicial admission

1 and issues an order so finding and discharging the patient,  
2 and upon the recommendation of the Board to the Secretary that  
3 the licensee be allowed to resume his or her practice.

4 (d) In enforcing this Section, the Department, upon a  
5 showing of a possible violation, may compel an individual  
6 licensed to practice under this Act, or who has applied for  
7 licensure under this Act, to submit to a mental or physical  
8 examination, or both, including a substance abuse or sexual  
9 offender evaluation, as required by and at the expense of the  
10 Department.

11 The Department shall specifically designate the examining  
12 physician licensed to practice medicine in all of its branches  
13 or, if applicable, the multidisciplinary team involved in  
14 providing the mental or physical examination or both. The  
15 multidisciplinary team shall be led by a physician licensed to  
16 practice medicine in all of its branches and may consist of one  
17 or more or a combination of physicians licensed to practice  
18 medicine in all of its branches, licensed clinical  
19 psychologists, licensed clinical social workers, licensed  
20 clinical professional counselors, and other professional and  
21 administrative staff. Any examining physician or member of the  
22 multidisciplinary team may require any person ordered to  
23 submit to an examination pursuant to this Section to submit to  
24 any additional supplemental testing deemed necessary to  
25 complete any examination or evaluation process, including, but  
26 not limited to, blood testing, urinalysis, psychological

1 testing, or neuropsychological testing.

2 The Department may order the examining physician or any  
3 member of the multidisciplinary team to provide to the  
4 Department any and all records, including business records,  
5 that relate to the examination and evaluation, including any  
6 supplemental testing performed.

7 The Department may order the examining physician or any  
8 member of the multidisciplinary team to present testimony  
9 concerning the mental or physical examination of the licensee  
10 or applicant. No information, report, record, or other  
11 documents in any way related to the examination shall be  
12 excluded by reason of any common law or statutory privilege  
13 relating to communications between the licensee or applicant  
14 and the examining physician or any member of the  
15 multidisciplinary team. No authorization is necessary from the  
16 licensee or applicant ordered to undergo an examination for  
17 the examining physician or any member of the multidisciplinary  
18 team to provide information, reports, records, or other  
19 documents or to provide any testimony regarding the  
20 examination and evaluation.

21 The individual to be examined may have, at his or her own  
22 expense, another physician of his or her choice present during  
23 all aspects of this examination. However, that physician shall  
24 be present only to observe and may not interfere in any way  
25 with the examination.

26 Failure of an individual to submit to a mental or physical

1 examination, when ordered, shall result in an automatic  
2 suspension of his or her license until the individual submits  
3 to the examination.

4 If the Department finds an individual unable to practice  
5 because of the reasons set forth in this Section, the  
6 Department may require that individual to submit to care,  
7 counseling, or treatment by physicians approved or designated  
8 by the Department, as a condition, term, or restriction for  
9 continued, reinstated, or renewed licensure to practice; or,  
10 in lieu of care, counseling, or treatment, the Department may  
11 file a complaint to immediately suspend, revoke, or otherwise  
12 discipline the license of the individual. An individual whose  
13 license was granted, continued, reinstated, renewed,  
14 disciplined, or supervised subject to such terms, conditions,  
15 or restrictions, and who fails to comply with such terms,  
16 conditions, or restrictions, shall be referred to the  
17 Secretary for a determination as to whether the individual  
18 shall have his or her license suspended immediately, pending a  
19 hearing by the Department.

20 In instances in which the Secretary immediately suspends a  
21 person's license under this Section, a hearing on that  
22 person's license must be convened by the Department within 30  
23 days after the suspension and completed without appreciable  
24 delay. The Department shall have the authority to review the  
25 subject individual's record of treatment and counseling  
26 regarding the impairment to the extent permitted by applicable



1 federal statutes and regulations safeguarding the  
2 confidentiality of medical records.

3 An individual licensed under this Act and affected under  
4 this Section shall be afforded an opportunity to demonstrate  
5 to the Department that he or she can resume practice in  
6 compliance with acceptable and prevailing standards under the  
7 provisions of his or her license.

8 (Source: P.A. 102-683, eff. 10-1-22; revised 1-30-24.)

9 Section 405. The Physician Assistant Practice Act of 1987  
10 is amended by changing Section 7.5 as follows:

11 (225 ILCS 95/7.5)

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

13 Sec. 7.5. Written collaborative agreements; prescriptive  
14 authority.

15 (a) A written collaborative agreement is required for all  
16 physician assistants to practice in the State, except as  
17 provided in Section 7.7 of this Act.

18 (1) A written collaborative agreement shall describe  
19 the working relationship of the physician assistant with  
20 the collaborating physician and shall describe the  
21 categories of care, treatment, or procedures to be  
22 provided by the physician assistant. The written  
23 collaborative agreement shall promote the exercise of  
24 professional judgment by the physician assistant

1 commensurate with his or her education and experience. The  
2 services to be provided by the physician assistant shall  
3 be services that the collaborating physician is authorized  
4 to and generally provides to his or her patients in the  
5 normal course of his or her clinical medical practice. The  
6 written collaborative agreement need not describe the  
7 exact steps that a physician assistant must take with  
8 respect to each specific condition, disease, or symptom  
9 but must specify which authorized procedures require the  
10 presence of the collaborating physician as the procedures  
11 are being performed. The relationship under a written  
12 collaborative agreement shall not be construed to require  
13 the personal presence of a physician at the place where  
14 services are rendered. Methods of communication shall be  
15 available for consultation with the collaborating  
16 physician in person or by telecommunications or electronic  
17 communications as set forth in the written collaborative  
18 agreement. For the purposes of this Act, "generally  
19 provides to his or her patients in the normal course of his  
20 or her clinical medical practice" means services, not  
21 specific tasks or duties, the collaborating physician  
22 routinely provides individually or through delegation to  
23 other persons so that the physician has the experience and  
24 ability to collaborate and provide consultation.

25 (2) The written collaborative agreement shall be  
26 adequate if a physician does each of the following:

1 (A) Participates in the joint formulation and  
2 joint approval of orders or guidelines with the  
3 physician assistant and he or she periodically reviews  
4 such orders and the services provided patients under  
5 such orders in accordance with accepted standards of  
6 medical practice and physician assistant practice.

7 (B) Provides consultation at least once a month.

8 (3) A copy of the signed, written collaborative  
9 agreement must be available to the Department upon request  
10 from both the physician assistant and the collaborating  
11 physician.

12 (4) A physician assistant shall inform each  
13 collaborating physician of all written collaborative  
14 agreements he or she has signed and provide a copy of these  
15 to any collaborating physician upon request.

16 (b) A collaborating physician may, but is not required to,  
17 delegate prescriptive authority to a physician assistant as  
18 part of a written collaborative agreement. This authority may,  
19 but is not required to, include prescription of, selection of,  
20 orders for, administration of, storage of, acceptance of  
21 samples of, and dispensing medical devices, over-the-counter  
22 ~~over the counter~~ medications, legend drugs, medical gases, and  
23 controlled substances categorized as Schedule II through V  
24 controlled substances, as defined in Article II of the  
25 Illinois Controlled Substances Act, and other preparations,  
26 including, but not limited to, botanical and herbal remedies.

1 The collaborating physician must have a valid, current  
2 Illinois controlled substance license and federal registration  
3 with the Drug Enforcement Administration to delegate the  
4 authority to prescribe controlled substances.

5 (1) To prescribe Schedule II, III, IV, or V controlled  
6 substances under this Section, a physician assistant must  
7 obtain a mid-level practitioner controlled substances  
8 license. Medication orders issued by a physician assistant  
9 shall be reviewed periodically by the collaborating  
10 physician.

11 (2) The collaborating physician shall file with the  
12 Department notice of delegation of prescriptive authority  
13 to a physician assistant and termination of delegation,  
14 specifying the authority delegated or terminated. Upon  
15 receipt of this notice delegating authority to prescribe  
16 controlled substances, the physician assistant shall be  
17 eligible to register for a mid-level practitioner  
18 controlled substances license under Section 303.05 of the  
19 Illinois Controlled Substances Act. Nothing in this Act  
20 shall be construed to limit the delegation of tasks or  
21 duties by the collaborating physician to a nurse or other  
22 appropriately trained persons in accordance with Section  
23 54.2 of the Medical Practice Act of 1987.

24 (3) In addition to the requirements of this subsection  
25 (b), a collaborating physician may, but is not required  
26 to, delegate authority to a physician assistant to

1           prescribe Schedule II controlled substances, if all of the  
2           following conditions apply:

3                   (A) Specific Schedule II controlled substances by  
4                   oral dosage or topical or transdermal application may  
5                   be delegated, provided that the delegated Schedule II  
6                   controlled substances are routinely prescribed by the  
7                   collaborating physician. This delegation must identify  
8                   the specific Schedule II controlled substances by  
9                   either brand name or generic name. Schedule II  
10                  controlled substances to be delivered by injection or  
11                  other route of administration may not be delegated.

12                  (B) (Blank).

13                  (C) Any prescription must be limited to no more  
14                  than a 30-day supply, with any continuation authorized  
15                  only after prior approval of the collaborating  
16                  physician.

17                  (D) The physician assistant must discuss the  
18                  condition of any patients for whom a controlled  
19                  substance is prescribed monthly with the collaborating  
20                  physician.

21                  (E) The physician assistant meets the education  
22                  requirements of Section 303.05 of the Illinois  
23                  Controlled Substances Act.

24           (c) Nothing in this Act shall be construed to limit the  
25           delegation of tasks or duties by a physician to a licensed  
26           practical nurse, a registered professional nurse, or other

1 persons. Nothing in this Act shall be construed to limit the  
2 method of delegation that may be authorized by any means,  
3 including, but not limited to, oral, written, electronic,  
4 standing orders, protocols, guidelines, or verbal orders.  
5 Nothing in this Act shall be construed to authorize a  
6 physician assistant to provide health care services required  
7 by law or rule to be performed by a physician. Nothing in this  
8 Act shall be construed to authorize the delegation or  
9 performance of operative surgery. Nothing in this Section  
10 shall be construed to preclude a physician assistant from  
11 assisting in surgery.

12 (c-5) Nothing in this Section shall be construed to apply  
13 to any medication authority, including Schedule II controlled  
14 substances of a licensed physician assistant for care provided  
15 in a hospital, hospital affiliate, federally qualified health  
16 center, or ambulatory surgical treatment center pursuant to  
17 Section 7.7 of this Act.

18 (d) (Blank).

19 (e) Nothing in this Section shall be construed to prohibit  
20 generic substitution.

21 (Source: P.A. 102-558, eff. 8-20-21; 103-65, eff. 1-1-24;  
22 revised 1-2-24.)

23 Section 410. The Veterinary Medicine and Surgery Practice  
24 Act of 2004 is amended by changing Section 25.2 as follows:

1 (225 ILCS 115/25.2) (from Ch. 111, par. 7025.2)

2 (Section scheduled to be repealed on January 1, 2029)

3 Sec. 25.2. Investigation; notice and hearing. The  
4 Department may investigate the actions of any applicant or of  
5 any person or persons holding or claiming to hold a license or  
6 certificate. The Department shall, before refusing to issue,  
7 to renew or discipline a license or certificate under Section  
8 25, at least 30 days prior to the date set for the hearing,  
9 notify the applicant or licensee in writing of the nature of  
10 the charges and the time and place for a hearing on the  
11 charges. The Department shall direct the applicant,  
12 certificate holder, or licensee to file a written answer to  
13 the charges with the Board under oath within 20 days after the  
14 service of the notice and inform the applicant, certificate  
15 holder, or licensee that failure to file an answer will result  
16 in default being taken against the applicant, certificate  
17 holder, or licensee. At the time and place fixed in the notice,  
18 the Department shall proceed to hear the charges and the  
19 parties or their counsel shall be accorded ample opportunity  
20 to present any pertinent statements, testimony, evidence, and  
21 arguments. The Department may continue the hearing from time  
22 to time. In case the person, after receiving the notice, fails  
23 to file an answer, his or her license may, in the discretion of  
24 the Department, be revoked, suspended, placed on probationary  
25 status, or the Department may take whatever disciplinary  
26 action considered proper, including limiting the scope,

1 nature, or extent of the person's practice or the imposition  
2 of a fine, without a hearing, if the act or acts charged  
3 constitute sufficient grounds for that action under the Act.  
4 The written notice and any notice in the subsequent proceeding  
5 may be served by registered or certified mail to the  
6 licensee's address of record or, if in the course of the  
7 administrative proceeding the party has previously designated  
8 a specific email address at which to accept electronic service  
9 for that specific proceeding, by sending a copy by email to the  
10 party's ~~an~~ email address on record.

11 (Source: P.A. 103-309, eff. 1-1-24; 103-505, eff. 1-1-24;  
12 revised 9-28-23.)

13 Section 415. The Registered Surgical Assistant and  
14 Registered Surgical Technologist Title Protection Act is  
15 amended by changing Section 75 as follows:

16 (225 ILCS 130/75)

17 (Section scheduled to be repealed on January 1, 2029)

18 Sec. 75. Grounds for disciplinary action.

19 (a) The Department may refuse to issue, renew, or restore  
20 a registration, may revoke or suspend a registration, or may  
21 place on probation, reprimand, or take other disciplinary or  
22 non-disciplinary action with regard to a person registered  
23 under this Act, including, but not limited to, the imposition  
24 of fines not to exceed \$10,000 for each violation and the



1 assessment of costs as provided for in Section 90, for any one  
2 or combination of the following causes:

3 (1) Making a material misstatement in furnishing  
4 information to the Department.

5 (2) Violating a provision of this Act or rules adopted  
6 under this Act.

7 (3) Conviction by plea of guilty or nolo contendere,  
8 finding of guilt, jury verdict, or entry of judgment or by  
9 sentencing of any crime, including, but not limited to,  
10 convictions, preceding sentences of supervision,  
11 conditional discharge, or first offender probation, under  
12 the laws of any jurisdiction of the United States that is  
13 (i) a felony or (ii) a misdemeanor, an essential element  
14 of which is dishonesty, or that is directly related to the  
15 practice of the profession.

16 (4) Fraud or misrepresentation in applying for,  
17 renewing, restoring, reinstating, or procuring a  
18 registration under this Act.

19 (5) Aiding or assisting another person in violating a  
20 provision of this Act or its rules.

21 (6) Failing to provide information within 60 days in  
22 response to a written request made by the Department.

23 (7) Engaging in dishonorable, unethical, or  
24 unprofessional conduct of a character likely to deceive,  
25 defraud, or harm the public, as defined by rule of the  
26 Department.

1           (8) Discipline by another United States jurisdiction,  
2 governmental agency, unit of government, or foreign  
3 nation, if at least one of the grounds for discipline is  
4 the same or substantially equivalent to those set forth in  
5 this Section.

6           (9) Directly or indirectly giving to or receiving from  
7 a person, firm, corporation, partnership, or association a  
8 fee, commission, rebate, or other form of compensation for  
9 professional services not actually or personally rendered.  
10 Nothing in this paragraph (9) affects any bona fide  
11 independent contractor or employment arrangements among  
12 health care professionals, health facilities, health care  
13 providers, or other entities, except as otherwise  
14 prohibited by law. Any employment arrangements may include  
15 provisions for compensation, health insurance, pension, or  
16 other employment benefits for the provision of services  
17 within the scope of the registrant's practice under this  
18 Act. Nothing in this paragraph (9) shall be construed to  
19 require an employment arrangement to receive professional  
20 fees for services rendered.

21           (10) A finding by the Department that the registrant,  
22 after having the registration placed on probationary  
23 status, has violated the terms of probation.

24           (11) Willfully making or filing false records or  
25 reports in the practice, including, but not limited to,  
26 false records or reports filed with State agencies.

1           (12) Willfully making or signing a false statement,  
2 certificate, or affidavit to induce payment.

3           (13) Willfully failing to report an instance of  
4 suspected child abuse or neglect as required under the  
5 Abused and Neglected Child Reporting Act.

6           (14) Being named as a perpetrator in an indicated  
7 report by the Department of Children and Family Services  
8 under the Abused and Neglected Child Reporting Act and  
9 upon proof by clear and convincing evidence that the  
10 registrant has caused a child to be an abused child or  
11 neglected child as defined in the Abused and Neglected  
12 Child Reporting Act.

13           (15) (Blank).

14           (16) Failure to report to the Department (A) any  
15 adverse final action taken against the registrant by  
16 another registering or licensing jurisdiction, government  
17 agency, law enforcement agency, or any court or (B)  
18 liability for conduct that would constitute grounds for  
19 action as set forth in this Section.

20           (17) Habitual or excessive use or abuse of drugs  
21 defined in law as controlled substances, alcohol, or any  
22 other substance that results in the inability to practice  
23 with reasonable judgment, skill, or safety.

24           (18) Physical or mental illness, including, but not  
25 limited to, deterioration through the aging process or  
26 loss of motor skills, which results in the inability to

1 practice the profession for which the person is registered  
2 with reasonable judgment, skill, or safety.

3 (19) Gross malpractice.

4 (20) Immoral conduct in the commission of an act  
5 related to the registrant's practice, including, but not  
6 limited to, sexual abuse, sexual misconduct, or sexual  
7 exploitation.

8 (21) Violation of the Health Care Worker Self-Referral  
9 Act.

10 (b) The Department may refuse to issue or may suspend  
11 without hearing the registration of a person who fails to file  
12 a return, to pay the tax, penalty, or interest shown in a filed  
13 return, or to pay a final assessment of the tax, penalty, or  
14 interest as required by a tax Act administered by the  
15 Department of Revenue, until the requirements of the tax Act  
16 are satisfied in accordance with subsection (g) of Section  
17 2105-15 of the Department of Regulation Law of the Civil  
18 Administrative Code of Illinois.

19 (b-1) The Department shall not revoke, suspend, summarily  
20 suspend, place on probation, reprimand, refuse to issue or  
21 renew, or take any other disciplinary or non-disciplinary  
22 action against the license issued under this Act to practice  
23 as a registered surgical assistant or registered surgical  
24 technologist based solely upon the registered surgical  
25 assistant or registered surgical technologist providing,  
26 authorizing, recommending, aiding, assisting, referring for,

1 or otherwise participating in any health care service, so long  
2 as the care was not unlawful under the laws of this State,  
3 regardless of whether the patient was a resident of this State  
4 or another state.

5 (b-2) The Department shall not revoke, suspend, summarily  
6 suspend, place on prohibition, reprimand, refuse to issue or  
7 renew, or take any other disciplinary or non-disciplinary  
8 action against the license issued under this Act to practice  
9 as a registered surgical assistant or registered surgical  
10 technologist based upon the registered surgical assistant's or  
11 registered surgical technologist's license being revoked or  
12 suspended, or the registered surgical assistant's or  
13 registered surgical technologist's being otherwise disciplined  
14 by any other state, if that revocation, suspension, or other  
15 form of discipline was based solely on the registered surgical  
16 assistant or registered surgical technologist violating  
17 another state's laws prohibiting the provision of,  
18 authorization of, recommendation of, aiding or assisting in,  
19 referring for, or participation in any health care service if  
20 that health care service as provided would not have been  
21 unlawful under the laws of this State and is consistent with  
22 the standards of conduct for the registered surgical assistant  
23 or registered surgical technologist practicing in this State.

24 (b-3) The conduct specified in subsection (b-1) or (b-2)  
25 shall not constitute grounds for suspension under Section 145.

26 (b-4) An applicant seeking licensure, certification, or

1 authorization pursuant to this Act who has been subject to  
2 disciplinary action by a duly authorized professional  
3 disciplinary agency of another jurisdiction solely on the  
4 basis of having provided, authorized, recommended, aided,  
5 assisted, referred for, or otherwise participated in health  
6 care shall not be denied such licensure, certification, or  
7 authorization, unless the Department determines that such  
8 action would have constituted professional misconduct in this  
9 State. Nothing in this Section shall be construed as  
10 prohibiting the Department from evaluating the conduct of such  
11 applicant and making a determination regarding the licensure,  
12 certification, or authorization to practice a profession under  
13 this Act.

14 (c) The determination by a circuit court that a registrant  
15 is subject to involuntary admission or judicial admission as  
16 provided in the Mental Health and Developmental Disabilities  
17 Code operates as an automatic suspension. The suspension will  
18 end only upon (1) a finding by a court that the patient is no  
19 longer subject to involuntary admission or judicial admission,  
20 (2) issuance of an order so finding and discharging the  
21 patient, and (3) filing of a petition for restoration  
22 demonstrating fitness to practice.

23 (d) (Blank).

24 (e) In cases where the Department of Healthcare and Family  
25 Services has previously determined a registrant or a potential  
26 registrant is more than 30 days delinquent in the payment of

1 child support and has subsequently certified the delinquency  
2 to the Department, the Department may refuse to issue or renew  
3 or may revoke or suspend that person's registration or may  
4 take other disciplinary action against that person based  
5 solely upon the certification of delinquency made by the  
6 Department of Healthcare and Family Services in accordance  
7 with paragraph (5) of subsection (a) of Section 2105-15 of the  
8 Department of Professional Regulation Law of the Civil  
9 Administrative Code of Illinois.

10 (f) In enforcing this Section, the Department, upon a  
11 showing of a possible violation, may compel any individual  
12 registered under this Act or any individual who has applied  
13 for registration to submit to a mental or physical examination  
14 and evaluation, or both, that may include a substance abuse or  
15 sexual offender evaluation, at the expense of the Department.  
16 The Department shall specifically designate the examining  
17 physician licensed to practice medicine in all of its branches  
18 or, if applicable, the multidisciplinary team involved in  
19 providing the mental or physical examination and evaluation,  
20 or both. The multidisciplinary team shall be led by a  
21 physician licensed to practice medicine in all of its branches  
22 and may consist of one or more or a combination of physicians  
23 licensed to practice medicine in all of its branches, licensed  
24 chiropractic physicians, licensed clinical psychologists,  
25 licensed clinical social workers, licensed clinical  
26 professional counselors, and other professional and

1 administrative staff. Any examining physician or member of the  
2 multidisciplinary team may require any person ordered to  
3 submit to an examination and evaluation pursuant to this  
4 Section to submit to any additional supplemental testing  
5 deemed necessary to complete any examination or evaluation  
6 process, including, but not limited to, blood testing,  
7 urinalysis, psychological testing, or neuropsychological  
8 testing.

9 The Department may order the examining physician or any  
10 member of the multidisciplinary team to provide to the  
11 Department any and all records, including business records,  
12 that relate to the examination and evaluation, including any  
13 supplemental testing performed. The Department may order the  
14 examining physician or any member of the multidisciplinary  
15 team to present testimony concerning this examination and  
16 evaluation of the registrant or applicant, including testimony  
17 concerning any supplemental testing or documents relating to  
18 the examination and evaluation. No information, report,  
19 record, or other documents in any way related to the  
20 examination and evaluation shall be excluded by reason of any  
21 common law or statutory privilege relating to communication  
22 between the registrant or applicant and the examining  
23 physician or any member of the multidisciplinary team. No  
24 authorization is necessary from the registrant or applicant  
25 ordered to undergo an evaluation and examination for the  
26 examining physician or any member of the multidisciplinary



1 team to provide information, reports, records, or other  
2 documents or to provide any testimony regarding the  
3 examination and evaluation. The individual to be examined may  
4 have, at the individual's own expense, another physician of  
5 the individual's choice present during all aspects of the  
6 examination.

7 Failure of any individual to submit to mental or physical  
8 examination and evaluation, or both, when directed, shall  
9 result in an automatic suspension without a hearing until such  
10 time as the individual submits to the examination. If the  
11 Department finds a registrant unable to practice because of  
12 the reasons set forth in this Section, the Department shall  
13 require such registrant to submit to care, counseling, or  
14 treatment by physicians approved or designated by the  
15 Department as a condition for continued, reinstated, or  
16 renewed registration.

17 When the Secretary immediately suspends a registration  
18 under this Section, a hearing upon such person's registration  
19 must be convened by the Department within 15 days after such  
20 suspension and completed without appreciable delay. The  
21 Department shall have the authority to review the registrant's  
22 record of treatment and counseling regarding the impairment to  
23 the extent permitted by applicable federal statutes and  
24 regulations safeguarding the confidentiality of medical  
25 records.

26 Individuals registered under this Act and affected under

1 this Section shall be afforded an opportunity to demonstrate  
2 to the Department that they can resume practice in compliance  
3 with acceptable and prevailing standards under the provisions  
4 of their registration.

5 (g) All fines imposed under this Section shall be paid  
6 within 60 days after the effective date of the order imposing  
7 the fine or in accordance with the terms set forth in the order  
8 imposing the fine.

9 (f) The Department may adopt rules to implement the  
10 changes made by Public Act 102-1117 ~~this amendatory Act of the~~  
11 ~~102nd General Assembly.~~

12 (Source: P.A. 102-1117, eff. 1-13-23; 103-387, eff. 1-1-24;  
13 revised 12-15-23.)

14 Section 420. The Solid Waste Site Operator Certification  
15 Law is amended by changing Section 1011 as follows:

16 (225 ILCS 230/1011)

17 Sec. 1011. Fees.

18 (a) Fees for the issuance or renewal of a Solid Waste Site  
19 Operator Certificate shall be as follows:

20 ~~(1)~~ (A) \$400 for issuance or renewal for Solid Waste  
21 Site Operators;

22 (B) (blank); and

23 (C) \$100 for issuance or renewal for special waste  
24 endorsements.

1       ~~(2)~~ If the fee for renewal is not paid within the grace  
2 period, the above fees for renewal shall each be increased by  
3 \$50.

4       (b) (Blank).

5       (c) All fees collected by the Agency under this Section  
6 shall be deposited into the Environmental Protection Permit  
7 and Inspection Fund to be used in accordance with the  
8 provisions of subsection (a) of Section 22.8 of the  
9 Environmental Protection Act.

10       (Source: P.A. 102-1017, eff. 1-1-23; 102-1071, eff. 6-10-22;  
11 103-154, eff. 6-30-23; revised 9-21-23.)

12       Section 425. The Illinois Plumbing License Law is amended  
13 by changing Section 13.1 as follows:

14       (225 ILCS 320/13.1)

15       Sec. 13.1. Plumbing contractors; registration;  
16 applications.

17       (1) On and after May 1, 2002, all persons or corporations  
18 desiring to engage in the business of plumbing contractor,  
19 other than any entity that maintains an audited net worth of  
20 shareholders' equity equal to or exceeding \$100,000,000, shall  
21 register in accordance with the provisions of this Act.

22       (2) Application for registration shall be filed with the  
23 Department each year, on or before the last day of September,  
24 in writing and on forms prepared and furnished by the

1 Department. All plumbing contractor registrations expire on  
2 the last day of September of each year.

3 (3) Applications shall contain the name, address, and  
4 telephone number of the person and the plumbing license of (i)  
5 the individual, if a sole proprietorship; (ii) the partner, if  
6 a partnership; or (iii) an officer, if a corporation. The  
7 application shall contain the business name, address, and  
8 telephone number, a current copy of the plumbing license, and  
9 any other information the Department may require by rule.

10 (4) Applicants shall submit an original certificate of  
11 insurance documenting that the contractor carries general  
12 liability insurance with a minimum of \$100,000 per occurrence,  
13 a minimum of \$300,000 aggregate for bodily injury, property  
14 damage insurance with a minimum of \$50,000 or a minimum of  
15 \$300,000 combined single limit, and workers compensation  
16 insurance with a minimum \$500,000 employer's liability. No  
17 registration may be issued in the absence of this certificate.  
18 Certificates must be in force at all times for registration to  
19 remain valid.

20 (5) Applicants shall submit, on a form provided by the  
21 Department, an indemnification bond in the amount of \$20,000  
22 or a letter of credit in the same amount for work performed in  
23 accordance with this Act and the rules promulgated under this  
24 Act.

25 (5.5) The Department, upon notification by the Illinois  
26 Workers' Compensation Commission or the Department of

1 Insurance, shall refuse the issuance or renewal of a license  
2 to, or suspend or revoke the license of, any individual,  
3 corporation, partnership, or other business entity that has  
4 been found by the Illinois Workers' Compensation Commission or  
5 the Department of Insurance to have failed:

6 (a) to secure workers' compensation obligations in the  
7 manner required by subsections (a) and (b) of Section 4 of  
8 the Workers' Compensation Act;

9 (b) to pay in full a fine or penalty imposed by the  
10 Illinois Workers' Compensation Commission or the  
11 Department of Insurance due to a failure to secure  
12 workers' compensation obligations in the manner required  
13 by subsections (a) and (b) of Section 4 of the Workers'  
14 Compensation Act; or

15 (c) to fulfill all obligations assumed pursuant to any  
16 settlement reached with the Illinois Workers' Compensation  
17 Commission or the Department of Insurance due to a failure  
18 to secure workers' compensation obligations in the manner  
19 required by subsections (a) and (b) of Section 4 of the  
20 Workers' Compensation Act.

21 A complaint filed with the Department by the Illinois  
22 Workers' Compensation Commission or the Department of  
23 Insurance that includes a certification, signed by its  
24 Director or Chairman or designee, attesting to a finding of  
25 the failure to secure workers' compensation obligations in the  
26 manner required by subsections (a) and (b) of Section 4 of the

1 Workers' Compensation Act or the failure to pay any fines or  
2 penalties or to discharge any obligation under a settlement  
3 relating to the failure to secure workers' compensation  
4 obligations in the manner required by subsections (a) and (b)  
5 of Section 4 of the Workers' Compensation Act is prima facie  
6 evidence of the licensee's or applicant's failure to comply  
7 with subsections (a) and (b) of Section 4 of the Workers'  
8 Compensation Act. Upon receipt of that certification, the  
9 Department shall, without a hearing, immediately suspend all  
10 licenses held by the licensee or the processing of any  
11 application from the applicant. Enforcement of the  
12 Department's order shall be stayed for 60 days. The Department  
13 shall provide notice of the suspension to the licensee by  
14 mailing a copy of the Department's order to the licensee's or  
15 applicant's address of record or emailing a copy of the order  
16 to the licensee's or applicant's email address of record. The  
17 notice shall advise the licensee or applicant that the  
18 suspension shall be effective 60 days after the issuance of  
19 the order unless the Department receives, from the licensee or  
20 applicant, a request for a hearing before the Department to  
21 dispute the matters contained in the order.

22 Upon receiving notice from the Illinois Workers'  
23 Compensation Commission or the Department of Insurance that  
24 the violation has been corrected or otherwise resolved, the  
25 Department shall vacate the order suspending a licensee's  
26 license or the processing of an applicant's application.

1           No license shall be suspended or revoked until after the  
2           licensee is afforded any due process protection guaranteed by  
3           statute or rule adopted by the Illinois Workers' Compensation  
4           Commission or the Department of Insurance.

5           (6) All employees of a registered plumbing contractor who  
6           engage in plumbing work shall be licensed plumbers or  
7           apprentice plumbers in accordance with this Act.

8           (7) Plumbing contractors shall submit an annual  
9           registration fee in an amount to be established by rule.

10          (8) The Department shall be notified in advance of any  
11          changes in the business structure, name, or location or of the  
12          addition or deletion of the owner or officer who is the  
13          licensed plumber listed on the application. Failure to notify  
14          the Department of this information is grounds for suspension  
15          or revocation of the plumbing contractor's registration.

16          (9) In the event that the plumber's license on the  
17          application for registration of a plumbing contractor is a  
18          license issued by the City of Chicago, it shall be the  
19          responsibility of the applicant to forward a copy of the  
20          plumber's license to the Department, noting the name of the  
21          registered plumbing contractor, when it is renewed. In the  
22          event that the plumbing contractor's registration is suspended  
23          or revoked, the Department shall notify the City of Chicago  
24          and any corresponding plumbing contractor's license issued by  
25          the City of Chicago shall be suspended or revoked.

26          (Source: P.A. 103-26, eff. 1-1-24; revised 1-2-24.)

1 Section 430. The Timber Buyers Licensing Act is amended by  
2 changing Section 2 as follows:

3 (225 ILCS 735/2) (from Ch. 111, par. 702)

4 Sec. 2. Definitions. When used in this Act, unless the  
5 context otherwise requires, the term:

6 "Agent" means any person acting on behalf of a timber  
7 buyer, employed by a timber buyer, or under an agreement,  
8 whether oral or written, with a timber buyer who buys timber,  
9 attempts to buy timber, procures contracts for the purchase or  
10 cutting of timber, or attempts to procure contracts for the  
11 purchase or cutting of timber.

12 "Buying timber" means to buy, barter, cut on shares, or  
13 offer to buy, barter, cut on shares, or take possession of  
14 timber with the consent of the timber grower.

15 "Department" means the Department of Natural Resources.

16 "Director" means the Director of Natural Resources.

17 "Good standing" means any person who is not:

18 (1) currently serving a sentence of probation, or  
19 conditional discharge, for a violation of this Act or  
20 administrative rules adopted under this Act;

21 (2) owes any amount of money pursuant to a civil  
22 judgment regarding the sale, cutting, or transportation of  
23 timber;

24 (3) owes the Department any required fee, payment, or



1 money required under this Act; or

2 (4) is currently serving a suspension or revocation of  
3 any privilege that is granted under this Act.

4 "Liability insurance" means not less than \$500,000 in  
5 insurance covering a timber buyer's business and agents that  
6 shall insure against the liability of the insured for the  
7 death, injury, or disability of an employee or other person  
8 and insurance against the liability of the insured for damage  
9 to or destruction of another person's property.

10 "Payment receipt" means copy or duplicate of an original  
11 receipt of payment for timber to a timber grower or duplicate  
12 of electronic or direct payment verification of funds received  
13 by timber grower.

14 "Person" means any person, partnership, firm, association,  
15 business trust, limited liability company, or corporation.

16 "Proof of ownership" means a printed document provided by  
17 the Department that serves as a written bill of lading.

18 "Resident" means a person who in good faith makes  
19 application for any license or permit and verifies by  
20 statement that the person has maintained the person's  
21 permanent abode or headquarters in this State for a period of  
22 at least 30 consecutive days immediately preceding the  
23 person's application and who does not maintain a permanent  
24 abode or headquarters or claim residency in another state for  
25 the purposes of obtaining any of the same or similar licenses  
26 or permits covered by this Act. A person's permanent abode or

1 headquarters is the person's fixed and permanent dwelling  
2 place or main location where the person conducts business, as  
3 distinguished from a temporary or transient place of residence  
4 or location.

5 "Timber" means trees, standing or felled, and parts  
6 thereof which can be used for sawing or processing into lumber  
7 for building or structural purposes or for the manufacture of  
8 any article. "Timber" does not include firewood, Christmas  
9 trees, fruit or ornamental trees, or wood products not used or  
10 to be used for building, structural, manufacturing, or  
11 processing purposes.

12 "Timber buyer" means any person licensed or unlicensed,  
13 who is engaged in the business of buying timber from the timber  
14 growers thereof for sawing into lumber, for processing or for  
15 resale, but does not include any person who occasionally  
16 purchases timber for sawing or processing for the person's own  
17 use and not for resale.

18 "Timber grower" means the owner, tenant, or operator of  
19 land in this State who has an interest in, or is entitled to  
20 receive any part of the proceeds from the sale of timber grown  
21 in this State and includes persons exercising authority to  
22 sell timber.

23 "Transporter" means any person acting on behalf of a  
24 timber buyer, employed by a timber buyer, or under an  
25 agreement, whether oral or written, with a timber buyer who  
26 takes or carries timber from one place to another by means of a

1 motor vehicle.

2 -

3 (Source: P.A. 103-218, eff. 1-1-24; revised 1-2-24.)

4 Section 435. The Illinois Horse Racing Act of 1975 is  
5 amended by changing Sections 30 and 31 as follows:

6 (230 ILCS 5/30) (from Ch. 8, par. 37-30)

7 Sec. 30. (a) The General Assembly declares that it is the  
8 policy of this State to encourage the breeding of thoroughbred  
9 horses in this State and the ownership of such horses by  
10 residents of this State in order to provide for: sufficient  
11 numbers of high quality thoroughbred horses to participate in  
12 thoroughbred racing meetings in this State, and to establish  
13 and preserve the agricultural and commercial benefits of such  
14 breeding and racing industries to the State of Illinois. It is  
15 the intent of the General Assembly to further this policy by  
16 the provisions of this Act.

17 (b) Each organization licensee conducting a thoroughbred  
18 racing meeting pursuant to this Act shall provide at least two  
19 races each day limited to Illinois conceived and foaled horses  
20 or Illinois foaled horses or both. A minimum of 6 races shall  
21 be conducted each week limited to Illinois conceived and  
22 foaled or Illinois foaled horses or both. No horses shall be  
23 permitted to start in such races unless duly registered under  
24 the rules of the Department of Agriculture.

1 (c) Conditions of races under subsection (b) shall be  
2 commensurate with past performance, quality, and class of  
3 Illinois conceived and foaled and Illinois foaled horses  
4 available. If, however, sufficient competition cannot be had  
5 among horses of that class on any day, the races may, with  
6 consent of the Board, be eliminated for that day and  
7 substitute races provided.

8 (d) There is hereby created a special fund of the State  
9 treasury ~~Treasury~~ to be known as the Illinois Thoroughbred  
10 Breeders Fund.

11 Beginning on June 28, 2019 (the effective date of Public  
12 Act 101-31), the Illinois Thoroughbred Breeders Fund shall  
13 become a non-appropriated trust fund held separate from State  
14 moneys. Expenditures from this Fund shall no longer be subject  
15 to appropriation.

16 Except as provided in subsection (g) of Section 27 of this  
17 Act, 8.5% of all the monies received by the State as privilege  
18 taxes on Thoroughbred racing meetings shall be paid into the  
19 Illinois Thoroughbred Breeders Fund.

20 Notwithstanding any provision of law to the contrary,  
21 amounts deposited into the Illinois Thoroughbred Breeders Fund  
22 from revenues generated by gaming pursuant to an organization  
23 gaming license issued under the Illinois Gambling Act after  
24 June 28, 2019 (the effective date of Public Act 101-31) shall  
25 be in addition to tax and fee amounts paid under this Section  
26 for calendar year 2019 and thereafter.

1           (e) The Illinois Thoroughbred Breeders Fund shall be  
2 administered by the Department of Agriculture with the advice  
3 and assistance of the Advisory Board created in subsection (f)  
4 of this Section.

5           (f) The Illinois Thoroughbred Breeders Fund Advisory Board  
6 shall consist of the Director of the Department of  
7 Agriculture, who shall serve as Chairman; a member of the  
8 Illinois Racing Board, designated by it; 2 representatives of  
9 the organization licensees conducting thoroughbred racing  
10 meetings, recommended by them; 2 representatives of the  
11 Illinois Thoroughbred Breeders and Owners Foundation,  
12 recommended by it; one representative of the Horsemen's  
13 Benevolent Protective Association; and one representative from  
14 the Illinois Thoroughbred Horsemen's Association. Advisory  
15 Board members shall serve for 2 years commencing January 1 of  
16 each odd numbered year. If representatives of the organization  
17 licensees conducting thoroughbred racing meetings, the  
18 Illinois Thoroughbred Breeders and Owners Foundation, the  
19 Horsemen's Benevolent Protection Association, and the Illinois  
20 Thoroughbred Horsemen's Association have not been recommended  
21 by January 1, of each odd numbered year, the Director of the  
22 Department of Agriculture shall make an appointment for the  
23 organization failing to so recommend a member of the Advisory  
24 Board. Advisory Board members shall receive no compensation  
25 for their services as members but shall be reimbursed for all  
26 actual and necessary expenses and disbursements incurred in

1 the execution of their official duties.

2 (g) Monies expended from the Illinois Thoroughbred  
3 Breeders Fund shall be expended by the Department of  
4 Agriculture, with the advice and assistance of the Illinois  
5 Thoroughbred Breeders Fund Advisory Board, for the following  
6 purposes only:

7 (1) To provide purse supplements to owners of horses  
8 participating in races limited to Illinois conceived and  
9 foaled and Illinois foaled horses. Any such purse  
10 supplements shall not be included in and shall be paid in  
11 addition to any purses, stakes, or breeders' awards  
12 offered by each organization licensee as determined by  
13 agreement between such organization licensee and an  
14 organization representing the horsemen. No monies from the  
15 Illinois Thoroughbred Breeders Fund shall be used to  
16 provide purse supplements for claiming races in which the  
17 minimum claiming price is less than \$7,500.

18 (2) To provide stakes and awards to be paid to the  
19 owners of the winning horses in certain races limited to  
20 Illinois conceived and foaled and Illinois foaled horses  
21 designated as stakes races.

22 (2.5) To provide an award to the owner or owners of an  
23 Illinois conceived and foaled or Illinois foaled horse  
24 that wins a maiden special weight, an allowance, overnight  
25 handicap race, or claiming race with claiming price of  
26 \$10,000 or more providing the race is not restricted to

1 Illinois conceived and foaled or Illinois foaled horses.  
2 Awards shall also be provided to the owner or owners of  
3 Illinois conceived and foaled and Illinois foaled horses  
4 that place second or third in those races. To the extent  
5 that additional moneys are required to pay the minimum  
6 additional awards of 40% of the purse the horse earns for  
7 placing first, second, or third in those races for  
8 Illinois foaled horses and of 60% of the purse the horse  
9 earns for placing first, second, or third in those races  
10 for Illinois conceived and foaled horses, those moneys  
11 shall be provided from the purse account at the track  
12 where earned.

13 (3) To provide stallion awards to the owner or owners  
14 of any stallion that is duly registered with the Illinois  
15 Thoroughbred Breeders Fund Program whose duly registered  
16 Illinois conceived and foaled offspring wins a race  
17 conducted at an Illinois thoroughbred racing meeting other  
18 than a claiming race, provided that the stallion stood  
19 service within Illinois at the time the offspring was  
20 conceived and that the stallion did not stand for service  
21 outside of Illinois at any time during the year in which  
22 the offspring was conceived.

23 (4) To provide \$75,000 annually for purses to be  
24 distributed to county fairs that provide for the running  
25 of races during each county fair exclusively for the  
26 thoroughbreds conceived and foaled in Illinois. The

1 conditions of the races shall be developed by the county  
2 fair association and reviewed by the Department with the  
3 advice and assistance of the Illinois Thoroughbred  
4 Breeders Fund Advisory Board. There shall be no wagering  
5 of any kind on the running of Illinois conceived and  
6 foaled races at county fairs.

7 (4.1) To provide purse money for an Illinois stallion  
8 stakes program.

9 (5) No less than 90% of all monies expended from the  
10 Illinois Thoroughbred Breeders Fund shall be expended for  
11 the purposes in (1), (2), (2.5), (3), (4), (4.1), and (5)  
12 as shown above.

13 (6) To provide for educational programs regarding the  
14 thoroughbred breeding industry.

15 (7) To provide for research programs concerning the  
16 health, development and care of the thoroughbred horse.

17 (8) To provide for a scholarship and training program  
18 for students of equine veterinary medicine.

19 (9) To provide for dissemination of public information  
20 designed to promote the breeding of thoroughbred horses in  
21 Illinois.

22 (10) To provide for all expenses incurred in the  
23 administration of the Illinois Thoroughbred Breeders Fund.

24 (h) The Illinois Thoroughbred Breeders Fund is not subject  
25 to administrative charges or chargebacks, including, but not  
26 limited to, those authorized under Section 8h of the State



1 Finance Act.

2 (i) A sum equal to 13% of the first prize money of every  
3 purse won by an Illinois foaled or Illinois conceived and  
4 foaled horse in races not limited to Illinois foaled horses or  
5 Illinois conceived and foaled horses, or both, shall be paid  
6 by the organization licensee conducting the horse race  
7 meeting. Such sum shall be paid 50% from the organization  
8 licensee's share of the money wagered and 50% from the purse  
9 account as follows: 11 1/2% to the breeder of the winning horse  
10 and 1 1/2% to the organization representing thoroughbred  
11 breeders and owners who representative serves on the Illinois  
12 Thoroughbred Breeders Fund Advisory Board for verifying the  
13 amounts of breeders' awards earned, ensuring their  
14 distribution in accordance with this Act, and servicing and  
15 promoting the Illinois thoroughbred horse racing industry.  
16 Beginning in the calendar year in which an organization  
17 licensee that is eligible to receive payments under paragraph  
18 (13) of subsection (g) of Section 26 of this Act begins to  
19 receive funds from gaming pursuant to an organization gaming  
20 license issued under the Illinois Gambling Act, a sum equal to  
21 21 1/2% of the first prize money of every purse won by an  
22 Illinois foaled or an Illinois conceived and foaled horse in  
23 races not limited to an Illinois conceived and foaled horse,  
24 or both, shall be paid 30% from the organization licensee's  
25 account and 70% from the purse account as follows: 20% to the  
26 breeder of the winning horse and 1 1/2% to the organization

1 representing thoroughbred breeders and owners whose  
2 representatives serve on the Illinois Thoroughbred Breeders  
3 Fund Advisory Board for verifying the amounts of breeders'  
4 awards earned, ensuring their distribution in accordance with  
5 this Act, and servicing and promoting the Illinois  
6 Thoroughbred racing industry. The organization representing  
7 thoroughbred breeders and owners shall cause all expenditures  
8 of monies received under this subsection (i) to be audited at  
9 least annually by a registered public accountant. The  
10 organization shall file copies of each annual audit with the  
11 Racing Board, the Clerk of the House of Representatives and  
12 the Secretary of the Senate, and shall make copies of each  
13 annual audit available to the public upon request and upon  
14 payment of the reasonable cost of photocopying the requested  
15 number of copies. Such payments shall not reduce any award to  
16 the owner of the horse or reduce the taxes payable under this  
17 Act. Upon completion of its racing meet, each organization  
18 licensee shall deliver to the organization representing  
19 thoroughbred breeders and owners whose representative serves  
20 on the Illinois Thoroughbred Breeders Fund Advisory Board a  
21 listing of all the Illinois foaled and the Illinois conceived  
22 and foaled horses which won breeders' awards and the amount of  
23 such breeders' awards under this subsection to verify accuracy  
24 of payments and assure proper distribution of breeders' awards  
25 in accordance with the provisions of this Act. Such payments  
26 shall be delivered by the organization licensee within 30 days

1 of the end of each race meeting.

2 (j) A sum equal to 13% of the first prize money won in  
3 every race limited to Illinois foaled horses or Illinois  
4 conceived and foaled horses, or both, shall be paid in the  
5 following manner by the organization licensee conducting the  
6 horse race meeting, 50% from the organization licensee's share  
7 of the money wagered and 50% from the purse account as follows:  
8 11 1/2% to the breeders of the horses in each such race which  
9 are the official first, second, third, and fourth finishers  
10 and 1 1/2% to the organization representing thoroughbred  
11 breeders and owners whose representatives serve on the  
12 Illinois Thoroughbred Breeders Fund Advisory Board for  
13 verifying the amounts of breeders' awards earned, ensuring  
14 their proper distribution in accordance with this Act, and  
15 servicing and promoting the Illinois horse racing industry.  
16 Beginning in the calendar year in which an organization  
17 licensee that is eligible to receive payments under paragraph  
18 (13) of subsection (g) of Section 26 of this Act begins to  
19 receive funds from gaming pursuant to an organization gaming  
20 license issued under the Illinois Gambling Act, a sum of 21  
21 1/2% of every purse in a race limited to Illinois foaled horses  
22 or Illinois conceived and foaled horses, or both, shall be  
23 paid by the organization licensee conducting the horse race  
24 meeting. Such sum shall be paid 30% from the organization  
25 licensee's account and 70% from the purse account as follows:  
26 20% to the breeders of the horses in each such race who are

1 official first, second, third and fourth finishers and 1 1/2%  
2 to the organization representing thoroughbred breeders and  
3 owners whose representatives serve on the Illinois  
4 Thoroughbred Breeders Fund Advisory Board for verifying the  
5 amounts of breeders' awards earned, ensuring their proper  
6 distribution in accordance with this Act, and servicing and  
7 promoting the Illinois thoroughbred horse racing industry. The  
8 organization representing thoroughbred breeders and owners  
9 shall cause all expenditures of moneys received under this  
10 subsection (j) to be audited at least annually by a registered  
11 public accountant. The organization shall file copies of each  
12 annual audit with the Racing Board, the Clerk of the House of  
13 Representatives and the Secretary of the Senate, and shall  
14 make copies of each annual audit available to the public upon  
15 request and upon payment of the reasonable cost of  
16 photocopying the requested number of copies. The copies of the  
17 audit to the General Assembly shall be filed with the Clerk of  
18 the House of Representatives and the Secretary of the Senate  
19 in electronic form only, in the manner that the Clerk and the  
20 Secretary shall direct.

21 The amounts paid to the breeders in accordance with this  
22 subsection shall be distributed as follows:

23 (1) 60% of such sum shall be paid to the breeder of the  
24 horse which finishes in the official first position;

25 (2) 20% of such sum shall be paid to the breeder of the  
26 horse which finishes in the official second position;

1           (3) 15% of such sum shall be paid to the breeder of the  
2 horse which finishes in the official third position; and

3           (4) 5% of such sum shall be paid to the breeder of the  
4 horse which finishes in the official fourth position.

5           Such payments shall not reduce any award to the owners of a  
6 horse or reduce the taxes payable under this Act. Upon  
7 completion of its racing meet, each organization licensee  
8 shall deliver to the organization representing thoroughbred  
9 breeders and owners whose representative serves on the  
10 Illinois Thoroughbred Breeders Fund Advisory Board a listing  
11 of all the Illinois foaled and the Illinois conceived and  
12 foaled horses which won breeders' awards and the amount of  
13 such breeders' awards in accordance with the provisions of  
14 this Act. Such payments shall be delivered by the organization  
15 licensee within 30 days of the end of each race meeting.

16           (k) The term "breeder", as used herein, means the owner of  
17 the mare at the time the foal is dropped. An "Illinois foaled  
18 horse" is a foal dropped by a mare which enters this State on  
19 or before December 1, in the year in which the horse is bred,  
20 provided the mare remains continuously in this State until its  
21 foal is born. An "Illinois foaled horse" also means a foal born  
22 of a mare in the same year as the mare enters this State on or  
23 before March 1, and remains in this State at least 30 days  
24 after foaling, is bred back during the season of the foaling to  
25 an Illinois Registered Stallion (unless a veterinarian  
26 certifies that the mare should not be bred for health

1 reasons), and is not bred to a stallion standing in any other  
2 state during the season of foaling. An "Illinois foaled horse"  
3 also means a foal born in Illinois of a mare purchased at  
4 public auction subsequent to the mare entering this State on  
5 or before March 1 of the foaling year providing the mare is  
6 owned solely by one or more Illinois residents or an Illinois  
7 entity that is entirely owned by one or more Illinois  
8 residents.

9 (1) The Department of Agriculture shall, by rule, with the  
10 advice and assistance of the Illinois Thoroughbred Breeders  
11 Fund Advisory Board:

12 (1) Qualify stallions for Illinois breeding; such  
13 stallions to stand for service within the State of  
14 Illinois at the time of a foal's conception. Such stallion  
15 must not stand for service at any place outside the State  
16 of Illinois during the calendar year in which the foal is  
17 conceived. The Department of Agriculture may assess and  
18 collect an application fee of up to \$500 for the  
19 registration of Illinois-eligible stallions. All fees  
20 collected are to be held in trust accounts for the  
21 purposes set forth in this Act and in accordance with  
22 Section 205-15 of the Department of Agriculture Law.

23 (2) Provide for the registration of Illinois conceived  
24 and foaled horses and Illinois foaled horses. No such  
25 horse shall compete in the races limited to Illinois  
26 conceived and foaled horses or Illinois foaled horses or

1 both unless registered with the Department of Agriculture.

2 The Department of Agriculture may prescribe such forms as

3 are necessary to determine the eligibility of such horses.

4 The Department of Agriculture may assess and collect

5 application fees for the registration of Illinois-eligible

6 foals. All fees collected are to be held in trust accounts

7 for the purposes set forth in this Act and in accordance

8 with Section 205-15 of the Department of Agriculture Law.

9 No person shall knowingly prepare or cause preparation of

10 an application for registration of such foals containing

11 false information.

12 (m) The Department of Agriculture, with the advice and

13 assistance of the Illinois Thoroughbred Breeders Fund Advisory

14 Board, shall provide that certain races limited to Illinois

15 conceived and foaled and Illinois foaled horses be stakes

16 races and determine the total amount of stakes and awards to be

17 paid to the owners of the winning horses in such races.

18 In determining the stakes races and the amount of awards

19 for such races, the Department of Agriculture shall consider

20 factors, including, but not limited to, the amount of money

21 transferred into the Illinois Thoroughbred Breeders Fund,

22 organization licensees' contributions, availability of stakes

23 caliber horses as demonstrated by past performances, whether

24 the race can be coordinated into the proposed racing dates

25 within organization licensees' racing dates, opportunity for

26 colts and fillies and various age groups to race, public

1       wagering on such races, and the previous racing schedule.

2           (n) The Board and the organization licensee shall notify  
3       the Department of the conditions and minimum purses for races  
4       limited to Illinois conceived and foaled and Illinois foaled  
5       horses conducted for each organization licensee conducting a  
6       thoroughbred racing meeting. The Department of Agriculture  
7       with the advice and assistance of the Illinois Thoroughbred  
8       Breeders Fund Advisory Board may allocate monies for purse  
9       supplements for such races. In determining whether to allocate  
10      money and the amount, the Department of Agriculture shall  
11      consider factors, including, but not limited to, the amount of  
12      money transferred into the Illinois Thoroughbred Breeders  
13      Fund, the number of races that may occur, and the organization  
14      licensee's purse structure.

15           (o) (Blank).

16       (Source: P.A. 103-8, eff. 6-7-23; revised 9-26-23.)

17           (230 ILCS 5/31) (from Ch. 8, par. 37-31)

18           Sec. 31. (a) The General Assembly declares that it is the  
19      policy of this State to encourage the breeding of standardbred  
20      horses in this State and the ownership of such horses by  
21      residents of this State in order to provide for: sufficient  
22      numbers of high quality standardbred horses to participate in  
23      harness racing meetings in this State, and to establish and  
24      preserve the agricultural and commercial benefits of such  
25      breeding and racing industries to the State of Illinois. It is



1 the intent of the General Assembly to further this policy by  
2 the provisions of this Section of this Act.

3 (b) Each organization licensee conducting a harness racing  
4 meeting pursuant to this Act shall provide for at least two  
5 races each race program limited to Illinois conceived and  
6 foaled horses. A minimum of 6 races shall be conducted each  
7 week limited to Illinois conceived and foaled horses. No  
8 horses shall be permitted to start in such races unless duly  
9 registered under the rules of the Department of Agriculture.

10 (b-5) Organization licensees, not including the Illinois  
11 State Fair or the DuQuoin State Fair, shall provide stake  
12 races and early closer races for Illinois conceived and foaled  
13 horses so that purses distributed for such races shall be no  
14 less than 17% of total purses distributed for harness racing  
15 in that calendar year in addition to any stakes payments and  
16 starting fees contributed by horse owners.

17 (b-10) Each organization licensee conducting a harness  
18 racing meeting pursuant to this Act shall provide an owner  
19 award to be paid from the purse account equal to 12% of the  
20 amount earned by Illinois conceived and foaled horses  
21 finishing in the first 3 positions in races that are not  
22 restricted to Illinois conceived and foaled horses. The owner  
23 awards shall not be paid on races below the \$10,000 claiming  
24 class.

25 (c) Conditions of races under subsection (b) shall be  
26 commensurate with past performance, quality, and class of

1 Illinois conceived and foaled horses available. If, however,  
2 sufficient competition cannot be had among horses of that  
3 class on any day, the races may, with consent of the Board, be  
4 eliminated for that day and substitute races provided.

5 (d) There is hereby created a special fund of the State  
6 treasury ~~Treasury~~ to be known as the Illinois Standardbred  
7 Breeders Fund. Beginning on June 28, 2019 (the effective date  
8 of Public Act 101-31), the Illinois Standardbred Breeders Fund  
9 shall become a non-appropriated trust fund held separate and  
10 apart from State moneys. Expenditures from this Fund shall no  
11 longer be subject to appropriation.

12 During the calendar year 1981, and each year thereafter,  
13 except as provided in subsection (g) of Section 27 of this Act,  
14 eight and one-half per cent of all the monies received by the  
15 State as privilege taxes on harness racing meetings shall be  
16 paid into the Illinois Standardbred Breeders Fund.

17 (e) Notwithstanding any provision of law to the contrary,  
18 amounts deposited into the Illinois Standardbred Breeders Fund  
19 from revenues generated by gaming pursuant to an organization  
20 gaming license issued under the Illinois Gambling Act after  
21 June 28, 2019 (the effective date of Public Act 101-31) shall  
22 be in addition to tax and fee amounts paid under this Section  
23 for calendar year 2019 and thereafter. The Illinois  
24 Standardbred Breeders Fund shall be administered by the  
25 Department of Agriculture with the assistance and advice of  
26 the Advisory Board created in subsection (f) of this Section.

1           (f) The Illinois Standardbred Breeders Fund Advisory Board  
2 is hereby created. The Advisory Board shall consist of the  
3 Director of the Department of Agriculture, who shall serve as  
4 Chairman; the Superintendent of the Illinois State Fair; a  
5 member of the Illinois Racing Board, designated by it; a  
6 representative of the largest association of Illinois  
7 standardbred owners and breeders, recommended by it; a  
8 representative of a statewide association representing  
9 agricultural fairs in Illinois, recommended by it, such  
10 representative to be from a fair at which Illinois conceived  
11 and foaled racing is conducted; a representative of the  
12 organization licensees conducting harness racing meetings,  
13 recommended by them; a representative of the Breeder's  
14 Committee of the association representing the largest number  
15 of standardbred owners, breeders, trainers, caretakers, and  
16 drivers, recommended by it; and a representative of the  
17 association representing the largest number of standardbred  
18 owners, breeders, trainers, caretakers, and drivers,  
19 recommended by it. Advisory Board members shall serve for 2  
20 years commencing January 1 of each odd numbered year. If  
21 representatives of the largest association of Illinois  
22 standardbred owners and breeders, a statewide association of  
23 agricultural fairs in Illinois, the association representing  
24 the largest number of standardbred owners, breeders, trainers,  
25 caretakers, and drivers, a member of the Breeder's Committee  
26 of the association representing the largest number of

1 standardbred owners, breeders, trainers, caretakers, and  
2 drivers, and the organization licensees conducting harness  
3 racing meetings have not been recommended by January 1 of each  
4 odd numbered year, the Director of the Department of  
5 Agriculture shall make an appointment for the organization  
6 failing to so recommend a member of the Advisory Board.  
7 Advisory Board members shall receive no compensation for their  
8 services as members but shall be reimbursed for all actual and  
9 necessary expenses and disbursements incurred in the execution  
10 of their official duties.

11 (g) Monies expended from the Illinois Standardbred  
12 Breeders Fund shall be expended by the Department of  
13 Agriculture, with the assistance and advice of the Illinois  
14 Standardbred Breeders Fund Advisory Board for the following  
15 purposes only:

16 1. To provide purses for races limited to Illinois  
17 conceived and foaled horses at the State Fair and the  
18 DuQuoin State Fair.

19 2. To provide purses for races limited to Illinois  
20 conceived and foaled horses at county fairs.

21 3. To provide purse supplements for races limited to  
22 Illinois conceived and foaled horses conducted by  
23 associations conducting harness racing meetings.

24 4. No less than 75% of all monies in the Illinois  
25 Standardbred Breeders Fund shall be expended for purses in  
26 1, 2, and 3 as shown above.

1           5. In the discretion of the Department of Agriculture  
2           to provide awards to harness breeders of Illinois  
3           conceived and foaled horses which win races conducted by  
4           organization licensees conducting harness racing meetings.  
5           A breeder is the owner of a mare at the time of conception.  
6           No more than 10% of all moneys transferred into the  
7           Illinois Standardbred Breeders Fund shall be expended for  
8           such harness breeders awards. No more than 25% of the  
9           amount expended for harness breeders awards shall be  
10          expended for expenses incurred in the administration of  
11          such harness breeders awards.

12          6. To pay for the improvement of racing facilities  
13          located at the State Fair and County fairs.

14          7. To pay the expenses incurred in the administration  
15          of the Illinois Standardbred Breeders Fund.

16          8. To promote the sport of harness racing, including  
17          grants up to a maximum of \$7,500 per fair per year for  
18          conducting pari-mutuel wagering during the advertised  
19          dates of a county fair.

20          9. To pay up to \$50,000 annually for the Department of  
21          Agriculture to conduct drug testing at county fairs racing  
22          standardbred horses.

23          (h) The Illinois Standardbred Breeders Fund is not subject  
24          to administrative charges or chargebacks, including, but not  
25          limited to, those authorized under Section 8h of the State  
26          Finance Act.

1           (i) A sum equal to 13% of the first prize money of the  
2 gross purse won by an Illinois conceived and foaled horse  
3 shall be paid 50% by the organization licensee conducting the  
4 horse race meeting to the breeder of such winning horse from  
5 the organization licensee's account and 50% from the purse  
6 account of the licensee. Such payment shall not reduce any  
7 award to the owner of the horse or reduce the taxes payable  
8 under this Act. Such payment shall be delivered by the  
9 organization licensee at the end of each quarter.

10           (j) The Department of Agriculture shall, by rule, with the  
11 assistance and advice of the Illinois Standardbred Breeders  
12 Fund Advisory Board:

13           1. Qualify stallions for Illinois Standardbred  
14 Breeders Fund breeding. Such stallion shall stand for  
15 service at and within the State of Illinois at the time of  
16 a foal's conception, and such stallion must not stand for  
17 service at any place outside the State of Illinois during  
18 that calendar year in which the foal is conceived.  
19 However, on and after January 1, 2018, semen from an  
20 Illinois stallion may be transported outside the State of  
21 Illinois.

22           2. Provide for the registration of Illinois conceived  
23 and foaled horses and no such horse shall compete in the  
24 races limited to Illinois conceived and foaled horses  
25 unless registered with the Department of Agriculture. The  
26 Department of Agriculture may prescribe such forms as may

1 be necessary to determine the eligibility of such horses.  
2 No person shall knowingly prepare or cause preparation of  
3 an application for registration of such foals containing  
4 false information. A mare (dam) must be in the State at  
5 least 30 days prior to foaling or remain in the State at  
6 least 30 days at the time of foaling. However, the  
7 requirement that a mare (dam) must be in the State at least  
8 30 days before foaling or remain in the State at least 30  
9 days at the time of foaling shall not be in effect from  
10 January 1, 2018 until January 1, 2022. Beginning with the  
11 1996 breeding season and for foals of 1997 and thereafter,  
12 a foal conceived by transported semen may be eligible for  
13 Illinois conceived and foaled registration provided all  
14 breeding and foaling requirements are met. The stallion  
15 must be qualified for Illinois Standardbred Breeders Fund  
16 breeding at the time of conception. The foal must be  
17 dropped in Illinois and properly registered with the  
18 Department of Agriculture in accordance with this Act.  
19 However, from January 1, 2018 until January 1, 2022, the  
20 requirement for a mare to be inseminated within the State  
21 of Illinois and the requirement for a foal to be dropped in  
22 Illinois are inapplicable.

23 3. Provide that at least a 5-day racing program shall  
24 be conducted at the State Fair each year, unless an  
25 alternate racing program is requested by the Illinois  
26 Standardbred Breeders Fund Advisory Board, which program

1 shall include at least the following races limited to  
2 Illinois conceived and foaled horses: (a) a 2-year-old  
3 Trot and Pace, and Filly Division of each; (b) a  
4 3-year-old Trot and Pace, and Filly Division of each; (c)  
5 an aged Trot and Pace, and Mare Division of each.

6 4. Provide for the payment of nominating, sustaining,  
7 and starting fees for races promoting the sport of harness  
8 racing and for the races to be conducted at the State Fair  
9 as provided in paragraph ~~subsection (j)~~ 3 of this  
10 subsection ~~Section~~ provided that the nominating,  
11 sustaining, and starting payment required from an entrant  
12 shall not exceed 2% of the purse of such race. All  
13 nominating, sustaining, and starting payments shall be  
14 held for the benefit of entrants and shall be paid out as  
15 part of the respective purses for such races. Nominating,  
16 sustaining, and starting fees shall be held in trust  
17 accounts for the purposes as set forth in this Act and in  
18 accordance with Section 205-15 of the Department of  
19 Agriculture Law.

20 5. Provide for the registration with the Department of  
21 Agriculture of Colt Associations or county fairs desiring  
22 to sponsor races at county fairs.

23 6. Provide for the promotion of producing standardbred  
24 racehorses by providing a bonus award program for owners  
25 of 2-year-old horses that win multiple major stakes races  
26 that are limited to Illinois conceived and foaled horses.



1           (k) The Department of Agriculture, with the advice and  
2 assistance of the Illinois Standardbred Breeders Fund Advisory  
3 Board, may allocate monies for purse supplements for such  
4 races. In determining whether to allocate money and the  
5 amount, the Department of Agriculture shall consider factors,  
6 including, but not limited to, the amount of money transferred  
7 into the Illinois Standardbred Breeders Fund, the number of  
8 races that may occur, and an organization licensee's purse  
9 structure. The organization licensee shall notify the  
10 Department of Agriculture of the conditions and minimum purses  
11 for races limited to Illinois conceived and foaled horses to  
12 be conducted by each organization licensee conducting a  
13 harness racing meeting for which purse supplements have been  
14 negotiated.

15           (l) All races held at county fairs and the State Fair which  
16 receive funds from the Illinois Standardbred Breeders Fund  
17 shall be conducted in accordance with the rules of the United  
18 States Trotting Association unless otherwise modified by the  
19 Department of Agriculture.

20           (m) At all standardbred race meetings held or conducted  
21 under authority of a license granted by the Board, and at all  
22 standardbred races held at county fairs which are approved by  
23 the Department of Agriculture or at the Illinois or DuQuoin  
24 State Fairs, no one shall jog, train, warm up, or drive a  
25 standardbred horse unless he or she is wearing a protective  
26 safety helmet, with the chin strap fastened and in place,

1 which meets the standards and requirements as set forth in the  
2 1984 Standard for Protective Headgear for Use in Harness  
3 Racing and Other Equestrian Sports published by the Snell  
4 Memorial Foundation, or any standards and requirements for  
5 headgear the Illinois Racing Board may approve. Any other  
6 standards and requirements so approved by the Board shall  
7 equal or exceed those published by the Snell Memorial  
8 Foundation. Any equestrian helmet bearing the Snell label  
9 shall be deemed to have met those standards and requirements.

10 (Source: P.A. 102-558, eff. 8-20-21; 102-689, eff. 12-17-21;  
11 103-8, eff. 6-7-23; revised 9-26-23.)

12 Section 440. The Liquor Control Act of 1934 is amended by  
13 changing Section 5-3 as follows:

14 (235 ILCS 5/5-3) (from Ch. 43, par. 118)

15 Sec. 5-3. License fees. Except as otherwise provided  
16 herein, at the time application is made to the State  
17 Commission for a license of any class, the applicant shall pay  
18 to the State Commission the fee hereinafter provided for the  
19 kind of license applied for.

20 The fee for licenses issued by the State Commission shall  
21 be as follows:

22	Online	Initial
23	renewal	license

24 or

non-online

renewal

For a manufacturer's license:

1			
2			
3	For a manufacturer's license:		
4	Class 1. Distiller .....	\$4,000	\$5,000
5	Class 2. Rectifier .....	4,000	5,000
6	Class 3. Brewer .....	1,200	1,500
7	Class 4. First-class Wine		
8	Manufacturer .....	750	900
9	Class 5. Second-class		
10	Wine Manufacturer.....	1,500	1,750
11	Class 6. First-class wine-maker....	750	900
12	Class 7. Second-class wine-maker ..	1,500	1,750
13	Class 8. Limited Wine		
14	Manufacturer .....	250	350
15	Class 9. Craft Distiller .....	2,000	2,500
16	Class 10. Class 1 Craft Distiller ..	50	75
17	Class 11. Class 2 Craft Distiller ..	75	100
18	Class 12. Class 1 Brewer .....	50	75
19	Class 13. Class 2 Brewer .....	75	100
20	Class 14. Class 3 Brewer .....	25	50
21	For a Brew Pub License .....	1,200	1,500
22	For a Distilling Pub License .....	1,200	1,500
23	For a caterer retailer's license ..	350	500
24	For a foreign importer's license ..	25	25
25	For an importing distributor's		
26	license.....	25	25

1	For a distributor's license		
2	(11,250,000 gallons		
3	or over) .....	1,450	2,200
4	For a distributor's license		
5	(over 4,500,000 gallons, but		
6	under 11,250,000 gallons) .....	950	1,450
7	For a distributor's license		
8	(4,500,000 gallons or under) ..	300	450
9	For a non-resident dealer's license		
10	(500,000 gallons or over)		
11	or with self-distribution		
12	privileges .....	1,200	1,500
13	For a non-resident dealer's license		
14	(under 500,000 gallons) .....	250	350
15	For a wine-maker's premises		
16	license.....	250	500
17	For a winery shipper's license		
18	(under 250,000 gallons) .....	200	350
19	For a winery shipper's license		
20	(250,000 or over, but		
21	under 500,000 gallons) .....	750	1,000
22	For a winery shipper's license		
23	(500,000 gallons or over) .....	1,200	1,500
24	For a wine-maker's premises		
25	license, second location .....	500	1,000
26	For a wine-maker's premises		

1	license, third location.....	500	1,000
2	For a retailer's license .....	600	750
3	For a special event retailer's		
4	license, (not-for-profit).....	25	25
5	For a beer showcase permit,		
6	one day only .....	100	150
7	2 days or more .....	150	250
8	For a special use permit license,		
9	one day only .....	100	150
10	2 days or more .....	150	250
11	For a railroad license .....	100	150
12	For a boat license .....	500	1,000
13	For an airplane license, times the		
14	licensee's maximum number of		
15	aircraft in flight, serving		
16	liquor over the State at any		
17	given time, which either		
18	originate, terminate, or make		
19	an intermediate stop in		
20	the State.....	100	150
21	For a non-beverage user's license:		
22	Class 1.....	24	24
23	Class 2.....	60	60
24	Class 3.....	120	120
25	Class 4.....	240	240
26	Class 5.....	600	600

1	For a broker's license .....	750	1,000
2	For an auction liquor license .....	100	150
3	For a homebrewer special		
4	event permit .....	25	25
5	For a craft distiller		
6	tasting permit .....	25	25
7	For a BASSET trainer license .....	300	350
8	For a tasting representative		
9	license.....	200	300
10	For a brewer warehouse permit .....	25	25
11	For a craft distiller		
12	warehouse permit .....	25	25

13 Fees collected under this Section shall be paid into the  
 14 Dram Shop Fund. The State Commission shall waive license  
 15 renewal fees for those retailers' licenses that are designated  
 16 as "1A" by the State Commission and expire on or after July 1,  
 17 2022, and on or before June 30, 2023. One-half of the funds  
 18 received for a retailer's license shall be paid into the Dram  
 19 Shop Fund and one-half of the funds received for a retailer's  
 20 license shall be paid into the General Revenue Fund.

21 No fee shall be paid for licenses issued by the State  
 22 Commission to the following non-beverage users:

23 (a) Hospitals, sanitariums, or clinics when their use  
 24 of alcoholic liquor is exclusively medicinal, mechanical,  
 25 or scientific.

26 (b) Universities, colleges of learning, or schools

1           when their use of alcoholic liquor is exclusively  
2           medicinal, mechanical, or scientific.

3           (c) Laboratories when their use is exclusively for the  
4           purpose of scientific research.

5           (Source: P.A. 102-442, eff. 8-20-21; 102-558, eff. 8-20-21;  
6           102-699, eff. 4-19-22; 102-1142, eff. 2-17-23; 103-154, eff.  
7           6-30-23; revised 9-5-23.)

8           Section 445. The Illinois Public Aid Code is amended by  
9           changing Sections 5-4.2, 5-5, 5-5.01a, 5-5.05, 5-5.2, 5-16.8,  
10          5A-12.7, 6-9, and 6-12, by setting forth, renumbering, and  
11          changing multiple versions of Section 5-47, and by setting  
12          forth and renumbering multiple versions of Section 12-4.57 as  
13          follows:

14           (305 ILCS 5/5-4.2)

15           Sec. 5-4.2. Ambulance services payments.

16           (a) For ambulance services provided to a recipient of aid  
17          under this Article on or after January 1, 1993, the Illinois  
18          Department shall reimburse ambulance service providers at  
19          rates calculated in accordance with this Section. It is the  
20          intent of the General Assembly to provide adequate  
21          reimbursement for ambulance services so as to ensure adequate  
22          access to services for recipients of aid under this Article  
23          and to provide appropriate incentives to ambulance service  
24          providers to provide services in an efficient and

1 cost-effective manner. Thus, it is the intent of the General  
2 Assembly that the Illinois Department implement a  
3 reimbursement system for ambulance services that, to the  
4 extent practicable and subject to the availability of funds  
5 appropriated by the General Assembly for this purpose, is  
6 consistent with the payment principles of Medicare. To ensure  
7 uniformity between the payment principles of Medicare and  
8 Medicaid, the Illinois Department shall follow, to the extent  
9 necessary and practicable and subject to the availability of  
10 funds appropriated by the General Assembly for this purpose,  
11 the statutes, laws, regulations, policies, procedures,  
12 principles, definitions, guidelines, and manuals used to  
13 determine the amounts paid to ambulance service providers  
14 under Title XVIII of the Social Security Act (Medicare).

15 (b) For ambulance services provided to a recipient of aid  
16 under this Article on or after January 1, 1996, the Illinois  
17 Department shall reimburse ambulance service providers based  
18 upon the actual distance traveled if a natural disaster,  
19 weather conditions, road repairs, or traffic congestion  
20 necessitates the use of a route other than the most direct  
21 route.

22 (c) For purposes of this Section, "ambulance services"  
23 includes medical transportation services provided by means of  
24 an ambulance, air ambulance, medi-car, service car, or taxi.

25 (c-1) For purposes of this Section, "ground ambulance  
26 service" means medical transportation services that are



1 described as ground ambulance services by the Centers for  
2 Medicare and Medicaid Services and provided in a vehicle that  
3 is licensed as an ambulance by the Illinois Department of  
4 Public Health pursuant to the Emergency Medical Services (EMS)  
5 Systems Act.

6 (c-2) For purposes of this Section, "ground ambulance  
7 service provider" means a vehicle service provider as  
8 described in the Emergency Medical Services (EMS) Systems Act  
9 that operates licensed ambulances for the purpose of providing  
10 emergency ambulance services, or non-emergency ambulance  
11 services, or both. For purposes of this Section, this includes  
12 both ambulance providers and ambulance suppliers as described  
13 by the Centers for Medicare and Medicaid Services.

14 (c-3) For purposes of this Section, "medi-car" means  
15 transportation services provided to a patient who is confined  
16 to a wheelchair and requires the use of a hydraulic or electric  
17 lift or ramp and wheelchair lockdown when the patient's  
18 condition does not require medical observation, medical  
19 supervision, medical equipment, the administration of  
20 medications, or the administration of oxygen.

21 (c-4) For purposes of this Section, "service car" means  
22 transportation services provided to a patient by a passenger  
23 vehicle where that patient does not require the specialized  
24 modes described in subsection (c-1) or (c-3).

25 (c-5) For purposes of this Section, "air ambulance  
26 service" means medical transport by helicopter or airplane for

1 patients, as defined in 29 U.S.C. 1185f(c)(1), and any service  
2 that is described as an air ambulance service by the federal  
3 Centers for Medicare and Medicaid Services.

4 (d) This Section does not prohibit separate billing by  
5 ambulance service providers for oxygen furnished while  
6 providing advanced life support services.

7 (e) Beginning with services rendered on or after July 1,  
8 2008, all providers of non-emergency medi-car and service car  
9 transportation must certify that the driver and employee  
10 attendant, as applicable, have completed a safety program  
11 approved by the Department to protect both the patient and the  
12 driver, prior to transporting a patient. The provider must  
13 maintain this certification in its records. The provider shall  
14 produce such documentation upon demand by the Department or  
15 its representative. Failure to produce documentation of such  
16 training shall result in recovery of any payments made by the  
17 Department for services rendered by a non-certified driver or  
18 employee attendant. Medi-car and service car providers must  
19 maintain legible documentation in their records of the driver  
20 and, as applicable, employee attendant that actually  
21 transported the patient. Providers must recertify all drivers  
22 and employee attendants every 3 years. If they meet the  
23 established training components set forth by the Department,  
24 providers of non-emergency medi-car and service car  
25 transportation that are either directly or through an  
26 affiliated company licensed by the Department of Public Health

1 shall be approved by the Department to have in-house safety  
2 programs for training their own staff.

3 Notwithstanding the requirements above, any public  
4 transportation provider of medi-car and service car  
5 transportation that receives federal funding under 49 U.S.C.  
6 5307 and 5311 need not certify its drivers and employee  
7 attendants under this Section, since safety training is  
8 already federally mandated.

9 (f) With respect to any policy or program administered by  
10 the Department or its agent regarding approval of  
11 non-emergency medical transportation by ground ambulance  
12 service providers, including, but not limited to, the  
13 Non-Emergency Transportation Services Prior Approval Program  
14 (NETSPAP), the Department shall establish by rule a process by  
15 which ground ambulance service providers of non-emergency  
16 medical transportation may appeal any decision by the  
17 Department or its agent for which no denial was received prior  
18 to the time of transport that either (i) denies a request for  
19 approval for payment of non-emergency transportation by means  
20 of ground ambulance service or (ii) grants a request for  
21 approval of non-emergency transportation by means of ground  
22 ambulance service at a level of service that entitles the  
23 ground ambulance service provider to a lower level of  
24 compensation from the Department than the ground ambulance  
25 service provider would have received as compensation for the  
26 level of service requested. The rule shall be filed by

1 December 15, 2012 and shall provide that, for any decision  
2 rendered by the Department or its agent on or after the date  
3 the rule takes effect, the ground ambulance service provider  
4 shall have 60 days from the date the decision is received to  
5 file an appeal. The rule established by the Department shall  
6 be, insofar as is practical, consistent with the Illinois  
7 Administrative Procedure Act. The Director's decision on an  
8 appeal under this Section shall be a final administrative  
9 decision subject to review under the Administrative Review  
10 Law.

11 (f-5) Beginning 90 days after July 20, 2012 (the effective  
12 date of Public Act 97-842), (i) no denial of a request for  
13 approval for payment of non-emergency transportation by means  
14 of ground ambulance service, and (ii) no approval of  
15 non-emergency transportation by means of ground ambulance  
16 service at a level of service that entitles the ground  
17 ambulance service provider to a lower level of compensation  
18 from the Department than would have been received at the level  
19 of service submitted by the ground ambulance service provider,  
20 may be issued by the Department or its agent unless the  
21 Department has submitted the criteria for determining the  
22 appropriateness of the transport for first notice publication  
23 in the Illinois Register pursuant to Section 5-40 of the  
24 Illinois Administrative Procedure Act.

25 (f-6) Within 90 days after June 2, 2022 (the effective  
26 date of Public Act 102-1037) ~~this amendatory Act of the 102nd~~

1 ~~General Assembly~~ and subject to federal approval, the  
2 Department shall file rules to allow for the approval of  
3 ground ambulance services when the sole purpose of the  
4 transport is for the navigation of stairs or the assisting or  
5 lifting of a patient at a medical facility or during a medical  
6 appointment in instances where the Department or a contracted  
7 Medicaid managed care organization or their transportation  
8 broker is unable to secure transportation through any other  
9 transportation provider.

10 (f-7) For non-emergency ground ambulance claims properly  
11 denied under Department policy at the time the claim is filed  
12 due to failure to submit a valid Medical Certification for  
13 Non-Emergency Ambulance on and after December 15, 2012 and  
14 prior to January 1, 2021, the Department shall allot  
15 \$2,000,000 to a pool to reimburse such claims if the provider  
16 proves medical necessity for the service by other means.  
17 Providers must submit any such denied claims for which they  
18 seek compensation to the Department no later than December 31,  
19 2021 along with documentation of medical necessity. No later  
20 than May 31, 2022, the Department shall determine for which  
21 claims medical necessity was established. Such claims for  
22 which medical necessity was established shall be paid at the  
23 rate in effect at the time of the service, provided the  
24 \$2,000,000 is sufficient to pay at those rates. If the pool is  
25 not sufficient, claims shall be paid at a uniform percentage  
26 of the applicable rate such that the pool of \$2,000,000 is

1 exhausted. The appeal process described in subsection (f)  
2 shall not be applicable to the Department's determinations  
3 made in accordance with this subsection.

4 (g) Whenever a patient covered by a medical assistance  
5 program under this Code or by another medical program  
6 administered by the Department, including a patient covered  
7 under the State's Medicaid managed care program, is being  
8 transported from a facility and requires non-emergency  
9 transportation including ground ambulance, medi-car, or  
10 service car transportation, a Physician Certification  
11 Statement as described in this Section shall be required for  
12 each patient. Facilities shall develop procedures for a  
13 licensed medical professional to provide a written and signed  
14 Physician Certification Statement. The Physician Certification  
15 Statement shall specify the level of transportation services  
16 needed and complete a medical certification establishing the  
17 criteria for approval of non-emergency ambulance  
18 transportation, as published by the Department of Healthcare  
19 and Family Services, that is met by the patient. This  
20 certification shall be completed prior to ordering the  
21 transportation service and prior to patient discharge. The  
22 Physician Certification Statement is not required prior to  
23 transport if a delay in transport can be expected to  
24 negatively affect the patient outcome. If the ground ambulance  
25 provider, medi-car provider, or service car provider is unable  
26 to obtain the required Physician Certification Statement

1 within 10 calendar days following the date of the service, the  
2 ground ambulance provider, medi-car provider, or service car  
3 provider must document its attempt to obtain the requested  
4 certification and may then submit the claim for payment.  
5 Acceptable documentation includes a signed return receipt from  
6 the U.S. Postal Service, facsimile receipt, email receipt, or  
7 other similar service that evidences that the ground ambulance  
8 provider, medi-car provider, or service car provider attempted  
9 to obtain the required Physician Certification Statement.

10 The medical certification specifying the level and type of  
11 non-emergency transportation needed shall be in the form of  
12 the Physician Certification Statement on a standardized form  
13 prescribed by the Department of Healthcare and Family  
14 Services. Within 75 days after July 27, 2018 (the effective  
15 date of Public Act 100-646), the Department of Healthcare and  
16 Family Services shall develop a standardized form of the  
17 Physician Certification Statement specifying the level and  
18 type of transportation services needed in consultation with  
19 the Department of Public Health, Medicaid managed care  
20 organizations, a statewide association representing ambulance  
21 providers, a statewide association representing hospitals, 3  
22 statewide associations representing nursing homes, and other  
23 stakeholders. The Physician Certification Statement shall  
24 include, but is not limited to, the criteria necessary to  
25 demonstrate medical necessity for the level of transport  
26 needed as required by (i) the Department of Healthcare and

1 Family Services and (ii) the federal Centers for Medicare and  
2 Medicaid Services as outlined in the Centers for Medicare and  
3 Medicaid Services' Medicare Benefit Policy Manual, Pub.  
4 100-02, Chap. 10, Sec. 10.2.1, et seq. The use of the Physician  
5 Certification Statement shall satisfy the obligations of  
6 hospitals under Section 6.22 of the Hospital Licensing Act and  
7 nursing homes under Section 2-217 of the Nursing Home Care  
8 Act. Implementation and acceptance of the Physician  
9 Certification Statement shall take place no later than 90 days  
10 after the issuance of the Physician Certification Statement by  
11 the Department of Healthcare and Family Services.

12 Pursuant to subsection (E) of Section 12-4.25 of this  
13 Code, the Department is entitled to recover overpayments paid  
14 to a provider or vendor, including, but not limited to, from  
15 the discharging physician, the discharging facility, and the  
16 ground ambulance service provider, in instances where a  
17 non-emergency ground ambulance service is rendered as the  
18 result of improper or false certification.

19 Beginning October 1, 2018, the Department of Healthcare  
20 and Family Services shall collect data from Medicaid managed  
21 care organizations and transportation brokers, including the  
22 Department's NETSPAP broker, regarding denials and appeals  
23 related to the missing or incomplete Physician Certification  
24 Statement forms and overall compliance with this subsection.  
25 The Department of Healthcare and Family Services shall publish  
26 quarterly results on its website within 15 days following the



1 end of each quarter.

2 (h) On and after July 1, 2012, the Department shall reduce  
3 any rate of reimbursement for services or other payments or  
4 alter any methodologies authorized by this Code to reduce any  
5 rate of reimbursement for services or other payments in  
6 accordance with Section 5-5e.

7 (i) Subject to federal approval, on and after January 1,  
8 2024 through June 30, 2026, the Department shall increase the  
9 base rate of reimbursement for both base charges and mileage  
10 charges for ground ambulance service providers not  
11 participating in the Ground Emergency Medical Transportation  
12 (GEMT) Program for medical transportation services provided by  
13 means of a ground ambulance to a level not lower than 140% of  
14 the base rate in effect as of January 1, 2023.

15 (j) For the purpose of understanding ground ambulance  
16 transportation services cost structures and their impact on  
17 the Medical Assistance Program, the Department shall engage  
18 stakeholders, including, but not limited to, a statewide  
19 association representing private ground ambulance service  
20 providers in Illinois, to develop recommendations for a plan  
21 for the regular collection of cost data for all ground  
22 ambulance transportation providers reimbursed under the  
23 Illinois Title XIX State Plan. Cost data obtained through this  
24 process shall be used to inform on and to ensure the  
25 effectiveness and efficiency of Illinois Medicaid rates. The  
26 Department shall establish a process to limit public

1 availability of portions of the cost report data determined to  
2 be proprietary. This process shall be concluded and  
3 recommendations shall be provided no later than April 1, 2024.

4 (k) ~~(j)~~ Subject to federal approval, beginning on January  
5 1, 2024, the Department shall increase the base rate of  
6 reimbursement for both base charges and mileage charges for  
7 medical transportation services provided by means of an air  
8 ambulance to a level not lower than 50% of the Medicare  
9 ambulance fee schedule rates, by designated Medicare locality,  
10 in effect on January 1, 2023.

11 (Source: P.A. 102-364, eff. 1-1-22; 102-650, eff. 8-27-21;  
12 102-813, eff. 5-13-22; 102-1037, eff. 6-2-22; 103-102, Article  
13 70, Section 70-5, eff. 1-1-24; 103-102, Article 80, Section  
14 80-5, eff. 1-1-24; revised 12-15-23.)

15 (305 ILCS 5/5-5)

16 Sec. 5-5. Medical services. The Illinois Department, by  
17 rule, shall determine the quantity and quality of and the rate  
18 of reimbursement for the medical assistance for which payment  
19 will be authorized, and the medical services to be provided,  
20 which may include all or part of the following: (1) inpatient  
21 hospital services; (2) outpatient hospital services; (3) other  
22 laboratory and X-ray services; (4) skilled nursing home  
23 services; (5) physicians' services whether furnished in the  
24 office, the patient's home, a hospital, a skilled nursing  
25 home, or elsewhere; (6) medical care, or any other type of

1 remedial care furnished by licensed practitioners; (7) home  
2 health care services; (8) private duty nursing service; (9)  
3 clinic services; (10) dental services, including prevention  
4 and treatment of periodontal disease and dental caries disease  
5 for pregnant individuals, provided by an individual licensed  
6 to practice dentistry or dental surgery; for purposes of this  
7 item (10), "dental services" means diagnostic, preventive, or  
8 corrective procedures provided by or under the supervision of  
9 a dentist in the practice of his or her profession; (11)  
10 physical therapy and related services; (12) prescribed drugs,  
11 dentures, and prosthetic devices; and eyeglasses prescribed by  
12 a physician skilled in the diseases of the eye, or by an  
13 optometrist, whichever the person may select; (13) other  
14 diagnostic, screening, preventive, and rehabilitative  
15 services, including to ensure that the individual's need for  
16 intervention or treatment of mental disorders or substance use  
17 disorders or co-occurring mental health and substance use  
18 disorders is determined using a uniform screening, assessment,  
19 and evaluation process inclusive of criteria, for children and  
20 adults; for purposes of this item (13), a uniform screening,  
21 assessment, and evaluation process refers to a process that  
22 includes an appropriate evaluation and, as warranted, a  
23 referral; "uniform" does not mean the use of a singular  
24 instrument, tool, or process that all must utilize; (14)  
25 transportation and such other expenses as may be necessary;  
26 (15) medical treatment of sexual assault survivors, as defined

1 in Section 1a of the Sexual Assault Survivors Emergency  
2 Treatment Act, for injuries sustained as a result of the  
3 sexual assault, including examinations and laboratory tests to  
4 discover evidence which may be used in criminal proceedings  
5 arising from the sexual assault; (16) the diagnosis and  
6 treatment of sickle cell anemia; (16.5) services performed by  
7 a chiropractic physician licensed under the Medical Practice  
8 Act of 1987 and acting within the scope of his or her license,  
9 including, but not limited to, chiropractic manipulative  
10 treatment; and (17) any other medical care, and any other type  
11 of remedial care recognized under the laws of this State. The  
12 term "any other type of remedial care" shall include nursing  
13 care and nursing home service for persons who rely on  
14 treatment by spiritual means alone through prayer for healing.

15 Notwithstanding any other provision of this Section, a  
16 comprehensive tobacco use cessation program that includes  
17 purchasing prescription drugs or prescription medical devices  
18 approved by the Food and Drug Administration shall be covered  
19 under the medical assistance program under this Article for  
20 persons who are otherwise eligible for assistance under this  
21 Article.

22 Notwithstanding any other provision of this Code,  
23 reproductive health care that is otherwise legal in Illinois  
24 shall be covered under the medical assistance program for  
25 persons who are otherwise eligible for medical assistance  
26 under this Article.

1           Notwithstanding any other provision of this Section, all  
2 tobacco cessation medications approved by the United States  
3 Food and Drug Administration and all individual and group  
4 tobacco cessation counseling services and telephone-based  
5 counseling services and tobacco cessation medications provided  
6 through the Illinois Tobacco Quitline shall be covered under  
7 the medical assistance program for persons who are otherwise  
8 eligible for assistance under this Article. The Department  
9 shall comply with all federal requirements necessary to obtain  
10 federal financial participation, as specified in 42 CFR  
11 433.15(b)(7), for telephone-based counseling services provided  
12 through the Illinois Tobacco Quitline, including, but not  
13 limited to: (i) entering into a memorandum of understanding or  
14 interagency agreement with the Department of Public Health, as  
15 administrator of the Illinois Tobacco Quitline; and (ii)  
16 developing a cost allocation plan for Medicaid-allowable  
17 Illinois Tobacco Quitline services in accordance with 45 CFR  
18 95.507. The Department shall submit the memorandum of  
19 understanding or interagency agreement, the cost allocation  
20 plan, and all other necessary documentation to the Centers for  
21 Medicare and Medicaid Services for review and approval.  
22 Coverage under this paragraph shall be contingent upon federal  
23 approval.

24           Notwithstanding any other provision of this Code, the  
25 Illinois Department may not require, as a condition of payment  
26 for any laboratory test authorized under this Article, that a

1 physician's handwritten signature appear on the laboratory  
2 test order form. The Illinois Department may, however, impose  
3 other appropriate requirements regarding laboratory test order  
4 documentation.

5       Upon receipt of federal approval of an amendment to the  
6 Illinois Title XIX State Plan for this purpose, the Department  
7 shall authorize the Chicago Public Schools (CPS) to procure a  
8 vendor or vendors to manufacture eyeglasses for individuals  
9 enrolled in a school within the CPS system. CPS shall ensure  
10 that its vendor or vendors are enrolled as providers in the  
11 medical assistance program and in any capitated Medicaid  
12 managed care entity (MCE) serving individuals enrolled in a  
13 school within the CPS system. Under any contract procured  
14 under this provision, the vendor or vendors must serve only  
15 individuals enrolled in a school within the CPS system. Claims  
16 for services provided by CPS's vendor or vendors to recipients  
17 of benefits in the medical assistance program under this Code,  
18 the Children's Health Insurance Program, or the Covering ALL  
19 KIDS Health Insurance Program shall be submitted to the  
20 Department or the MCE in which the individual is enrolled for  
21 payment and shall be reimbursed at the Department's or the  
22 MCE's established rates or rate methodologies for eyeglasses.

23       On and after July 1, 2012, the Department of Healthcare  
24 and Family Services may provide the following services to  
25 persons eligible for assistance under this Article who are  
26 participating in education, training or employment programs

1 operated by the Department of Human Services as successor to  
2 the Department of Public Aid:

3 (1) dental services provided by or under the  
4 supervision of a dentist; and

5 (2) eyeglasses prescribed by a physician skilled in  
6 the diseases of the eye, or by an optometrist, whichever  
7 the person may select.

8 On and after July 1, 2018, the Department of Healthcare  
9 and Family Services shall provide dental services to any adult  
10 who is otherwise eligible for assistance under the medical  
11 assistance program. As used in this paragraph, "dental  
12 services" means diagnostic, preventative, restorative, or  
13 corrective procedures, including procedures and services for  
14 the prevention and treatment of periodontal disease and dental  
15 caries disease, provided by an individual who is licensed to  
16 practice dentistry or dental surgery or who is under the  
17 supervision of a dentist in the practice of his or her  
18 profession.

19 On and after July 1, 2018, targeted dental services, as  
20 set forth in Exhibit D of the Consent Decree entered by the  
21 United States District Court for the Northern District of  
22 Illinois, Eastern Division, in the matter of Memisovski v.  
23 Maram, Case No. 92 C 1982, that are provided to adults under  
24 the medical assistance program shall be established at no less  
25 than the rates set forth in the "New Rate" column in Exhibit D  
26 of the Consent Decree for targeted dental services that are

1 provided to persons under the age of 18 under the medical  
2 assistance program.

3 Notwithstanding any other provision of this Code and  
4 subject to federal approval, the Department may adopt rules to  
5 allow a dentist who is volunteering his or her service at no  
6 cost to render dental services through an enrolled  
7 not-for-profit health clinic without the dentist personally  
8 enrolling as a participating provider in the medical  
9 assistance program. A not-for-profit health clinic shall  
10 include a public health clinic or Federally Qualified Health  
11 Center or other enrolled provider, as determined by the  
12 Department, through which dental services covered under this  
13 Section are performed. The Department shall establish a  
14 process for payment of claims for reimbursement for covered  
15 dental services rendered under this provision.

16 On and after January 1, 2022, the Department of Healthcare  
17 and Family Services shall administer and regulate a  
18 school-based dental program that allows for the out-of-office  
19 delivery of preventative dental services in a school setting  
20 to children under 19 years of age. The Department shall  
21 establish, by rule, guidelines for participation by providers  
22 and set requirements for follow-up referral care based on the  
23 requirements established in the Dental Office Reference Manual  
24 published by the Department that establishes the requirements  
25 for dentists participating in the All Kids Dental School  
26 Program. Every effort shall be made by the Department when



1 developing the program requirements to consider the different  
2 geographic differences of both urban and rural areas of the  
3 State for initial treatment and necessary follow-up care. No  
4 provider shall be charged a fee by any unit of local government  
5 to participate in the school-based dental program administered  
6 by the Department. Nothing in this paragraph shall be  
7 construed to limit or preempt a home rule unit's or school  
8 district's authority to establish, change, or administer a  
9 school-based dental program in addition to, or independent of,  
10 the school-based dental program administered by the  
11 Department.

12 The Illinois Department, by rule, may distinguish and  
13 classify the medical services to be provided only in  
14 accordance with the classes of persons designated in Section  
15 5-2.

16 The Department of Healthcare and Family Services must  
17 provide coverage and reimbursement for amino acid-based  
18 elemental formulas, regardless of delivery method, for the  
19 diagnosis and treatment of (i) eosinophilic disorders and (ii)  
20 short bowel syndrome when the prescribing physician has issued  
21 a written order stating that the amino acid-based elemental  
22 formula is medically necessary.

23 The Illinois Department shall authorize the provision of,  
24 and shall authorize payment for, screening by low-dose  
25 mammography for the presence of occult breast cancer for  
26 individuals 35 years of age or older who are eligible for

1 medical assistance under this Article, as follows:

2 (A) A baseline mammogram for individuals 35 to 39  
3 years of age.

4 (B) An annual mammogram for individuals 40 years of  
5 age or older.

6 (C) A mammogram at the age and intervals considered  
7 medically necessary by the individual's health care  
8 provider for individuals under 40 years of age and having  
9 a family history of breast cancer, prior personal history  
10 of breast cancer, positive genetic testing, or other risk  
11 factors.

12 (D) A comprehensive ultrasound screening and MRI of an  
13 entire breast or breasts if a mammogram demonstrates  
14 heterogeneous or dense breast tissue or when medically  
15 necessary as determined by a physician licensed to  
16 practice medicine in all of its branches.

17 (E) A screening MRI when medically necessary, as  
18 determined by a physician licensed to practice medicine in  
19 all of its branches.

20 (F) A diagnostic mammogram when medically necessary,  
21 as determined by a physician licensed to practice medicine  
22 in all its branches, advanced practice registered nurse,  
23 or physician assistant.

24 The Department shall not impose a deductible, coinsurance,  
25 copayment, or any other cost-sharing requirement on the  
26 coverage provided under this paragraph; except that this

1 sentence does not apply to coverage of diagnostic mammograms  
2 to the extent such coverage would disqualify a high-deductible  
3 health plan from eligibility for a health savings account  
4 pursuant to Section 223 of the Internal Revenue Code (26  
5 U.S.C. 223).

6 All screenings shall include a physical breast exam,  
7 instruction on self-examination and information regarding the  
8 frequency of self-examination and its value as a preventative  
9 tool.

10 For purposes of this Section:

11 "Diagnostic mammogram" means a mammogram obtained using  
12 diagnostic mammography.

13 "Diagnostic mammography" means a method of screening that  
14 is designed to evaluate an abnormality in a breast, including  
15 an abnormality seen or suspected on a screening mammogram or a  
16 subjective or objective abnormality otherwise detected in the  
17 breast.

18 "Low-dose mammography" means the x-ray examination of the  
19 breast using equipment dedicated specifically for mammography,  
20 including the x-ray tube, filter, compression device, and  
21 image receptor, with an average radiation exposure delivery of  
22 less than one rad per breast for 2 views of an average size  
23 breast. The term also includes digital mammography and  
24 includes breast tomosynthesis.

25 "Breast tomosynthesis" means a radiologic procedure that  
26 involves the acquisition of projection images over the

1 stationary breast to produce cross-sectional digital  
2 three-dimensional images of the breast.

3 If, at any time, the Secretary of the United States  
4 Department of Health and Human Services, or its successor  
5 agency, promulgates rules or regulations to be published in  
6 the Federal Register or publishes a comment in the Federal  
7 Register or issues an opinion, guidance, or other action that  
8 would require the State, pursuant to any provision of the  
9 Patient Protection and Affordable Care Act (Public Law  
10 111-148), including, but not limited to, 42 U.S.C.  
11 18031(d)(3)(B) or any successor provision, to defray the cost  
12 of any coverage for breast tomosynthesis outlined in this  
13 paragraph, then the requirement that an insurer cover breast  
14 tomosynthesis is inoperative other than any such coverage  
15 authorized under Section 1902 of the Social Security Act, 42  
16 U.S.C. 1396a, and the State shall not assume any obligation  
17 for the cost of coverage for breast tomosynthesis set forth in  
18 this paragraph.

19 On and after January 1, 2016, the Department shall ensure  
20 that all networks of care for adult clients of the Department  
21 include access to at least one breast imaging Center of  
22 Imaging Excellence as certified by the American College of  
23 Radiology.

24 On and after January 1, 2012, providers participating in a  
25 quality improvement program approved by the Department shall  
26 be reimbursed for screening and diagnostic mammography at the

1 same rate as the Medicare program's rates, including the  
2 increased reimbursement for digital mammography and, after  
3 January 1, 2023 (the effective date of Public Act 102-1018),  
4 breast tomosynthesis.

5 The Department shall convene an expert panel including  
6 representatives of hospitals, free-standing mammography  
7 facilities, and doctors, including radiologists, to establish  
8 quality standards for mammography.

9 On and after January 1, 2017, providers participating in a  
10 breast cancer treatment quality improvement program approved  
11 by the Department shall be reimbursed for breast cancer  
12 treatment at a rate that is no lower than 95% of the Medicare  
13 program's rates for the data elements included in the breast  
14 cancer treatment quality program.

15 The Department shall convene an expert panel, including  
16 representatives of hospitals, free-standing breast cancer  
17 treatment centers, breast cancer quality organizations, and  
18 doctors, including breast surgeons, reconstructive breast  
19 surgeons, oncologists, and primary care providers to establish  
20 quality standards for breast cancer treatment.

21 Subject to federal approval, the Department shall  
22 establish a rate methodology for mammography at federally  
23 qualified health centers and other encounter-rate clinics.  
24 These clinics or centers may also collaborate with other  
25 hospital-based mammography facilities. By January 1, 2016, the  
26 Department shall report to the General Assembly on the status

1 of the provision set forth in this paragraph.

2 The Department shall establish a methodology to remind  
3 individuals who are age-appropriate for screening mammography,  
4 but who have not received a mammogram within the previous 18  
5 months, of the importance and benefit of screening  
6 mammography. The Department shall work with experts in breast  
7 cancer outreach and patient navigation to optimize these  
8 reminders and shall establish a methodology for evaluating  
9 their effectiveness and modifying the methodology based on the  
10 evaluation.

11 The Department shall establish a performance goal for  
12 primary care providers with respect to their female patients  
13 over age 40 receiving an annual mammogram. This performance  
14 goal shall be used to provide additional reimbursement in the  
15 form of a quality performance bonus to primary care providers  
16 who meet that goal.

17 The Department shall devise a means of case-managing or  
18 patient navigation for beneficiaries diagnosed with breast  
19 cancer. This program shall initially operate as a pilot  
20 program in areas of the State with the highest incidence of  
21 mortality related to breast cancer. At least one pilot program  
22 site shall be in the metropolitan Chicago area and at least one  
23 site shall be outside the metropolitan Chicago area. On or  
24 after July 1, 2016, the pilot program shall be expanded to  
25 include one site in western Illinois, one site in southern  
26 Illinois, one site in central Illinois, and 4 sites within

1 metropolitan Chicago. An evaluation of the pilot program shall  
2 be carried out measuring health outcomes and cost of care for  
3 those served by the pilot program compared to similarly  
4 situated patients who are not served by the pilot program.

5 The Department shall require all networks of care to  
6 develop a means either internally or by contract with experts  
7 in navigation and community outreach to navigate cancer  
8 patients to comprehensive care in a timely fashion. The  
9 Department shall require all networks of care to include  
10 access for patients diagnosed with cancer to at least one  
11 academic commission on cancer-accredited cancer program as an  
12 in-network covered benefit.

13 The Department shall provide coverage and reimbursement  
14 for a human papillomavirus (HPV) vaccine that is approved for  
15 marketing by the federal Food and Drug Administration for all  
16 persons between the ages of 9 and 45. Subject to federal  
17 approval, the Department shall provide coverage and  
18 reimbursement for a human papillomavirus (HPV) vaccine for  
19 persons of the age of 46 and above who have been diagnosed with  
20 cervical dysplasia with a high risk of recurrence or  
21 progression. The Department shall disallow any  
22 preauthorization requirements for the administration of the  
23 human papillomavirus (HPV) vaccine.

24 On or after July 1, 2022, individuals who are otherwise  
25 eligible for medical assistance under this Article shall  
26 receive coverage for perinatal depression screenings for the

1 12-month period beginning on the last day of their pregnancy.  
2 Medical assistance coverage under this paragraph shall be  
3 conditioned on the use of a screening instrument approved by  
4 the Department.

5 Any medical or health care provider shall immediately  
6 recommend, to any pregnant individual who is being provided  
7 prenatal services and is suspected of having a substance use  
8 disorder as defined in the Substance Use Disorder Act,  
9 referral to a local substance use disorder treatment program  
10 licensed by the Department of Human Services or to a licensed  
11 hospital which provides substance abuse treatment services.  
12 The Department of Healthcare and Family Services shall assure  
13 coverage for the cost of treatment of the drug abuse or  
14 addiction for pregnant recipients in accordance with the  
15 Illinois Medicaid Program in conjunction with the Department  
16 of Human Services.

17 All medical providers providing medical assistance to  
18 pregnant individuals under this Code shall receive information  
19 from the Department on the availability of services under any  
20 program providing case management services for addicted  
21 individuals, including information on appropriate referrals  
22 for other social services that may be needed by addicted  
23 individuals in addition to treatment for addiction.

24 The Illinois Department, in cooperation with the  
25 Departments of Human Services (as successor to the Department  
26 of Alcoholism and Substance Abuse) and Public Health, through



1 a public awareness campaign, may provide information  
2 concerning treatment for alcoholism and drug abuse and  
3 addiction, prenatal health care, and other pertinent programs  
4 directed at reducing the number of drug-affected infants born  
5 to recipients of medical assistance.

6 Neither the Department of Healthcare and Family Services  
7 nor the Department of Human Services shall sanction the  
8 recipient solely on the basis of the recipient's substance  
9 abuse.

10 The Illinois Department shall establish such regulations  
11 governing the dispensing of health services under this Article  
12 as it shall deem appropriate. The Department should seek the  
13 advice of formal professional advisory committees appointed by  
14 the Director of the Illinois Department for the purpose of  
15 providing regular advice on policy and administrative matters,  
16 information dissemination and educational activities for  
17 medical and health care providers, and consistency in  
18 procedures to the Illinois Department.

19 The Illinois Department may develop and contract with  
20 Partnerships of medical providers to arrange medical services  
21 for persons eligible under Section 5-2 of this Code.  
22 Implementation of this Section may be by demonstration  
23 projects in certain geographic areas. The Partnership shall be  
24 represented by a sponsor organization. The Department, by  
25 rule, shall develop qualifications for sponsors of  
26 Partnerships. Nothing in this Section shall be construed to

1 require that the sponsor organization be a medical  
2 organization.

3 The sponsor must negotiate formal written contracts with  
4 medical providers for physician services, inpatient and  
5 outpatient hospital care, home health services, treatment for  
6 alcoholism and substance abuse, and other services determined  
7 necessary by the Illinois Department by rule for delivery by  
8 Partnerships. Physician services must include prenatal and  
9 obstetrical care. The Illinois Department shall reimburse  
10 medical services delivered by Partnership providers to clients  
11 in target areas according to provisions of this Article and  
12 the Illinois Health Finance Reform Act, except that:

13 (1) Physicians participating in a Partnership and  
14 providing certain services, which shall be determined by  
15 the Illinois Department, to persons in areas covered by  
16 the Partnership may receive an additional surcharge for  
17 such services.

18 (2) The Department may elect to consider and negotiate  
19 financial incentives to encourage the development of  
20 Partnerships and the efficient delivery of medical care.

21 (3) Persons receiving medical services through  
22 Partnerships may receive medical and case management  
23 services above the level usually offered through the  
24 medical assistance program.

25 Medical providers shall be required to meet certain  
26 qualifications to participate in Partnerships to ensure the

1 delivery of high quality medical services. These  
2 qualifications shall be determined by rule of the Illinois  
3 Department and may be higher than qualifications for  
4 participation in the medical assistance program. Partnership  
5 sponsors may prescribe reasonable additional qualifications  
6 for participation by medical providers, only with the prior  
7 written approval of the Illinois Department.

8 Nothing in this Section shall limit the free choice of  
9 practitioners, hospitals, and other providers of medical  
10 services by clients. In order to ensure patient freedom of  
11 choice, the Illinois Department shall immediately promulgate  
12 all rules and take all other necessary actions so that  
13 provided services may be accessed from therapeutically  
14 certified optometrists to the full extent of the Illinois  
15 Optometric Practice Act of 1987 without discriminating between  
16 service providers.

17 The Department shall apply for a waiver from the United  
18 States Health Care Financing Administration to allow for the  
19 implementation of Partnerships under this Section.

20 The Illinois Department shall require health care  
21 providers to maintain records that document the medical care  
22 and services provided to recipients of Medical Assistance  
23 under this Article. Such records must be retained for a period  
24 of not less than 6 years from the date of service or as  
25 provided by applicable State law, whichever period is longer,  
26 except that if an audit is initiated within the required

1 retention period then the records must be retained until the  
2 audit is completed and every exception is resolved. The  
3 Illinois Department shall require health care providers to  
4 make available, when authorized by the patient, in writing,  
5 the medical records in a timely fashion to other health care  
6 providers who are treating or serving persons eligible for  
7 Medical Assistance under this Article. All dispensers of  
8 medical services shall be required to maintain and retain  
9 business and professional records sufficient to fully and  
10 accurately document the nature, scope, details and receipt of  
11 the health care provided to persons eligible for medical  
12 assistance under this Code, in accordance with regulations  
13 promulgated by the Illinois Department. The rules and  
14 regulations shall require that proof of the receipt of  
15 prescription drugs, dentures, prosthetic devices and  
16 eyeglasses by eligible persons under this Section accompany  
17 each claim for reimbursement submitted by the dispenser of  
18 such medical services. No such claims for reimbursement shall  
19 be approved for payment by the Illinois Department without  
20 such proof of receipt, unless the Illinois Department shall  
21 have put into effect and shall be operating a system of  
22 post-payment audit and review which shall, on a sampling  
23 basis, be deemed adequate by the Illinois Department to assure  
24 that such drugs, dentures, prosthetic devices and eyeglasses  
25 for which payment is being made are actually being received by  
26 eligible recipients. Within 90 days after September 16, 1984

1 (the effective date of Public Act 83-1439), the Illinois  
2 Department shall establish a current list of acquisition costs  
3 for all prosthetic devices and any other items recognized as  
4 medical equipment and supplies reimbursable under this Article  
5 and shall update such list on a quarterly basis, except that  
6 the acquisition costs of all prescription drugs shall be  
7 updated no less frequently than every 30 days as required by  
8 Section 5-5.12.

9 Notwithstanding any other law to the contrary, the  
10 Illinois Department shall, within 365 days after July 22, 2013  
11 (the effective date of Public Act 98-104), establish  
12 procedures to permit skilled care facilities licensed under  
13 the Nursing Home Care Act to submit monthly billing claims for  
14 reimbursement purposes. Following development of these  
15 procedures, the Department shall, by July 1, 2016, test the  
16 viability of the new system and implement any necessary  
17 operational or structural changes to its information  
18 technology platforms in order to allow for the direct  
19 acceptance and payment of nursing home claims.

20 Notwithstanding any other law to the contrary, the  
21 Illinois Department shall, within 365 days after August 15,  
22 2014 (the effective date of Public Act 98-963), establish  
23 procedures to permit ID/DD facilities licensed under the ID/DD  
24 Community Care Act and MC/DD facilities licensed under the  
25 MC/DD Act to submit monthly billing claims for reimbursement  
26 purposes. Following development of these procedures, the

1 Department shall have an additional 365 days to test the  
2 viability of the new system and to ensure that any necessary  
3 operational or structural changes to its information  
4 technology platforms are implemented.

5 The Illinois Department shall require all dispensers of  
6 medical services, other than an individual practitioner or  
7 group of practitioners, desiring to participate in the Medical  
8 Assistance program established under this Article to disclose  
9 all financial, beneficial, ownership, equity, surety or other  
10 interests in any and all firms, corporations, partnerships,  
11 associations, business enterprises, joint ventures, agencies,  
12 institutions or other legal entities providing any form of  
13 health care services in this State under this Article.

14 The Illinois Department may require that all dispensers of  
15 medical services desiring to participate in the medical  
16 assistance program established under this Article disclose,  
17 under such terms and conditions as the Illinois Department may  
18 by rule establish, all inquiries from clients and attorneys  
19 regarding medical bills paid by the Illinois Department, which  
20 inquiries could indicate potential existence of claims or  
21 liens for the Illinois Department.

22 Enrollment of a vendor shall be subject to a provisional  
23 period and shall be conditional for one year. During the  
24 period of conditional enrollment, the Department may terminate  
25 the vendor's eligibility to participate in, or may disenroll  
26 the vendor from, the medical assistance program without cause.

1 Unless otherwise specified, such termination of eligibility or  
2 disenrollment is not subject to the Department's hearing  
3 process. However, a disenrolled vendor may reapply without  
4 penalty.

5 The Department has the discretion to limit the conditional  
6 enrollment period for vendors based upon the category of risk  
7 of the vendor.

8 Prior to enrollment and during the conditional enrollment  
9 period in the medical assistance program, all vendors shall be  
10 subject to enhanced oversight, screening, and review based on  
11 the risk of fraud, waste, and abuse that is posed by the  
12 category of risk of the vendor. The Illinois Department shall  
13 establish the procedures for oversight, screening, and review,  
14 which may include, but need not be limited to: criminal and  
15 financial background checks; fingerprinting; license,  
16 certification, and authorization verifications; unscheduled or  
17 unannounced site visits; database checks; prepayment audit  
18 reviews; audits; payment caps; payment suspensions; and other  
19 screening as required by federal or State law.

20 The Department shall define or specify the following: (i)  
21 by provider notice, the "category of risk of the vendor" for  
22 each type of vendor, which shall take into account the level of  
23 screening applicable to a particular category of vendor under  
24 federal law and regulations; (ii) by rule or provider notice,  
25 the maximum length of the conditional enrollment period for  
26 each category of risk of the vendor; and (iii) by rule, the

1 hearing rights, if any, afforded to a vendor in each category  
2 of risk of the vendor that is terminated or disenrolled during  
3 the conditional enrollment period.

4 To be eligible for payment consideration, a vendor's  
5 payment claim or bill, either as an initial claim or as a  
6 resubmitted claim following prior rejection, must be received  
7 by the Illinois Department, or its fiscal intermediary, no  
8 later than 180 days after the latest date on the claim on which  
9 medical goods or services were provided, with the following  
10 exceptions:

11 (1) In the case of a provider whose enrollment is in  
12 process by the Illinois Department, the 180-day period  
13 shall not begin until the date on the written notice from  
14 the Illinois Department that the provider enrollment is  
15 complete.

16 (2) In the case of errors attributable to the Illinois  
17 Department or any of its claims processing intermediaries  
18 which result in an inability to receive, process, or  
19 adjudicate a claim, the 180-day period shall not begin  
20 until the provider has been notified of the error.

21 (3) In the case of a provider for whom the Illinois  
22 Department initiates the monthly billing process.

23 (4) In the case of a provider operated by a unit of  
24 local government with a population exceeding 3,000,000  
25 when local government funds finance federal participation  
26 for claims payments.



1           For claims for services rendered during a period for which  
2 a recipient received retroactive eligibility, claims must be  
3 filed within 180 days after the Department determines the  
4 applicant is eligible. For claims for which the Illinois  
5 Department is not the primary payer, claims must be submitted  
6 to the Illinois Department within 180 days after the final  
7 adjudication by the primary payer.

8           In the case of long term care facilities, within 120  
9 calendar days of receipt by the facility of required  
10 prescreening information, new admissions with associated  
11 admission documents shall be submitted through the Medical  
12 Electronic Data Interchange (MEDI) or the Recipient  
13 Eligibility Verification (REV) System or shall be submitted  
14 directly to the Department of Human Services using required  
15 admission forms. Effective September 1, 2014, admission  
16 documents, including all prescreening information, must be  
17 submitted through MEDI or REV. Confirmation numbers assigned  
18 to an accepted transaction shall be retained by a facility to  
19 verify timely submittal. Once an admission transaction has  
20 been completed, all resubmitted claims following prior  
21 rejection are subject to receipt no later than 180 days after  
22 the admission transaction has been completed.

23           Claims that are not submitted and received in compliance  
24 with the foregoing requirements shall not be eligible for  
25 payment under the medical assistance program, and the State  
26 shall have no liability for payment of those claims.

1           To the extent consistent with applicable information and  
2 privacy, security, and disclosure laws, State and federal  
3 agencies and departments shall provide the Illinois Department  
4 access to confidential and other information and data  
5 necessary to perform eligibility and payment verifications and  
6 other Illinois Department functions. This includes, but is not  
7 limited to: information pertaining to licensure;  
8 certification; earnings; immigration status; citizenship; wage  
9 reporting; unearned and earned income; pension income;  
10 employment; supplemental security income; social security  
11 numbers; National Provider Identifier (NPI) numbers; the  
12 National Practitioner Data Bank (NPDB); program and agency  
13 exclusions; taxpayer identification numbers; tax delinquency;  
14 corporate information; and death records.

15           The Illinois Department shall enter into agreements with  
16 State agencies and departments, and is authorized to enter  
17 into agreements with federal agencies and departments, under  
18 which such agencies and departments shall share data necessary  
19 for medical assistance program integrity functions and  
20 oversight. The Illinois Department shall develop, in  
21 cooperation with other State departments and agencies, and in  
22 compliance with applicable federal laws and regulations,  
23 appropriate and effective methods to share such data. At a  
24 minimum, and to the extent necessary to provide data sharing,  
25 the Illinois Department shall enter into agreements with State  
26 agencies and departments, and is authorized to enter into

1 agreements with federal agencies and departments, including,  
2 but not limited to: the Secretary of State; the Department of  
3 Revenue; the Department of Public Health; the Department of  
4 Human Services; and the Department of Financial and  
5 Professional Regulation.

6 Beginning in fiscal year 2013, the Illinois Department  
7 shall set forth a request for information to identify the  
8 benefits of a pre-payment, post-adjudication, and post-edit  
9 claims system with the goals of streamlining claims processing  
10 and provider reimbursement, reducing the number of pending or  
11 rejected claims, and helping to ensure a more transparent  
12 adjudication process through the utilization of: (i) provider  
13 data verification and provider screening technology; and (ii)  
14 clinical code editing; and (iii) pre-pay, pre-adjudicated, or  
15 post-adjudicated predictive modeling with an integrated case  
16 management system with link analysis. Such a request for  
17 information shall not be considered as a request for proposal  
18 or as an obligation on the part of the Illinois Department to  
19 take any action or acquire any products or services.

20 The Illinois Department shall establish policies,  
21 procedures, standards and criteria by rule for the  
22 acquisition, repair and replacement of orthotic and prosthetic  
23 devices and durable medical equipment. Such rules shall  
24 provide, but not be limited to, the following services: (1)  
25 immediate repair or replacement of such devices by recipients;  
26 and (2) rental, lease, purchase or lease-purchase of durable

1 medical equipment in a cost-effective manner, taking into  
2 consideration the recipient's medical prognosis, the extent of  
3 the recipient's needs, and the requirements and costs for  
4 maintaining such equipment. Subject to prior approval, such  
5 rules shall enable a recipient to temporarily acquire and use  
6 alternative or substitute devices or equipment pending repairs  
7 or replacements of any device or equipment previously  
8 authorized for such recipient by the Department.  
9 Notwithstanding any provision of Section 5-5f to the contrary,  
10 the Department may, by rule, exempt certain replacement  
11 wheelchair parts from prior approval and, for wheelchairs,  
12 wheelchair parts, wheelchair accessories, and related seating  
13 and positioning items, determine the wholesale price by  
14 methods other than actual acquisition costs.

15 The Department shall require, by rule, all providers of  
16 durable medical equipment to be accredited by an accreditation  
17 organization approved by the federal Centers for Medicare and  
18 Medicaid Services and recognized by the Department in order to  
19 bill the Department for providing durable medical equipment to  
20 recipients. No later than 15 months after the effective date  
21 of the rule adopted pursuant to this paragraph, all providers  
22 must meet the accreditation requirement.

23 In order to promote environmental responsibility, meet the  
24 needs of recipients and enrollees, and achieve significant  
25 cost savings, the Department, or a managed care organization  
26 under contract with the Department, may provide recipients or

1 managed care enrollees who have a prescription or Certificate  
2 of Medical Necessity access to refurbished durable medical  
3 equipment under this Section (excluding prosthetic and  
4 orthotic devices as defined in the Orthotics, Prosthetics, and  
5 Pedorthics Practice Act and complex rehabilitation technology  
6 products and associated services) through the State's  
7 assistive technology program's reutilization program, using  
8 staff with the Assistive Technology Professional (ATP)  
9 Certification if the refurbished durable medical equipment:  
10 (i) is available; (ii) is less expensive, including shipping  
11 costs, than new durable medical equipment of the same type;  
12 (iii) is able to withstand at least 3 years of use; (iv) is  
13 cleaned, disinfected, sterilized, and safe in accordance with  
14 federal Food and Drug Administration regulations and guidance  
15 governing the reprocessing of medical devices in health care  
16 settings; and (v) equally meets the needs of the recipient or  
17 enrollee. The reutilization program shall confirm that the  
18 recipient or enrollee is not already in receipt of the same or  
19 similar equipment from another service provider, and that the  
20 refurbished durable medical equipment equally meets the needs  
21 of the recipient or enrollee. Nothing in this paragraph shall  
22 be construed to limit recipient or enrollee choice to obtain  
23 new durable medical equipment or place any additional prior  
24 authorization conditions on enrollees of managed care  
25 organizations.

26 The Department shall execute, relative to the nursing home

1 prescreening project, written inter-agency agreements with the  
2 Department of Human Services and the Department on Aging, to  
3 effect the following: (i) intake procedures and common  
4 eligibility criteria for those persons who are receiving  
5 non-institutional services; and (ii) the establishment and  
6 development of non-institutional services in areas of the  
7 State where they are not currently available or are  
8 undeveloped; and (iii) notwithstanding any other provision of  
9 law, subject to federal approval, on and after July 1, 2012, an  
10 increase in the determination of need (DON) scores from 29 to  
11 37 for applicants for institutional and home and  
12 community-based long term care; if and only if federal  
13 approval is not granted, the Department may, in conjunction  
14 with other affected agencies, implement utilization controls  
15 or changes in benefit packages to effectuate a similar savings  
16 amount for this population; and (iv) no later than July 1,  
17 2013, minimum level of care eligibility criteria for  
18 institutional and home and community-based long term care; and  
19 (v) no later than October 1, 2013, establish procedures to  
20 permit long term care providers access to eligibility scores  
21 for individuals with an admission date who are seeking or  
22 receiving services from the long term care provider. In order  
23 to select the minimum level of care eligibility criteria, the  
24 Governor shall establish a workgroup that includes affected  
25 agency representatives and stakeholders representing the  
26 institutional and home and community-based long term care

1 interests. This Section shall not restrict the Department from  
2 implementing lower level of care eligibility criteria for  
3 community-based services in circumstances where federal  
4 approval has been granted.

5 The Illinois Department shall develop and operate, in  
6 cooperation with other State Departments and agencies and in  
7 compliance with applicable federal laws and regulations,  
8 appropriate and effective systems of health care evaluation  
9 and programs for monitoring of utilization of health care  
10 services and facilities, as it affects persons eligible for  
11 medical assistance under this Code.

12 The Illinois Department shall report annually to the  
13 General Assembly, no later than the second Friday in April of  
14 1979 and each year thereafter, in regard to:

15 (a) actual statistics and trends in utilization of  
16 medical services by public aid recipients;

17 (b) actual statistics and trends in the provision of  
18 the various medical services by medical vendors;

19 (c) current rate structures and proposed changes in  
20 those rate structures for the various medical vendors; and

21 (d) efforts at utilization review and control by the  
22 Illinois Department.

23 The period covered by each report shall be the 3 years  
24 ending on the June 30 prior to the report. The report shall  
25 include suggested legislation for consideration by the General  
26 Assembly. The requirement for reporting to the General

1 Assembly shall be satisfied by filing copies of the report as  
2 required by Section 3.1 of the General Assembly Organization  
3 Act, and filing such additional copies with the State  
4 Government Report Distribution Center for the General Assembly  
5 as is required under paragraph (t) of Section 7 of the State  
6 Library Act.

7 Rulemaking authority to implement Public Act 95-1045, if  
8 any, is conditioned on the rules being adopted in accordance  
9 with all provisions of the Illinois Administrative Procedure  
10 Act and all rules and procedures of the Joint Committee on  
11 Administrative Rules; any purported rule not so adopted, for  
12 whatever reason, is unauthorized.

13 On and after July 1, 2012, the Department shall reduce any  
14 rate of reimbursement for services or other payments or alter  
15 any methodologies authorized by this Code to reduce any rate  
16 of reimbursement for services or other payments in accordance  
17 with Section 5-5e.

18 Because kidney transplantation can be an appropriate,  
19 cost-effective alternative to renal dialysis when medically  
20 necessary and notwithstanding the provisions of Section 1-11  
21 of this Code, beginning October 1, 2014, the Department shall  
22 cover kidney transplantation for noncitizens with end-stage  
23 renal disease who are not eligible for comprehensive medical  
24 benefits, who meet the residency requirements of Section 5-3  
25 of this Code, and who would otherwise meet the financial  
26 requirements of the appropriate class of eligible persons



1 under Section 5-2 of this Code. To qualify for coverage of  
2 kidney transplantation, such person must be receiving  
3 emergency renal dialysis services covered by the Department.  
4 Providers under this Section shall be prior approved and  
5 certified by the Department to perform kidney transplantation  
6 and the services under this Section shall be limited to  
7 services associated with kidney transplantation.

8 Notwithstanding any other provision of this Code to the  
9 contrary, on or after July 1, 2015, all FDA approved forms of  
10 medication assisted treatment prescribed for the treatment of  
11 alcohol dependence or treatment of opioid dependence shall be  
12 covered under both fee-for-service ~~fee for service~~ and managed  
13 care medical assistance programs for persons who are otherwise  
14 eligible for medical assistance under this Article and shall  
15 not be subject to any (1) utilization control, other than  
16 those established under the American Society of Addiction  
17 Medicine patient placement criteria, (2) prior authorization  
18 mandate, or (3) lifetime restriction limit mandate.

19 On or after July 1, 2015, opioid antagonists prescribed  
20 for the treatment of an opioid overdose, including the  
21 medication product, administration devices, and any pharmacy  
22 fees or hospital fees related to the dispensing, distribution,  
23 and administration of the opioid antagonist, shall be covered  
24 under the medical assistance program for persons who are  
25 otherwise eligible for medical assistance under this Article.  
26 As used in this Section, "opioid antagonist" means a drug that

1 binds to opioid receptors and blocks or inhibits the effect of  
2 opioids acting on those receptors, including, but not limited  
3 to, naloxone hydrochloride or any other similarly acting drug  
4 approved by the U.S. Food and Drug Administration. The  
5 Department shall not impose a copayment on the coverage  
6 provided for naloxone hydrochloride under the medical  
7 assistance program.

8       Upon federal approval, the Department shall provide  
9 coverage and reimbursement for all drugs that are approved for  
10 marketing by the federal Food and Drug Administration and that  
11 are recommended by the federal Public Health Service or the  
12 United States Centers for Disease Control and Prevention for  
13 pre-exposure prophylaxis and related pre-exposure prophylaxis  
14 services, including, but not limited to, HIV and sexually  
15 transmitted infection screening, treatment for sexually  
16 transmitted infections, medical monitoring, assorted labs, and  
17 counseling to reduce the likelihood of HIV infection among  
18 individuals who are not infected with HIV but who are at high  
19 risk of HIV infection.

20       A federally qualified health center, as defined in Section  
21 1905(1)(2)(B) of the federal Social Security Act, shall be  
22 reimbursed by the Department in accordance with the federally  
23 qualified health center's encounter rate for services provided  
24 to medical assistance recipients that are performed by a  
25 dental hygienist, as defined under the Illinois Dental  
26 Practice Act, working under the general supervision of a

1 dentist and employed by a federally qualified health center.

2 Within 90 days after October 8, 2021 (the effective date  
3 of Public Act 102-665), the Department shall seek federal  
4 approval of a State Plan amendment to expand coverage for  
5 family planning services that includes presumptive eligibility  
6 to individuals whose income is at or below 208% of the federal  
7 poverty level. Coverage under this Section shall be effective  
8 beginning no later than December 1, 2022.

9 Subject to approval by the federal Centers for Medicare  
10 and Medicaid Services of a Title XIX State Plan amendment  
11 electing the Program of All-Inclusive Care for the Elderly  
12 (PACE) as a State Medicaid option, as provided for by Subtitle  
13 I (commencing with Section 4801) of Title IV of the Balanced  
14 Budget Act of 1997 (Public Law 105-33) and Part 460  
15 (commencing with Section 460.2) of Subchapter E of Title 42 of  
16 the Code of Federal Regulations, PACE program services shall  
17 become a covered benefit of the medical assistance program,  
18 subject to criteria established in accordance with all  
19 applicable laws.

20 Notwithstanding any other provision of this Code,  
21 community-based pediatric palliative care from a trained  
22 interdisciplinary team shall be covered under the medical  
23 assistance program as provided in Section 15 of the Pediatric  
24 Palliative Care Act.

25 Notwithstanding any other provision of this Code, within  
26 12 months after June 2, 2022 (the effective date of Public Act

1 102-1037) and subject to federal approval, acupuncture  
2 services performed by an acupuncturist licensed under the  
3 Acupuncture Practice Act who is acting within the scope of his  
4 or her license shall be covered under the medical assistance  
5 program. The Department shall apply for any federal waiver or  
6 State Plan amendment, if required, to implement this  
7 paragraph. The Department may adopt any rules, including  
8 standards and criteria, necessary to implement this paragraph.

9 Notwithstanding any other provision of this Code, the  
10 medical assistance program shall, subject to appropriation and  
11 federal approval, reimburse hospitals for costs associated  
12 with a newborn screening test for the presence of  
13 metachromatic leukodystrophy, as required under the Newborn  
14 Metabolic Screening Act, at a rate not less than the fee  
15 charged by the Department of Public Health. The Department  
16 shall seek federal approval before the implementation of the  
17 newborn screening test fees by the Department of Public  
18 Health.

19 Notwithstanding any other provision of this Code,  
20 beginning on January 1, 2024, subject to federal approval,  
21 cognitive assessment and care planning services provided to a  
22 person who experiences signs or symptoms of cognitive  
23 impairment, as defined by the Diagnostic and Statistical  
24 Manual of Mental Disorders, Fifth Edition, shall be covered  
25 under the medical assistance program for persons who are  
26 otherwise eligible for medical assistance under this Article.

1           Notwithstanding any other provision of this Code,  
2 medically necessary reconstructive services that are intended  
3 to restore physical appearance shall be covered under the  
4 medical assistance program for persons who are otherwise  
5 eligible for medical assistance under this Article. As used in  
6 this paragraph, "reconstructive services" means treatments  
7 performed on structures of the body damaged by trauma to  
8 restore physical appearance.

9           (Source: P.A. 102-43, Article 30, Section 30-5, eff. 7-6-21;  
10 102-43, Article 35, Section 35-5, eff. 7-6-21; 102-43, Article  
11 55, Section 55-5, eff. 7-6-21; 102-95, eff. 1-1-22; 102-123,  
12 eff. 1-1-22; 102-558, eff. 8-20-21; 102-598, eff. 1-1-22;  
13 102-655, eff. 1-1-22; 102-665, eff. 10-8-21; 102-813, eff.  
14 5-13-22; 102-1018, eff. 1-1-23; 102-1037, eff. 6-2-22;  
15 102-1038, eff. 1-1-23; 103-102, Article 15, Section 15-5, eff.  
16 1-1-24; 103-102, Article 95, Section 95-15, eff. 1-1-24;  
17 103-123, eff. 1-1-24; 103-154, eff. 6-30-23; 103-368, eff.  
18 1-1-24; revised 12-15-23.)

19           (305 ILCS 5/5-5.01a)

20           Sec. 5-5.01a. Supportive living facilities program.

21           (a) The Department shall establish and provide oversight  
22 for a program of supportive living facilities that seek to  
23 promote resident independence, dignity, respect, and  
24 well-being in the most cost-effective manner.

25           A supportive living facility is (i) a free-standing

1 facility or (ii) a distinct physical and operational entity  
2 within a mixed-use building that meets the criteria  
3 established in subsection (d). A supportive living facility  
4 integrates housing with health, personal care, and supportive  
5 services and is a designated setting that offers residents  
6 their own separate, private, and distinct living units.

7 Sites for the operation of the program shall be selected  
8 by the Department based upon criteria that may include the  
9 need for services in a geographic area, the availability of  
10 funding, and the site's ability to meet the standards.

11 (b) Beginning July 1, 2014, subject to federal approval,  
12 the Medicaid rates for supportive living facilities shall be  
13 equal to the supportive living facility Medicaid rate  
14 effective on June 30, 2014 increased by 8.85%. Once the  
15 assessment imposed at Article V-G of this Code is determined  
16 to be a permissible tax under Title XIX of the Social Security  
17 Act, the Department shall increase the Medicaid rates for  
18 supportive living facilities effective on July 1, 2014 by  
19 9.09%. The Department shall apply this increase retroactively  
20 to coincide with the imposition of the assessment in Article  
21 V-G of this Code in accordance with the approval for federal  
22 financial participation by the Centers for Medicare and  
23 Medicaid Services.

24 The Medicaid rates for supportive living facilities  
25 effective on July 1, 2017 must be equal to the rates in effect  
26 for supportive living facilities on June 30, 2017 increased by

1 2.8%.

2 The Medicaid rates for supportive living facilities  
3 effective on July 1, 2018 must be equal to the rates in effect  
4 for supportive living facilities on June 30, 2018.

5 Subject to federal approval, the Medicaid rates for  
6 supportive living services on and after July 1, 2019 must be at  
7 least 54.3% of the average total nursing facility services per  
8 diem for the geographic areas defined by the Department while  
9 maintaining the rate differential for dementia care and must  
10 be updated whenever the total nursing facility service per  
11 diems are updated. Beginning July 1, 2022, upon the  
12 implementation of the Patient Driven Payment Model, Medicaid  
13 rates for supportive living services must be at least 54.3% of  
14 the average total nursing services per diem rate for the  
15 geographic areas. For purposes of this provision, the average  
16 total nursing services per diem rate shall include all add-ons  
17 for nursing facilities for the geographic area provided for in  
18 Section 5-5.2. The rate differential for dementia care must be  
19 maintained in these rates and the rates shall be updated  
20 whenever nursing facility per diem rates are updated.

21 Subject to federal approval, beginning January 1, 2024,  
22 the dementia care rate for supportive living services must be  
23 no less than the non-dementia care supportive living services  
24 rate multiplied by 1.5.

25 (c) The Department may adopt rules to implement this  
26 Section. Rules that establish or modify the services,

1 standards, and conditions for participation in the program  
2 shall be adopted by the Department in consultation with the  
3 Department on Aging, the Department of Rehabilitation  
4 Services, and the Department of Mental Health and  
5 Developmental Disabilities (or their successor agencies).

6 (d) Subject to federal approval by the Centers for  
7 Medicare and Medicaid Services, the Department shall accept  
8 for consideration of certification under the program any  
9 application for a site or building where distinct parts of the  
10 site or building are designated for purposes other than the  
11 provision of supportive living services, but only if:

12 (1) those distinct parts of the site or building are  
13 not designated for the purpose of providing assisted  
14 living services as required under the Assisted Living and  
15 Shared Housing Act;

16 (2) those distinct parts of the site or building are  
17 completely separate from the part of the building used for  
18 the provision of supportive living program services,  
19 including separate entrances;

20 (3) those distinct parts of the site or building do  
21 not share any common spaces with the part of the building  
22 used for the provision of supportive living program  
23 services; and

24 (4) those distinct parts of the site or building do  
25 not share staffing with the part of the building used for  
26 the provision of supportive living program services.



1           (e) Facilities or distinct parts of facilities which are  
2 selected as supportive living facilities and are in good  
3 standing with the Department's rules are exempt from the  
4 provisions of the Nursing Home Care Act and the Illinois  
5 Health Facilities Planning Act.

6           (f) Section 9817 of the American Rescue Plan Act of 2021  
7 (Public Law 117-2) authorizes a 10% enhanced federal medical  
8 assistance percentage for supportive living services for a  
9 12-month period from April 1, 2021 through March 31, 2022.  
10 Subject to federal approval, including the approval of any  
11 necessary waiver amendments or other federally required  
12 documents or assurances, for a 12-month period the Department  
13 must pay a supplemental \$26 per diem rate to all supportive  
14 living facilities with the additional federal financial  
15 participation funds that result from the enhanced federal  
16 medical assistance percentage from April 1, 2021 through March  
17 31, 2022. The Department may issue parameters around how the  
18 supplemental payment should be spent, including quality  
19 improvement activities. The Department may alter the form,  
20 methods, or timeframes concerning the supplemental per diem  
21 rate to comply with any subsequent changes to federal law,  
22 changes made by guidance issued by the federal Centers for  
23 Medicare and Medicaid Services, or other changes necessary to  
24 receive the enhanced federal medical assistance percentage.

25           (g) All applications for the expansion of supportive  
26 living dementia care settings involving sites not approved by

1 the Department on January 1, 2024 (the effective date of  
2 Public Act 103-102) ~~this amendatory Act of the 103rd General~~  
3 ~~Assembly~~ may allow new elderly non-dementia units in addition  
4 to new dementia care units. The Department may approve such  
5 applications only if the application has: (1) no more than one  
6 non-dementia care unit for each dementia care unit and (2) the  
7 site is not located within 4 miles of an existing supportive  
8 living program site in Cook County (including the City of  
9 Chicago), not located within 12 miles of an existing  
10 supportive living program site in DuPage County, Kane County,  
11 Lake County, McHenry County, or Will County, or not located  
12 within 25 miles of an existing supportive living program site  
13 in any other county.

14 (Source: P.A. 102-43, eff. 7-6-21; 102-699, eff. 4-19-22;  
15 103-102, Article 20, Section 20-5, eff. 1-1-24; 103-102,  
16 Article 100, Section 100-5, eff. 1-1-24; revised 12-15-23.)

17 (305 ILCS 5/5-5.05)

18 Sec. 5-5.05. Hospitals; psychiatric services.

19 (a) On and after January 1, 2024, the inpatient, per diem  
20 rate to be paid to a hospital for inpatient psychiatric  
21 services shall be not less than 90% of the per diem rate  
22 established in accordance with subsection ~~paragraph~~ (b-5) of  
23 this Section, subject to the provisions of Section 14-12.5.

24 (b) For purposes of this Section, "hospital" means a  
25 hospital with a distinct part unit for psychiatric services.

1 For purposes of this Section, "inpatient psychiatric  
2 services" means those services provided to patients who are in  
3 need of short-term acute inpatient hospitalization for active  
4 treatment of an emotional or mental disorder.

5 (b-5) Notwithstanding any other provision of this Section,  
6 the inpatient, per diem rate to be paid to all safety-net  
7 hospitals for inpatient psychiatric services on and after  
8 January 1, 2021 shall be at least \$630, subject to the  
9 provisions of Section 14-12.5.

10 (b-10) Notwithstanding any other provision of this  
11 Section, effective with dates of service on and after January  
12 1, 2022, any general acute care hospital with more than 9,500  
13 inpatient psychiatric Medicaid days in any calendar year shall  
14 be paid the inpatient per diem rate of no less than \$630,  
15 subject to the provisions of Section 14-12.5.

16 (c) No rules shall be promulgated to implement this  
17 Section. For purposes of this Section, "rules" is given the  
18 meaning contained in Section 1-70 of the Illinois  
19 Administrative Procedure Act.

20 (d) (Blank).

21 (e) On and after July 1, 2012, the Department shall reduce  
22 any rate of reimbursement for services or other payments or  
23 alter any methodologies authorized by this Code to reduce any  
24 rate of reimbursement for services or other payments in  
25 accordance with Section 5-5e.

26 (Source: P.A. 102-4, eff. 4-27-21; 102-674, eff. 11-30-21;

1 103-102, eff. 6-16-23; revised 9-21-23.)

2 (305 ILCS 5/5-5.2)

3 Sec. 5-5.2. Payment.

4 (a) All nursing facilities that are grouped pursuant to  
5 Section 5-5.1 of this Act shall receive the same rate of  
6 payment for similar services.

7 (b) It shall be a matter of State policy that the Illinois  
8 Department shall utilize a uniform billing cycle throughout  
9 the State for the long-term care providers.

10 (c) (Blank).

11 (c-1) Notwithstanding any other provisions of this Code,  
12 the methodologies for reimbursement of nursing services as  
13 provided under this Article shall no longer be applicable for  
14 bills payable for nursing services rendered on or after a new  
15 reimbursement system based on the Patient Driven Payment Model  
16 (PDPM) has been fully operationalized, which shall take effect  
17 for services provided on or after the implementation of the  
18 PDPM reimbursement system begins. For the purposes of Public  
19 Act 102-1035 ~~this amendatory Act of the 102nd General~~  
20 ~~Assembly~~, the implementation date of the PDPM reimbursement  
21 system and all related provisions shall be July 1, 2022 if the  
22 following conditions are met: (i) the Centers for Medicare and  
23 Medicaid Services has approved corresponding changes in the  
24 reimbursement system and bed assessment; and (ii) the  
25 Department has filed rules to implement these changes no later

1 than June 1, 2022. Failure of the Department to file rules to  
2 implement the changes provided in Public Act 102-1035 ~~this~~  
3 ~~amendatory Act of the 102nd General Assembly~~ no later than  
4 June 1, 2022 shall result in the implementation date being  
5 delayed to October 1, 2022.

6 (d) The new nursing services reimbursement methodology  
7 utilizing the Patient Driven Payment Model, which shall be  
8 referred to as the PDPM reimbursement system, taking effect  
9 July 1, 2022, upon federal approval by the Centers for  
10 Medicare and Medicaid Services, shall be based on the  
11 following:

12 (1) The methodology shall be resident-centered,  
13 facility-specific, cost-based, and based on guidance from  
14 the Centers for Medicare and Medicaid Services.

15 (2) Costs shall be annually rebased and case mix index  
16 quarterly updated. The nursing services methodology will  
17 be assigned to the Medicaid enrolled residents on record  
18 as of 30 days prior to the beginning of the rate period in  
19 the Department's Medicaid Management Information System  
20 (MMIS) as present on the last day of the second quarter  
21 preceding the rate period based upon the Assessment  
22 Reference Date of the Minimum Data Set (MDS).

23 (3) Regional wage adjustors based on the Health  
24 Service Areas (HSA) groupings and adjusters in effect on  
25 April 30, 2012 shall be included, except no adjuster shall  
26 be lower than 1.06.

1           (4) PDPM nursing case mix indices in effect on March  
2           1, 2022 shall be assigned to each resident class at no less  
3           than 0.7858 of the Centers for Medicare and Medicaid  
4           Services PDPM unadjusted case mix values, in effect on  
5           March 1, 2022.

6           (5) The pool of funds available for distribution by  
7           case mix and the base facility rate shall be determined  
8           using the formula contained in subsection (d-1).

9           (6) The Department shall establish a variable per diem  
10          staffing add-on in accordance with the most recent  
11          available federal staffing report, currently the Payroll  
12          Based Journal, for the same period of time, and if  
13          applicable adjusted for acuity using the same quarter's  
14          MDS. The Department shall rely on Payroll Based Journals  
15          provided to the Department of Public Health to make a  
16          determination of non-submission. If the Department is  
17          notified by a facility of missing or inaccurate Payroll  
18          Based Journal data or an incorrect calculation of  
19          staffing, the Department must make a correction as soon as  
20          the error is verified for the applicable quarter.

21          Facilities with at least 70% of the staffing indicated  
22          by the STRIVE study shall be paid a per diem add-on of \$9,  
23          increasing by equivalent steps for each whole percentage  
24          point until the facilities reach a per diem of \$14.88.  
25          Facilities with at least 80% of the staffing indicated by  
26          the STRIVE study shall be paid a per diem add-on of \$14.88,

1 increasing by equivalent steps for each whole percentage  
2 point until the facilities reach a per diem add-on of  
3 \$23.80. Facilities with at least 92% of the staffing  
4 indicated by the STRIVE study shall be paid a per diem  
5 add-on of \$23.80, increasing by equivalent steps for each  
6 whole percentage point until the facilities reach a per  
7 diem add-on of \$29.75. Facilities with at least 100% of  
8 the staffing indicated by the STRIVE study shall be paid a  
9 per diem add-on of \$29.75, increasing by equivalent steps  
10 for each whole percentage point until the facilities reach  
11 a per diem add-on of \$35.70. Facilities with at least 110%  
12 of the staffing indicated by the STRIVE study shall be  
13 paid a per diem add-on of \$35.70, increasing by equivalent  
14 steps for each whole percentage point until the facilities  
15 reach a per diem add-on of \$38.68. Facilities with at  
16 least 125% or higher of the staffing indicated by the  
17 STRIVE study shall be paid a per diem add-on of \$38.68.  
18 Beginning April 1, 2023, no nursing facility's variable  
19 staffing per diem add-on shall be reduced by more than 5%  
20 in 2 consecutive quarters. For the quarters beginning July  
21 1, 2022 and October 1, 2022, no facility's variable per  
22 diem staffing add-on shall be calculated at a rate lower  
23 than 85% of the staffing indicated by the STRIVE study. No  
24 facility below 70% of the staffing indicated by the STRIVE  
25 study shall receive a variable per diem staffing add-on  
26 after December 31, 2022.

1           (7) For dates of services beginning July 1, 2022, the  
2           PDPM nursing component per diem for each nursing facility  
3           shall be the product of the facility's (i) statewide PDPM  
4           nursing base per diem rate, \$92.25, adjusted for the  
5           facility average PDPM case mix index calculated quarterly  
6           and (ii) the regional wage adjuster, and then add the  
7           Medicaid access adjustment as defined in (e-3) of this  
8           Section. Transition rates for services provided between  
9           July 1, 2022 and October 1, 2023 shall be the greater of  
10          the PDPM nursing component per diem or:

11                 (A) for the quarter beginning July 1, 2022, the  
12                 RUG-IV nursing component per diem;

13                 (B) for the quarter beginning October 1, 2022, the  
14                 sum of the RUG-IV nursing component per diem  
15                 multiplied by 0.80 and the PDPM nursing component per  
16                 diem multiplied by 0.20;

17                 (C) for the quarter beginning January 1, 2023, the  
18                 sum of the RUG-IV nursing component per diem  
19                 multiplied by 0.60 and the PDPM nursing component per  
20                 diem multiplied by 0.40;

21                 (D) for the quarter beginning April 1, 2023, the  
22                 sum of the RUG-IV nursing component per diem  
23                 multiplied by 0.40 and the PDPM nursing component per  
24                 diem multiplied by 0.60;

25                 (E) for the quarter beginning July 1, 2023, the  
26                 sum of the RUG-IV nursing component per diem



1 multiplied by 0.20 and the PDPM nursing component per  
2 diem multiplied by 0.80; or

3 (F) for the quarter beginning October 1, 2023 and  
4 each subsequent quarter, the transition rate shall end  
5 and a nursing facility shall be paid 100% of the PDPM  
6 nursing component per diem.

7 (d-1) Calculation of base year Statewide RUG-IV nursing  
8 base per diem rate.

9 (1) Base rate spending pool shall be:

10 (A) The base year resident days which are  
11 calculated by multiplying the number of Medicaid  
12 residents in each nursing home as indicated in the MDS  
13 data defined in paragraph (4) by 365.

14 (B) Each facility's nursing component per diem in  
15 effect on July 1, 2012 shall be multiplied by  
16 subsection (A).

17 (C) Thirteen million is added to the product of  
18 subparagraph (A) and subparagraph (B) to adjust for  
19 the exclusion of nursing homes defined in paragraph  
20 (5).

21 (2) For each nursing home with Medicaid residents as  
22 indicated by the MDS data defined in paragraph (4),  
23 weighted days adjusted for case mix and regional wage  
24 adjustment shall be calculated. For each home this  
25 calculation is the product of:

26 (A) Base year resident days as calculated in

1            subparagraph (A) of paragraph (1).

2            (B) The nursing home's regional wage adjustor  
3            based on the Health Service Areas (HSA) groupings and  
4            adjustors in effect on April 30, 2012.

5            (C) Facility weighted case mix which is the number  
6            of Medicaid residents as indicated by the MDS data  
7            defined in paragraph (4) multiplied by the associated  
8            case weight for the RUG-IV 48 grouper model using  
9            standard RUG-IV procedures for index maximization.

10           (D) The sum of the products calculated for each  
11           nursing home in subparagraphs (A) through (C) above  
12           shall be the base year case mix, rate adjusted  
13           weighted days.

14           (3) The Statewide RUG-IV nursing base per diem rate:

15           (A) on January 1, 2014 shall be the quotient of the  
16           paragraph (1) divided by the sum calculated under  
17           subparagraph (D) of paragraph (2);

18           (B) on and after July 1, 2014 and until July 1,  
19           2022, shall be the amount calculated under  
20           subparagraph (A) of this paragraph (3) plus \$1.76; and

21           (C) beginning July 1, 2022 and thereafter, \$7  
22           shall be added to the amount calculated under  
23           subparagraph (B) of this paragraph (3) of this  
24           Section.

25           (4) Minimum Data Set (MDS) comprehensive assessments  
26           for Medicaid residents on the last day of the quarter used

1 to establish the base rate.

2 (5) Nursing facilities designated as of July 1, 2012  
3 by the Department as "Institutions for Mental Disease"  
4 shall be excluded from all calculations under this  
5 subsection. The data from these facilities shall not be  
6 used in the computations described in paragraphs (1)  
7 through (4) above to establish the base rate.

8 (e) Beginning July 1, 2014, the Department shall allocate  
9 funding in the amount up to \$10,000,000 for per diem add-ons to  
10 the RUGS methodology for dates of service on and after July 1,  
11 2014:

12 (1) \$0.63 for each resident who scores in I4200  
13 Alzheimer's Disease or I4800 non-Alzheimer's Dementia.

14 (2) \$2.67 for each resident who scores either a "1" or  
15 "2" in any items S1200A through S1200I and also scores in  
16 RUG groups PA1, PA2, BA1, or BA2.

17 (e-1) (Blank).

18 (e-2) For dates of services beginning January 1, 2014 and  
19 ending September 30, 2023, the RUG-IV nursing component per  
20 diem for a nursing home shall be the product of the statewide  
21 RUG-IV nursing base per diem rate, the facility average case  
22 mix index, and the regional wage adjustor. For dates of  
23 service beginning July 1, 2022 and ending September 30, 2023,  
24 the Medicaid access adjustment described in subsection (e-3)  
25 shall be added to the product.

26 (e-3) A Medicaid Access Adjustment of \$4 adjusted for the

1 facility average PDPM case mix index calculated quarterly  
2 shall be added to the statewide PDPM nursing per diem for all  
3 facilities with annual Medicaid bed days of at least 70% of all  
4 occupied bed days adjusted quarterly. For each new calendar  
5 year and for the 6-month period beginning July 1, 2022, the  
6 percentage of a facility's occupied bed days comprised of  
7 Medicaid bed days shall be determined by the Department  
8 quarterly. For dates of service beginning January 1, 2023, the  
9 Medicaid Access Adjustment shall be increased to \$4.75. This  
10 subsection shall be inoperative on and after January 1, 2028.

11 (e-4) Subject to federal approval, on and after January 1,  
12 2024, the Department shall increase the rate add-on at  
13 paragraph (7) subsection (a) under 89 Ill. Adm. Code 147.335  
14 for ventilator services from \$208 per day to \$481 per day.  
15 Payment is subject to the criteria and requirements under 89  
16 Ill. Adm. Code 147.335.

17 (f) (Blank).

18 (g) Notwithstanding any other provision of this Code, on  
19 and after July 1, 2012, for facilities not designated by the  
20 Department of Healthcare and Family Services as "Institutions  
21 for Mental Disease", rates effective May 1, 2011 shall be  
22 adjusted as follows:

23 (1) (Blank);

24 (2) (Blank);

25 (3) Facility rates for the capital and support  
26 components shall be reduced by 1.7%.

1 (h) Notwithstanding any other provision of this Code, on  
2 and after July 1, 2012, nursing facilities designated by the  
3 Department of Healthcare and Family Services as "Institutions  
4 for Mental Disease" and "Institutions for Mental Disease" that  
5 are facilities licensed under the Specialized Mental Health  
6 Rehabilitation Act of 2013 shall have the nursing,  
7 socio-developmental, capital, and support components of their  
8 reimbursement rate effective May 1, 2011 reduced in total by  
9 2.7%.

10 (i) On and after July 1, 2014, the reimbursement rates for  
11 the support component of the nursing facility rate for  
12 facilities licensed under the Nursing Home Care Act as skilled  
13 or intermediate care facilities shall be the rate in effect on  
14 June 30, 2014 increased by 8.17%.

15 (i-1) Subject to federal approval, on and after January 1,  
16 2024, the reimbursement rates for the support component of the  
17 nursing facility rate for facilities licensed under the  
18 Nursing Home Care Act as skilled or intermediate care  
19 facilities shall be the rate in effect on June 30, 2023  
20 increased by 12%.

21 (j) Notwithstanding any other provision of law, subject to  
22 federal approval, effective July 1, 2019, sufficient funds  
23 shall be allocated for changes to rates for facilities  
24 licensed under the Nursing Home Care Act as skilled nursing  
25 facilities or intermediate care facilities for dates of  
26 services on and after July 1, 2019: (i) to establish, through

1 June 30, 2022 a per diem add-on to the direct care per diem  
2 rate not to exceed \$70,000,000 annually in the aggregate  
3 taking into account federal matching funds for the purpose of  
4 addressing the facility's unique staffing needs, adjusted  
5 quarterly and distributed by a weighted formula based on  
6 Medicaid bed days on the last day of the second quarter  
7 preceding the quarter for which the rate is being adjusted.  
8 Beginning July 1, 2022, the annual \$70,000,000 described in  
9 the preceding sentence shall be dedicated to the variable per  
10 diem add-on for staffing under paragraph (6) of subsection  
11 (d); and (ii) in an amount not to exceed \$170,000,000 annually  
12 in the aggregate taking into account federal matching funds to  
13 permit the support component of the nursing facility rate to  
14 be updated as follows:

15 (1) 80%, or \$136,000,000, of the funds shall be used  
16 to update each facility's rate in effect on June 30, 2019  
17 using the most recent cost reports on file, which have had  
18 a limited review conducted by the Department of Healthcare  
19 and Family Services and will not hold up enacting the rate  
20 increase, with the Department of Healthcare and Family  
21 Services.

22 (2) After completing the calculation in paragraph (1),  
23 any facility whose rate is less than the rate in effect on  
24 June 30, 2019 shall have its rate restored to the rate in  
25 effect on June 30, 2019 from the 20% of the funds set  
26 aside.

1           (3) The remainder of the 20%, or \$34,000,000, shall be  
2           used to increase each facility's rate by an equal  
3           percentage.

4           (k) During the first quarter of State Fiscal Year 2020,  
5           the Department of Healthcare of Family Services must convene a  
6           technical advisory group consisting of members of all trade  
7           associations representing Illinois skilled nursing providers  
8           to discuss changes necessary with federal implementation of  
9           Medicare's Patient-Driven Payment Model. Implementation of  
10          Medicare's Patient-Driven Payment Model shall, by September 1,  
11          2020, end the collection of the MDS data that is necessary to  
12          maintain the current RUG-IV Medicaid payment methodology. The  
13          technical advisory group must consider a revised reimbursement  
14          methodology that takes into account transparency,  
15          accountability, actual staffing as reported under the  
16          federally required Payroll Based Journal system, changes to  
17          the minimum wage, adequacy in coverage of the cost of care, and  
18          a quality component that rewards quality improvements.

19          (1) The Department shall establish per diem add-on  
20          payments to improve the quality of care delivered by  
21          facilities, including:

22                 (1) Incentive payments determined by facility  
23                 performance on specified quality measures in an initial  
24                 amount of \$70,000,000. Nothing in this subsection shall be  
25                 construed to limit the quality of care payments in the  
26                 aggregate statewide to \$70,000,000, and, if quality of

1 care has improved across nursing facilities, the  
2 Department shall adjust those add-on payments accordingly.  
3 The quality payment methodology described in this  
4 subsection must be used for at least State Fiscal Year  
5 2023. Beginning with the quarter starting July 1, 2023,  
6 the Department may add, remove, or change quality metrics  
7 and make associated changes to the quality payment  
8 methodology as outlined in subparagraph (E). Facilities  
9 designated by the Centers for Medicare and Medicaid  
10 Services as a special focus facility or a hospital-based  
11 nursing home do not qualify for quality payments.

12 (A) Each quality pool must be distributed by  
13 assigning a quality weighted score for each nursing  
14 home which is calculated by multiplying the nursing  
15 home's quality base period Medicaid days by the  
16 nursing home's star rating weight in that period.

17 (B) Star rating weights are assigned based on the  
18 nursing home's star rating for the LTS quality star  
19 rating. As used in this subparagraph, "LTS quality  
20 star rating" means the long-term stay quality rating  
21 for each nursing facility, as assigned by the Centers  
22 for Medicare and Medicaid Services under the Five-Star  
23 Quality Rating System. The rating is a number ranging  
24 from 0 (lowest) to 5 (highest).

25 (i) Zero-star or one-star rating has a weight  
26 of 0.



1 (ii) Two-star rating has a weight of 0.75.

2 (iii) Three-star rating has a weight of 1.5.

3 (iv) Four-star rating has a weight of 2.5.

4 (v) Five-star rating has a weight of 3.5.

5 (C) Each nursing home's quality weight score is  
6 divided by the sum of all quality weight scores for  
7 qualifying nursing homes to determine the proportion  
8 of the quality pool to be paid to the nursing home.

9 (D) The quality pool is no less than \$70,000,000  
10 annually or \$17,500,000 per quarter. The Department  
11 shall publish on its website the estimated payments  
12 and the associated weights for each facility 45 days  
13 prior to when the initial payments for the quarter are  
14 to be paid. The Department shall assign each facility  
15 the most recent and applicable quarter's STAR value  
16 unless the facility notifies the Department within 15  
17 days of an issue and the facility provides reasonable  
18 evidence demonstrating its timely compliance with  
19 federal data submission requirements for the quarter  
20 of record. If such evidence cannot be provided to the  
21 Department, the STAR rating assigned to the facility  
22 shall be reduced by one from the prior quarter.

23 (E) The Department shall review quality metrics  
24 used for payment of the quality pool and make  
25 recommendations for any associated changes to the  
26 methodology for distributing quality pool payments in

1           consultation with associations representing long-term  
2           care providers, consumer advocates, organizations  
3           representing workers of long-term care facilities, and  
4           payors. The Department may establish, by rule, changes  
5           to the methodology for distributing quality pool  
6           payments.

7           (F) The Department shall disburse quality pool  
8           payments from the Long-Term Care Provider Fund on a  
9           monthly basis in amounts proportional to the total  
10          quality pool payment determined for the quarter.

11          (G) The Department shall publish any changes in  
12          the methodology for distributing quality pool payments  
13          prior to the beginning of the measurement period or  
14          quality base period for any metric added to the  
15          distribution's methodology.

16          (2) Payments based on CNA tenure, promotion, and CNA  
17          training for the purpose of increasing CNA compensation.  
18          It is the intent of this subsection that payments made in  
19          accordance with this paragraph be directly incorporated  
20          into increased compensation for CNAs. As used in this  
21          paragraph, "CNA" means a certified nursing assistant as  
22          that term is described in Section 3-206 of the Nursing  
23          Home Care Act, Section 3-206 of the ID/DD Community Care  
24          Act, and Section 3-206 of the MC/DD Act. The Department  
25          shall establish, by rule, payments to nursing facilities  
26          equal to Medicaid's share of the tenure wage increments

1 specified in this paragraph for all reported CNA employee  
2 hours compensated according to a posted schedule  
3 consisting of increments at least as large as those  
4 specified in this paragraph. The increments are as  
5 follows: an additional \$1.50 per hour for CNAs with at  
6 least one and less than 2 years' experience plus another  
7 \$1 per hour for each additional year of experience up to a  
8 maximum of \$6.50 for CNAs with at least 6 years of  
9 experience. For purposes of this paragraph, Medicaid's  
10 share shall be the ratio determined by paid Medicaid bed  
11 days divided by total bed days for the applicable time  
12 period used in the calculation. In addition, and additive  
13 to any tenure increments paid as specified in this  
14 paragraph, the Department shall establish, by rule,  
15 payments supporting Medicaid's share of the  
16 promotion-based wage increments for CNA employee hours  
17 compensated for that promotion with at least a \$1.50  
18 hourly increase. Medicaid's share shall be established as  
19 it is for the tenure increments described in this  
20 paragraph. Qualifying promotions shall be defined by the  
21 Department in rules for an expected 10-15% subset of CNAs  
22 assigned intermediate, specialized, or added roles such as  
23 CNA trainers, CNA scheduling "captains", and CNA  
24 specialists for resident conditions like dementia or  
25 memory care or behavioral health.

26 (m) The Department shall work with nursing facility

1 industry representatives to design policies and procedures to  
2 permit facilities to address the integrity of data from  
3 federal reporting sites used by the Department in setting  
4 facility rates.

5 (Source: P.A. 102-77, eff. 7-9-21; 102-558, eff. 8-20-21;  
6 102-1035, eff. 5-31-22; 102-1118, eff. 1-18-23; 103-102,  
7 Article 40, Section 40-5, eff. 1-1-24; 103-102, Article 50,  
8 Section 50-5, eff. 1-1-24; revised 12-15-23.)

9 (305 ILCS 5/5-16.8)

10 Sec. 5-16.8. Required health benefits. The medical  
11 assistance program shall (i) provide the post-mastectomy care  
12 benefits required to be covered by a policy of accident and  
13 health insurance under Section 356t and the coverage required  
14 under Sections 356g.5, 356q, 356u, 356w, 356x, 356z.6,  
15 356z.26, 356z.29, 356z.32, 356z.33, 356z.34, 356z.35, 356z.46,  
16 356z.47, 356z.51, 356z.53, 356z.56, 356z.59, 356z.60, ~~and~~  
17 356z.61, 356z.64, and 356z.67 of the Illinois Insurance Code,  
18 (ii) be subject to the provisions of Sections 356z.19,  
19 356z.44, 356z.49, 364.01, 370c, and 370c.1 of the Illinois  
20 Insurance Code, and (iii) be subject to the provisions of  
21 subsection (d-5) of Section 10 of the Network Adequacy and  
22 Transparency Act.

23 The Department, by rule, shall adopt a model similar to  
24 the requirements of Section 356z.39 of the Illinois Insurance  
25 Code.

1           On and after July 1, 2012, the Department shall reduce any  
2 rate of reimbursement for services or other payments or alter  
3 any methodologies authorized by this Code to reduce any rate  
4 of reimbursement for services or other payments in accordance  
5 with Section 5-5e.

6           To ensure full access to the benefits set forth in this  
7 Section, on and after January 1, 2016, the Department shall  
8 ensure that provider and hospital reimbursement for  
9 post-mastectomy care benefits required under this Section are  
10 no lower than the Medicare reimbursement rate.

11       (Source: P.A. 102-30, eff. 1-1-22; 102-144, eff. 1-1-22;  
12 102-203, eff. 1-1-22; 102-306, eff. 1-1-22; 102-530, eff.  
13 1-1-22; 102-642, eff. 1-1-22; 102-804, eff. 1-1-23; 102-813,  
14 eff. 5-13-22; 102-816, eff. 1-1-23; 102-1093, eff. 1-1-23;  
15 102-1117, eff. 1-13-23; 103-84, eff. 1-1-24; 103-91, eff.  
16 1-1-24; 103-420, eff. 1-1-24; revised 12-15-23.)

17           (305 ILCS 5/5-47)

18           Sec. 5-47. Medicaid reimbursement rates; substance use  
19 disorder treatment providers and facilities.

20           (a) Beginning on January 1, 2024, subject to federal  
21 approval, the Department of Healthcare and Family Services, in  
22 conjunction with the Department of Human Services' Division of  
23 Substance Use Prevention and Recovery, shall provide a 30%  
24 increase in reimbursement rates for all Medicaid-covered ASAM  
25 Level 3 residential/inpatient substance use disorder treatment

1 services.

2 No existing or future reimbursement rates or add-ons shall  
3 be reduced or changed to address this proposed rate increase.  
4 No later than 3 months after June 16, 2023 (the effective date  
5 of Public Act 103-102) ~~this amendatory Act of the 103rd~~  
6 ~~General Assembly~~, the Department of Healthcare and Family  
7 Services shall submit any necessary application to the federal  
8 Centers for Medicare and Medicaid Services to implement the  
9 requirements of this Section.

10 (b) Parity in community-based behavioral health rates;  
11 implementation plan for cost reporting. For the purpose of  
12 understanding behavioral health services cost structures and  
13 their impact on the Medical Assistance Program, the Department  
14 of Healthcare and Family Services shall engage stakeholders to  
15 develop a plan for the regular collection of cost reporting  
16 for all entity-based substance use disorder providers. Data  
17 shall be used to inform on the effectiveness and efficiency of  
18 Illinois Medicaid rates. The Department and stakeholders shall  
19 develop a plan by April 1, 2024. The Department shall engage  
20 stakeholders on implementation of the plan. The plan, at  
21 minimum, shall consider all of the following:

22 (1) Alignment with certified community behavioral  
23 health clinic requirements, standards, policies, and  
24 procedures.

25 (2) Inclusion of prospective costs to measure what is  
26 needed to increase services and capacity.

1           (3) Consideration of differences in collection and  
2 policies based on the size of providers.

3           (4) Consideration of additional administrative time  
4 and costs.

5           (5) Goals, purposes, and usage of data collected from  
6 cost reports.

7           (6) Inclusion of qualitative data in addition to  
8 quantitative data.

9           (7) Technical assistance for providers for completing  
10 cost reports including initial training by the Department  
11 for providers.

12           (8) Implementation of a timeline which allows an  
13 initial grace period for providers to adjust internal  
14 procedures and data collection.

15           Details from collected cost reports shall be made publicly  
16 available on the Department's website and costs shall be used  
17 to ensure the effectiveness and efficiency of Illinois  
18 Medicaid rates.

19           (c) Reporting; access to substance use disorder treatment  
20 services and recovery supports. By no later than April 1,  
21 2024, the Department of Healthcare and Family Services, with  
22 input from the Department of Human Services' Division of  
23 Substance Use Prevention and Recovery, shall submit a report  
24 to the General Assembly regarding access to treatment services  
25 and recovery supports for persons diagnosed with a substance  
26 use disorder. The report shall include, but is not limited to,

1 the following information:

2 (1) The number of providers enrolled in the Illinois  
3 Medical Assistance Program certified to provide substance  
4 use disorder treatment services, aggregated by ASAM level  
5 of care, and recovery supports.

6 (2) The number of Medicaid customers in Illinois with  
7 a diagnosed substance use disorder receiving substance use  
8 disorder treatment, aggregated by provider type and ASAM  
9 level of care.

10 (3) A comparison of Illinois' substance use disorder  
11 licensure and certification requirements with those of  
12 comparable state Medicaid programs.

13 (4) Recommendations for and an analysis of the impact  
14 of aligning reimbursement rates for outpatient substance  
15 use disorder treatment services with reimbursement rates  
16 for community-based mental health treatment services.

17 (5) Recommendations for expanding substance use  
18 disorder treatment to other qualified provider entities  
19 and licensed professionals of the healing arts. The  
20 recommendations shall include an analysis of the  
21 opportunities to maximize the flexibilities permitted by  
22 the federal Centers for Medicare and Medicaid Services for  
23 expanding access to the number and types of qualified  
24 substance use disorder providers.

25 (Source: P.A. 103-102, eff. 6-16-23; revised 9-26-23.)



1 (305 ILCS 5/5-50)

2 Sec. 5-50 ~~5-47~~. Coverage for mental health and substance  
3 use disorder telehealth services.

4 (a) As used in this Section:

5 "Behavioral health care professional" has the meaning  
6 given to "health care professional" in Section 5 of the  
7 Telehealth Act, but only with respect to professionals  
8 licensed or certified by the Division of Mental Health or  
9 Division of Substance Use Prevention and Recovery of the  
10 Department of Human Services engaged in the delivery of mental  
11 health or substance use disorder treatment or services.

12 "Behavioral health facility" means a community mental  
13 health center, a behavioral health clinic, a substance use  
14 disorder treatment program, or a facility or provider licensed  
15 or certified by the Division of Mental Health or Division of  
16 Substance Use Prevention and Recovery of the Department of  
17 Human Services.

18 "Behavioral telehealth services" has the meaning given to  
19 the term "telehealth services" in Section 5 of the Telehealth  
20 Act, but limited solely to mental health and substance use  
21 disorder treatment or services to a patient, regardless of  
22 patient location.

23 "Distant site" has the meaning given to that term in  
24 Section 5 of the Telehealth Act.

25 "Originating site" has the meaning given to that term in  
26 Section 5 of the Telehealth Act.

1           (b) The Department and any managed care plans under  
2 contract with the Department for the medical assistance  
3 program shall provide for coverage of mental health and  
4 substance use disorder treatment or services delivered as  
5 behavioral telehealth services as specified in this Section.  
6 The Department and any managed care plans under contract with  
7 the Department for the medical assistance program may also  
8 provide reimbursement to a behavioral health facility that  
9 serves as the originating site at the time a behavioral  
10 telehealth service is rendered.

11           (c) To ensure behavioral telehealth services are equitably  
12 provided, coverage required under this Section shall comply  
13 with all of the following:

14           (1) The Department and any managed care plans under  
15 contract with the Department for the medical assistance  
16 program shall not:

17           (A) require that in-person contact occur between a  
18 behavioral health care professional and a patient  
19 before the provision of a behavioral telehealth  
20 service;

21           (B) require patients, behavioral health care  
22 professionals, or behavioral health facilities to  
23 prove or document a hardship or access barrier to an  
24 in-person consultation for coverage and reimbursement  
25 of behavioral telehealth services;

26           (C) require the use of behavioral telehealth

1 services when the behavioral health care professional  
2 has determined that it is not appropriate;

3 (D) require the use of behavioral telehealth  
4 services when a patient chooses an in-person  
5 consultation;

6 (E) require a behavioral health care professional  
7 to be physically present in the same room as the  
8 patient at the originating site, unless deemed  
9 medically necessary by the behavioral health care  
10 professional providing the behavioral telehealth  
11 service;

12 (F) create geographic or facility restrictions or  
13 requirements for behavioral telehealth services;

14 (G) require behavioral health care professionals  
15 or behavioral health facilities to offer or provide  
16 behavioral telehealth services;

17 (H) require patients to use behavioral telehealth  
18 services or require patients to use a separate panel  
19 of behavioral health care professionals or behavioral  
20 health facilities to receive behavioral telehealth  
21 services; or

22 (I) impose upon behavioral telehealth services  
23 utilization review requirements that are unnecessary,  
24 duplicative, or unwarranted or impose any treatment  
25 limitations, prior authorization, documentation, or  
26 recordkeeping requirements that are more stringent

1           than the requirements applicable to the same  
2           behavioral health care service when rendered  
3           in-person, except that procedure code modifiers may be  
4           required to document behavioral telehealth.

5           (2) Any cost sharing applicable to services provided  
6           through behavioral telehealth shall not exceed the cost  
7           sharing required by the medical assistance program for the  
8           same services provided through in-person consultation.

9           (3) The Department and any managed care plans under  
10          contract with the Department for the medical assistance  
11          program shall notify behavioral health care professionals  
12          and behavioral health facilities of any instructions  
13          necessary to facilitate billing for behavioral telehealth  
14          services.

15          (d) For purposes of reimbursement, the Department and any  
16          managed care plans under contract with the Department for the  
17          medical assistance program shall reimburse a behavioral health  
18          care professional or behavioral health facility for behavioral  
19          telehealth services on the same basis, in the same manner, and  
20          at the same reimbursement rate that would apply to the  
21          services if the services had been delivered via an in-person  
22          encounter by a behavioral health care professional or  
23          behavioral health facility. This subsection applies only to  
24          those services provided by behavioral telehealth that may  
25          otherwise be billed as an in-person service.

26          (e) Behavioral health care professionals and behavioral

1 health facilities shall determine the appropriateness of  
2 specific sites, technology platforms, and technology vendors  
3 for a behavioral telehealth service, as long as delivered  
4 services adhere to all federal and State privacy, security,  
5 and confidentiality laws, rules, or regulations, including,  
6 but not limited to, the Health Insurance Portability and  
7 Accountability Act of 1996, 42 CFR Part 2, and the Mental  
8 Health and Developmental Disabilities Confidentiality Act.

9 (f) Nothing in this Section shall be deemed as precluding  
10 the Department and any managed care plans under contract with  
11 the Department for the medical assistance program from  
12 providing benefits for other telehealth services.

13 (g) There shall be no restrictions on originating site  
14 requirements for behavioral telehealth coverage or  
15 reimbursement to the distant site under this Section other  
16 than requiring the behavioral telehealth services to be  
17 medically necessary and clinically appropriate.

18 (h) Nothing in this Section shall be deemed as precluding  
19 the Department and any managed care plans under contract with  
20 the Department for the medical assistance program from  
21 establishing limits on the use of telehealth for a particular  
22 behavioral health service when the limits are consistent with  
23 generally accepted standards of mental, emotional, nervous, or  
24 substance use disorder or condition care.

25 (i) The Department may adopt rules to implement the  
26 provisions of this Section.

1 (Source: P.A. 103-243, eff. 1-1-24; revised 1-2-24.)

2 (305 ILCS 5/5-51)

3 Sec. 5-51 ~~5-47~~. Proton beam therapy; managed care.  
4 Notwithstanding any other provision of this Article, a managed  
5 care organization under contract with the Department to  
6 provide services to recipients of medical assistance shall  
7 provide coverage for proton beam therapy.

8 As used in this Section:7

9 "Proton ~~"proton~~ beam therapy" means a type of radiation  
10 therapy treatment that utilizes protons as the radiation  
11 delivery method for the treatment of tumors and cancerous  
12 cells.

13 "Radiation therapy treatment" means the delivery of  
14 biological effective doses with proton therapy, intensity  
15 modulated radiation therapy, brachytherapy, stereotactic body  
16 radiation therapy, three-dimensional conformal radiation  
17 therapy, or other forms of therapy using radiation.

18 (Source: P.A. 103-325, eff. 1-1-24; revised 1-2-24.)

19 (305 ILCS 5/5A-12.7)

20 (Section scheduled to be repealed on December 31, 2026)

21 Sec. 5A-12.7. Continuation of hospital access payments on  
22 and after July 1, 2020.

23 (a) To preserve and improve access to hospital services,  
24 for hospital services rendered on and after July 1, 2020, the

1 Department shall, except for hospitals described in subsection  
2 (b) of Section 5A-3, make payments to hospitals or require  
3 capitated managed care organizations to make payments as set  
4 forth in this Section. Payments under this Section are not due  
5 and payable, however, until: (i) the methodologies described  
6 in this Section are approved by the federal government in an  
7 appropriate State Plan amendment or directed payment preprint;  
8 and (ii) the assessment imposed under this Article is  
9 determined to be a permissible tax under Title XIX of the  
10 Social Security Act. In determining the hospital access  
11 payments authorized under subsection (g) of this Section, if a  
12 hospital ceases to qualify for payments from the pool, the  
13 payments for all hospitals continuing to qualify for payments  
14 from such pool shall be uniformly adjusted to fully expend the  
15 aggregate net amount of the pool, with such adjustment being  
16 effective on the first day of the second month following the  
17 date the hospital ceases to receive payments from such pool.

18 (b) Amounts moved into claims-based rates and distributed  
19 in accordance with Section 14-12 shall remain in those  
20 claims-based rates.

21 (c) Graduate medical education.

22 (1) The calculation of graduate medical education  
23 payments shall be based on the hospital's Medicare cost  
24 report ending in Calendar Year 2018, as reported in the  
25 Healthcare Cost Report Information System file, release  
26 date September 30, 2019. An Illinois hospital reporting

1 intern and resident cost on its Medicare cost report shall  
2 be eligible for graduate medical education payments.

3 (2) Each hospital's annualized Medicaid Intern  
4 Resident Cost is calculated using annualized intern and  
5 resident total costs obtained from Worksheet B Part I,  
6 Columns 21 and 22 the sum of Lines 30-43, 50-76, 90-93,  
7 96-98, and 105-112 multiplied by the percentage that the  
8 hospital's Medicaid days (Worksheet S3 Part I, Column 7,  
9 Lines 2, 3, 4, 14, 16-18, and 32) comprise of the  
10 hospital's total days (Worksheet S3 Part I, Column 8,  
11 Lines 14, 16-18, and 32).

12 (3) An annualized Medicaid indirect medical education  
13 (IME) payment is calculated for each hospital using its  
14 IME payments (Worksheet E Part A, Line 29, Column 1)  
15 multiplied by the percentage that its Medicaid days  
16 (Worksheet S3 Part I, Column 7, Lines 2, 3, 4, 14, 16-18,  
17 and 32) comprise of its Medicare days (Worksheet S3 Part  
18 I, Column 6, Lines 2, 3, 4, 14, and 16-18).

19 (4) For each hospital, its annualized Medicaid Intern  
20 Resident Cost and its annualized Medicaid IME payment are  
21 summed, and, except as capped at 120% of the average cost  
22 per intern and resident for all qualifying hospitals as  
23 calculated under this paragraph, is multiplied by the  
24 applicable reimbursement factor as described in this  
25 paragraph, to determine the hospital's final graduate  
26 medical education payment. Each hospital's average cost



1 per intern and resident shall be calculated by summing its  
2 total annualized Medicaid Intern Resident Cost plus its  
3 annualized Medicaid IME payment and dividing that amount  
4 by the hospital's total Full Time Equivalent Residents and  
5 Interns. If the hospital's average per intern and resident  
6 cost is greater than 120% of the same calculation for all  
7 qualifying hospitals, the hospital's per intern and  
8 resident cost shall be capped at 120% of the average cost  
9 for all qualifying hospitals.

10 (A) For the period of July 1, 2020 through  
11 December 31, 2022, the applicable reimbursement factor  
12 shall be 22.6%.

13 (B) For the period of January 1, 2023 through  
14 December 31, 2026, the applicable reimbursement factor  
15 shall be 35% for all qualified safety-net hospitals,  
16 as defined in Section 5-5e.1 of this Code, and all  
17 hospitals with 100 or more Full Time Equivalent  
18 Residents and Interns, as reported on the hospital's  
19 Medicare cost report ending in Calendar Year 2018, and  
20 for all other qualified hospitals the applicable  
21 reimbursement factor shall be 30%.

22 (d) Fee-for-service supplemental payments. For the period  
23 of July 1, 2020 through December 31, 2022, each Illinois  
24 hospital shall receive an annual payment equal to the amounts  
25 below, to be paid in 12 equal installments on or before the  
26 seventh State business day of each month, except that no

1 payment shall be due within 30 days after the later of the date  
2 of notification of federal approval of the payment  
3 methodologies required under this Section or any waiver  
4 required under 42 CFR 433.68, at which time the sum of amounts  
5 required under this Section prior to the date of notification  
6 is due and payable.

7 (1) For critical access hospitals, \$385 per covered  
8 inpatient day contained in paid fee-for-service claims and  
9 \$530 per paid fee-for-service outpatient claim for dates  
10 of service in Calendar Year 2019 in the Department's  
11 Enterprise Data Warehouse as of May 11, 2020.

12 (2) For safety-net hospitals, \$960 per covered  
13 inpatient day contained in paid fee-for-service claims and  
14 \$625 per paid fee-for-service outpatient claim for dates  
15 of service in Calendar Year 2019 in the Department's  
16 Enterprise Data Warehouse as of May 11, 2020.

17 (3) For long term acute care hospitals, \$295 per  
18 covered inpatient day contained in paid fee-for-service  
19 claims for dates of service in Calendar Year 2019 in the  
20 Department's Enterprise Data Warehouse as of May 11, 2020.

21 (4) For freestanding psychiatric hospitals, \$125 per  
22 covered inpatient day contained in paid fee-for-service  
23 claims and \$130 per paid fee-for-service outpatient claim  
24 for dates of service in Calendar Year 2019 in the  
25 Department's Enterprise Data Warehouse as of May 11, 2020.

26 (5) For freestanding rehabilitation hospitals, \$355

1 per covered inpatient day contained in paid  
2 fee-for-service claims for dates of service in Calendar  
3 Year 2019 in the Department's Enterprise Data Warehouse as  
4 of May 11, 2020.

5 (6) For all general acute care hospitals and high  
6 Medicaid hospitals as defined in subsection (f), \$350 per  
7 covered inpatient day for dates of service in Calendar  
8 Year 2019 contained in paid fee-for-service claims and  
9 \$620 per paid fee-for-service outpatient claim in the  
10 Department's Enterprise Data Warehouse as of May 11, 2020.

11 (7) Alzheimer's treatment access payment. Each  
12 Illinois academic medical center or teaching hospital, as  
13 defined in Section 5-5e.2 of this Code, that is identified  
14 as the primary hospital affiliate of one of the Regional  
15 Alzheimer's Disease Assistance Centers, as designated by  
16 the Alzheimer's Disease Assistance Act and identified in  
17 the Department of Public Health's Alzheimer's Disease  
18 State Plan dated December 2016, shall be paid an  
19 Alzheimer's treatment access payment equal to the product  
20 of the qualifying hospital's State Fiscal Year 2018 total  
21 inpatient fee-for-service days multiplied by the  
22 applicable Alzheimer's treatment rate of \$226.30 for  
23 hospitals located in Cook County and \$116.21 for hospitals  
24 located outside Cook County.

25 (d-2) Fee-for-service supplemental payments. Beginning  
26 January 1, 2023, each Illinois hospital shall receive an

1 annual payment equal to the amounts listed below, to be paid in  
2 12 equal installments on or before the seventh State business  
3 day of each month, except that no payment shall be due within  
4 30 days after the later of the date of notification of federal  
5 approval of the payment methodologies required under this  
6 Section or any waiver required under 42 CFR 433.68, at which  
7 time the sum of amounts required under this Section prior to  
8 the date of notification is due and payable. The Department  
9 may adjust the rates in paragraphs (1) through (7) to comply  
10 with the federal upper payment limits, with such adjustments  
11 being determined so that the total estimated spending by  
12 hospital class, under such adjusted rates, remains  
13 substantially similar to the total estimated spending under  
14 the original rates set forth in this subsection.

15 (1) For critical access hospitals, as defined in  
16 subsection (f), \$750 per covered inpatient day contained  
17 in paid fee-for-service claims and \$750 per paid  
18 fee-for-service outpatient claim for dates of service in  
19 Calendar Year 2019 in the Department's Enterprise Data  
20 Warehouse as of August 6, 2021.

21 (2) For safety-net hospitals, as described in  
22 subsection (f), \$1,350 per inpatient day contained in paid  
23 fee-for-service claims and \$1,350 per paid fee-for-service  
24 outpatient claim for dates of service in Calendar Year  
25 2019 in the Department's Enterprise Data Warehouse as of  
26 August 6, 2021.

1           (3) For long term acute care hospitals, \$550 per  
2 covered inpatient day contained in paid fee-for-service  
3 claims for dates of service in Calendar Year 2019 in the  
4 Department's Enterprise Data Warehouse as of August 6,  
5 2021.

6           (4) For freestanding psychiatric hospitals, \$200 per  
7 covered inpatient day contained in paid fee-for-service  
8 claims and \$200 per paid fee-for-service outpatient claim  
9 for dates of service in Calendar Year 2019 in the  
10 Department's Enterprise Data Warehouse as of August 6,  
11 2021.

12           (5) For freestanding rehabilitation hospitals, \$550  
13 per covered inpatient day contained in paid  
14 fee-for-service claims and \$125 per paid fee-for-service  
15 outpatient claim for dates of service in Calendar Year  
16 2019 in the Department's Enterprise Data Warehouse as of  
17 August 6, 2021.

18           (6) For all general acute care hospitals and high  
19 Medicaid hospitals as defined in subsection (f), \$500 per  
20 covered inpatient day for dates of service in Calendar  
21 Year 2019 contained in paid fee-for-service claims and  
22 \$500 per paid fee-for-service outpatient claim in the  
23 Department's Enterprise Data Warehouse as of August 6,  
24 2021.

25           (7) For public hospitals, as defined in subsection  
26 (f), \$275 per covered inpatient day contained in paid

1 fee-for-service claims and \$275 per paid fee-for-service  
2 outpatient claim for dates of service in Calendar Year  
3 2019 in the Department's Enterprise Data Warehouse as of  
4 August 6, 2021.

5 (8) Alzheimer's treatment access payment. Each  
6 Illinois academic medical center or teaching hospital, as  
7 defined in Section 5-5e.2 of this Code, that is identified  
8 as the primary hospital affiliate of one of the Regional  
9 Alzheimer's Disease Assistance Centers, as designated by  
10 the Alzheimer's Disease Assistance Act and identified in  
11 the Department of Public Health's Alzheimer's Disease  
12 State Plan dated December 2016, shall be paid an  
13 Alzheimer's treatment access payment equal to the product  
14 of the qualifying hospital's Calendar Year 2019 total  
15 inpatient fee-for-service days, in the Department's  
16 Enterprise Data Warehouse as of August 6, 2021, multiplied  
17 by the applicable Alzheimer's treatment rate of \$244.37  
18 for hospitals located in Cook County and \$312.03 for  
19 hospitals located outside Cook County.

20 (e) The Department shall require managed care  
21 organizations (MCOs) to make directed payments and  
22 pass-through payments according to this Section. Each calendar  
23 year, the Department shall require MCOs to pay the maximum  
24 amount out of these funds as allowed as pass-through payments  
25 under federal regulations. The Department shall require MCOs  
26 to make such pass-through payments as specified in this

1 Section. The Department shall require the MCOs to pay the  
2 remaining amounts as directed Payments as specified in this  
3 Section. The Department shall issue payments to the  
4 Comptroller by the seventh business day of each month for all  
5 MCOs that are sufficient for MCOs to make the directed  
6 payments and pass-through payments according to this Section.  
7 The Department shall require the MCOs to make pass-through  
8 payments and directed payments using electronic funds  
9 transfers (EFT), if the hospital provides the information  
10 necessary to process such EFTs, in accordance with directions  
11 provided monthly by the Department, within 7 business days of  
12 the date the funds are paid to the MCOs, as indicated by the  
13 "Paid Date" on the website of the Office of the Comptroller if  
14 the funds are paid by EFT and the MCOs have received directed  
15 payment instructions. If funds are not paid through the  
16 Comptroller by EFT, payment must be made within 7 business  
17 days of the date actually received by the MCO. The MCO will be  
18 considered to have paid the pass-through payments when the  
19 payment remittance number is generated or the date the MCO  
20 sends the check to the hospital, if EFT information is not  
21 supplied. If an MCO is late in paying a pass-through payment or  
22 directed payment as required under this Section (including any  
23 extensions granted by the Department), it shall pay a penalty,  
24 unless waived by the Department for reasonable cause, to the  
25 Department equal to 5% of the amount of the pass-through  
26 payment or directed payment not paid on or before the due date

1 plus 5% of the portion thereof remaining unpaid on the last day  
2 of each 30-day period thereafter. Payments to MCOs that would  
3 be paid consistent with actuarial certification and enrollment  
4 in the absence of the increased capitation payments under this  
5 Section shall not be reduced as a consequence of payments made  
6 under this subsection. The Department shall publish and  
7 maintain on its website for a period of no less than 8 calendar  
8 quarters, the quarterly calculation of directed payments and  
9 pass-through payments owed to each hospital from each MCO. All  
10 calculations and reports shall be posted no later than the  
11 first day of the quarter for which the payments are to be  
12 issued.

13 (f)(1) For purposes of allocating the funds included in  
14 capitation payments to MCOs, Illinois hospitals shall be  
15 divided into the following classes as defined in  
16 administrative rules:

17 (A) Beginning July 1, 2020 through December 31, 2022,  
18 critical access hospitals. Beginning January 1, 2023,  
19 "critical access hospital" means a hospital designated by  
20 the Department of Public Health as a critical access  
21 hospital, excluding any hospital meeting the definition of  
22 a public hospital in subparagraph (F).

23 (B) Safety-net hospitals, except that stand-alone  
24 children's hospitals that are not specialty children's  
25 hospitals will not be included. For the calendar year  
26 beginning January 1, 2023, and each calendar year



1           thereafter, assignment to the safety-net class shall be  
2           based on the annual safety-net rate year beginning 15  
3           months before the beginning of the first Payout Quarter of  
4           the calendar year.

5           (C) Long term acute care hospitals.

6           (D) Freestanding psychiatric hospitals.

7           (E) Freestanding rehabilitation hospitals.

8           (F) Beginning January 1, 2023, "public hospital" means  
9           a hospital that is owned or operated by an Illinois  
10          Government body or municipality, excluding a hospital  
11          provider that is a State agency, a State university, or a  
12          county with a population of 3,000,000 or more.

13          (G) High Medicaid hospitals.

14               (i) As used in this Section, "high Medicaid  
15          hospital" means a general acute care hospital that:

16                       (I) For the payout periods July 1, 2020  
17                       through December 31, 2022, is not a safety-net  
18                       hospital or critical access hospital and that has  
19                       a Medicaid Inpatient Utilization Rate above 30% or  
20                       a hospital that had over 35,000 inpatient Medicaid  
21                       days during the applicable period. For the period  
22                       July 1, 2020 through December 31, 2020, the  
23                       applicable period for the Medicaid Inpatient  
24                       Utilization Rate (MIUR) is the rate year 2020 MIUR  
25                       and for the number of inpatient days it is State  
26                       fiscal year 2018. Beginning in calendar year 2021,

1 the Department shall use the most recently  
2 determined MIUR, as defined in subsection (h) of  
3 Section 5-5.02, and for the inpatient day  
4 threshold, the State fiscal year ending 18 months  
5 prior to the beginning of the calendar year. For  
6 purposes of calculating MIUR under this Section,  
7 children's hospitals and affiliated general acute  
8 care hospitals shall be considered a single  
9 hospital.

10 (II) For the calendar year beginning January  
11 1, 2023, and each calendar year thereafter, is not  
12 a public hospital, safety-net hospital, or  
13 critical access hospital and that qualifies as a  
14 regional high volume hospital or is a hospital  
15 that has a Medicaid Inpatient Utilization Rate  
16 (MIUR) above 30%. As used in this item, "regional  
17 high volume hospital" means a hospital which ranks  
18 in the top 2 quartiles based on total hospital  
19 services volume, of all eligible general acute  
20 care hospitals, when ranked in descending order  
21 based on total hospital services volume, within  
22 the same Medicaid managed care region, as  
23 designated by the Department, as of January 1,  
24 2022. As used in this item, "total hospital  
25 services volume" means the total of all Medical  
26 Assistance hospital inpatient admissions plus all

1 Medical Assistance hospital outpatient visits. For  
2 purposes of determining regional high volume  
3 hospital inpatient admissions and outpatient  
4 visits, the Department shall use dates of service  
5 provided during State Fiscal Year 2020 for the  
6 Payout Quarter beginning January 1, 2023. The  
7 Department shall use dates of service from the  
8 State fiscal year ending 18 month before the  
9 beginning of the first Payout Quarter of the  
10 subsequent annual determination period.

11 (ii) For the calendar year beginning January 1,  
12 2023, the Department shall use the Rate Year 2022  
13 Medicaid inpatient utilization rate (MIUR), as defined  
14 in subsection (h) of Section 5-5.02. For each  
15 subsequent annual determination, the Department shall  
16 use the MIUR applicable to the rate year ending  
17 September 30 of the year preceding the beginning of  
18 the calendar year.

19 (H) General acute care hospitals. As used under this  
20 Section, "general acute care hospitals" means all other  
21 Illinois hospitals not identified in subparagraphs (A)  
22 through (G).

23 (2) Hospitals' qualification for each class shall be  
24 assessed prior to the beginning of each calendar year and the  
25 new class designation shall be effective January 1 of the next  
26 year. The Department shall publish by rule the process for

1 establishing class determination.

2 (3) Beginning January 1, 2024, the Department may reassign  
3 hospitals or entire hospital classes as defined above, if  
4 federal limits on the payments to the class to which the  
5 hospitals are assigned based on the criteria in this  
6 subsection prevent the Department from making payments to the  
7 class that would otherwise be due under this Section. The  
8 Department shall publish the criteria and composition of each  
9 new class based on the reassignments, and the projected impact  
10 on payments to each hospital under the new classes on its  
11 website by November 15 of the year before the year in which the  
12 class changes become effective.

13 (g) Fixed pool directed payments. Beginning July 1, 2020,  
14 the Department shall issue payments to MCOs which shall be  
15 used to issue directed payments to qualified Illinois  
16 safety-net hospitals and critical access hospitals on a  
17 monthly basis in accordance with this subsection. Prior to the  
18 beginning of each Payout Quarter beginning July 1, 2020, the  
19 Department shall use encounter claims data from the  
20 Determination Quarter, accepted by the Department's Medicaid  
21 Management Information System for inpatient and outpatient  
22 services rendered by safety-net hospitals and critical access  
23 hospitals to determine a quarterly uniform per unit add-on for  
24 each hospital class.

25 (1) Inpatient per unit add-on. A quarterly uniform per  
26 diem add-on shall be derived by dividing the quarterly

1 Inpatient Directed Payments Pool amount allocated to the  
2 applicable hospital class by the total inpatient days  
3 contained on all encounter claims received during the  
4 Determination Quarter, for all hospitals in the class.

5 (A) Each hospital in the class shall have a  
6 quarterly inpatient directed payment calculated that  
7 is equal to the product of the number of inpatient days  
8 attributable to the hospital used in the calculation  
9 of the quarterly uniform class per diem add-on,  
10 multiplied by the calculated applicable quarterly  
11 uniform class per diem add-on of the hospital class.

12 (B) Each hospital shall be paid 1/3 of its  
13 quarterly inpatient directed payment in each of the 3  
14 months of the Payout Quarter, in accordance with  
15 directions provided to each MCO by the Department.

16 (2) Outpatient per unit add-on. A quarterly uniform  
17 per claim add-on shall be derived by dividing the  
18 quarterly Outpatient Directed Payments Pool amount  
19 allocated to the applicable hospital class by the total  
20 outpatient encounter claims received during the  
21 Determination Quarter, for all hospitals in the class.

22 (A) Each hospital in the class shall have a  
23 quarterly outpatient directed payment calculated that  
24 is equal to the product of the number of outpatient  
25 encounter claims attributable to the hospital used in  
26 the calculation of the quarterly uniform class per

1 claim add-on, multiplied by the calculated applicable  
2 quarterly uniform class per claim add-on of the  
3 hospital class.

4 (B) Each hospital shall be paid 1/3 of its  
5 quarterly outpatient directed payment in each of the 3  
6 months of the Payout Quarter, in accordance with  
7 directions provided to each MCO by the Department.

8 (3) Each MCO shall pay each hospital the Monthly  
9 Directed Payment as identified by the Department on its  
10 quarterly determination report.

11 (4) Definitions. As used in this subsection:

12 (A) "Payout Quarter" means each 3 month calendar  
13 quarter, beginning July 1, 2020.

14 (B) "Determination Quarter" means each 3 month  
15 calendar quarter, which ends 3 months prior to the  
16 first day of each Payout Quarter.

17 (5) For the period July 1, 2020 through December 2020,  
18 the following amounts shall be allocated to the following  
19 hospital class directed payment pools for the quarterly  
20 development of a uniform per unit add-on:

21 (A) \$2,894,500 for hospital inpatient services for  
22 critical access hospitals.

23 (B) \$4,294,374 for hospital outpatient services  
24 for critical access hospitals.

25 (C) \$29,109,330 for hospital inpatient services  
26 for safety-net hospitals.

1 (D) \$35,041,218 for hospital outpatient services  
2 for safety-net hospitals.

3 (6) For the period January 1, 2023 through December  
4 31, 2023, the Department shall establish the amounts that  
5 shall be allocated to the hospital class directed payment  
6 fixed pools identified in this paragraph for the quarterly  
7 development of a uniform per unit add-on. The Department  
8 shall establish such amounts so that the total amount of  
9 payments to each hospital under this Section in calendar  
10 year 2023 is projected to be substantially similar to the  
11 total amount of such payments received by the hospital  
12 under this Section in calendar year 2021, adjusted for  
13 increased funding provided for fixed pool directed  
14 payments under subsection (g) in calendar year 2022,  
15 assuming that the volume and acuity of claims are held  
16 constant. The Department shall publish the directed  
17 payment fixed pool amounts to be established under this  
18 paragraph on its website by November 15, 2022.

19 (A) Hospital inpatient services for critical  
20 access hospitals.

21 (B) Hospital outpatient services for critical  
22 access hospitals.

23 (C) Hospital inpatient services for public  
24 hospitals.

25 (D) Hospital outpatient services for public  
26 hospitals.

1           (E) Hospital inpatient services for safety-net  
2           hospitals.

3           (F) Hospital outpatient services for safety-net  
4           hospitals.

5           (7) Semi-annual rate maintenance review. The  
6           Department shall ensure that hospitals assigned to the  
7           fixed pools in paragraph (6) are paid no less than 95% of  
8           the annual initial rate for each 6-month period of each  
9           annual payout period. For each calendar year, the  
10          Department shall calculate the annual initial rate per day  
11          and per visit for each fixed pool hospital class listed in  
12          paragraph (6), by dividing the total of all applicable  
13          inpatient or outpatient directed payments issued in the  
14          preceding calendar year to the hospitals in each fixed  
15          pool class for the calendar year, plus any increase  
16          resulting from the annual adjustments described in  
17          subsection (i), by the actual applicable total service  
18          units for the preceding calendar year which were the basis  
19          of the total applicable inpatient or outpatient directed  
20          payments issued to the hospitals in each fixed pool class  
21          in the calendar year, except that for calendar year 2023,  
22          the service units from calendar year 2021 shall be used.

23          (A) The Department shall calculate the effective  
24          rate, per day and per visit, for the payout periods of  
25          January to June and July to December of each year, for  
26          each fixed pool listed in paragraph (6), by dividing



1           50% of the annual pool by the total applicable  
2           reported service units for the 2 applicable  
3           determination quarters.

4           (B) If the effective rate calculated in  
5           subparagraph (A) is less than 95% of the annual  
6           initial rate assigned to the class for each pool under  
7           paragraph (6), the Department shall adjust the payment  
8           for each hospital to a level equal to no less than 95%  
9           of the annual initial rate, by issuing a retroactive  
10          adjustment payment for the 6-month period under review  
11          as identified in subparagraph (A).

12          (h) Fixed rate directed payments. Effective July 1, 2020,  
13          the Department shall issue payments to MCOs which shall be  
14          used to issue directed payments to Illinois hospitals not  
15          identified in paragraph (g) on a monthly basis. Prior to the  
16          beginning of each Payout Quarter beginning July 1, 2020, the  
17          Department shall use encounter claims data from the  
18          Determination Quarter, accepted by the Department's Medicaid  
19          Management Information System for inpatient and outpatient  
20          services rendered by hospitals in each hospital class  
21          identified in paragraph (f) and not identified in paragraph  
22          (g). For the period July 1, 2020 through December 2020, the  
23          Department shall direct MCOs to make payments as follows:

24                (1) For general acute care hospitals an amount equal  
25                to \$1,750 multiplied by the hospital's category of service  
26                20 case mix index for the determination quarter multiplied

1 by the hospital's total number of inpatient admissions for  
2 category of service 20 for the determination quarter.

3 (2) For general acute care hospitals an amount equal  
4 to \$160 multiplied by the hospital's category of service  
5 21 case mix index for the determination quarter multiplied  
6 by the hospital's total number of inpatient admissions for  
7 category of service 21 for the determination quarter.

8 (3) For general acute care hospitals an amount equal  
9 to \$80 multiplied by the hospital's category of service 22  
10 case mix index for the determination quarter multiplied by  
11 the hospital's total number of inpatient admissions for  
12 category of service 22 for the determination quarter.

13 (4) For general acute care hospitals an amount equal  
14 to \$375 multiplied by the hospital's category of service  
15 24 case mix index for the determination quarter multiplied  
16 by the hospital's total number of category of service 24  
17 paid EAPG (EAPGs) for the determination quarter.

18 (5) For general acute care hospitals an amount equal  
19 to \$240 multiplied by the hospital's category of service  
20 27 and 28 case mix index for the determination quarter  
21 multiplied by the hospital's total number of category of  
22 service 27 and 28 paid EAPGs for the determination  
23 quarter.

24 (6) For general acute care hospitals an amount equal  
25 to \$290 multiplied by the hospital's category of service  
26 29 case mix index for the determination quarter multiplied

1 by the hospital's total number of category of service 29  
2 paid EAPGs for the determination quarter.

3 (7) For high Medicaid hospitals an amount equal to  
4 \$1,800 multiplied by the hospital's category of service 20  
5 case mix index for the determination quarter multiplied by  
6 the hospital's total number of inpatient admissions for  
7 category of service 20 for the determination quarter.

8 (8) For high Medicaid hospitals an amount equal to  
9 \$160 multiplied by the hospital's category of service 21  
10 case mix index for the determination quarter multiplied by  
11 the hospital's total number of inpatient admissions for  
12 category of service 21 for the determination quarter.

13 (9) For high Medicaid hospitals an amount equal to \$80  
14 multiplied by the hospital's category of service 22 case  
15 mix index for the determination quarter multiplied by the  
16 hospital's total number of inpatient admissions for  
17 category of service 22 for the determination quarter.

18 (10) For high Medicaid hospitals an amount equal to  
19 \$400 multiplied by the hospital's category of service 24  
20 case mix index for the determination quarter multiplied by  
21 the hospital's total number of category of service 24 paid  
22 EAPG outpatient claims for the determination quarter.

23 (11) For high Medicaid hospitals an amount equal to  
24 \$240 multiplied by the hospital's category of service 27  
25 and 28 case mix index for the determination quarter  
26 multiplied by the hospital's total number of category of

1 service 27 and 28 paid EAPGs for the determination  
2 quarter.

3 (12) For high Medicaid hospitals an amount equal to  
4 \$290 multiplied by the hospital's category of service 29  
5 case mix index for the determination quarter multiplied by  
6 the hospital's total number of category of service 29 paid  
7 EAPGs for the determination quarter.

8 (13) For long term acute care hospitals the amount of  
9 \$495 multiplied by the hospital's total number of  
10 inpatient days for the determination quarter.

11 (14) For psychiatric hospitals the amount of \$210  
12 multiplied by the hospital's total number of inpatient  
13 days for category of service 21 for the determination  
14 quarter.

15 (15) For psychiatric hospitals the amount of \$250  
16 multiplied by the hospital's total number of outpatient  
17 claims for category of service 27 and 28 for the  
18 determination quarter.

19 (16) For rehabilitation hospitals the amount of \$410  
20 multiplied by the hospital's total number of inpatient  
21 days for category of service 22 for the determination  
22 quarter.

23 (17) For rehabilitation hospitals the amount of \$100  
24 multiplied by the hospital's total number of outpatient  
25 claims for category of service 29 for the determination  
26 quarter.

1           (18) Effective for the Payout Quarter beginning  
2           January 1, 2023, for the directed payments to hospitals  
3           required under this subsection, the Department shall  
4           establish the amounts that shall be used to calculate such  
5           directed payments using the methodologies specified in  
6           this paragraph. The Department shall use a single, uniform  
7           rate, adjusted for acuity as specified in paragraphs (1)  
8           through (12), for all categories of inpatient services  
9           provided by each class of hospitals and a single uniform  
10          rate, adjusted for acuity as specified in paragraphs (1)  
11          through (12), for all categories of outpatient services  
12          provided by each class of hospitals. The Department shall  
13          establish such amounts so that the total amount of  
14          payments to each hospital under this Section in calendar  
15          year 2023 is projected to be substantially similar to the  
16          total amount of such payments received by the hospital  
17          under this Section in calendar year 2021, adjusted for  
18          increased funding provided for fixed pool directed  
19          payments under subsection (g) in calendar year 2022,  
20          assuming that the volume and acuity of claims are held  
21          constant. The Department shall publish the directed  
22          payment amounts to be established under this subsection on  
23          its website by November 15, 2022.

24          (19) Each hospital shall be paid 1/3 of their  
25          quarterly inpatient and outpatient directed payment in  
26          each of the 3 months of the Payout Quarter, in accordance

1 with directions provided to each MCO by the Department.

2 (20) Each MCO shall pay each hospital the Monthly  
3 Directed Payment amount as identified by the Department on  
4 its quarterly determination report.

5 Notwithstanding any other provision of this subsection, if  
6 the Department determines that the actual total hospital  
7 utilization data that is used to calculate the fixed rate  
8 directed payments is substantially different than anticipated  
9 when the rates in this subsection were initially determined  
10 for unforeseeable circumstances (such as the COVID-19 pandemic  
11 or some other public health emergency), the Department may  
12 adjust the rates specified in this subsection so that the  
13 total directed payments approximate the total spending amount  
14 anticipated when the rates were initially established.

15 Definitions. As used in this subsection:

16 (A) "Payout Quarter" means each calendar quarter,  
17 beginning July 1, 2020.

18 (B) "Determination Quarter" means each calendar  
19 quarter which ends 3 months prior to the first day of  
20 each Payout Quarter.

21 (C) "Case mix index" means a hospital specific  
22 calculation. For inpatient claims the case mix index  
23 is calculated each quarter by summing the relative  
24 weight of all inpatient Diagnosis-Related Group (DRG)  
25 claims for a category of service in the applicable  
26 Determination Quarter and dividing the sum by the

1           number of sum total of all inpatient DRG admissions  
2           for the category of service for the associated claims.  
3           The case mix index for outpatient claims is calculated  
4           each quarter by summing the relative weight of all  
5           paid EAPGs in the applicable Determination Quarter and  
6           dividing the sum by the sum total of paid EAPGs for the  
7           associated claims.

8           (i) Beginning January 1, 2021, the rates for directed  
9           payments shall be recalculated in order to spend the  
10          additional funds for directed payments that result from  
11          reduction in the amount of pass-through payments allowed under  
12          federal regulations. The additional funds for directed  
13          payments shall be allocated proportionally to each class of  
14          hospitals based on that class' proportion of services.

15          (1) Beginning January 1, 2024, the fixed pool directed  
16          payment amounts and the associated annual initial rates  
17          referenced in paragraph (6) of subsection (f) for each  
18          hospital class shall be uniformly increased by a ratio of  
19          not less than, the ratio of the total pass-through  
20          reduction amount pursuant to paragraph (4) of subsection  
21          (j), for the hospitals comprising the hospital fixed pool  
22          directed payment class for the next calendar year, to the  
23          total inpatient and outpatient directed payments for the  
24          hospitals comprising the hospital fixed pool directed  
25          payment class paid during the preceding calendar year.

26          (2) Beginning January 1, 2024, the fixed rates for the

1 directed payments referenced in paragraph (18) of  
2 subsection (h) for each hospital class shall be uniformly  
3 increased by a ratio of not less than, the ratio of the  
4 total pass-through reduction amount pursuant to paragraph  
5 (4) of subsection (j), for the hospitals comprising the  
6 hospital directed payment class for the next calendar  
7 year, to the total inpatient and outpatient directed  
8 payments for the hospitals comprising the hospital fixed  
9 rate directed payment class paid during the preceding  
10 calendar year.

11 (j) Pass-through payments.

12 (1) For the period July 1, 2020 through December 31,  
13 2020, the Department shall assign quarterly pass-through  
14 payments to each class of hospitals equal to one-fourth of  
15 the following annual allocations:

16 (A) \$390,487,095 to safety-net hospitals.

17 (B) \$62,553,886 to critical access hospitals.

18 (C) \$345,021,438 to high Medicaid hospitals.

19 (D) \$551,429,071 to general acute care hospitals.

20 (E) \$27,283,870 to long term acute care hospitals.

21 (F) \$40,825,444 to freestanding psychiatric  
22 hospitals.

23 (G) \$9,652,108 to freestanding rehabilitation  
24 hospitals.

25 (2) For the period of July 1, 2020 through December  
26 31, 2020, the pass-through payments shall at a minimum



1 ensure hospitals receive a total amount of monthly  
2 payments under this Section as received in calendar year  
3 2019 in accordance with this Article and paragraph (1) of  
4 subsection (d-5) of Section 14-12, exclusive of amounts  
5 received through payments referenced in subsection (b).

6 (3) For the calendar year beginning January 1, 2023,  
7 the Department shall establish the annual pass-through  
8 allocation to each class of hospitals and the pass-through  
9 payments to each hospital so that the total amount of  
10 payments to each hospital under this Section in calendar  
11 year 2023 is projected to be substantially similar to the  
12 total amount of such payments received by the hospital  
13 under this Section in calendar year 2021, adjusted for  
14 increased funding provided for fixed pool directed  
15 payments under subsection (g) in calendar year 2022,  
16 assuming that the volume and acuity of claims are held  
17 constant. The Department shall publish the pass-through  
18 allocation to each class and the pass-through payments to  
19 each hospital to be established under this subsection on  
20 its website by November 15, 2022.

21 (4) For the calendar years beginning January 1, 2021  
22 and January 1, 2022, each hospital's pass-through payment  
23 amount shall be reduced proportionally to the reduction of  
24 all pass-through payments required by federal regulations.  
25 Beginning January 1, 2024, the Department shall reduce  
26 total pass-through payments by the minimum amount

1           necessary to comply with federal regulations. Pass-through  
2           payments to safety-net hospitals, as defined in Section  
3           5-5e.1 of this Code, shall not be reduced until all  
4           pass-through payments to other hospitals have been  
5           eliminated. All other hospitals shall have their  
6           pass-through payments reduced proportionally.

7           (k) At least 30 days prior to each calendar year, the  
8           Department shall notify each hospital of changes to the  
9           payment methodologies in this Section, including, but not  
10          limited to, changes in the fixed rate directed payment rates,  
11          the aggregate pass-through payment amount for all hospitals,  
12          and the hospital's pass-through payment amount for the  
13          upcoming calendar year.

14          (l) Notwithstanding any other provisions of this Section,  
15          the Department may adopt rules to change the methodology for  
16          directed and pass-through payments as set forth in this  
17          Section, but only to the extent necessary to obtain federal  
18          approval of a necessary State Plan amendment or Directed  
19          Payment Preprint or to otherwise conform to federal law or  
20          federal regulation.

21          (m) As used in this subsection, "managed care  
22          organization" or "MCO" means an entity which contracts with  
23          the Department to provide services where payment for medical  
24          services is made on a capitated basis, excluding contracted  
25          entities for dual eligible or Department of Children and  
26          Family Services youth populations.

1           (n) In order to address the escalating infant mortality  
2 rates among minority communities in Illinois, the State shall,  
3 subject to appropriation, create a pool of funding of at least  
4 \$50,000,000 annually to be disbursed among safety-net  
5 hospitals that maintain perinatal designation from the  
6 Department of Public Health. The funding shall be used to  
7 preserve or enhance OB/GYN services or other specialty  
8 services at the receiving hospital, with the distribution of  
9 funding to be established by rule and with consideration to  
10 perinatal hospitals with safe birthing levels and quality  
11 metrics for healthy mothers and babies.

12           (o) In order to address the growing challenges of  
13 providing stable access to healthcare in rural Illinois,  
14 including perinatal services, behavioral healthcare including  
15 substance use disorder services (SUDs) and other specialty  
16 services, and to expand access to telehealth services among  
17 rural communities in Illinois, the Department of Healthcare  
18 and Family Services shall administer a program to provide at  
19 least \$10,000,000 in financial support annually to critical  
20 access hospitals for delivery of perinatal and OB/GYN  
21 services, behavioral healthcare including SUDs, other  
22 specialty services and telehealth services. The funding shall  
23 be used to preserve or enhance perinatal and OB/GYN services,  
24 behavioral healthcare including SUDs, other specialty  
25 services, as well as the expansion of telehealth services by  
26 the receiving hospital, with the distribution of funding to be

1 established by rule.

2 (p) For calendar year 2023, the final amounts, rates, and  
3 payments under subsections (c), (d-2), (g), (h), and (j) shall  
4 be established by the Department, so that the sum of the total  
5 estimated annual payments under subsections (c), (d-2), (g),  
6 (h), and (j) for each hospital class for calendar year 2023, is  
7 no less than:

8 (1) \$858,260,000 to safety-net hospitals.

9 (2) \$86,200,000 to critical access hospitals.

10 (3) \$1,765,000,000 to high Medicaid hospitals.

11 (4) \$673,860,000 to general acute care hospitals.

12 (5) \$48,330,000 to long term acute care hospitals.

13 (6) \$89,110,000 to freestanding psychiatric hospitals.

14 (7) \$24,300,000 to freestanding rehabilitation  
15 hospitals.

16 (8) \$32,570,000 to public hospitals.

17 (q) Hospital Pandemic Recovery Stabilization Payments. The  
18 Department shall disburse a pool of \$460,000,000 in stability  
19 payments to hospitals prior to April 1, 2023. The allocation  
20 of the pool shall be based on the hospital directed payment  
21 classes and directed payments issued, during Calendar Year  
22 2022 with added consideration to safety net hospitals, as  
23 defined in subdivision (f) (1) (B) of this Section, and critical  
24 access hospitals.

25 (Source: P.A. 102-4, eff. 4-27-21; 102-16, eff. 6-17-21;  
26 102-886, eff. 5-17-22; 102-1115, eff. 1-9-23; 103-102, eff.

1 6-16-23; revised 9-21-23.)

2 (305 ILCS 5/6-9) (from Ch. 23, par. 6-9)

3 Sec. 6-9. (a)(1) A local governmental unit may provide  
4 assistance to households under its General Assistance program  
5 following a declaration by the President of the United States  
6 of a major disaster or emergency pursuant to the Federal  
7 Disaster Relief Act of 1974, as now or hereafter amended, if  
8 the local governmental unit is within the area designated  
9 under the declaration. A local governmental ~~government~~ unit  
10 may also provide assistance to households under its General  
11 Assistance program following a disaster proclamation issued by  
12 the Governor if the local governmental unit is within the area  
13 designated under the proclamation. Assistance under this  
14 Section may be provided to households which have suffered  
15 damage, loss, or hardships as a result of the major disaster or  
16 emergency. Assistance under this Section may be provided to  
17 households without regard to the eligibility requirements and  
18 other requirements of this Code. Assistance under this Section  
19 may be provided only during the 90-day period following the  
20 date of declaration of a major disaster or emergency.

21 (2) A local governmental unit shall not use State funds to  
22 provide assistance under this Section. If a local governmental  
23 unit receives State funds to provide General Assistance under  
24 this Article, assistance provided by the local governmental  
25 unit under this Section shall not be considered in determining

1 whether a local governmental unit has qualified to receive  
2 State funds under Article XII. A local governmental unit which  
3 provides assistance under this Section shall not, as a result  
4 of payment of such assistance, change the nature or amount of  
5 assistance provided to any other individual or family under  
6 this Article.

7 (3) This Section shall not apply to any municipality of  
8 more than 500,000 population in which a separate program has  
9 been established by the Illinois Department under Section 6-1.

10 (b) (1) A local governmental unit may provide assistance to  
11 households for food and temporary shelter. To qualify for  
12 assistance a household shall submit to the local governmental  
13 unit: (A) such application as the local governmental unit may  
14 require; (B) a copy of an application to the Federal Emergency  
15 Management Agency (hereinafter "FEMA") or the Small Business  
16 Administration (hereinafter "SBA") for assistance; (C) such  
17 other proof of damage, loss, or hardship as the local  
18 governmental unit may require; and (D) an agreement to  
19 reimburse the local governmental unit for the amount of any  
20 assistance received by the household under this subsection  
21 (b).

22 (2) Assistance under this subsection (b) may be in the  
23 form of cash or vouchers. The amount of assistance provided to  
24 a household in any month under this subsection (b) shall not  
25 exceed the maximum amount payable under Section 6-2.

26 (3) No assistance shall be provided to a household after

1 it receives a determination of its application to FEMA or SBA  
2 for assistance.

3 (4) A household which has received assistance under this  
4 subsection (b) shall reimburse the local governmental unit in  
5 full for any assistance received under this subsection. If the  
6 household receives assistance from FEMA or SBA in the form of  
7 loans or grants, the household shall reimburse the local  
8 governmental unit from those funds. If the household's request  
9 for assistance is denied or rejected by the FEMA or SBA, the  
10 household shall repay the local governmental unit in  
11 accordance with a repayment schedule prescribed by the local  
12 governmental unit.

13 (c) (1) A local governmental unit may provide assistance to  
14 households for structural repairs to homes or for repair or  
15 replacement of home electrical or heating systems, bedding,  
16 and food refrigeration equipment. To qualify for assistance a  
17 household shall submit to the local governmental unit: (A)  
18 such application as the local governmental unit may require;  
19 (B) a copy of claim to an insurance company for reimbursement  
20 for the damage or loss for which assistance is sought; (C) such  
21 other proof of damage, loss, or hardship as the local  
22 governmental unit may require; and (D) an agreement to  
23 reimburse the local governmental unit for the amount of any  
24 assistance received by the household under this subsection  
25 (c).

26 (2) Any assistance provided under this subsection (c)

1 shall be in the form of direct payments to vendors, and shall  
2 not be made directly to a household. The total amount of  
3 assistance provided to a household under this subsection (c)  
4 shall not exceed \$1,500.

5 (3) No assistance shall be provided to a household after  
6 it receives a determination of its insurance claims.

7 (4) A household which has received assistance under this  
8 subsection (c) shall reimburse the local governmental unit in  
9 full for any assistance received under this subsection. If the  
10 household's insurance claim is approved, the household shall  
11 reimburse the local governmental unit from the proceeds. If  
12 the household's insurance claim is denied, the household shall  
13 repay the local governmental unit in accordance with a  
14 repayment schedule prescribed by the local governmental unit.

15 (Source: P.A. 103-192, eff. 1-1-24; revised 1-2-24.)

16 (305 ILCS 5/6-12) (from Ch. 23, par. 6-12)

17 Sec. 6-12. General Assistance not funded by State. General  
18 Assistance programs in local governments that do not receive  
19 State funds shall continue to be governed by Sections 6-1  
20 through 6-10, as applicable, as well as other relevant parts  
21 of this Code and other laws. However, notwithstanding any  
22 other provision of this Code, any unit of local government  
23 that does not receive State funds may implement a General  
24 Assistance program that complies with Sections ~~Section~~ 6-11  
25 and 6-11a. So long as the program complies with either Section



1 6-11 or 6-12, the program shall not be deemed out of compliance  
2 with or in violation of this Code.

3 (Source: P.A. 103-192, eff. 1-1-24; revised 1-2-24.)

4 (305 ILCS 5/12-4.57)

5 Sec. 12-4.57. Prospective Payment System rates; increase  
6 for federally qualified health centers. Beginning January 1,  
7 2024, subject to federal approval, the Department of  
8 Healthcare and Family Services shall increase the Prospective  
9 Payment System rates for federally qualified health centers to  
10 a level calculated to spend an additional \$50,000,000 in the  
11 first year of application using an alternative payment method  
12 acceptable to the Centers for Medicare and Medicaid Services  
13 and a trade association representing a majority of federally  
14 qualified health centers operating in Illinois, including a  
15 rate increase that is an equal percentage increase to the  
16 rates paid to each federally qualified health center.

17 (Source: P.A. 103-102, eff. 1-1-24.)

18 (305 ILCS 5/12-4.58)

19 Sec. 12-4.58 ~~12-4.57~~. Stolen SNAP benefits via card  
20 skimming; data collection and reports.

21 (a) As the State administrator of benefits provided under  
22 the federally funded Supplemental Nutrition Assistance Program  
23 (SNAP), the Department of Human Services shall track and  
24 collect data on the scope and frequency of SNAP benefits fraud

1 in this State where a SNAP recipient's benefits are stolen  
2 from the recipient's electronic benefits transfer card by  
3 means of card skimming, card cloning, or some other similar  
4 fraudulent method. The Department shall specifically keep a  
5 record of every report made to the Department by a SNAP  
6 recipient alleging the theft of benefits due to no fault of the  
7 recipient, the benefit amount stolen, and, if practicable, how  
8 those stolen benefits were used and the location of those  
9 thefts.

10 (b) The Department shall report its findings to the  
11 General Assembly on an annual basis beginning on January 1,  
12 2024. The Department shall file an annual report no later than  
13 the 60th day of the following year following each reporting  
14 period. A SNAP recipient's personally identifiable information  
15 shall be excluded from the reports consistent with State and  
16 federal privacy protections. Each annual report shall also be  
17 posted on the Department's official website.

18 (c) If the Department determines that a SNAP recipient has  
19 made a substantiated report of stolen benefits due to card  
20 skimming, card cloning, or some other similar fraudulent  
21 method, the Department shall refer the matter to the State's  
22 Attorney who has jurisdiction over the alleged theft or fraud  
23 and shall provide any assistance to that State's Attorney in  
24 the prosecution of the alleged theft or fraud.

25 (Source: P.A. 103-297, eff. 1-1-24; revised 1-2-24.)

1           Section 450. The Abandoned Newborn Infant Protection Act  
2 is amended by changing Sections 10, 30, and 35 as follows:

3           (325 ILCS 2/10)

4           Sec. 10. Definitions. In this Act:

5           "Abandon" has the same meaning as in the Abused and  
6 Neglected Child Reporting Act.

7           "Abused child" has the same meaning as in the Abused and  
8 Neglected Child Reporting Act.

9           "Child welfare agency" means an Illinois licensed public  
10 or private agency that receives a child for the purpose of  
11 placing or arranging for the placement of the child in a foster  
12 or pre-adoptive family home or other facility for child care,  
13 apart from the custody of the child's parents.

14           "Department" or "DCFS" means the Illinois Department of  
15 Children and Family Services.

16           "Emergency medical facility" means a freestanding  
17 emergency center or trauma center, as defined in the Emergency  
18 Medical Services (EMS) Systems Act.

19           "Emergency medical professional" includes licensed  
20 physicians, and any emergency medical technician, emergency  
21 medical technician-intermediate, advanced emergency medical  
22 technician, paramedic, trauma nurse specialist, and  
23 pre-hospital registered nurse, as defined in the Emergency  
24 Medical Services (EMS) Systems Act.

25           "Fire station" means a fire station within the State with

1 at least one staff person.

2 "Hospital" has the same meaning as in the Hospital  
3 Licensing Act.

4 "Legal custody" means the relationship created by a court  
5 order in the best interest of a newborn infant that imposes on  
6 the infant's custodian the responsibility of physical  
7 possession of the infant, the duty to protect, train, and  
8 discipline the infant, and the duty to provide the infant with  
9 food, shelter, education, and medical care, except as these  
10 are limited by parental rights and responsibilities.

11 "Neglected child" has the same meaning as in the Abused  
12 and Neglected Child Reporting Act.

13 "Newborn infant" means a child who a licensed physician  
14 reasonably believes is 30 days old or less at the time the  
15 child is initially relinquished to a hospital, police station,  
16 fire station, or emergency medical facility, and who is not an  
17 abused or a neglected child.

18 "Parent" or "biological parent" or "birth parent" means a  
19 person who has established maternity or paternity of the  
20 newborn infant through genetic testing.

21 "Police station" means a municipal police station, a  
22 county sheriff's office, a campus police department located on  
23 any college or university owned or controlled by the State or  
24 any private college or private university that is not owned or  
25 controlled by the State when employees of the campus police  
26 department are present, or any of the district headquarters of

1 the Illinois State Police.

2 "Relinquish" means to bring a newborn infant, who a  
3 licensed physician reasonably believes is 30 days old or less,  
4 to a hospital, police station, fire station, or emergency  
5 medical facility and to leave the infant with personnel of the  
6 facility, if the person leaving the infant does not express an  
7 intent to return for the infant or states that the person will  
8 not return for the infant. In the case of a person who gives  
9 birth to an infant in a hospital, the person's act of leaving  
10 that newborn infant at the hospital (i) without expressing an  
11 intent to return for the infant or (ii) stating that the person  
12 will not return for the infant is not a "relinquishment" under  
13 this Act.

14 "Temporary protective custody" means the temporary  
15 placement of a newborn infant within a hospital or other  
16 medical facility out of the custody of the infant's parent.

17 (Source: P.A. 103-22, eff. 8-8-23; 103-501, eff. 1-1-24;  
18 revised 9-14-23.)

19 (325 ILCS 2/30)

20 Sec. 30. Anonymity of relinquishing person. If there is  
21 no evidence of abuse or neglect of a relinquished newborn  
22 infant, the relinquishing person has the right to remain  
23 anonymous and to leave the hospital, police station, fire  
24 station, or emergency medical facility at any time and not be  
25 pursued or followed. Before the relinquishing person leaves

1 the hospital, police station, fire station, or emergency  
2 medical facility, the hospital, police station, fire station,  
3 or emergency medical facility personnel shall (i) verbally  
4 inform the relinquishing person that by relinquishing the  
5 child anonymously, the relinquishing person will have to  
6 petition the court if the relinquishing person desires to  
7 prevent the termination of parental rights and regain custody  
8 of the child and (ii) ~~shall~~ offer the relinquishing person the  
9 information packet described in Section 35 of this Act.  
10 However, nothing in this Act shall be construed as precluding  
11 the relinquishing person from providing the relinquishing  
12 person's identity or completing the application forms for the  
13 Illinois Adoption Registry and Medical Information Exchange  
14 and requesting that the hospital, police station, fire  
15 station, or emergency medical facility forward those forms to  
16 the Illinois Adoption Registry and Medical Information  
17 Exchange.

18 (Source: P.A. 103-22, eff. 8-8-23; revised 9-25-23.)

19 (325 ILCS 2/35)

20 Sec. 35. Information for relinquishing person.

21 (a) The hospital, police station, fire station, or  
22 emergency medical facility that receives a newborn infant  
23 relinquished in accordance with this Act shall offer to the  
24 relinquishing person information about the relinquishment  
25 process and, either in writing or by referring such person to a

1 website or other electronic resource, such information shall  
2 state that the relinquishing person's acceptance of the  
3 information is completely voluntary. The information packet  
4 must include all of the following:

5 (1) (Blank).

6 (2) Written notice of the following:

7 (A) No sooner than 60 days following the date of  
8 the initial relinquishment of the infant to a  
9 hospital, police station, fire station, or emergency  
10 medical facility, the child welfare agency or the  
11 Department will commence proceedings for the  
12 termination of parental rights and placement of the  
13 infant for adoption.

14 (B) Failure of a parent of the infant to contact  
15 the Department and petition for the return of custody  
16 of the infant before termination of parental rights  
17 bars any future action asserting legal rights with  
18 respect to the infant.

19 (3) A resource list of providers of counseling  
20 services including grief counseling, pregnancy counseling,  
21 and counseling regarding adoption and other available  
22 options for placement of the infant.

23 Upon request of a parent, the Department of Public Health  
24 shall provide the application forms for the Illinois Adoption  
25 Registry and Medical Information Exchange.

26 (b) The information offered to a relinquishing person in

1 accordance with this Act shall include, in addition to other  
2 information required under this Act, the following:

3 (1) Information that describes this Act and the rights  
4 of birth parents, including an option for the parent to  
5 complete and mail to the Department of Children and Family  
6 Services a form that shall ask for basic anonymous  
7 background information about the relinquished child. This  
8 form shall be maintained by the Department on its website.

9 (2) Information about the Illinois Adoption Registry,  
10 including a toll-free number and website information.

11 (3) Information about a mother's postpartum health.

12 The information provided in writing or through electronic  
13 means shall be designed in coordination between the Office of  
14 Vital Records and the Department of Children and Family  
15 Services. The Failure to provide such information under this  
16 Section or the failure of the relinquishing person to accept  
17 such information shall not invalidate the relinquishment under  
18 this Act.

19 (Source: P.A. 103-22, eff. 8-8-23; 103-501, eff. 1-1-24;  
20 revised 9-15-23.)

21 Section 455. The Abused and Neglected Child Reporting Act  
22 is amended by changing Sections 4.5 and 7.4 as follows:

23 (325 ILCS 5/4.5)

24 Sec. 4.5. Electronic and information technology workers;



1 reporting child pornography.

2 (a) In this Section:

3 "Child pornography" means child pornography as described  
4 in Section 11-20.1 of the Criminal Code of 2012.

5 "Electronic and information technology equipment" means  
6 equipment used in the creation, manipulation, storage,  
7 display, or transmission of data, including internet and  
8 intranet systems, software applications, operating systems,  
9 video and multimedia, telecommunications products, kiosks,  
10 information transaction machines, copiers, printers, and  
11 desktop and portable computers.

12 "Electronic and information technology equipment worker"  
13 means a person who in the scope and course of the person's  
14 employment or business installs, repairs, or otherwise  
15 services electronic and information technology equipment for a  
16 fee but does not include (i) an employee, independent  
17 contractor, or other agent of a telecommunications carrier or  
18 telephone or telecommunications cooperative, as those terms  
19 are defined in the Public Utilities Act, or (ii) an employee,  
20 independent contractor, or other agent of a provider of  
21 commercial mobile radio service, as defined in 47 CFR ~~C.F.R.~~  
22 20.3.

23 (b) If an electronic and information technology equipment  
24 worker discovers any depiction of child pornography while  
25 installing, repairing, or otherwise servicing an item of  
26 electronic and information technology equipment, that worker

1 or the worker's employer shall immediately report the  
2 discovery to the local law enforcement agency or to the Cyber  
3 Tipline at the National Center for Missing and Exploited  
4 Children.

5 (c) If a report is filed in accordance with the  
6 requirements of 42 U.S.C. 13032, the requirements of this  
7 Section 4.5 will be deemed to have been met.

8 (d) An electronic and information technology equipment  
9 worker or electronic and information technology equipment  
10 worker's employer who reports a discovery of child pornography  
11 as required under this Section is immune from any criminal,  
12 civil, or administrative liability in connection with making  
13 the report, except for willful or wanton misconduct.

14 (e) Failure to report a discovery of child pornography as  
15 required under this Section is a business offense subject to a  
16 fine of \$1,001.

17 (Source: P.A. 103-22, eff. 8-8-23; revised 9-25-23.)

18 (325 ILCS 5/7.4)

19 Sec. 7.4. (a) The Department shall be capable of receiving  
20 reports of suspected child abuse or neglect 24 hours a day, 7  
21 days a week. Whenever the Department receives a report  
22 alleging that a child is a truant as defined in Section 26-2a  
23 of the School Code, as now or hereafter amended, the  
24 Department shall notify the superintendent of the school  
25 district in which the child resides and the appropriate

1 superintendent of the educational service region. The  
2 notification to the appropriate officials by the Department  
3 shall not be considered an allegation of abuse or neglect  
4 under this Act.

5 (a-5) The Department of Children and Family Services may  
6 implement a "differential response program" in accordance with  
7 criteria, standards, and procedures prescribed by rule. The  
8 program may provide that, upon receiving a report, the  
9 Department shall determine whether to conduct a family  
10 assessment or an investigation as appropriate to prevent or  
11 provide a remedy for child abuse or neglect.

12 For purposes of this subsection (a-5), "family assessment"  
13 means a comprehensive assessment of child safety, risk of  
14 subsequent child maltreatment, and family strengths and needs  
15 that is applied to a child maltreatment report that does not  
16 allege substantial child endangerment. "Family assessment"  
17 does not include a determination as to whether child  
18 maltreatment occurred but does determine the need for services  
19 to address the safety of family members and the risk of  
20 subsequent maltreatment.

21 For purposes of this subsection (a-5), "investigation"  
22 means fact-gathering related to the current safety of a child  
23 and the risk of subsequent abuse or neglect that determines  
24 whether a report of suspected child abuse or neglect should be  
25 indicated or unfounded and whether child protective services  
26 are needed.

1 Under the "differential response program" implemented  
2 under this subsection (a-5), the Department:

3 (1) Shall conduct an investigation on reports  
4 involving substantial child abuse or neglect.

5 (2) Shall begin an immediate investigation if, at any  
6 time when it is using a family assessment response, it  
7 determines that there is reason to believe that  
8 substantial child abuse or neglect or a serious threat to  
9 the child's safety exists.

10 (3) May conduct a family assessment for reports that  
11 do not allege substantial child endangerment. In  
12 determining that a family assessment is appropriate, the  
13 Department may consider issues, including, but not limited  
14 to, child safety, parental cooperation, and the need for  
15 an immediate response.

16 (4) Shall promulgate criteria, standards, and  
17 procedures that shall be applied in making this  
18 determination, taking into consideration the Safety-Based  
19 Child Welfare Intervention System of the Department.

20 (5) May conduct a family assessment on a report that  
21 was initially screened and assigned for an investigation.

22 In determining that a complete investigation is not  
23 required, the Department must document the reason for  
24 terminating the investigation and notify the local law  
25 enforcement agency or the Illinois State Police if the local  
26 law enforcement agency or Illinois State Police is conducting

1 a joint investigation.

2 Once it is determined that a "family assessment" will be  
3 implemented, the case shall not be reported to the central  
4 register of abuse and neglect reports.

5 During a family assessment, the Department shall collect  
6 any available and relevant information to determine child  
7 safety, risk of subsequent abuse or neglect, and family  
8 strengths.

9 Information collected includes, but is not limited to,  
10 when relevant: information with regard to the person reporting  
11 the alleged abuse or neglect, including the nature of the  
12 reporter's relationship to the child and to the alleged  
13 offender, and the basis of the reporter's knowledge for the  
14 report; the child allegedly being abused or neglected; the  
15 alleged offender; the child's caretaker; and other collateral  
16 sources having relevant information related to the alleged  
17 abuse or neglect. Information relevant to the assessment must  
18 be asked for, and may include:

19 (A) The child's sex and age, prior reports of abuse or  
20 neglect, information relating to developmental  
21 functioning, credibility of the child's statement, and  
22 whether the information provided under this paragraph (A)  
23 is consistent with other information collected during the  
24 course of the assessment or investigation.

25 (B) The alleged offender's age, a record check for  
26 prior reports of abuse or neglect, and criminal charges

1 and convictions. The alleged offender may submit  
2 supporting documentation relevant to the assessment.

3 (C) Collateral source information regarding the  
4 alleged abuse or neglect and care of the child. Collateral  
5 information includes, when relevant: (i) a medical  
6 examination of the child; (ii) prior medical records  
7 relating to the alleged maltreatment or care of the child  
8 maintained by any facility, clinic, or health care  
9 professional, and an interview with the treating  
10 professionals; and (iii) interviews with the child's  
11 caretakers, including the child's parent, guardian, foster  
12 parent, child care provider, teachers, counselors, family  
13 members, relatives, and other persons who may have  
14 knowledge regarding the alleged maltreatment and the care  
15 of the child.

16 (D) Information on the existence of domestic abuse and  
17 violence in the home of the child, and substance abuse.

18 Nothing in this subsection (a-5) precludes the Department  
19 from collecting other relevant information necessary to  
20 conduct the assessment or investigation. Nothing in this  
21 subsection (a-5) shall be construed to allow the name or  
22 identity of a reporter to be disclosed in violation of the  
23 protections afforded under Section 7.19 of this Act.

24 After conducting the family assessment, the Department  
25 shall determine whether services are needed to address the  
26 safety of the child and other family members and the risk of

1 subsequent abuse or neglect.

2 Upon completion of the family assessment, if the  
3 Department concludes that no services shall be offered, then  
4 the case shall be closed. If the Department concludes that  
5 services shall be offered, the Department shall develop a  
6 family preservation plan and offer or refer services to the  
7 family.

8 At any time during a family assessment, if the Department  
9 believes there is any reason to stop the assessment and  
10 conduct an investigation based on the information discovered,  
11 the Department shall do so.

12 The procedures available to the Department in conducting  
13 investigations under this Act shall be followed as appropriate  
14 during a family assessment.

15 If the Department implements a differential response  
16 program authorized under this subsection (a-5), the Department  
17 shall arrange for an independent evaluation of the program for  
18 at least the first 3 years of implementation to determine  
19 whether it is meeting the goals in accordance with Section 2 of  
20 this Act.

21 The Department may adopt administrative rules necessary  
22 for the execution of this Section, in accordance with Section  
23 4 of the Children and Family Services Act.

24 The Department shall submit a report to the General  
25 Assembly by January 15, 2018 on the implementation progress  
26 and recommendations for additional needed legislative changes.

1           (b)(1) The following procedures shall be followed in the  
2 investigation of all reports of suspected abuse or neglect of  
3 a child, except as provided in subsection (c) of this Section.

4           (2) If, during a family assessment authorized by  
5 subsection (a-5) or an investigation, it appears that the  
6 immediate safety or well-being of a child is endangered, that  
7 the family may flee or the child disappear, or that the facts  
8 otherwise so warrant, the Child Protective Service Unit shall  
9 commence an investigation immediately, regardless of the time  
10 of day or night. All other investigations shall be commenced  
11 within 24 hours of receipt of the report. Upon receipt of a  
12 report, the Child Protective Service Unit shall conduct a  
13 family assessment authorized by subsection (a-5) or begin an  
14 initial investigation and make an initial determination  
15 whether the report is a good faith indication of alleged child  
16 abuse or neglect.

17           (3) Based on an initial investigation, if the Unit  
18 determines the report is a good faith indication of alleged  
19 child abuse or neglect, then a formal investigation shall  
20 commence and, pursuant to Section 7.12 of this Act, may or may  
21 not result in an indicated report. The formal investigation  
22 shall include: direct contact with the subject or subjects of  
23 the report as soon as possible after the report is received; an  
24 evaluation of the environment of the child named in the report  
25 and any other children in the same environment; a  
26 determination of the risk to such children if they continue to



1 remain in the existing environments, as well as a  
2 determination of the nature, extent and cause of any condition  
3 enumerated in such report; the name, age and condition of  
4 other children in the environment; and an evaluation as to  
5 whether there would be an immediate and urgent necessity to  
6 remove the child from the environment if appropriate family  
7 preservation services were provided. After seeing to the  
8 safety of the child or children, the Department shall  
9 forthwith notify the subjects of the report in writing, of the  
10 existence of the report and their rights existing under this  
11 Act in regard to amendment or expungement. To fulfill the  
12 requirements of this Section, the Child Protective Service  
13 Unit shall have the capability of providing or arranging for  
14 comprehensive emergency services to children and families at  
15 all times of the day or night.

16 (4) If (i) at the conclusion of the Unit's initial  
17 investigation of a report, the Unit determines the report to  
18 be a good faith indication of alleged child abuse or neglect  
19 that warrants a formal investigation by the Unit, the  
20 Department, any law enforcement agency or any other  
21 responsible agency and (ii) the person who is alleged to have  
22 caused the abuse or neglect is employed or otherwise engaged  
23 in an activity resulting in frequent contact with children and  
24 the alleged abuse or neglect are in the course of such  
25 employment or activity, then the Department shall, except in  
26 investigations where the Director determines that such

1 notification would be detrimental to the Department's  
2 investigation, inform the appropriate supervisor or  
3 administrator of that employment or activity that the Unit has  
4 commenced a formal investigation pursuant to this Act, which  
5 may or may not result in an indicated report. The Department  
6 shall also notify the person being investigated, unless the  
7 Director determines that such notification would be  
8 detrimental to the Department's investigation.

9 (c) In an investigation of a report of suspected abuse or  
10 neglect of a child by a school employee at a school or on  
11 school grounds, the Department shall make reasonable efforts  
12 to follow the following procedures:

13 (1) Investigations involving teachers shall not, to  
14 the extent possible, be conducted when the teacher is  
15 scheduled to conduct classes. Investigations involving  
16 other school employees shall be conducted so as to  
17 minimize disruption of the school day. The school employee  
18 accused of child abuse or neglect may have the school  
19 employee's superior, the school employee's association or  
20 union representative, and the school employee's attorney  
21 present at any interview or meeting at which the teacher  
22 or administrator is present. The accused school employee  
23 shall be informed by a representative of the Department,  
24 at any interview or meeting, of the accused school  
25 employee's due process rights and of the steps in the  
26 investigation process. These due process rights shall also

1 include the right of the school employee to present  
2 countervailing evidence regarding the accusations. In an  
3 investigation in which the alleged perpetrator of abuse or  
4 neglect is a school employee, including, but not limited  
5 to, a school teacher or administrator, and the  
6 recommendation is to determine the report to be indicated,  
7 in addition to other procedures as set forth and defined  
8 in Department rules and procedures, the employee's due  
9 process rights shall also include: (i) the right to a copy  
10 of the investigation summary; (ii) the right to review the  
11 specific allegations which gave rise to the investigation;  
12 and (iii) the right to an administrator's teleconference  
13 which shall be convened to provide the school employee  
14 with the opportunity to present documentary evidence or  
15 other information that supports the school employee's  
16 position and to provide information before a final finding  
17 is entered.

18 (2) If a report of neglect or abuse of a child by a  
19 teacher or administrator does not involve allegations of  
20 sexual abuse or extreme physical abuse, the Child  
21 Protective Service Unit shall make reasonable efforts to  
22 conduct the initial investigation in coordination with the  
23 employee's supervisor.

24 If the Unit determines that the report is a good faith  
25 indication of potential child abuse or neglect, it shall  
26 then commence a formal investigation under paragraph (3)

1 of subsection (b) of this Section.

2 (3) If a report of neglect or abuse of a child by a  
3 teacher or administrator involves an allegation of sexual  
4 abuse or extreme physical abuse, the Child Protective Unit  
5 shall commence an investigation under paragraph (2) of  
6 subsection (b) of this Section.

7 (c-5) In any instance in which a report is made or caused  
8 to made by a school district employee involving the conduct of  
9 a person employed by the school district, at the time the  
10 report was made, as required under Section 4 of this Act, the  
11 Child Protective Service Unit shall send a copy of its final  
12 finding report to the general superintendent of that school  
13 district.

14 (c-10) The Department may recommend that a school district  
15 remove a school employee who is the subject of an  
16 investigation from the school employee's employment position  
17 pending the outcome of the investigation; however, all  
18 employment decisions regarding school personnel shall be the  
19 sole responsibility of the school district or employer. The  
20 Department may not require a school district to remove a  
21 school employee from the school employee's employment position  
22 or limit the school employee's duties pending the outcome of  
23 an investigation.

24 (d) If the Department has contact with an employer, or  
25 with a religious institution or religious official having  
26 supervisory or hierarchical authority over a member of the

1 clergy accused of the abuse of a child, in the course of its  
2 investigation, the Department shall notify the employer or the  
3 religious institution or religious official, in writing, when  
4 a report is unfounded so that any record of the investigation  
5 can be expunged from the employee's or member of the clergy's  
6 personnel or other records. The Department shall also notify  
7 the employee or the member of the clergy, in writing, that  
8 notification has been sent to the employer or to the  
9 appropriate religious institution or religious official  
10 informing the employer or religious institution or religious  
11 official that the Department's investigation has resulted in  
12 an unfounded report.

13 (d-1) Whenever a report alleges that a child was abused or  
14 neglected while receiving care in a hospital, including a  
15 freestanding psychiatric hospital licensed by the Department  
16 of Public Health, the Department shall send a copy of its final  
17 finding to the Director of Public Health and the Director of  
18 Healthcare and Family Services.

19 (e) Upon request by the Department, the Illinois State  
20 Police and law enforcement agencies are authorized to provide  
21 criminal history record information as defined in the Illinois  
22 Uniform Conviction Information Act and information maintained  
23 in the adjudicatory and dispositional record system as defined  
24 in Section 2605-355 of the Illinois State Police Law to  
25 properly designated employees of the Department of Children  
26 and Family Services if the Department determines the

1 information is necessary to perform its duties under the  
2 Abused and Neglected Child Reporting Act, the Child Care Act  
3 of 1969, and the Children and Family Services Act. The request  
4 shall be in the form and manner required by the Illinois State  
5 Police. Any information obtained by the Department of Children  
6 and Family Services under this Section is confidential and may  
7 not be transmitted outside the Department of Children and  
8 Family Services other than to a court of competent  
9 jurisdiction or unless otherwise authorized by law. Any  
10 employee of the Department of Children and Family Services who  
11 transmits confidential information in violation of this  
12 Section or causes the information to be transmitted in  
13 violation of this Section is guilty of a Class A misdemeanor  
14 unless the transmittal of the information is authorized by  
15 this Section or otherwise authorized by law.

16 (f) For purposes of this Section, "child abuse or neglect"  
17 includes abuse or neglect of an adult resident as defined in  
18 this Act.

19 (Source: P.A. 102-538, eff. 8-20-21; 103-22, eff. 8-8-23;  
20 103-460, eff. 1-1-24; revised 9-15-23.)

21 Section 460. The Intergovernmental Missing Child Recovery  
22 Act of 1984 is amended by changing Section 6 as follows:

23 (325 ILCS 40/6) (from Ch. 23, par. 2256)

24 Sec. 6. The Illinois State Police shall:

1           (a) Utilize the statewide Law Enforcement Agencies  
2 Data System (LEADS) for the purpose of effecting an  
3 immediate law enforcement response to reports of missing  
4 children. The Illinois State Police shall implement an  
5 automated data exchange system to compile, to maintain,  
6 and to make available for dissemination to Illinois and  
7 out-of-State law enforcement agencies, data which can  
8 assist appropriate agencies in recovering missing  
9 children.

10           (b) Establish contacts and exchange information  
11 regarding lost, missing, or runaway children with  
12 nationally recognized "missing person and runaway" service  
13 organizations and monitor national research and publicize  
14 important developments.

15           (c) Provide a uniform reporting format for the entry  
16 of pertinent information regarding reports of missing  
17 children into LEADS.

18           (d) Develop and implement a policy whereby a statewide  
19 or regional alert would be used in situations relating to  
20 the disappearances of children, based on criteria and in a  
21 format established by the Illinois State Police. Such a  
22 format shall include, but not be limited to, the age and  
23 physical description of the missing child and the  
24 suspected circumstances of the disappearance.

25           (e) Notify all law enforcement agencies that reports  
26 of missing persons shall be entered as soon as the minimum

1 level of data specified by the Illinois State Police is  
2 available to the reporting agency and that no waiting  
3 period for entry of such data exists.

4 (f) Provide a procedure for prompt confirmation of the  
5 receipt and entry of the missing child report into LEADS  
6 to the parent or guardian of the missing child.

7 (g) Compile and retain information regarding missing  
8 children in a separate data file, in a manner that allows  
9 such information to be used by law enforcement and other  
10 agencies deemed appropriate by the Director, for  
11 investigative purposes. Such files shall be updated to  
12 reflect and include information relating to the  
13 disposition of the case.

14 (h) Compile and maintain ~~a~~ a historic data repository  
15 relating to missing children in order (1) to develop and  
16 improve techniques utilized by law enforcement agencies  
17 when responding to reports of missing children and (2) to  
18 provide a factual and statistical base for research that  
19 would address the problem of missing children.

20 (i) Create a quality control program to assess the  
21 timeliness of entries of missing children reports into  
22 LEADS and conduct performance audits of all entering  
23 agencies.

24 (j) Prepare a periodic information bulletin concerning  
25 missing children who it determines may be present in this  
26 State, compiling such bulletin from information contained



1 in both the National Crime Information Center computer and  
2 from reports, alerts, and other information entered into  
3 LEADS or otherwise compiled and retained by the Illinois  
4 State Police pursuant to this Act. The bulletin shall  
5 indicate the name, age, physical description, suspected  
6 circumstances of disappearance if that information is  
7 available, a photograph if one is available, the name of  
8 the law enforcement agency investigating the case, and  
9 such other information as the Director considers  
10 appropriate concerning each missing child who the Illinois  
11 State Police determines may be present in this State. The  
12 Illinois State Police shall send a copy of each periodic  
13 information bulletin to the State Board of Education for  
14 its use in accordance with Section 2-3.48 of the School  
15 Code. The Illinois State Police shall provide a copy of  
16 the bulletin, upon request, to law enforcement agencies of  
17 this or any other state or of the federal government, and  
18 may provide a copy of the bulletin, upon request, to other  
19 persons or entities, if deemed appropriate by the  
20 Director, and may establish limitations on its use and a  
21 reasonable fee for so providing the same, except that no  
22 fee shall be charged for providing the periodic  
23 information bulletin to the State Board of Education,  
24 appropriate units of local government, State agencies, or  
25 law enforcement agencies of this or any other state or of  
26 the federal government.

1           (k) Provide for the entry into LEADS of the names and  
2 addresses of sex offenders as defined in the Sex Offender  
3 Registration Act who are required to register under that  
4 Act. The information shall be immediately accessible to  
5 law enforcement agencies and peace officers of this State  
6 or any other state or of the federal government. Similar  
7 information may be requested from any other state or of  
8 the federal government for purposes of this Act.

9           (l) Provide for the entry into LEADS of the names and  
10 addresses of violent offenders against youth as defined in  
11 the Murderer and Violent Offender Against Youth  
12 Registration Act who are required to register under that  
13 Act. The information shall be immediately accessible to  
14 law enforcement agencies and peace officers of this State  
15 or any other state or of the federal government. Similar  
16 information may be requested from any other state or of  
17 the federal government for purposes of this Act.

18 (Source: P.A. 102-538, eff. 8-20-21; 103-34, eff. 1-1-24;  
19 revised 1-2-24.)

20           Section 465. The Smart Start Illinois Act is amended by  
21 changing Section 95-10 as follows:

22           (325 ILCS 85/95-10)

23           Sec. 95-10. Smart Start Child Care Workforce Compensation  
24 Program.

1           (a) The Department of Human Services shall create and  
2 establish the Smart Start Child Care Workforce Compensation  
3 Program. The purpose of the Smart Start Child Care Workforce  
4 Compensation Program is to invest in early childhood education  
5 and care service providers, including, but not limited to,  
6 providers participating in the Child Care Assistance Program;  
7 to expand the supply of high-quality early childhood education  
8 and care; and to create a strong and stable early childhood  
9 education and care system with attractive wages, high-quality  
10 services, and affordable costs ~~cost~~.

11           (b) The purpose of the Smart Start Child Care Workforce  
12 Compensation Program is to stabilize community-based early  
13 childhood education and care service providers, raise the  
14 wages of early childhood educators, and support quality  
15 enhancements that can position service providers to  
16 participate in other public funding streams, such as Preschool  
17 for All, in order to further enhance and expand quality  
18 service delivery.

19           (c) Subject to appropriation, the Department of Human  
20 Services shall implement the Smart Start Child Care Workforce  
21 Compensation Program for eligible licensed day care centers,  
22 licensed day care homes, and licensed group day care homes by  
23 October 1, 2024, or as soon as practicable, following  
24 completion of a planning and transition year. By October 1,  
25 2025, or as soon as practicable, and for each year thereafter,  
26 subject to appropriation, the Department of Human Services

1 shall continue to operate the Smart Start Child Care Workforce  
2 Compensation Program annually with all licensed day care  
3 centers, ~~and~~ licensed day care homes, and licensed group day  
4 care homes that meet eligibility requirements. The Smart Start  
5 Child Care Workforce Compensation Program shall operate  
6 separately from and shall not supplant the Child Care  
7 Assistance Program as provided for in Section 9A-11 of the  
8 Illinois Public Aid Code.

9 (d) The Department of Human Services shall adopt  
10 administrative rules by October 1, 2024~~7~~ to facilitate  
11 administration of the Smart Start Child Care Workforce  
12 Compensation Program, including, but not limited to,  
13 provisions for program eligibility, the application and  
14 funding calculation process, eligible expenses, required wage  
15 floors, and requirements for financial and personnel reporting  
16 and monitoring requirements. Eligibility and funding  
17 provisions shall be based on appropriation and a current model  
18 of the cost to provide child care services by a licensed child  
19 care center or licensed family child care home.

20 (Source: P.A. 103-8, eff. 6-7-23; revised 9-25-23.)

21 Section 467. The Community Mental Health Act is amended by  
22 changing Section 3e as follows:

23 (405 ILCS 20/3e) (from Ch. 91 1/2, par. 303e)

24 Sec. 3e. Board's powers and duties.

1           (1) Every community mental health board shall, within 30  
2 days after members are first appointed and within 30 days  
3 after members are appointed or reappointed upon the expiration  
4 of a member's term, meet and organize, by the election of one  
5 of its number as president and one as secretary and such other  
6 officers as it may deem necessary. It shall make rules and  
7 regulations concerning the rendition or operation of services  
8 and facilities which it directs, supervises or funds, not  
9 inconsistent with the provisions of this Act. It shall:

10           (a) Hold a meeting prior to July 1 of each year at  
11 which officers shall be elected for the ensuing year  
12 beginning July 1;

13           (b) Hold meetings at least quarterly;

14           (c) Hold special meetings upon a written request  
15 signed by at least 2 members and filed with the secretary;

16           (d) Review and evaluate community mental health  
17 services and facilities, including services and facilities  
18 for the treatment of alcoholism, drug addiction,  
19 developmental disabilities, and intellectual  
20 disabilities;

21           (e) Authorize the disbursement of money from the  
22 community mental health fund for payment for the ordinary  
23 and contingent expenses of the board;

24           (f) Submit to the appointing officer and the members  
25 of the governing body a written plan for a program of  
26 community mental health services and facilities for

1 persons with a mental illness, a developmental disability,  
2 or a substance use disorder. Such plan shall be for the  
3 ensuing 12 month period. In addition, a plan shall be  
4 developed for the ensuing 3 year period and such plan  
5 shall be reviewed at the end of every 12 month period and  
6 shall be modified as deemed advisable;~~;~~

7 (g) Within amounts appropriated therefor, execute such  
8 programs and maintain such services and facilities as may  
9 be authorized under such appropriations, including amounts  
10 appropriated under bond issues, if any;

11 (h) Publish the annual budget and report within 120  
12 days after the end of the fiscal year in a newspaper  
13 distributed within the jurisdiction of the board, or, if  
14 no newspaper is published within the jurisdiction of the  
15 board, then one published in the county, or, if no  
16 newspaper is published in the county, then in a newspaper  
17 having general circulation within the jurisdiction of the  
18 board. The report shall show the condition of its trust of  
19 that year, the sums of money received from all sources,  
20 giving the name of any donor, how all monies have been  
21 expended and for what purpose, and such other statistics  
22 and program information in regard to the work of the board  
23 as it may deem of general interest. A copy of the budget  
24 and the annual report shall be made available to the  
25 Department of Human Services and to members of the General  
26 Assembly whose districts include any part of the

1 jurisdiction of such board. The names of all employees,  
2 consultants, and other personnel shall be set forth along  
3 with the amounts of money received;

4 (i) Consult with other appropriate private and public  
5 agencies in the development of local plans for the most  
6 efficient delivery of mental health, developmental  
7 disabilities, and substance use disorder services. The  
8 Board is authorized to join and to participate in the  
9 activities of associations organized for the purpose of  
10 promoting more efficient and effective services and  
11 programs;

12 (j) Have the authority to review and comment on all  
13 applications for grants by any person, corporation, or  
14 governmental unit providing services within the  
15 geographical area of the board which provides mental  
16 health facilities and services, including services for the  
17 person with a mental illness, a developmental disability,  
18 or a substance use disorder. The board may require funding  
19 applicants to send a copy of their funding application to  
20 the board at the time such application is submitted to the  
21 Department of Human Services or to any other local, State  
22 or federal funding source or governmental agency. Within  
23 60 days of the receipt of any application, the board shall  
24 submit its review and comments to the Department of Human  
25 Services or to any other appropriate local, State or  
26 federal funding source or governmental agency. A copy of

1 the review and comments shall be submitted to the funding  
2 applicant. Within 60 days thereafter, the Department of  
3 Human Services or any other appropriate local or State  
4 governmental agency shall issue a written response to the  
5 board and the funding applicant. The Department of Human  
6 Services shall supply any community mental health board  
7 such information about purchase-of-care funds, State  
8 facility utilization, and costs in its geographical area  
9 as the board may request provided that the information  
10 requested is for the purpose of the Community Mental  
11 Health Board complying with the requirements of Section  
12 3f, subsection (f) of this Act;

13 (k) Perform such other acts as may be necessary or  
14 proper to carry out the purposes of this Act.

15 (2) The community mental health board has the following  
16 powers:

17 (a) The board may enter into multiple-year contracts  
18 for rendition or operation of services, facilities and  
19 educational programs.

20 (b) The board may arrange through intergovernmental  
21 agreements or intragovernmental agreements or both for the  
22 rendition of services and operation of facilities by other  
23 agencies or departments of the governmental unit or county  
24 in which the governmental unit is located with the  
25 approval of the governing body.

26 (c) To employ, establish compensation for, and set



1 policies for its personnel, including legal counsel, as  
2 may be necessary to carry out the purposes of this Act and  
3 prescribe the duties thereof. The board may enter into  
4 multiple-year employment contracts as may be necessary for  
5 the recruitment and retention of personnel and the proper  
6 functioning of the board.

7 (d) The board may enter into multiple-year joint  
8 agreements, which shall be written, with other mental  
9 health boards and boards of health to provide jointly  
10 agreed upon community mental health facilities and  
11 services and to pool such funds as may be deemed necessary  
12 and available for this purpose.

13 (e) The board may organize a not-for-profit  
14 corporation for the purpose of providing direct recipient  
15 services. Such corporations shall have, in addition to all  
16 other lawful powers, the power to contract with persons to  
17 furnish services for recipients of the corporation's  
18 facilities, including psychiatrists and other physicians  
19 licensed in this State to practice medicine in all of its  
20 branches. Such physicians shall be considered independent  
21 contractors, and liability for any malpractice shall not  
22 extend to such corporation, nor to the community mental  
23 health board, except for gross negligence in entering into  
24 such a contract.

25 (f) The board shall not operate any direct recipient  
26 services for more than a 2-year period when such services

1 are being provided in the governmental unit, but shall  
2 encourage, by financial support, the development of  
3 private agencies to deliver such needed services, pursuant  
4 to regulations of the board.

5 (g) Where there are multiple boards within the same  
6 planning area, as established by the Department of Human  
7 Services, services may be purchased through a single  
8 delivery system. In such areas, a coordinating body with  
9 representation from each board shall be established to  
10 carry out the service functions of this Act. In the event  
11 any such coordinating body purchases or improves real  
12 property, such body shall first obtain the approval of the  
13 governing bodies of the governmental units in which the  
14 coordinating body is located.

15 (h) The board may enter into multiple-year joint  
16 agreements with other governmental units located within  
17 the geographical area of the board. Such agreements shall  
18 be written and shall provide for the rendition of services  
19 by the board to the residents of such governmental units.

20 (i) The board may enter into multiple-year joint  
21 agreements with federal, State, and local governments,  
22 including the Department of Human Services, whereby the  
23 board will provide certain services. All such joint  
24 agreements must provide for the exchange of relevant data.  
25 However, nothing in this Act shall be construed to permit  
26 the abridgement of the confidentiality of patient records.

1           (j) The board may receive gifts from private sources  
2           for purposes not inconsistent with the provisions of this  
3           Act.

4           (k) The board may receive federal ~~Federal~~, State, and  
5           local funds for purposes not inconsistent with the  
6           provisions of this Act.

7           (l) The board may establish scholarship programs. Such  
8           programs shall require equivalent service or reimbursement  
9           pursuant to regulations of the board.

10          (m) The board may sell, rent, or lease real property  
11          for purposes consistent with this Act.

12          (n) The board may: (i) own real property, lease real  
13          property as lessee, or acquire real property by purchase,  
14          construction, lease-purchase agreement, or otherwise; (ii)  
15          take title to the property in the board's name; (iii)  
16          borrow money and issue debt instruments, mortgages,  
17          purchase-money mortgages, and other security instruments  
18          with respect to the property; and (iv) maintain, repair,  
19          remodel, or improve the property. All of these activities  
20          must be for purposes consistent with this Act as may be  
21          reasonably necessary for the housing and proper  
22          functioning of the board. The board may use moneys in the  
23          Community Mental Health Fund for these purposes.

24          (o) The board may organize a not-for-profit  
25          corporation (i) for the purpose of raising money to be  
26          distributed by the board for providing community mental

1 health services and facilities for the treatment of  
2 alcoholism, drug addiction, developmental disabilities,  
3 and intellectual disabilities or (ii) for other purposes  
4 not inconsistent with this Act.

5 (p) The board may fix a fiscal year for the board.

6 (q) The board has the responsibility to set, maintain,  
7 and implement the budget.

8 Every board shall be subject to the requirements under the  
9 Freedom of Information Act and the Open Meetings Act.

10 (Source: P.A. 103-274, eff. 1-1-24; revised 1-20-24.)

11 Section 470. The Lead Poisoning Prevention Act is amended  
12 by changing Section 8.1 as follows:

13 (410 ILCS 45/8.1) (from Ch. 111 1/2, par. 1308.1)

14 Sec. 8.1. Licensing of lead inspectors and lead risk  
15 assessors.

16 (a) The Department shall establish standards and licensing  
17 procedures for lead inspectors and lead risk assessors. An  
18 integral element of these procedures shall be an education and  
19 training program prescribed by the Department, which shall  
20 include, but not be limited to, scientific sampling,  
21 chemistry, and construction techniques. No person shall make  
22 inspections or risk assessments without first being licensed  
23 by the Department. The penalty for inspection or risk  
24 assessment without a license shall be a Class A misdemeanor

1 and an administrative fine.

2 (b) The Department shall charge licensed lead inspectors  
3 and lead risk assessors reasonable license fees and the fees  
4 shall be placed in the Lead Poisoning Screening, Prevention,  
5 and Abatement Fund and used to fund the Department's licensing  
6 of lead inspectors and lead risk assessors and any other  
7 activities prescribed by this Act. A licensed lead inspector  
8 or lead risk assessor employed by the Department or its  
9 delegate agency shall not be charged a license fee.

10 (c) The Department, upon notification by the Illinois  
11 Workers' Compensation Commission or the Department of  
12 Insurance, shall refuse the issuance or renewal of a license  
13 to, or suspend or revoke the license of, any individual,  
14 corporation, partnership, or other business entity that has  
15 been found by the Illinois Workers' Compensation Commission or  
16 the Department of Insurance to have failed:

17 (1) to secure workers' compensation obligations in the  
18 manner required by subsections (a) and (b) of Section 4 of  
19 the Workers' Compensation Act;

20 (2) to pay in full a fine or penalty imposed by the  
21 Illinois Workers' Compensation Commission or the  
22 Department of Insurance due to a failure to secure  
23 workers' compensation obligations in the manner required  
24 by subsections (a) and (b) of Section 4 of the Workers'  
25 Compensation Act; or

26 (3) to fulfill all obligations assumed pursuant to any

1 settlement reached with the Illinois Workers' Compensation  
2 Commission or the Department of Insurance due to a failure  
3 to secure workers' compensation obligations in the manner  
4 required by subsections (a) and (b) of Section 4 of the  
5 Workers' Compensation Act.

6 A complaint filed with the Department by the Illinois  
7 Workers' Compensation Commission or the Department of  
8 Insurance that includes a certification, signed by its  
9 Director or Chairman or designee, attesting to a finding of  
10 the failure to secure workers' compensation obligations in the  
11 manner required by subsections (a) and (b) of Section 4 of the  
12 Workers' Compensation Act or the failure to pay any fines or  
13 penalties or to discharge any obligation under a settlement  
14 relating to the failure to secure workers' compensation  
15 obligations in the manner required by subsections (a) and (b)  
16 of Section 4 of the Workers' Compensation Act is prima facie  
17 evidence of the licensee's or applicant's failure to comply  
18 with subsections (a) and (b) of Section 4 of the Workers'  
19 Compensation Act. Upon receipt of that certification, the  
20 Department shall, without a hearing, immediately suspend all  
21 licenses held by the licensee or the processing of any  
22 application from the applicant. Enforcement of the  
23 Department's order shall be stayed for 60 days. The Department  
24 shall provide notice of the suspension to the licensee by  
25 mailing a copy of the Department's order to the licensee's or  
26 applicant's address of record or emailing a copy of the order

1 to the licensee's or applicant's email address of record. The  
2 notice shall advise the licensee or applicant that the  
3 suspension shall be effective 60 days after the issuance of  
4 the order unless the Department receives, from the licensee or  
5 applicant, a request for a hearing before the Department to  
6 dispute the matters contained in the order.

7 Upon receiving notice from the Illinois Workers'  
8 Compensation Commission or the Department of Insurance that  
9 the violation has been corrected or otherwise resolved, the  
10 Department shall vacate the order suspending a licensee's  
11 license or the processing of an applicant's application.

12 No license shall be suspended or revoked until after the  
13 licensee is afforded any due process protection guaranteed by  
14 statute or rule adopted by the Illinois Workers' Compensation  
15 Commission or the Department of Insurance.

16 (Source: P.A. 103-26, eff. 1-1-24; revised 1-2-24.)

17 Section 475. The Smoke Free Illinois Act is amended by  
18 changing Section 35 as follows:

19 (410 ILCS 82/35)

20 Sec. 35. Exemptions. Notwithstanding any other provision  
21 of this Act, smoking is allowed in the following areas:

22 (1) Private residences or dwelling places, except when  
23 used as a child care, adult day care, or healthcare  
24 facility or any other home-based business open to the

1 public.

2 (2) Retail tobacco stores as defined in Section 10 of  
3 this Act in operation prior to January 1, 2008 (the  
4 effective date of Public Act 95-17) ~~this amendatory Act of~~  
5 ~~the 95th General Assembly~~. The retail tobacco store shall  
6 annually file with the Department by January 31st an  
7 affidavit stating the percentage of its gross income  
8 during the prior calendar year that was derived from the  
9 sale of loose tobacco, plants, or herbs and cigars,  
10 cigarettes, pipes, or other smoking devices for smoking  
11 tobacco and related smoking accessories. Any retail  
12 tobacco store that begins operation after January 1, 2008  
13 (the effective date of Public Act 95-17) ~~this amendatory~~  
14 ~~Act~~ may only qualify for an exemption if located in a  
15 freestanding structure occupied solely by the business and  
16 smoke from the business does not migrate into an enclosed  
17 area where smoking is prohibited. A retail tobacco store  
18 that derives at least 80% of its gross revenue from the  
19 sale of electronic cigarettes and electronic cigarette  
20 equipment and accessories in operation before January 1,  
21 2024 (the effective date of Public Act 103-272) ~~this~~  
22 ~~amendatory Act of the 103rd General Assembly~~ qualifies for  
23 this exemption for electronic cigarettes only. A retail  
24 tobacco store claiming an exemption for electronic  
25 cigarettes shall annually file with the Department by  
26 January 31 an affidavit stating the percentage of its



1 gross income during the prior calendar year that was  
2 derived from the sale of electronic cigarettes. A retail  
3 tobacco store may, with authorization or permission from a  
4 unit of local government, including a home rule unit, or  
5 any non-home rule county within the unincorporated  
6 territory of the county, allow the on-premises consumption  
7 of cannabis in a specially designated areas.

8 (3) (Blank).

9 (4) Hotel and motel sleeping rooms that are rented to  
10 guests and are designated as smoking rooms, provided that  
11 all smoking rooms on the same floor must be contiguous and  
12 smoke from these rooms must not infiltrate into nonsmoking  
13 rooms or other areas where smoking is prohibited. Not more  
14 than 25% of the rooms rented to guests in a hotel or motel  
15 may be designated as rooms where smoking is allowed. The  
16 status of rooms as smoking or nonsmoking may not be  
17 changed, except to permanently add additional nonsmoking  
18 rooms.

19 (5) Enclosed laboratories that are excluded from the  
20 definition of "place of employment" in Section 10 of this  
21 Act. Rulemaking authority to implement Public Act 95-1029  
22 ~~this amendatory Act of the 95th General Assembly~~, if any,  
23 is conditioned on the rules being adopted in accordance  
24 with all provisions of the Illinois Administrative  
25 Procedure Act and all rules and procedures of the Joint  
26 Committee on Administrative Rules; any purported rule not

1 so adopted, for whatever reason, is unauthorized.

2 (6) Common smoking rooms in long-term care facilities  
3 operated under the authority of the Illinois Department of  
4 Veterans' Affairs or licensed under the Nursing Home Care  
5 Act that are accessible only to residents who are smokers  
6 and have requested in writing to have access to the common  
7 smoking room where smoking is permitted and the smoke  
8 shall not infiltrate other areas of the long-term care  
9 facility. Rulemaking authority to implement Public Act  
10 95-1029 ~~this amendatory Act of the 95th General Assembly,~~  
11 if any, is conditioned on the rules being adopted in  
12 accordance with all provisions of the Illinois  
13 Administrative Procedure Act and all rules and procedures  
14 of the Joint Committee on Administrative Rules; any  
15 purported rule not so adopted, for whatever reason, is  
16 unauthorized.

17 (7) A convention hall of the Donald E. Stephens  
18 Convention Center where a meeting or trade show for  
19 manufacturers and suppliers of tobacco and tobacco  
20 products and accessories is being held, during the time  
21 the meeting or trade show is occurring, if the meeting or  
22 trade show:

23 (i) is a trade-only event and not open to the  
24 public;

25 (ii) is limited to attendees and exhibitors that  
26 are 21 years of age or older;

1 (iii) is being produced or organized by a business  
2 relating to tobacco or a professional association for  
3 convenience stores; and

4 (iv) involves the display of tobacco products.

5 Smoking is not allowed in any public area outside of  
6 the hall designated for the meeting or trade show.

7 This paragraph (7) is inoperative on and after October  
8 1, 2015.

9 (8) A dispensing organization, as defined in the  
10 Cannabis Regulation and Tax Act, authorized or permitted  
11 by a unit local government to allow on-site consumption of  
12 cannabis, if the establishment: (1) maintains a specially  
13 designated area or areas for the purpose of heating,  
14 burning, smoking, or lighting cannabis; (2) is limited to  
15 individuals 21 or older; and (3) maintains a locked door  
16 or barrier to any specially designated areas for the  
17 purpose of heating, burning, smoking or lighting cannabis.

18 (Source: P.A. 103-272, eff. 1-1-24; revised 1-2-24.)

19 Section 480. The Health Care Professional Credentials Data  
20 Collection Act is amended by changing Section 5 as follows:

21 (410 ILCS 517/5)

22 Sec. 5. Definitions. As used in this Act:

23 "Credentials data" means those data, information, or  
24 answers to questions required by a health care entity, health

1 care plan, or hospital to complete the credentialing or  
2 recredentialing of a health care professional.

3 "Credentialing" means the process of assessing and  
4 validating the qualifications of a health care professional.

5 "Department" means the Department of Public Health.

6 "Director" means the Director of the Department of Public  
7 Health.

8 "Health care entity" means any of the following which  
9 require the submission of credentials data: (i) a health care  
10 facility or other health care organization licensed or  
11 certified to provide medical or health services in Illinois,  
12 other than a hospital; (ii) a health care professional  
13 partnership, corporation, limited liability company,  
14 professional services corporation or group practice; or (iii)  
15 an independent practice association or physician hospital  
16 organization. Nothing in this definition shall be construed to  
17 mean that a hospital is a health care entity.

18 "Health care plan" means any entity licensed by the  
19 Department of Insurance as a prepaid health care plan or  
20 health maintenance organization or as an insurer which  
21 requires the submission of credentials data.

22 "Health care professional" means any person licensed under  
23 the Medical Practice Act of 1987 or any person licensed under  
24 any other Act subsequently made subject to this Act by the  
25 Department.

26 "Hospital" means a hospital licensed under the Hospital

1 Licensing Act or any hospital organized under the University  
2 of Illinois Hospital Act.

3 "Recredentialing" means a process undertaken for a period  
4 not to exceed 3 years by which a health care entity, health  
5 care plan, or hospital ensures that a health care professional  
6 who is currently credentialed by the health care entity,  
7 health care plan, or hospital continues to meet the  
8 credentialing criteria used by the health care entity, health  
9 care plan, or hospital.

10 "Single credentialing cycle" means a process undertaken  
11 for a period not to exceed 3 years whereby for purposes of  
12 recredentialing each health care professional's credentials  
13 data are collected by all health care entities and health care  
14 plans that credential the health care professional during the  
15 same time period.

16 "Site survey" means a process by which a health care  
17 entity or health care plan assesses the office locations and  
18 medical record keeping practices of a health care  
19 professional.

20 "Single site survey" means a process by which, for  
21 purposes of recredentialing, each health care professional  
22 receives a site visit only once every two years.

23 "Uniform health care credentials form" means the form  
24 prescribed by the Department under Section 15 to collect the  
25 credentials data commonly requested by health care entities  
26 and health care plans for purposes of credentialing.

1 "Uniform health care recredentials form" means the form  
2 prescribed by the Department under Section 15 to collect the  
3 credentials data commonly requested by health care entities  
4 and health care plans for purposes of recredentialing.

5 "Uniform hospital credentials form" means the form  
6 prescribed by the Department under Section 15 to collect the  
7 credentials data commonly requested by hospitals for purposes  
8 of credentialing.

9 "Uniform hospital recredentials form" means the form  
10 prescribed by the Department under Section 15 to collect the  
11 credentials data commonly requested by hospitals for purposes  
12 of recredentialing.

13 "Uniform site survey instrument" means the instrument  
14 developed by the Department under Section 25 to complete a  
15 single site survey as part of a credentialing or  
16 recredentialing process.

17 "Uniform updating form" means the standardized form  
18 prescribed by the Department for reporting of corrections,  
19 updates, and modifications to credentials data to health care  
20 entities, health care plans, and hospitals when those data  
21 change following credentialing or recredentialing of a health  
22 care professional.

23 (Source: P.A. 103-96, eff. 1-1-24; 103-436, eff. 8-4-23;  
24 revised 12-15-23.)

25 Section 485. The Vital Records Act is amended by changing

1 Section 25 and by setting forth and renumbering multiple  
2 versions of Section 25.6 as follows:

3 (410 ILCS 535/25)

4 Sec. 25. In accordance with Section 24 of this Act, and the  
5 regulations adopted pursuant thereto:

6 (1) The State Registrar of Vital Records shall search  
7 the files of birth, death, and fetal death records, upon  
8 receipt of a written request and a fee of \$10 from any  
9 applicant entitled to such search. A search fee shall not  
10 be required for commemorative birth certificates issued by  
11 the State Registrar. A search fee shall not be required  
12 for a birth record search from a person (1) upon release on  
13 parole, mandatory supervised release, final discharge, or  
14 pardon from the Department of Corrections if the person  
15 presents a prescribed verification form completed by the  
16 Department of Corrections verifying the person's date of  
17 birth and social security number, or (2) placed on  
18 aftercare release under the Juvenile Court Act of 1987,  
19 upon release on parole, mandatory supervised release,  
20 final discharge, or pardon from the Department of Juvenile  
21 Justice if the person presents a prescribed verification  
22 form completed by the Department of Juvenile Justice  
23 verifying the person's date of birth and social security  
24 number; however, the person is entitled to only one search  
25 fee waiver. If, upon search, the record requested is

1 found, the State Registrar shall furnish the applicant one  
2 certification of such record, under the seal of such  
3 office. If the request is for a certified copy of the  
4 record, an additional fee of \$5 shall be required. An  
5 additional fee for a certified copy of the record shall  
6 not be required from a person (1) upon release on parole,  
7 mandatory supervised release, final discharge, or pardon  
8 from the Department of Corrections if the person presents  
9 a prescribed verification form completed by the Department  
10 of Corrections verifying the released person's date of  
11 birth and social security number, or (2) placed on  
12 aftercare release under the Juvenile Court Act of 1987,  
13 upon release on parole, mandatory supervised release,  
14 final discharge, or pardon from the Department of Juvenile  
15 Justice if the person presents a prescribed verification  
16 form completed by the Department of Juvenile Justice  
17 verifying the person's date of birth and social security  
18 number; however, the person is entitled to only one  
19 certified copy fee waiver. If the request is for a  
20 certified copy of a death certificate or a fetal death  
21 certificate, an additional fee of \$2 is required. The  
22 additional fee shall be deposited into the Death  
23 Certificate Surcharge Fund. A further fee of \$2 shall be  
24 required for each additional certification or certified  
25 copy requested. If the requested record is not found, the  
26 State Registrar shall furnish the applicant a



1 certification attesting to that fact, if so requested by  
2 the applicant. A further fee of \$2 shall be required for  
3 each additional certification that no record has been  
4 found.

5 Any local registrar or county clerk shall search the  
6 files of birth, death, and fetal death records, upon  
7 receipt of a written request from any applicant entitled  
8 to such search. If upon search the record requested is  
9 found, such local registrar or county clerk shall furnish  
10 the applicant one certification or certified copy of such  
11 record, under the seal of such office, upon payment of the  
12 applicable fees. If the requested record is not found, the  
13 local registrar or county clerk shall furnish the  
14 applicant a certification attesting to that fact, if so  
15 requested by the applicant and upon payment of applicable  
16 fee. The local registrar or county clerk must charge a \$2  
17 fee for each certified copy of a death certificate. The  
18 fee is in addition to any other fees that are charged by  
19 the local registrar or county clerk. The additional fees  
20 must be transmitted to the State Registrar monthly and  
21 deposited into the Death Certificate Surcharge Fund. The  
22 local registrar or county clerk may charge fees for  
23 providing other services for which the State Registrar may  
24 charge fees under this Section.

25 Upon receipt of a written request from an applicant  
26 entitled to such a search, a local registrar or county

1 clerk shall search available files for the death  
2 certificate of an active duty service member or honorably  
3 discharged veteran of the United States military. If the  
4 death certificate requested by the applicant is found, the  
5 local registrar or county clerk shall furnish the  
6 applicant with one certified copy of the death  
7 certificate, under the seal of the local registrar's or  
8 county clerk's office, at no cost to the applicant. If the  
9 requested death certificate of the service member or  
10 honorably discharged veteran is not found, the local  
11 registrar or county clerk shall furnish the applicant, at  
12 no cost, with certification attesting to that fact if so  
13 requested by the applicant. A local registrar or county  
14 clerk shall not require a fee from the applicant of more  
15 than \$6 for any subsequent copy of the service member's or  
16 honorably discharged veteran's death certificate or  
17 certification attesting that the death certificate of the  
18 service member or honorably discharged veteran was not  
19 found.

20 A request to any custodian of vital records for a  
21 search of the death record indexes for genealogical  
22 research shall require a fee of \$10 per name for a 5-year ~~5~~  
23 ~~year~~ search. An additional fee of \$1 for each additional  
24 year searched shall be required. If the requested record  
25 is found, one uncertified copy shall be issued without  
26 additional charge.

1           Any fee received by the State Registrar pursuant to  
2 this Section which is of an insufficient amount may be  
3 returned by the State Registrar upon his recording the  
4 receipt of such fee and the reason for its return. The  
5 State Registrar is authorized to maintain a 2-signature ~~2~~  
6 ~~signature~~, revolving checking account with a suitable  
7 commercial bank for the purpose of depositing and  
8 withdrawing-for-return cash received and determined  
9 insufficient for the service requested.

10           No fee imposed under this Section may be assessed  
11 against an organization chartered by Congress that  
12 requests a certificate for the purpose of death  
13 verification.

14           No fee imposed under this Section may be assessed  
15 against a victim of domestic violence as defined in the  
16 Illinois Domestic Violence Act of 1986. To qualify for the  
17 waiver of a fee, the person seeking the vital record must  
18 provide a certification letter as described in Section  
19 25.6.

20           Any custodian of vital records, whether it may be the  
21 Department of Public Health, a local registrar, or a  
22 county clerk shall charge an additional \$2 for each  
23 certified copy of a death certificate and that additional  
24 fee shall be collected on behalf of the Department of  
25 Financial and Professional Regulation for deposit into the  
26 Cemetery Oversight Licensing and Disciplinary Fund.

1           As used in this paragraph, "veteran" means an  
2 individual who served in the Armed Forces of the United  
3 States, National Guard, or the reserves of the Armed  
4 Forces of the United States.

5           (2) The certification of birth may contain only the  
6 name, sex, date of birth, and place of birth, of the person  
7 to whom it relates, the name, age and birthplace of the  
8 parents, and the file number; and none of the other data on  
9 the certificate of birth except as authorized under  
10 subsection (5) of this Section.

11           (3) The certification of death shall contain only the  
12 name, Social Security Number, sex, date of death, and  
13 place of death of the person to whom it relates, and file  
14 number; and none of the other data on the certificate of  
15 death except as authorized under subsection (5) of this  
16 Section.

17           (4) Certification or a certified copy of a certificate  
18 shall be issued:

19           (a) Upon the order of a court of competent  
20 jurisdiction; or

21           (b) In case of a birth certificate, upon the  
22 specific written request for a certification or  
23 certified copy by the person, if of legal age, by a  
24 parent or other legal representative of the person to  
25 whom the record of birth relates, or by a person having  
26 a genealogical interest; or

1           (c) Upon the specific written request for a  
2 certification or certified copy by a department of the  
3 State ~~state~~ or a municipal corporation or the federal  
4 government; or

5           (c-1) Upon the specific written request for a  
6 certification or certified copy by a State's Attorney  
7 for the purpose of a criminal prosecution; or

8           (d) In case of a death or fetal death certificate,  
9 upon specific written request for a certified copy by  
10 a person, or his duly authorized agent, having a  
11 genealogical, personal, or property right interest in  
12 the record.

13           A genealogical interest shall be a proper purpose with  
14 respect to births which occurred not less than 75 years  
15 and deaths which occurred not less than 20 years prior to  
16 the date of written request. Where the purpose of the  
17 request is a genealogical interest, the custodian shall  
18 stamp the certification or copy with the words, FOR  
19 GENEALOGICAL PURPOSES ONLY.

20           (5) Any certification or certified copy issued  
21 pursuant to this Section shall show the date of  
22 registration; and copies issued from records marked  
23 "delayed," "amended," or "court order" shall be similarly  
24 marked and show the effective date.

25           (6) Any certification or certified copy of a  
26 certificate issued in accordance with this Section shall

1 be considered as prima facie evidence of the facts therein  
2 stated, provided that the evidentiary value of a  
3 certificate or record filed more than one year after the  
4 event, or a record which has been amended, shall be  
5 determined by the judicial or administrative body or  
6 official before whom the certificate is offered as  
7 evidence.

8 (7) Any certification or certified copy issued  
9 pursuant to this Section shall be issued without charge  
10 when the record is required by the United States  
11 Department of Veterans Affairs ~~Veterans Administration~~ or  
12 by any accredited veterans organization to be used in  
13 determining the eligibility of any person to participate  
14 in benefits available from such organization. Requests for  
15 such copies must be in accordance with Sections 1 and 2 of  
16 Records for Veterans Administration Act ~~"An Act to provide~~  
17 ~~for the furnishing of copies of public documents to~~  
18 ~~interested parties,"~~ approved May 17, 1935, as now or  
19 ~~hereafter amended.~~

20 (8) The National Vital Statistics Division, or any  
21 agency which may be substituted therefor, may be furnished  
22 such copies or data as it may require for national  
23 statistics; provided that the State shall be reimbursed  
24 for the cost of furnishing such data; and provided further  
25 that such data shall not be used for other than  
26 statistical purposes by the National Vital Statistics

1 Division, or any agency which may be substituted therefor,  
2 unless so authorized by the State Registrar of Vital  
3 Records.

4 (9) Federal, State, local, and other public or private  
5 agencies may, upon request, be furnished copies or data  
6 for statistical purposes upon such terms or conditions as  
7 may be prescribed by the Department.

8 (10) The State Registrar of Vital Records, at his  
9 discretion and in the interest of promoting registration  
10 of births, may issue, without fee, to the parents or  
11 guardian of any or every child whose birth has been  
12 registered in accordance with the provisions of this Act,  
13 a special notice of registration of birth.

14 (11) No person shall prepare or issue any certificate  
15 which purports to be an original, certified copy, or  
16 certification of a certificate of birth, death, or fetal  
17 death, except as authorized in this Act or regulations  
18 adopted hereunder.

19 (12) A computer print-out of any record of birth,  
20 death, or fetal record that may be certified under this  
21 Section may be used in place of such certification and  
22 such computer print-out shall have the same legal force  
23 and effect as a certified copy of the document.

24 (13) The State Registrar may verify from the  
25 information contained in the index maintained by the State  
26 Registrar the authenticity of information on births,

1 deaths, marriages, and dissolution of marriages provided  
2 to a federal agency or a public agency of another state by  
3 a person seeking benefits or employment from the agency,  
4 provided the agency pays a fee of \$10.

5 (14) The State Registrar may issue commemorative birth  
6 certificates to persons eligible to receive birth  
7 certificates under this Section upon the payment of a fee  
8 to be determined by the State Registrar.

9 (Source: P.A. 102-739, eff. 1-1-23; 103-95, eff. 6-9-23;  
10 103-170, eff. 1-1-24; revised 9-1-23.)

11 (410 ILCS 535/25.6)

12 Sec. 25.6. Fee waiver; persons who reside in a shelter for  
13 domestic violence.

14 (a) The applicable fees under Section 17 of this Act for a  
15 new certificate of birth and Section 25 of this Act for a  
16 search of a birth record or a certified copy of a birth record  
17 shall be waived for all requests by a person who resides in a  
18 shelter for domestic violence. The State Registrar of Vital  
19 Records shall establish standards and procedures consistent  
20 with this Section for waiver of the applicable fees. A person  
21 described under this Section must not be charged for  
22 verification under this Section. A person who knowingly or  
23 purposefully falsifies this verification is subject to a  
24 penalty of \$100.

25 (b) A person who resides in a shelter for domestic



1 violence shall be provided no more than 4 birth records  
2 annually under this Section.

3 (Source: P.A. 102-1141, eff. 7-1-23.)

4 (410 ILCS 535/25.7)

5 Sec. 25.7 ~~25.6~~. Certification letter form. In order to  
6 seek a waiver of the fee for a copy of a vital record, the  
7 person seeking the record must provide the following  
8 certification letter:

9 Certification Letter for Domestic Violence Waiver for Illinois  
10 Vital Records

11 Full Name of Applicant:.....

12 Date of Birth:.....

13 I,....., certify, to the best of my  
14 knowledge and belief, that on the date listed below, the above  
15 named individual is a victim or child of a victim of domestic  
16 violence, as defined by Section 103 of the Illinois Domestic  
17 Violence Act of 1986 (750 ILCS 60/103), who is currently  
18 fleeing a dangerous living situation. I provide this  
19 certification in my capacity as (check one below):

20 ( ) an advocate at a family violence center who  
21 assisted the victim;

22 ( ) a licensed medical care or mental health provider;

23 ( ) the director of an emergency shelter or  
24 transitional housing; or

1 ( ) the director of a transitional living program.

2 Signature:..... Date:.....

3 Title:..... Employer:.....

4 Email:..... Phone:.....

5 Address:..... City:.....

6 State:..... Zip:.....

7 (Source: P.A. 103-170, eff. 1-1-24; revised 1-2-24.)

8 Section 490. The Sanitary Food Preparation Act is amended  
9 by changing Section 8 as follows:

10 (410 ILCS 650/8) (from Ch. 56 1/2, par. 74)

11 Sec. 8. No operative, employee, or other person ~~persons~~  
12 shall expectorate on the food, ~~or~~ on the utensils, or on the  
13 floors or sidewalls of any building, room, basement, or cellar  
14 where the production, preparation, manufacture, packing,  
15 storing, or sale of any such food is conducted. Operatives,  
16 employees, clerks, and all other persons who handle the  
17 material from which such food is prepared or the finished  
18 product, before beginning work, or after visiting toilet or  
19 toilets, shall wash their hands thoroughly in clean water.  
20 Whoever fails to observe or violates the provisions of this  
21 Section shall be guilty of a petty offense and fined not more  
22 than \$25.

23 (Source: P.A. 103-154, eff. 6-30-23; revised 9-25-23.)

1 Section 495. The Cannabis Regulation and Tax Act is  
2 amended by changing Sections 15-150 and 15-170 as follows:

3 (410 ILCS 705/15-150)

4 Sec. 15-150. Temporary suspension.

5 (a) The Secretary of Financial and Professional Regulation  
6 may temporarily suspend a dispensing organization license or  
7 an agent registration without a hearing if the Secretary finds  
8 that public safety or welfare requires emergency action. The  
9 Secretary shall cause the temporary suspension by issuing a  
10 suspension notice in connection with the institution of  
11 proceedings for a hearing.

12 (b) If the Secretary temporarily suspends a license or  
13 agent registration without a hearing, the licensee or agent is  
14 entitled to a hearing within 45 days after the suspension  
15 notice has been issued. The hearing shall be limited to the  
16 issues cited in the suspension notice, unless all parties  
17 agree otherwise.

18 (c) If the Department does not hold a hearing within ~~with~~  
19 45 days after the date the suspension notice was issued, then  
20 the suspended license or registration shall be automatically  
21 reinstated and the suspension vacated.

22 (d) The suspended licensee or agent may seek a continuance  
23 of the hearing date, during which time the suspension remains  
24 in effect and the license or registration shall not be  
25 automatically reinstated.

1 (e) Subsequently discovered causes of action by the  
2 Department after the issuance of the suspension notice may be  
3 filed as a separate notice of violation. The Department is not  
4 precluded from filing a separate action against the suspended  
5 licensee or agent.

6 (Source: P.A. 101-27, eff. 6-25-19; revised 4-6-23.)

7 (410 ILCS 705/15-170)

8 Sec. 15-170. Hearing; motion for rehearing.

9 (a) The hearing officer shall hear evidence in support of  
10 the formal charges and evidence produced by the licensee. At  
11 the conclusion of the hearing, the hearing officer shall  
12 present to the Secretary a written report of his or her  
13 findings of fact, conclusions of law, and recommendations.

14 (b) At the conclusion of the hearing, a copy of the hearing  
15 officer's report shall be served upon the applicant or  
16 licensee by the Department, either personally or as provided  
17 in this Act for the service of a notice of hearing. Within 20  
18 calendar days after service, the applicant or licensee may  
19 present to the Department a motion in writing for rehearing,  
20 which shall specify the particular grounds for rehearing. The  
21 Department may respond to the motion for rehearing within 20  
22 calendar days after its service on the Department. If no  
23 motion for rehearing is filed, then, upon the expiration of  
24 the time specified for filing such motion or upon denial of a  
25 motion for rehearing, the Secretary may enter an order in

1 accordance with the recommendation of the hearing officer. If  
2 the applicant or licensee orders from the reporting service  
3 and pays for a transcript of the record within the time for  
4 filing a motion for rehearing, the 20-day period within which  
5 a motion may be filed shall commence upon the delivery of the  
6 transcript to the applicant or licensee.

7 (c) If the Secretary disagrees in any regard with the  
8 report of the hearing officer, the Secretary may issue an  
9 order contrary to the report.

10 (d) Whenever the Secretary is not satisfied that  
11 substantial justice has been done, the Secretary may order a  
12 rehearing by the same or another hearing officer.

13 (e) At any point in any investigation or disciplinary  
14 proceeding under ~~in~~ this Article, both parties may agree to a  
15 negotiated consent order. The consent order shall be final  
16 upon signature of the Secretary.

17 (Source: P.A. 101-27, eff. 6-25-19; revised 4-6-23.)

18 Section 500. The Environmental Protection Act is amended  
19 by changing Sections 17.12, 22.15, 31, 58.5, 58.6, and 58.7 as  
20 follows:

21 (415 ILCS 5/17.12)

22 Sec. 17.12. Lead service line replacement and  
23 notification.

24 (a) The purpose of this Act is to: (1) require the owners

1 and operators of community water supplies to develop,  
2 implement, and maintain a comprehensive water service line  
3 material inventory and a comprehensive lead service line  
4 replacement plan, provide notice to occupants of potentially  
5 affected buildings before any construction or repair work on  
6 water mains or lead service lines, and request access to  
7 potentially affected buildings before replacing lead service  
8 lines; and (2) prohibit partial lead service line  
9 replacements, except as authorized within this Section.

10 (b) The General Assembly finds and declares that:

11 (1) There is no safe level of exposure to heavy metal  
12 lead, as found by the United States Environmental  
13 Protection Agency and the Centers for Disease Control and  
14 Prevention.

15 (2) Lead service lines can convey this harmful  
16 substance to the drinking water supply.

17 (3) According to the Illinois Environmental Protection  
18 Agency's 2018 Service Line Material Inventory, the State  
19 of Illinois is estimated to have over 680,000 lead-based  
20 service lines still in operation.

21 (4) The true number of lead service lines is not fully  
22 known because Illinois lacks an adequate inventory of lead  
23 service lines.

24 (5) For the general health, safety, and welfare of its  
25 residents, all lead service lines in Illinois should be  
26 disconnected from the drinking water supply, and the

1 State's drinking water supply.

2 (c) In this Section:

3 "Advisory Board" means the Lead Service Line Replacement  
4 Advisory Board created under subsection (x).

5 "Community water supply" has the meaning ascribed to it in  
6 Section 3.145 of this Act.

7 "Department" means the Department of Public Health.

8 "Emergency repair" means any unscheduled water main, water  
9 service, or water valve repair or replacement that results  
10 from failure or accident.

11 "Fund" means the Lead Service Line Replacement Fund  
12 created under subsection (bb).

13 "Lead service line" means a service line made of lead or  
14 service line connected to a lead pigtail, lead gooseneck, or  
15 other lead fitting.

16 "Material inventory" means a water service line material  
17 inventory developed by a community water supply under this  
18 Act.

19 "Non-community water supply" has the meaning ascribed to  
20 it in Section 3.145 of the Environmental Protection Act.

21 "NSF/ANSI Standard" means a water treatment standard  
22 developed by NSF International.

23 "Partial lead service line replacement" means replacement  
24 of only a portion of a lead service line.

25 "Potentially affected building" means any building that is  
26 provided water service through a service line that is either a

1 lead service line or a suspected lead service line.

2 "Public water supply" has the meaning ascribed to it in  
3 Section 3.365 of this Act.

4 "Service line" means the piping, tubing, and necessary  
5 appurtenances acting as a conduit from the water main or  
6 source of potable water supply to the building plumbing at the  
7 first shut-off valve or 18 inches inside the building,  
8 whichever is shorter.

9 "Suspected lead service line" means a service line that a  
10 community water supply finds more likely than not to be made of  
11 lead after completing the requirements under paragraphs (2)  
12 through (5) of subsection (h).

13 "Small system" means a community water supply that  
14 regularly serves water to 3,300 or fewer persons.

15 (d) An owner or operator of a community water supply  
16 shall:

17 (1) develop an initial material inventory by April 15,  
18 2022 and electronically submit by April 15, 2023 an  
19 updated material inventory electronically to the Agency;  
20 and

21 (2) deliver a complete material inventory to the  
22 Agency no later than April 15, 2024, or such time as  
23 required by federal law, whichever is sooner. The complete  
24 inventory shall report the composition of all service  
25 lines in the community water supply's distribution system.

26 (e) The Agency shall review and approve the final material



1 inventory submitted to it under subsection (d).

2 (f) If a community water supply does not submit a complete  
3 inventory to the Agency by April 15, 2024 under paragraph (2)  
4 of subsection (d), the community water supply may apply for an  
5 extension to the Agency no less than 3 months prior to the due  
6 date. The Agency shall develop criteria for granting material  
7 inventory extensions. When considering requests for extension,  
8 the Agency shall, at a minimum, consider:

9 (1) the number of service connections in a water  
10 supply; and

11 (2) the number of service lines of an unknown material  
12 composition.

13 (g) A material inventory prepared for a community water  
14 supply under subsection (d) shall identify:

15 (1) the total number of service lines connected to the  
16 community water supply's distribution system;

17 (2) the materials of construction of each service line  
18 connected to the community water supply's distribution  
19 system;

20 (3) the number of suspected lead service lines that  
21 were newly identified in the material inventory for the  
22 community water supply after the community water supply  
23 last submitted a service line inventory to the Agency; and

24 (4) the number of suspected or known lead service  
25 lines that were replaced after the community water supply  
26 last submitted a service line inventory to the Agency, and

1 the material of the service line that replaced each lead  
2 service line.

3 When identifying the materials of construction under  
4 paragraph (2) of this subsection, the owner or operator of the  
5 community water supply shall to the best of the owner's or  
6 operator's ability identify the type of construction material  
7 used on the customer's side of the curb box, meter, or other  
8 line of demarcation and the community water supply's side of  
9 the curb box, meter, or other line of demarcation.

10 (h) In completing a material inventory under subsection  
11 (d), the owner or operator of a community water supply shall:

12 (1) prioritize inspections of high-risk areas  
13 identified by the community water supply and inspections  
14 of high-risk facilities, such as preschools, day care  
15 centers, day care homes, group day care homes, parks,  
16 playgrounds, hospitals, and clinics, and confirm service  
17 line materials in those areas and at those facilities;

18 (2) review historical documentation, such as  
19 construction logs or cards, as-built drawings, purchase  
20 orders, and subdivision plans, to determine service line  
21 material construction;

22 (3) when conducting distribution system maintenance,  
23 visually inspect service lines and document materials of  
24 construction;

25 (4) identify any time period when the service lines  
26 being connected to its distribution system were primarily

1 lead service lines, if such a time period is known or  
2 suspected; and

3 (5) discuss service line repair and installation with  
4 its employees, contractors, plumbers, other workers who  
5 worked on service lines connected to its distribution  
6 system, or all of the above.

7 (i) The owner or operator of each community water supply  
8 shall maintain records of persons who refuse to grant access  
9 to the interior of a building for purposes of identifying the  
10 materials of construction of a service line. If a community  
11 water supply has been denied access on the property or to the  
12 interior of a building for that reason, then the community  
13 water supply shall attempt to identify the service line as a  
14 suspected lead service line, unless documentation is provided  
15 showing otherwise.

16 (j) If a community water supply identifies a lead service  
17 line connected to a building, the owner or operator of the  
18 community water supply shall attempt to notify the owner of  
19 the building and all occupants of the building of the  
20 existence of the lead service line within 15 days after  
21 identifying the lead service line, or as soon as is reasonably  
22 possible thereafter. Individual written notice shall be given  
23 according to the provisions of subsection (jj).

24 (k) An owner or operator of a community water supply has no  
25 duty to include in the material inventory required under  
26 subsection (d) information about service lines that are

1 physically disconnected from a water main in its distribution  
2 system.

3 (l) The owner or operator of each community water supply  
4 shall post on its website a copy of the most recently submitted  
5 material inventory or alternatively may request that the  
6 Agency post a copy of that material inventory on the Agency's  
7 website.

8 (m) Nothing in this Section shall be construed to require  
9 service lines to be unearthed for the sole purpose of  
10 inventorying.

11 (n) When an owner or operator of a community water supply  
12 awards a contract under this Section, the owner or operator  
13 shall make a good faith effort to use contractors and vendors  
14 owned by minority persons, women, and persons with a  
15 disability, as those terms are defined in Section 2 of the  
16 Business Enterprise for Minorities, Women, and Persons with  
17 Disabilities Act, for not less than 20% of the total  
18 contracts, provided that:

19 (1) contracts representing at least 11% of the total  
20 projects shall be awarded to minority-owned businesses, as  
21 defined in Section 2 of the Business Enterprise for  
22 Minorities, Women, and Persons with Disabilities Act;

23 (2) contracts representing at least 7% of the total  
24 projects shall be awarded to women-owned businesses, as  
25 defined in Section 2 of the Business Enterprise for  
26 Minorities, Women, and Persons with Disabilities Act; and

1           (3) contracts representing at least 2% of the total  
2 projects shall be awarded to businesses owned by persons  
3 with a disability.

4           Owners or operators of a community water supply are  
5 encouraged to divide projects, whenever economically feasible,  
6 into contracts of smaller size that ensure small business  
7 contractors or vendors shall have the ability to qualify in  
8 the applicable bidding process, when determining the ability  
9 to deliver on a given contract based on scope and size, as a  
10 responsible and responsive bidder.

11           When a contractor or vendor submits a bid or letter of  
12 intent in response to a request for proposal or other bid  
13 submission, the contractor or vendor shall include with its  
14 responsive documents a utilization plan that shall address how  
15 compliance with applicable good faith requirements set forth  
16 in this subsection shall be addressed.

17           Under this subsection, "good faith effort" means a  
18 community water supply has taken all necessary steps to comply  
19 with the goals of this subsection by complying with the  
20 following:

21           (1) Soliciting through reasonable and available means  
22 the interest of a business, as defined in Section 2 of the  
23 Business Enterprise for Minorities, Women, and Persons  
24 with Disabilities Act, that have the capability to perform  
25 the work of the contract. The community water supply must  
26 solicit this interest within sufficient time to allow

1 certified businesses to respond.

2 (2) Providing interested certified businesses with  
3 adequate information about the plans, specifications, and  
4 requirements of the contract, including addenda, in a  
5 timely manner to assist them in responding to the  
6 solicitation.

7 (3) Meeting in good faith with interested certified  
8 businesses that have submitted bids.

9 (4) Effectively using the services of the State,  
10 minority or women community organizations, minority or  
11 women contractor groups, local, State, and federal  
12 minority or women business assistance offices, and other  
13 organizations to provide assistance in the recruitment and  
14 placement of certified businesses.

15 (5) Making efforts to use appropriate forums for  
16 purposes of advertising subcontracting opportunities  
17 suitable for certified businesses.

18 The diversity goals defined in this subsection can be met  
19 through direct award to diverse contractors and through the  
20 use of diverse subcontractors and diverse vendors to  
21 contracts.

22 (o) An owner or operator of a community water supply shall  
23 collect data necessary to ensure compliance with subsection  
24 (n) no less than semi-annually and shall include progress  
25 toward compliance of subsection (n) in the owner or operator's  
26 report required under subsection (t-5). The report must

1 include data on vendor and employee diversity, including data  
2 on the owner's or operator's implementation of subsection (n).

3 (p) Every owner or operator of a community water supply  
4 that has known or suspected lead service lines shall:

5 (1) create a plan to:

6 (A) replace each lead service line connected to  
7 its distribution system; and

8 (B) replace each galvanized service line connected  
9 to its distribution system, if the galvanized service  
10 line is or was connected downstream to lead piping;  
11 and

12 (2) electronically submit, by April 15, 2024 its  
13 initial lead service line replacement plan to the Agency;

14 (3) electronically submit by April 15 of each year  
15 after 2024 until April 15, 2027 an updated lead service  
16 line replacement plan to the Agency for review; the  
17 updated replacement plan shall account for changes in the  
18 number of lead service lines or unknown service lines in  
19 the material inventory described in subsection (d);

20 (4) electronically submit by April 15, 2027 a complete  
21 and final replacement plan to the Agency for approval; the  
22 complete and final replacement plan shall account for all  
23 known and suspected lead service lines documented in the  
24 final material inventory described under paragraph (3) of  
25 subsection (d); and

26 (5) post on its website a copy of the plan most

1 recently submitted to the Agency or may request that the  
2 Agency post a copy of that plan on the Agency's website.

3 (q) Each plan required under paragraph (1) of subsection  
4 (p) shall include the following:

5 (1) the name and identification number of the  
6 community water supply;

7 (2) the total number of service lines connected to the  
8 distribution system of the community water supply;

9 (3) the total number of suspected lead service lines  
10 connected to the distribution system of the community  
11 water supply;

12 (4) the total number of known lead service lines  
13 connected to the distribution system of the community  
14 water supply;

15 (5) the total number of lead service lines connected  
16 to the distribution system of the community water supply  
17 that have been replaced each year beginning in 2020;

18 (6) a proposed lead service line replacement schedule  
19 that includes one-year, 5-year, 10-year, 15-year, 20-year,  
20 25-year, and 30-year goals;

21 (7) an analysis of costs and financing options for  
22 replacing the lead service lines connected to the  
23 community water supply's distribution system, which shall  
24 include, but shall not be limited to:

25 (A) a detailed accounting of costs associated with  
26 replacing lead service lines and galvanized lines that



1 are or were connected downstream to lead piping;

2 (B) measures to address affordability and prevent  
3 service shut-offs for customers or ratepayers; and

4 (C) consideration of different scenarios for  
5 structuring payments between the utility and its  
6 customers over time; and

7 (8) a plan for prioritizing high-risk facilities, such  
8 as preschools, day care centers, day care homes, group day  
9 care homes, parks, playgrounds, hospitals, and clinics, as  
10 well as high-risk areas identified by the community water  
11 supply;

12 (9) a map of the areas where lead service lines are  
13 expected to be found and the sequence with which those  
14 areas will be inventoried and lead service lines replaced;

15 (10) measures for how the community water supply will  
16 inform the public of the plan and provide opportunity for  
17 public comment; and

18 (11) measures to encourage diversity in hiring in the  
19 workforce required to implement the plan as identified  
20 under subsection (n).

21 (r) The Agency shall review final plans submitted to it  
22 under subsection (p). The Agency shall approve a final plan if  
23 the final plan includes all of the elements set forth under  
24 subsection (q) and the Agency determines that:

25 (1) the proposed lead service line replacement  
26 schedule set forth in the plan aligns with the timeline

1 requirements set forth under subsection (v);

2 (2) the plan prioritizes the replacement of lead  
3 service lines that provide water service to high-risk  
4 facilities, such as preschools, day care centers, day care  
5 homes, group day care homes, parks, playgrounds,  
6 hospitals, and clinics, and high-risk areas identified by  
7 the community water supply;

8 (3) the plan includes analysis of cost and financing  
9 options; and

10 (4) the plan provides documentation of public review.

11 (s) An owner or operator of a community water supply has no  
12 duty to include in the plans required under subsection (p)  
13 information about service lines that are physically  
14 disconnected from a water main in its distribution system.

15 (t) If a community water supply does not deliver a  
16 complete plan to the Agency by April 15, 2027, the community  
17 water supply may apply to the Agency for an extension no less  
18 than 3 months prior to the due date. The Agency shall develop  
19 criteria for granting plan extensions. When considering  
20 requests for extension, the Agency shall, at a minimum,  
21 consider:

22 (1) the number of service connections in a water  
23 supply; and

24 (2) the number of service lines of an unknown material  
25 composition.

26 (t-5) After the Agency has approved the final replacement

1 plan described in subsection (p), the owner or operator of a  
2 community water supply shall submit a report detailing  
3 progress toward plan goals to the Agency for its review. The  
4 report shall be submitted annually for the first 10 years, and  
5 every 3 years thereafter until all lead service lines have  
6 been replaced. Reports under this subsection shall be  
7 published in the same manner described in subsection (l). The  
8 report shall include at least the following information as it  
9 pertains to the preceding reporting period:

10 (1) The number of lead service lines replaced and the  
11 average cost of lead service line replacement.

12 (2) Progress toward meeting hiring requirements as  
13 described in subsection (n) and subsection (o).

14 (3) The percent of customers electing a waiver  
15 offered, as described in subsections (ii) and (jj), among  
16 those customers receiving a request or notification to  
17 perform a lead service line replacement.

18 (4) The method or methods used by the community water  
19 supply to finance lead service line replacement.

20 (u) Notwithstanding any other provision of law, in order  
21 to provide for costs associated with lead service line  
22 remediation and replacement, the corporate authorities of a  
23 municipality may, by ordinance or resolution by the corporate  
24 authorities, exercise authority provided in Section 27-5 et  
25 seq. of the Property Tax Code and Sections 8-3-1, 8-11-1,  
26 8-11-5, 8-11-6, 9-1-1 et seq., 9-3-1 et seq., 9-4-1 et seq.,

1 11-131-1, and 11-150-1 of the Illinois Municipal Code. Taxes  
2 levied for this purpose shall be in addition to taxes for  
3 general purposes authorized under Section 8-3-1 of the  
4 Illinois Municipal Code and shall be included in the taxing  
5 district's aggregate extension for the purposes of Division 5  
6 of Article 18 of the Property Tax Code.

7 (v) Every owner or operator of a community water supply  
8 shall replace all known lead service lines, subject to the  
9 requirements of subsection (ff), according to the following  
10 replacement rates and timelines to be calculated from the date  
11 of submission of the final replacement plan to the Agency:

12 (1) A community water supply reporting 1,200 or fewer  
13 lead service lines in its final inventory and replacement  
14 plan shall replace all lead service lines, at an annual  
15 rate of no less than 7% of the amount described in the  
16 final inventory, with a timeline of up to 15 years for  
17 completion.

18 (2) A community water supply reporting more than 1,200  
19 but fewer than 5,000 lead service lines in its final  
20 inventory and replacement plan shall replace all lead  
21 service lines, at an annual rate of no less than 6% of the  
22 amount described in the final inventory, with a timeline  
23 of up to 17 years for completion.

24 (3) A community water supply reporting more than 4,999  
25 but fewer than 10,000 lead service lines in its final  
26 inventory and replacement plan shall replace all lead

1 service lines, at an annual rate of no less than 5% of the  
2 amount described in the final inventory, with a timeline  
3 of up to 20 years for completion.

4 (4) A community water supply reporting more than 9,999  
5 but fewer than 99,999 lead service lines in its final  
6 inventory and replacement plan shall replace all lead  
7 service lines, at an annual rate of no less than 3% of the  
8 amount described in the final inventory, with a timeline  
9 of up to 34 years for completion.

10 (5) A community water supply reporting more than  
11 99,999 lead service lines in its final inventory and  
12 replacement plan shall replace all lead service lines, at  
13 an annual rate of no less than 2% of the amount described  
14 in the final inventory, with a timeline of up to 50 years  
15 for completion.

16 (w) A community water supply may apply to the Agency for an  
17 extension to the replacement timelines described in paragraphs  
18 (1) through (5) of subsection (v). The Agency shall develop  
19 criteria for granting replacement timeline extensions. When  
20 considering requests for timeline extensions, the Agency  
21 shall, at a minimum, consider:

22 (1) the number of service connections in a water  
23 supply; and

24 (2) unusual circumstances creating hardship for a  
25 community.

26 The Agency may grant one extension of additional time

1 equal to not more than 20% of the original replacement  
2 timeline, except in situations of extreme hardship in which  
3 the Agency may consider a second additional extension equal to  
4 not more than 10% of the original replacement timeline.

5 Replacement rates and timelines shall be calculated from  
6 the date of submission of the final plan to the Agency.

7 (x) The Lead Service Line Replacement Advisory Board is  
8 created within the Agency. The Advisory Board shall convene  
9 within 120 days after January 1, 2022 (the effective date of  
10 Public Act 102-613).

11 The Advisory Board shall consist of at least 28 voting  
12 members, as follows:

13 (1) the Director of the Agency, or his or her  
14 designee, who shall serve as chairperson;

15 (2) the Director of Revenue, or his or her designee;

16 (3) the Director of Public Health, or his or her  
17 designee;

18 (4) fifteen members appointed by the Agency as  
19 follows:

20 (A) one member representing a statewide  
21 organization of municipalities as authorized by  
22 Section 1-8-1 of the Illinois Municipal Code;

23 (B) two members who are mayors representing  
24 municipalities located in any county south of the  
25 southernmost county represented by one of the 10  
26 largest municipalities in Illinois by population, or

1 their respective designees;

2 (C) two members who are representatives from  
3 public health advocacy groups;

4 (D) two members who are representatives from  
5 publicly owned ~~publicly owned~~ water utilities;

6 (E) one member who is a representative from a  
7 public utility as defined under Section 3-105 of the  
8 Public Utilities Act that provides water service in  
9 the State of Illinois;

10 (F) one member who is a research professional  
11 employed at an Illinois academic institution and  
12 specializing in water infrastructure research;

13 (G) two members who are representatives from  
14 nonprofit civic organizations;

15 (H) one member who is a representative from a  
16 statewide organization representing environmental  
17 organizations;

18 (I) two members who are representatives from  
19 organized labor; and

20 (J) one member representing an environmental  
21 justice organization; and

22 (5) ten members who are the mayors of the 10 largest  
23 municipalities in Illinois by population, or their  
24 respective designees.

25 No less than 10 of the 28 voting members shall be persons  
26 of color, and no less than 3 shall represent communities

1 defined or self-identified as environmental justice  
2 communities.

3 Advisory Board members shall serve without compensation,  
4 but may be reimbursed for necessary expenses incurred in the  
5 performance of their duties from funds appropriated for that  
6 purpose. The Agency shall provide administrative support to  
7 the Advisory Board.

8 The Advisory Board shall meet no less than once every 6  
9 months.

10 (y) The Advisory Board shall have, at a minimum, the  
11 following duties:

12 (1) advising the Agency on best practices in lead  
13 service line replacement;

14 (2) reviewing the progress of community water supplies  
15 toward lead service line replacement goals;

16 (3) advising the Agency on other matters related to  
17 the administration of the provisions of this Section;

18 (4) advising the Agency on the integration of existing  
19 lead service line replacement plans with any statewide  
20 plan; and

21 (5) providing technical support and practical  
22 expertise in general.

23 (z) Within 18 months after January 1, 2022 (the effective  
24 date of Public Act 102-613), the Advisory Board shall deliver  
25 a report of its recommendations to the Governor and the  
26 General Assembly concerning opportunities for dedicated,



1 long-term revenue options for funding lead service line  
2 replacement. In submitting recommendations, the Advisory Board  
3 shall consider, at a minimum, the following:

4 (1) the sufficiency of various revenue sources to  
5 adequately fund replacement of all lead service lines in  
6 Illinois;

7 (2) the financial burden, if any, on households  
8 falling below 150% of the federal poverty limit;

9 (3) revenue options that guarantee low-income  
10 households are protected from rate increases;

11 (4) an assessment of the ability of community water  
12 supplies to assess and collect revenue;

13 (5) variations in financial resources among individual  
14 households within a service area; and

15 (6) the protection of low-income households from rate  
16 increases.

17 (aa) Within 10 years after January 1, 2022 (the effective  
18 date of Public Act 102-613), the Advisory Board shall prepare  
19 and deliver a report to the Governor and General Assembly  
20 concerning the status of all lead service line replacement  
21 within the State.

22 (bb) The Lead Service Line Replacement Fund is created as  
23 a special fund in the State treasury to be used by the Agency  
24 for the purposes provided under this Section. The Fund shall  
25 be used exclusively to finance and administer programs and  
26 activities specified under this Section and listed under this

1 subsection.

2 The objective of the Fund is to finance activities  
3 associated with identifying and replacing lead service lines,  
4 build Agency capacity to oversee the provisions of this  
5 Section, and provide related assistance for the activities  
6 listed under this subsection.

7 The Agency shall be responsible for the administration of  
8 the Fund and shall allocate moneys on the basis of priorities  
9 established by the Agency through administrative rule. On July  
10 1, 2022 and on July 1 of each year thereafter, the Agency shall  
11 determine the available amount of resources in the Fund that  
12 can be allocated to the activities identified under this  
13 Section and shall allocate the moneys accordingly.

14 Notwithstanding any other law to the contrary, the Lead  
15 Service Line Replacement Fund is not subject to sweeps,  
16 administrative charge-backs, or any other fiscal maneuver that  
17 would in any way transfer any amounts from the Lead Service  
18 Line Replacement Fund into any other fund of the State.

19 (cc) Within one year after January 1, 2022 (the effective  
20 date of Public Act 102-613), the Agency shall design rules for  
21 a program for the purpose of administering lead service line  
22 replacement funds. The rules must, at minimum, contain:

23 (1) the process by which community water supplies may  
24 apply for funding; and

25 (2) the criteria for determining unit of local  
26 government eligibility and prioritization for funding,

1 including the prevalence of low-income households, as  
2 measured by median household income, the prevalence of  
3 lead service lines, and the prevalence of water samples  
4 that demonstrate elevated levels of lead.

5 (dd) Funding under subsection (cc) shall be available for  
6 costs directly attributable to the planning, design, or  
7 construction directly related to the replacement of lead  
8 service lines and restoration of property.

9 Funding shall not be used for the general operating  
10 expenses of a municipality or community water supply.

11 (ee) An owner or operator of any community water supply  
12 receiving grant funding under subsection (cc) shall bear the  
13 entire expense of full lead service line replacement for all  
14 lead service lines in the scope of the grant.

15 (ff) When replacing a lead service line, the owner or  
16 operator of the community water supply shall replace the  
17 service line in its entirety, including, but not limited to,  
18 any portion of the service line (i) running on private  
19 property and (ii) within the building's plumbing at the first  
20 shut-off valve. Partial lead service line replacements are  
21 expressly prohibited. Exceptions shall be made under the  
22 following circumstances:

23 (1) In the event of an emergency repair that affects a  
24 lead service line or a suspected lead service line, a  
25 community water supply must contact the building owner to  
26 begin the process of replacing the entire service line. If

1 the building owner is not able to be contacted or the  
2 building owner or occupant refuses to grant access and  
3 permission to replace the entire service line at the time  
4 of the emergency repair, then the community water supply  
5 may perform a partial lead service line replacement. Where  
6 an emergency repair on a service line constructed of lead  
7 or galvanized steel pipe results in a partial service line  
8 replacement, the water supply responsible for commencing  
9 the repair shall perform the following:

10 (A) Notify the building's owner or operator and  
11 the resident or residents served by the lead service  
12 line in writing that a repair has been completed. The  
13 notification shall include, at a minimum:

14 (i) a warning that the work may result in  
15 sediment, possibly containing lead, in the  
16 building's ~~buildings~~ water supply system;

17 (ii) information concerning practices for  
18 preventing the consumption of any lead in drinking  
19 water, including a recommendation to flush water  
20 distribution pipe during and after the completion  
21 of the repair or replacement work and to clean  
22 faucet aerator screens; and

23 (iii) information regarding the dangers of  
24 lead to young children and pregnant women.

25 (B) Provide filters for at least one fixture  
26 supplying potable water for consumption. The filter

1 must be certified by an accredited third-party  
2 certification body to NSF/ANSI 53 and NSF/ANSI 42 for  
3 the reduction of lead and particulate. The filter must  
4 be provided until such time that the remaining  
5 portions of the service line have been replaced with a  
6 material approved by the Department or a waiver has  
7 been issued under subsection (ii).

8 (C) Replace the remaining portion of the lead  
9 service line within 30 days of the repair, or 120 days  
10 in the event of weather or other circumstances beyond  
11 reasonable control that prohibits construction. If a  
12 complete lead service line replacement cannot be made  
13 within the required period, the community water supply  
14 responsible for commencing the repair shall notify the  
15 Department in writing, at a minimum, of the following  
16 within 24 hours of the repair:

17 (i) an explanation of why it is not feasible  
18 to replace the remaining portion of the lead  
19 service line within the allotted time; and

20 (ii) a timeline for when the remaining portion  
21 of the lead service line will be replaced.

22 (D) If complete repair of a lead service line  
23 cannot be completed due to denial by the property  
24 owner, the community water supply commencing the  
25 repair shall request the affected property owner to  
26 sign a waiver developed by the Department. If a

1 property owner of a nonresidential building or  
2 residence operating as rental properties denies a  
3 complete lead service line replacement, the property  
4 owner shall be responsible for installing and  
5 maintaining point-of-use filters certified by an  
6 accredited third-party certification body to NSF/ANSI  
7 53 and NSF/ANSI 42 for the reduction of lead and  
8 particulate at all fixtures intended to supply water  
9 for the purposes of drinking, food preparation, or  
10 making baby formula. The filters shall continue to be  
11 supplied by the property owner until such time that  
12 the property owner has affected the remaining portions  
13 of the lead service line to be replaced.

14 (E) Document any remaining lead service line,  
15 including a portion on the private side of the  
16 property, in the community water supply's distribution  
17 system materials inventory required under subsection  
18 (d).

19 For the purposes of this paragraph (1), written notice  
20 shall be provided in the method and according to the  
21 provisions of subsection (jj).

22 (2) Lead service lines that are physically  
23 disconnected from the distribution system are exempt from  
24 this subsection.

25 (gg) Except as provided in subsection (hh), on and after  
26 January 1, 2022, when the owner or operator of a community

1 water supply replaces a water main, the community water supply  
2 shall identify all lead service lines connected to the water  
3 main and shall replace the lead service lines by:

4 (1) identifying the material or materials of each lead  
5 service line connected to the water main, including, but  
6 not limited to, any portion of the service line (i)  
7 running on private property and (ii) within the building  
8 plumbing at the first shut-off valve or 18 inches inside  
9 the building, whichever is shorter;

10 (2) in conjunction with replacement of the water main,  
11 replacing any and all portions of each lead service line  
12 connected to the water main that are composed of lead; and

13 (3) if a property owner or customer refuses to grant  
14 access to the property, following prescribed notice  
15 provisions as outlined in subsection (ff).

16 If an owner of a potentially affected building intends to  
17 replace a portion of a lead service line or a galvanized  
18 service line and the galvanized service line is or was  
19 connected downstream to lead piping, then the owner of the  
20 potentially affected building shall provide the owner or  
21 operator of the community water supply with notice at least 45  
22 days before commencing the work. In the case of an emergency  
23 repair, the owner of the potentially affected building must  
24 provide filters for each kitchen area that are certified by an  
25 accredited third-party certification body to NSF/ANSI 53 and  
26 NSF/ANSI 42 for the reduction of lead and particulate. If the

1 owner of the potentially affected building notifies the owner  
2 or operator of the community water supply that replacement of  
3 a portion of the lead service line after the emergency repair  
4 is completed, then the owner or operator of the community  
5 water supply shall replace the remainder of the lead service  
6 line within 30 days after completion of the emergency repair.  
7 A community water supply may take up to 120 days if necessary  
8 due to weather conditions. If a replacement takes longer than  
9 30 days, filters provided by the owner of the potentially  
10 affected building must be replaced in accordance with the  
11 manufacturer's recommendations. Partial lead service line  
12 replacements by the owners of potentially affected buildings  
13 are otherwise prohibited.

14 (hh) For municipalities with a population in excess of  
15 1,000,000 inhabitants, the requirements of subsection (gg)  
16 shall commence on January 1, 2023.

17 (ii) At least 45 days before conducting planned lead  
18 service line replacement, the owner or operator of a community  
19 water supply shall, by mail, attempt to contact the owner of  
20 the potentially affected building serviced by the lead service  
21 line to request access to the building and permission to  
22 replace the lead service line in accordance with the lead  
23 service line replacement plan. If the owner of the potentially  
24 affected building does not respond to the request within 15  
25 days after the request is sent, the owner or operator of the  
26 community water supply shall attempt to post the request on



1 the entrance of the potentially affected building.

2 If the owner or operator of a community water supply is  
3 unable to obtain approval to access and replace a lead service  
4 line, the owner or operator of the community water supply  
5 shall request that the owner of the potentially affected  
6 building sign a waiver. The waiver shall be developed by the  
7 Department and should be made available in the owner's  
8 language. If the owner of the potentially affected building  
9 refuses to sign the waiver or fails to respond to the community  
10 water supply after the community water supply has complied  
11 with this subsection, then the community water supply shall  
12 notify the Department in writing within 15 working days.

13 (jj) When replacing a lead service line or repairing or  
14 replacing water mains with lead service lines or partial lead  
15 service lines attached to them, the owner or operator of a  
16 community water supply shall provide the owner of each  
17 potentially affected building that is serviced by the affected  
18 lead service lines or partial lead service lines, as well as  
19 the occupants of those buildings, with an individual written  
20 notice. The notice shall be delivered by mail or posted at the  
21 primary entranceway of the building. The notice must, in  
22 addition, be electronically mailed where an electronic mailing  
23 address is known or can be reasonably obtained. Written notice  
24 shall include, at a minimum, the following:

25 (1) a warning that the work may result in sediment,  
26 possibly containing lead from the service line, in the

1 building's water;

2 (2) information concerning the best practices for  
3 preventing exposure to or risk of consumption of lead in  
4 drinking water, including a recommendation to flush water  
5 lines during and after the completion of the repair or  
6 replacement work and to clean faucet aerator screens; and

7 (3) information regarding the dangers of lead exposure  
8 to young children and pregnant women.

9 When the individual written notice described in the first  
10 paragraph of this subsection is required as a result of  
11 planned work other than the repair or replacement of a water  
12 meter, the owner or operator of the community water supply  
13 shall provide the notice not less than 14 days before work  
14 begins. When the individual written notice described in the  
15 first paragraph of this subsection is required as a result of  
16 emergency repairs other than the repair or replacement of a  
17 water meter, the owner or operator of the community water  
18 supply shall provide the notice at the time the work is  
19 initiated. When the individual written notice described in the  
20 first paragraph of this subsection is required as a result of  
21 the repair or replacement of a water meter, the owner or  
22 operator of the community water supply shall provide the  
23 notice at the time the work is initiated.

24 The notifications required under this subsection must  
25 contain the following statement in Spanish, Polish, Chinese,  
26 Tagalog, Arabic, Korean, German, Urdu, and Gujarati: "This

1 notice contains important information about your water service  
2 and may affect your rights. We encourage you to have this  
3 notice translated in full into a language you understand and  
4 before you make any decisions that may be required under this  
5 notice."

6 An owner or operator of a community water supply that is  
7 required under this subsection to provide an individual  
8 written notice to the owner and occupant of a potentially  
9 affected building that is a multi-dwelling building may  
10 satisfy that requirement and the requirements of this  
11 subsection regarding notification to non-English speaking  
12 customers by posting the required notice on the primary  
13 entranceway of the building and at the location where the  
14 occupant's mail is delivered as reasonably as possible.

15 When this subsection would require the owner or operator  
16 of a community water supply to provide an individual written  
17 notice to the entire community served by the community water  
18 supply or would require the owner or operator of a community  
19 water supply to provide individual written notices as a result  
20 of emergency repairs or when the community water supply that  
21 is required to comply with this subsection is a small system,  
22 the owner or operator of the community water supply may  
23 provide the required notice through local media outlets,  
24 social media, or other similar means in lieu of providing the  
25 individual written notices otherwise required under this  
26 subsection.

1           No notifications are required under this subsection for  
2 work performed on water mains that are used to transmit  
3 treated water between community water supplies and properties  
4 that have no service connections.

5           (kk) No community water supply that sells water to any  
6 wholesale or retail consecutive community water supply may  
7 pass on any costs associated with compliance with this Section  
8 to consecutive systems.

9           (ll) To the extent allowed by law, when a community water  
10 supply replaces or installs a lead service line in a public  
11 right-of-way or enters into an agreement with a private  
12 contractor for replacement or installation of a lead service  
13 line, the community water supply shall be held harmless for  
14 all damage to property when replacing or installing the lead  
15 service line. If dangers are encountered that prevent the  
16 replacement of the lead service line, the community water  
17 supply shall notify the Department within 15 working days of  
18 why the replacement of the lead service line could not be  
19 accomplished.

20           (mm) The Agency may propose to the Board, and the Board may  
21 adopt, any rules necessary to implement and administer this  
22 Section. The Department may adopt rules necessary to address  
23 lead service lines attached to non-community water supplies.

24           (nn) Notwithstanding any other provision in this Section,  
25 no requirement in this Section shall be construed as being  
26 less stringent than existing applicable federal requirements.

1 (oo) All lead service line replacements financed in whole  
2 or in part with funds obtained under this Section shall be  
3 considered public works for purposes of the Prevailing Wage  
4 Act.

5 (pp) Beginning in 2023, each municipality with a  
6 population of more than 1,000,000 inhabitants shall publicly  
7 post on its website data describing progress the municipality  
8 has made toward replacing lead service lines within the  
9 municipality. The data required to be posted under this  
10 subsection shall be the same information required to be  
11 reported under paragraphs (1) through (4) of subsection (t-5)  
12 of this Section. Beginning in 2024, each municipality that is  
13 subject to this subsection shall annually update the data  
14 posted on its website under this subsection. A municipality's  
15 duty to post data under this subsection terminates only when  
16 all lead service lines within the municipality have been  
17 replaced. Nothing in this subsection (pp) shall be construed  
18 to replace, undermine, conflict with, or otherwise amend the  
19 responsibilities and requirements set forth in subsection  
20 (t-5) of this Section.

21 (Source: P.A. 102-613, eff. 1-1-22; 102-813, eff. 5-13-22;  
22 103-167, eff. 6-30-23; revised 9-20-23.)

23 (415 ILCS 5/22.15)

24 Sec. 22.15. Solid Waste Management Fund; fees.

25 (a) There is hereby created within the State Treasury a

1 special fund to be known as the Solid Waste Management Fund, to  
2 be constituted from the fees collected by the State pursuant  
3 to this Section, from repayments of loans made from the Fund  
4 for solid waste projects, from registration fees collected  
5 pursuant to the Consumer Electronics Recycling Act, from fees  
6 collected under the Paint Stewardship Act, and from amounts  
7 transferred into the Fund pursuant to Public Act 100-433.  
8 Moneys received by either the Agency or the Department of  
9 Commerce and Economic Opportunity in repayment of loans made  
10 pursuant to the Illinois Solid Waste Management Act shall be  
11 deposited into the General Revenue Fund.

12 (b) The Agency shall assess and collect a fee in the amount  
13 set forth herein from the owner or operator of each sanitary  
14 landfill permitted or required to be permitted by the Agency  
15 to dispose of solid waste if the sanitary landfill is located  
16 off the site where such waste was produced and if such sanitary  
17 landfill is owned, controlled, and operated by a person other  
18 than the generator of such waste. The Agency shall deposit all  
19 fees collected into the Solid Waste Management Fund. If a site  
20 is contiguous to one or more landfills owned or operated by the  
21 same person, the volumes permanently disposed of by each  
22 landfill shall be combined for purposes of determining the fee  
23 under this subsection. Beginning on July 1, 2018, and on the  
24 first day of each month thereafter during fiscal years 2019  
25 through 2024, the State Comptroller shall direct and State  
26 Treasurer shall transfer an amount equal to 1/12 of \$5,000,000

1 per fiscal year from the Solid Waste Management Fund to the  
2 General Revenue Fund.

3 (1) If more than 150,000 cubic yards of non-hazardous  
4 solid waste is permanently disposed of at a site in a  
5 calendar year, the owner or operator shall either pay a  
6 fee of 95 cents per cubic yard or, alternatively, the  
7 owner or operator may weigh the quantity of the solid  
8 waste permanently disposed of with a device for which  
9 certification has been obtained under the Weights and  
10 Measures Act and pay a fee of \$2.00 per ton of solid waste  
11 permanently disposed of. In no case shall the fee  
12 collected or paid by the owner or operator under this  
13 paragraph exceed \$1.55 per cubic yard or \$3.27 per ton.

14 (2) If more than 100,000 cubic yards but not more than  
15 150,000 cubic yards of non-hazardous waste is permanently  
16 disposed of at a site in a calendar year, the owner or  
17 operator shall pay a fee of \$52,630.

18 (3) If more than 50,000 cubic yards but not more than  
19 100,000 cubic yards of non-hazardous solid waste is  
20 permanently disposed of at a site in a calendar year, the  
21 owner or operator shall pay a fee of \$23,790.

22 (4) If more than 10,000 cubic yards but not more than  
23 50,000 cubic yards of non-hazardous solid waste is  
24 permanently disposed of at a site in a calendar year, the  
25 owner or operator shall pay a fee of \$7,260.

26 (5) If not more than 10,000 cubic yards of

1 non-hazardous solid waste is permanently disposed of at a  
2 site in a calendar year, the owner or operator shall pay a  
3 fee of \$1050.

4 (c) (Blank).

5 (d) The Agency shall establish rules relating to the  
6 collection of the fees authorized by this Section. Such rules  
7 shall include, but not be limited to:

8 (1) necessary records identifying the quantities of  
9 solid waste received or disposed;

10 (2) the form and submission of reports to accompany  
11 the payment of fees to the Agency;

12 (3) the time and manner of payment of fees to the  
13 Agency, which payments shall not be more often than  
14 quarterly; and

15 (4) procedures setting forth criteria establishing  
16 when an owner or operator may measure by weight or volume  
17 during any given quarter or other fee payment period.

18 (e) Pursuant to appropriation, all monies in the Solid  
19 Waste Management Fund shall be used by the Agency for the  
20 purposes set forth in this Section and in the Illinois Solid  
21 Waste Management Act, including for the costs of fee  
22 collection and administration, for administration of the Paint  
23 Stewardship Act, and for the administration of the Consumer  
24 Electronics Recycling Act, the Drug Take-Back Act, and the  
25 Statewide Recycling Needs Assessment Act.

26 (f) The Agency is authorized to enter into such agreements



1 and to promulgate such rules as are necessary to carry out its  
2 duties under this Section and the Illinois Solid Waste  
3 Management Act.

4 (g) On the first day of January, April, July, and October  
5 of each year, beginning on July 1, 1996, the State Comptroller  
6 and Treasurer shall transfer \$500,000 from the Solid Waste  
7 Management Fund to the Hazardous Waste Fund. Moneys  
8 transferred under this subsection (g) shall be used only for  
9 the purposes set forth in item (1) of subsection (d) of Section  
10 22.2.

11 (h) The Agency is authorized to provide financial  
12 assistance to units of local government for the performance of  
13 inspecting, investigating, and enforcement activities pursuant  
14 to subsection (r) of Section 4 at nonhazardous solid waste  
15 disposal sites.

16 (i) The Agency is authorized to conduct household waste  
17 collection and disposal programs.

18 (j) A unit of local government, as defined in the Local  
19 Solid Waste Disposal Act, in which a solid waste disposal  
20 facility is located may establish a fee, tax, or surcharge  
21 with regard to the permanent disposal of solid waste. All  
22 fees, taxes, and surcharges collected under this subsection  
23 shall be utilized for solid waste management purposes,  
24 including long-term monitoring and maintenance of landfills,  
25 planning, implementation, inspection, enforcement and other  
26 activities consistent with the Solid Waste Management Act and

1 the Local Solid Waste Disposal Act, or for any other  
2 environment-related purpose, including, but not limited to, an  
3 environment-related public works project, but not for the  
4 construction of a new pollution control facility other than a  
5 household hazardous waste facility. However, the total fee,  
6 tax or surcharge imposed by all units of local government  
7 under this subsection (j) upon the solid waste disposal  
8 facility shall not exceed:

9 (1) 60¢ per cubic yard if more than 150,000 cubic  
10 yards of non-hazardous solid waste is permanently disposed  
11 of at the site in a calendar year, unless the owner or  
12 operator weighs the quantity of the solid waste received  
13 with a device for which certification has been obtained  
14 under the Weights and Measures Act, in which case the fee  
15 shall not exceed \$1.27 per ton of solid waste permanently  
16 disposed of.

17 (2) \$33,350 if more than 100,000 cubic yards, but not  
18 more than 150,000 cubic yards, of non-hazardous waste is  
19 permanently disposed of at the site in a calendar year.

20 (3) \$15,500 if more than 50,000 cubic yards, but not  
21 more than 100,000 cubic yards, of non-hazardous solid  
22 waste is permanently disposed of at the site in a calendar  
23 year.

24 (4) \$4,650 if more than 10,000 cubic yards, but not  
25 more than 50,000 cubic yards, of non-hazardous solid waste  
26 is permanently disposed of at the site in a calendar year.

1           (5) \$650 if not more than 10,000 cubic yards of  
2           non-hazardous solid waste is permanently disposed of at  
3           the site in a calendar year.

4           The corporate authorities of the unit of local government  
5           may use proceeds from the fee, tax, or surcharge to reimburse a  
6           highway commissioner whose road district lies wholly or  
7           partially within the corporate limits of the unit of local  
8           government for expenses incurred in the removal of  
9           nonhazardous, nonfluid municipal waste that has been dumped on  
10          public property in violation of a State law or local  
11          ordinance.

12          For the disposal of solid waste from general construction  
13          or demolition debris recovery facilities as defined in  
14          subsection (a-1) of Section 3.160, the total fee, tax, or  
15          surcharge imposed by all units of local government under this  
16          subsection (j) upon the solid waste disposal facility shall  
17          not exceed 50% of the applicable amount set forth above. A unit  
18          of local government, as defined in the Local Solid Waste  
19          Disposal Act, in which a general construction or demolition  
20          debris recovery facility is located may establish a fee, tax,  
21          or surcharge on the general construction or demolition debris  
22          recovery facility with regard to the permanent disposal of  
23          solid waste by the general construction or demolition debris  
24          recovery facility at a solid waste disposal facility, provided  
25          that such fee, tax, or surcharge shall not exceed 50% of the  
26          applicable amount set forth above, based on the total amount

1 of solid waste transported from the general construction or  
2 demolition debris recovery facility for disposal at solid  
3 waste disposal facilities, and the unit of local government  
4 and fee shall be subject to all other requirements of this  
5 subsection (j).

6 A county or Municipal Joint Action Agency that imposes a  
7 fee, tax, or surcharge under this subsection may use the  
8 proceeds thereof to reimburse a municipality that lies wholly  
9 or partially within its boundaries for expenses incurred in  
10 the removal of nonhazardous, nonfluid municipal waste that has  
11 been dumped on public property in violation of a State law or  
12 local ordinance.

13 If the fees are to be used to conduct a local sanitary  
14 landfill inspection or enforcement program, the unit of local  
15 government must enter into a written delegation agreement with  
16 the Agency pursuant to subsection (r) of Section 4. The unit of  
17 local government and the Agency shall enter into such a  
18 written delegation agreement within 60 days after the  
19 establishment of such fees. At least annually, the Agency  
20 shall conduct an audit of the expenditures made by units of  
21 local government from the funds granted by the Agency to the  
22 units of local government for purposes of local sanitary  
23 landfill inspection and enforcement programs, to ensure that  
24 the funds have been expended for the prescribed purposes under  
25 the grant.

26 The fees, taxes or surcharges collected under this

1 subsection (j) shall be placed by the unit of local government  
2 in a separate fund, and the interest received on the moneys in  
3 the fund shall be credited to the fund. The monies in the fund  
4 may be accumulated over a period of years to be expended in  
5 accordance with this subsection.

6 A unit of local government, as defined in the Local Solid  
7 Waste Disposal Act, shall prepare and post on its website, in  
8 April of each year, a report that details spending plans for  
9 monies collected in accordance with this subsection. The  
10 report will at a minimum include the following:

11 (1) The total monies collected pursuant to this  
12 subsection.

13 (2) The most current balance of monies collected  
14 pursuant to this subsection.

15 (3) An itemized accounting of all monies expended for  
16 the previous year pursuant to this subsection.

17 (4) An estimation of monies to be collected for the  
18 following 3 years pursuant to this subsection.

19 (5) A narrative detailing the general direction and  
20 scope of future expenditures for one, 2 and 3 years.

21 The exemptions granted under Sections 22.16 and 22.16a,  
22 and under subsection (k) of this Section, shall be applicable  
23 to any fee, tax or surcharge imposed under this subsection  
24 (j); except that the fee, tax or surcharge authorized to be  
25 imposed under this subsection (j) may be made applicable by a  
26 unit of local government to the permanent disposal of solid

1 waste after December 31, 1986, under any contract lawfully  
2 executed before June 1, 1986 under which more than 150,000  
3 cubic yards (or 50,000 tons) of solid waste is to be  
4 permanently disposed of, even though the waste is exempt from  
5 the fee imposed by the State under subsection (b) of this  
6 Section pursuant to an exemption granted under Section 22.16.

7 (k) In accordance with the findings and purposes of the  
8 Illinois Solid Waste Management Act, beginning January 1, 1989  
9 the fee under subsection (b) and the fee, tax or surcharge  
10 under subsection (j) shall not apply to:

11 (1) waste which is hazardous waste;

12 (2) waste which is pollution control waste;

13 (3) waste from recycling, reclamation or reuse  
14 processes which have been approved by the Agency as being  
15 designed to remove any contaminant from wastes so as to  
16 render such wastes reusable, provided that the process  
17 renders at least 50% of the waste reusable; the exemption  
18 set forth in this paragraph (3) of this subsection (k)  
19 shall not apply to general construction or demolition  
20 debris recovery facilities as defined in subsection (a-1)  
21 of Section 3.160;

22 (4) non-hazardous solid waste that is received at a  
23 sanitary landfill and composted or recycled through a  
24 process permitted by the Agency; or

25 (5) any landfill which is permitted by the Agency to  
26 receive only demolition or construction debris or

1 landscape waste.

2 (Source: P.A. 102-16, eff. 6-17-21; 102-310, eff. 8-6-21;  
3 102-444, eff. 8-20-21; 102-699, eff. 4-19-22; 102-813, eff.  
4 5-13-22; 102-1055, eff. 6-10-22; 103-8, eff. 6-7-23; 103-154,  
5 eff. 6-30-23; 103-372, eff. 1-1-24; 103-383, eff. 7-28-23;  
6 revised 12-15-23.)

7 (415 ILCS 5/31) (from Ch. 111 1/2, par. 1031)

8 Sec. 31. Notice; complaint; hearing.

9 (a)(1) Within 180 days after becoming aware of an alleged  
10 violation of this ~~the~~ Act, any rule adopted under this ~~the~~ Act,  
11 a permit granted by the Agency, or a condition of such a  
12 permit, the Agency shall issue and serve, by certified mail,  
13 upon the person complained against a written notice informing  
14 that person that the Agency has evidence of the alleged  
15 violation. At a minimum, the written notice shall contain:

16 (A) a notification to the person complained against of  
17 the requirement to submit a written response addressing  
18 the violations alleged and the option to meet with  
19 appropriate agency personnel to resolve any alleged  
20 violations that could lead to the filing of a formal  
21 complaint;

22 (B) a detailed explanation by the Agency of the  
23 violations alleged;

24 (C) an explanation by the Agency of the actions that  
25 the Agency believes may resolve the alleged violations,

1 including an estimate of a reasonable time period for the  
2 person complained against to complete the suggested  
3 resolution; and

4 (D) an explanation of any alleged violation that the  
5 Agency believes cannot be resolved without the involvement  
6 of the Office of the Illinois Attorney General or the  
7 State's Attorney of the county in which the alleged  
8 violation occurred and the basis for the Agency's belief.

9 (2) A written response to the violations alleged shall be  
10 submitted to the Agency, by certified mail, within 45 days  
11 after receipt of notice by the person complained against, or  
12 within an extended time period as agreed to by the Agency and  
13 person complained against. The written response shall include:

14 (A) information in rebuttal, explanation, or  
15 justification of each alleged violation;

16 (B) if the person complained against desires to enter  
17 into a Compliance Commitment Agreement, proposed terms for  
18 a Compliance Commitment Agreement that includes specified  
19 times for achieving each commitment and which may consist  
20 of a statement indicating that the person complained  
21 against believes that compliance has been achieved; and

22 (C) a request for a meeting with appropriate Agency  
23 personnel if a meeting is desired by the person complained  
24 against.

25 (3) If the person complained against fails to respond in  
26 accordance with the requirements of subdivision (2) of this



1 subsection (a), the failure to respond shall be considered a  
2 waiver of the requirements of this subsection (a) and nothing  
3 in this Section shall preclude the Agency from proceeding  
4 pursuant to subsection (b) of this Section.

5 (4) A meeting requested pursuant to subdivision (2) of  
6 this subsection (a) shall be held without a representative of  
7 the Office of the Illinois Attorney General or the State's  
8 Attorney of the county in which the alleged violation  
9 occurred, within 60 days after receipt of notice by the person  
10 complained against, or within an extended time period as  
11 agreed to by the Agency and person complained against. At the  
12 meeting, the Agency shall provide an opportunity for the  
13 person complained against to respond to each alleged  
14 violation, suggested resolution, and suggested implementation  
15 time frame, and to suggest alternate resolutions.

16 (5) If a meeting requested pursuant to subdivision (2) of  
17 this subsection (a) is held, the person complained against  
18 shall, within 21 days following the meeting or within an  
19 extended time period as agreed to by the Agency and person  
20 complained against, submit by certified mail to the Agency a  
21 written response to the alleged violations. The written  
22 response shall include:

23 (A) additional information in rebuttal, explanation,  
24 or justification of each alleged violation;

25 (B) if the person complained against desires to enter  
26 into a Compliance Commitment Agreement, proposed terms for

1 a Compliance Commitment Agreement that includes specified  
2 times for achieving each commitment and which may consist  
3 of a statement indicating that the person complained  
4 against believes that compliance has been achieved; and

5 (C) a statement indicating that, should the person  
6 complained against so wish, the person complained against  
7 chooses to rely upon the initial written response  
8 submitted pursuant to subdivision (2) of this subsection  
9 (a).

10 (6) If the person complained against fails to respond in  
11 accordance with the requirements of subdivision (5) of this  
12 subsection (a), the failure to respond shall be considered a  
13 waiver of the requirements of this subsection (a) and nothing  
14 in this Section shall preclude the Agency from proceeding  
15 pursuant to subsection (b) of this Section.

16 (7) Within 30 days after the Agency's receipt of a written  
17 response submitted by the person complained against pursuant  
18 to subdivision (2) of this subsection (a) if a meeting is not  
19 requested or pursuant to subdivision (5) of this subsection  
20 (a) if a meeting is held, or within a later time period as  
21 agreed to by the Agency and the person complained against, the  
22 Agency shall issue and serve, by certified mail, upon the  
23 person complained against (i) a proposed Compliance Commitment  
24 Agreement or (ii) a notice that one or more violations cannot  
25 be resolved without the involvement of the Office of the  
26 Attorney General or the State's Attorney of the county in

1 which the alleged violation occurred and that no proposed  
2 Compliance Commitment Agreement will be issued by the Agency  
3 for those violations. The Agency shall include terms and  
4 conditions in the proposed Compliance Commitment Agreement  
5 that are, in its discretion, necessary to bring the person  
6 complained against into compliance with the Act, any rule  
7 adopted under the Act, any permit granted by the Agency, or any  
8 condition of such a permit. The Agency shall take into  
9 consideration the proposed terms for the proposed Compliance  
10 Commitment Agreement that were provided under subdivision  
11 (a)(2)(B) or (a)(5)(B) of this Section by the person  
12 complained against.

13 (7.5) Within 30 days after the receipt of the Agency's  
14 proposed Compliance Commitment Agreement by the person  
15 complained against, or within a later time period not to  
16 exceed an additional 30 days as agreed to by the Agency and the  
17 person complained against, the person shall either (i) agree  
18 to and sign the proposed Compliance Commitment Agreement  
19 provided by the Agency and submit the signed Compliance  
20 Commitment Agreement to the Agency by certified mail or (ii)  
21 notify the Agency in writing by certified mail of the person's  
22 rejection of the proposed Compliance Commitment Agreement. If  
23 the person complained against fails to respond to the proposed  
24 Compliance Commitment Agreement within 30 days as required  
25 under this paragraph, the proposed Compliance Commitment  
26 Agreement is deemed rejected by operation of law. Any

1 Compliance Commitment Agreement entered into under item (i) of  
2 this paragraph may be amended subsequently in writing by  
3 mutual agreement between the Agency and the signatory to the  
4 Compliance Commitment Agreement, the signatory's legal  
5 representative, or the signatory's agent.

6 (7.6) No person shall violate the terms or conditions of a  
7 Compliance Commitment Agreement entered into under subdivision  
8 (a) (7.5) of this Section. Successful completion of a  
9 Compliance Commitment Agreement or an amended Compliance  
10 Commitment Agreement shall be a factor to be weighed, in favor  
11 of the person completing the Agreement, by the Office of the  
12 Illinois Attorney General in determining whether to file a  
13 complaint for the violations that were the subject of the  
14 Agreement.

15 (7.7) Within 30 days after a Compliance Commitment  
16 Agreement takes effect or is amended in accordance with  
17 paragraph (7.5), the Agency shall publish a copy of the final  
18 executed Compliance Commitment Agreement on the Agency's  
19 website. The Agency shall maintain an Internet database of all  
20 Compliance Commitment Agreements entered on or after August  
21 24, 2018 (the effective date of Public Act 100-1080) ~~this~~  
22 ~~amendatory Act of the 100th General Assembly~~. At a minimum,  
23 the database shall be searchable by the following categories:  
24 the county in which the facility that is subject to the  
25 Compliance Commitment Agreement is located; the date of final  
26 execution of the Compliance Commitment Agreement; the name of

1 the respondent; and the media involved, including air, water,  
2 land, or public water supply.

3 (8) Nothing in this subsection (a) is intended to require  
4 the Agency to enter into Compliance Commitment Agreements for  
5 any alleged violation that the Agency believes cannot be  
6 resolved without the involvement of the Office of the Attorney  
7 General or the State's Attorney of the county in which the  
8 alleged violation occurred, for, among other purposes, the  
9 imposition of statutory penalties.

10 (9) The Agency's failure to respond within 30 days of  
11 receipt to a written response submitted pursuant to  
12 subdivision (2) of this subsection (a) if a meeting is not  
13 requested or pursuant to subdivision (5) of this subsection  
14 (a) if a meeting is held, or within the time period otherwise  
15 agreed to in writing by the Agency and the person complained  
16 against, shall be deemed an acceptance by the Agency of the  
17 proposed terms of the Compliance Commitment Agreement for the  
18 violations alleged in the written notice issued under  
19 subdivision (1) of this subsection (a) as contained within the  
20 written response.

21 (10) If the person complained against complies with the  
22 terms of a Compliance Commitment Agreement accepted pursuant  
23 to this subsection (a), the Agency shall not refer the alleged  
24 violations which are the subject of the Compliance Commitment  
25 Agreement to the Office of the Illinois Attorney General or  
26 the State's Attorney of the county in which the alleged

1 violation occurred. However, nothing in this subsection is  
2 intended to preclude the Agency from continuing negotiations  
3 with the person complained against or from proceeding pursuant  
4 to the provisions of subsection (b) of this Section for  
5 alleged violations that remain the subject of disagreement  
6 between the Agency and the person complained against following  
7 fulfillment of the requirements of this subsection (a).

8 (11) Nothing in this subsection (a) is intended to  
9 preclude the person complained against from submitting to the  
10 Agency, by certified mail, at any time, notification that the  
11 person complained against consents to waiver of the  
12 requirements of subsections (a) and (b) of this Section.

13 (12) The Agency shall have the authority to adopt rules  
14 for the administration of this subsection (a) ~~of this Section~~.  
15 The rules shall be adopted in accordance with the provisions  
16 of the Illinois Administrative Procedure Act.

17 (b) For alleged violations that remain the subject of  
18 disagreement between the Agency and the person complained  
19 against following fulfillment of the requirements of  
20 subsection (a) of this Section, and for alleged violations of  
21 the terms or conditions of a Compliance Commitment Agreement  
22 entered into under subdivision (a)(7.5) of this Section as  
23 well as the alleged violations that are the subject of the  
24 Compliance Commitment Agreement, and as a precondition to the  
25 Agency's referral or request to the Office of the Illinois  
26 Attorney General or the State's Attorney of the county in

1 which the alleged violation occurred for legal representation  
2 regarding an alleged violation that may be addressed pursuant  
3 to subsection (c) or (d) of this Section or pursuant to Section  
4 42 of this Act, the Agency shall issue and serve, by certified  
5 mail, upon the person complained against a written notice  
6 informing that person that the Agency intends to pursue legal  
7 action. Such notice shall notify the person complained against  
8 of the violations to be alleged and offer the person an  
9 opportunity to meet with appropriate Agency personnel in an  
10 effort to resolve any alleged violations that could lead to  
11 the filing of a formal complaint. The meeting with Agency  
12 personnel shall be held within 30 days after receipt of notice  
13 served pursuant to this subsection upon the person complained  
14 against, unless the Agency agrees to a postponement or the  
15 person notifies the Agency that he or she will not appear at a  
16 meeting within the 30-day time period. Nothing in this  
17 subsection is intended to preclude the Agency from following  
18 the provisions of subsection (c) or (d) of this Section or from  
19 requesting the legal representation of the Office of the  
20 Illinois Attorney General or the State's Attorney of the  
21 county in which the alleged violations occurred for alleged  
22 violations which remain the subject of disagreement between  
23 the Agency and the person complained against after the  
24 provisions of this subsection are fulfilled.

25 (c)(1) For alleged violations which remain the subject of  
26 disagreement between the Agency and the person complained

1 against following waiver pursuant to subdivision (10) of  
2 subsection (a) of this Section or fulfillment of the  
3 requirements of subsections (a) and (b) of this Section, the  
4 Office of the Illinois Attorney General or the State's  
5 Attorney of the county in which the alleged violation occurred  
6 shall issue and serve upon the person complained against a  
7 written notice, together with a formal complaint, which shall  
8 specify the provision of the Act, rule, regulation, permit, or  
9 term or condition thereof under which such person is said to be  
10 in violation and a statement of the manner in and the extent to  
11 which such person is said to violate the Act, rule,  
12 regulation, permit, or term or condition thereof and shall  
13 require the person so complained against to answer the charges  
14 of such formal complaint at a hearing before the Board at a  
15 time not less than 21 days after the date of notice by the  
16 Board, except as provided in Section 34 of this Act. Such  
17 complaint shall be accompanied by a notification to the  
18 defendant that financing may be available, through the  
19 Illinois Environmental Facilities Financing Act, to correct  
20 such violation. A copy of such notice of such hearings shall  
21 also be sent to any person who ~~that~~ has complained to the  
22 Agency respecting the respondent within the six months  
23 preceding the date of the complaint, and to any person in the  
24 county in which the offending activity occurred that has  
25 requested notice of enforcement proceedings; 21 days notice of  
26 such hearings shall also be published in a newspaper of



1 general circulation in such county. The respondent may file a  
2 written answer, and at such hearing the rules prescribed in  
3 Sections 32 and 33 of this Act shall apply. In the case of  
4 actual or threatened acts outside Illinois contributing to  
5 environmental damage in Illinois, the extraterritorial  
6 service-of-process provisions of Sections 2-208 and 2-209 of  
7 the Code of Civil Procedure shall apply.

8 With respect to notices served pursuant to this subsection  
9 (c)(1) that involve hazardous material or wastes in any  
10 manner, the Agency shall annually publish a list of all such  
11 notices served. The list shall include the date the  
12 investigation commenced, the date notice was sent, the date  
13 the matter was referred to the Attorney General, if  
14 applicable, and the current status of the matter.

15 (2) Notwithstanding the provisions of subdivision (1) of  
16 this subsection (c), whenever a complaint has been filed on  
17 behalf of the Agency or by the People of the State of Illinois,  
18 the parties may file with the Board a stipulation and proposal  
19 for settlement accompanied by a request for relief from the  
20 requirement of a hearing pursuant to subdivision (1). Unless  
21 the Board, in its discretion, concludes that a hearing will be  
22 held, the Board shall cause notice of the stipulation,  
23 proposal and request for relief to be published and sent in the  
24 same manner as is required for hearing pursuant to subdivision  
25 (1) of this subsection. The notice shall include a statement  
26 that any person may file a written demand for hearing within 21

1 days after receiving the notice. If any person files a timely  
2 written demand for hearing, the Board shall deny the request  
3 for relief from a hearing and shall hold a hearing in  
4 accordance with the provisions of subdivision (1).

5 (3) Notwithstanding the provisions of subdivision (1) of  
6 this subsection (c), if the Agency becomes aware of a  
7 violation of this Act arising from, or as a result of,  
8 voluntary pollution prevention activities, the Agency shall  
9 not proceed with the written notice required by subsection (a)  
10 of this Section unless:

11 (A) the person fails to take corrective action or  
12 eliminate the reported violation within a reasonable time;  
13 or

14 (B) the Agency believes that the violation poses a  
15 substantial and imminent danger to the public health or  
16 welfare or the environment. For the purposes of this item  
17 (B), "substantial and imminent danger" means a danger with  
18 a likelihood of serious or irreversible harm.

19 (d)(1) Any person may file with the Board a complaint,  
20 meeting the requirements of subsection (c) of this Section,  
21 against any person allegedly violating this Act, any rule or  
22 regulation adopted under this Act, any permit or term or  
23 condition of a permit, or any Board order. The complainant  
24 shall immediately serve a copy of such complaint upon the  
25 person or persons named therein. Unless the Board determines  
26 that such complaint is duplicative or frivolous, it shall

1 schedule a hearing and serve written notice thereof upon the  
2 person or persons named therein, in accord with subsection (c)  
3 of this Section.

4 (2) Whenever a complaint has been filed by a person other  
5 than the Attorney General or the State's Attorney, the parties  
6 may file with the Board a stipulation and proposal for  
7 settlement accompanied by a request for relief from the  
8 hearing requirement of subdivision (c)(1) of this Section.  
9 Unless the Board, in its discretion, concludes that a hearing  
10 should be held, no hearing on the stipulation and proposal for  
11 settlement is required.

12 (e) In hearings before the Board under this Title the  
13 burden shall be on the Agency or other complainant to show  
14 either that the respondent has caused or threatened to cause  
15 air or water pollution or that the respondent has violated or  
16 threatens to violate any provision of this Act or any rule or  
17 regulation of the Board or permit or term or condition  
18 thereof. If such proof has been made, the burden shall be on  
19 the respondent to show that compliance with the Board's  
20 regulations would impose an arbitrary or unreasonable  
21 hardship.

22 (f) The provisions of this Section shall not apply to  
23 administrative citation actions commenced under Section 31.1  
24 of this Act.

25 (Source: P.A. 103-168, eff. 6-30-23; revised 9-20-23.)

1 (415 ILCS 5/58.5)

2 Sec. 58.5. Risk-based remediation objectives.

3 (a) Determination of remediation objectives. This Section  
4 establishes the procedures for determining risk-based  
5 remediation objectives.

6 (b) Background area remediation objectives.

7 (1) Except as provided in subdivisions (b)(2) or  
8 (b)(3) of this Section, remediation objectives established  
9 under this Section shall not require remediation of  
10 regulated substances to levels that are less than area  
11 background levels.

12 (2) In the event that the concentration of a regulated  
13 substance of concern on the site exceeds a remediation  
14 objective adopted by the Board for residential land use,  
15 the property may not be converted to residential use  
16 unless such remediation objective or an alternate  
17 risk-based remediation objective for that regulated  
18 substance of concern is first achieved.

19 (3) In the event that the Agency has determined in  
20 writing that the background level for a regulated  
21 substance poses an acute threat to human health or the  
22 environment at the site when considering the post-remedial  
23 action land use, the RA shall develop appropriate  
24 risk-based remediation objectives in accordance with this  
25 Section.

26 (c) Regulations establishing remediation objectives and

1 methodologies for deriving remediation objectives for  
2 individual or classes of regulated substances shall be adopted  
3 by the Board in accordance with this Section and Section  
4 58.11.

5 (1) The regulations shall provide for the adoption of  
6 a three-tiered process for an ~~a~~ RA to establish  
7 remediation objectives protective of human health and the  
8 environment based on identified risks and specific site  
9 characteristics at and around the site.

10 (2) The regulations shall provide procedures for using  
11 alternative tiers in developing remediation objectives for  
12 multiple regulated substances.

13 (3) The regulations shall provide procedures for  
14 determining area background contaminant levels.

15 (4) The methodologies adopted under this Section shall  
16 ensure that the following factors are taken into account  
17 in determining remediation objectives:

18 (A) potential risks posed by carcinogens and  
19 noncarcinogens; and

20 (B) the presence of multiple substances of concern  
21 and multiple exposure pathways.

22 (d) In developing remediation objectives under subsection  
23 (c) of this Section, the methodology proposed and adopted  
24 shall establish tiers addressing manmade and natural pathways  
25 of exposure, including, but not limited to, human ingestion,  
26 human inhalation, and groundwater protection. For carcinogens,

1 soil and groundwater remediation objectives shall be  
2 established at exposures that represent an excess upper-bound  
3 lifetime risk of between 1 in 10,000 and 1 in 1,000,000 as  
4 appropriate for the post-remedial action use, except that  
5 remediation objectives protecting residential use shall be  
6 based on exposures that represent an excess upper-bound  
7 lifetime risk of 1 in 1,000,000. No groundwater remediation  
8 objective adopted pursuant to this Section shall be more  
9 restrictive than the applicable Class I or Class III  
10 Groundwater Quality Standard adopted by the Board. At a  
11 minimum, the objectives shall include the following:

12 (1) Tier I remediation objectives expressed as a table  
13 of numeric values for soil and groundwater. Such  
14 objectives may be of different values dependent on  
15 potential pathways at the site and different land uses,  
16 including residential and nonresidential uses.

17 (2) Tier II remediation objectives shall include the  
18 formulae and equations used to derive the Tier II  
19 objectives and input variables for use in the formulae.  
20 The RA may alter the input variables when it is  
21 demonstrated that the specific circumstances at and around  
22 the site including land uses warrant such alternate  
23 variables.

24 (3) Tier III remediation objectives shall include  
25 methodologies to allow for the development of  
26 site-specific risk-based remediation objectives for soil

1 or groundwater, or both, for regulated substances. Such  
2 methodology shall allow for different remediation  
3 objectives for residential and various categories of  
4 non-residential land uses. The Board's future adoption of  
5 a methodology pursuant to this Section shall in no way  
6 preclude the use of a nationally recognized methodology to  
7 be used for the development of site-specific risk-based  
8 objectives for regulated substances under this Section. In  
9 determining Tier III remediation objectives under this  
10 subsection, all of the following factors shall be  
11 considered:

12 (A) The use of specific site characteristic data.

13 (B) The use of appropriate exposure factors for  
14 the current and currently planned future land use of  
15 the site and adjacent property and the effectiveness  
16 of engineering, institutional, or legal controls  
17 placed on the current or future use of the site.

18 (C) The use of appropriate statistical  
19 methodologies to establish statistically valid  
20 remediation objectives.

21 (D) The actual and potential impact of regulated  
22 substances to receptors.

23 (4) For regulated substances that have a groundwater  
24 quality standard established pursuant to the Illinois  
25 Groundwater Protection Act and rules promulgated  
26 thereunder, site specific groundwater remediation

1 objectives may be proposed under the methodology  
2 established in subdivision (d)(3) of this Section at  
3 values greater than the groundwater quality standards.

4 (A) The RA proposing any site specific groundwater  
5 remediation objective at a value greater than the  
6 applicable groundwater quality standard shall  
7 demonstrate:

8 (i) To the extent practical, the exceedance of  
9 the groundwater quality standard has been  
10 minimized and beneficial use appropriate to the  
11 groundwater that was impacted has been returned;  
12 and

13 (ii) Any threat to human health or the  
14 environment has been minimized.

15 (B) The rules proposed by the Agency and adopted  
16 by the Board under this Section shall include criteria  
17 required for the demonstration of the suitability of  
18 groundwater objectives proposed under subdivision (b)  
19 (4) (A) of this Section.

20 (e) The rules proposed by the Agency and adopted by the  
21 Board under this Section shall include conditions for the  
22 establishment and duration of groundwater management zones by  
23 rule, as appropriate, at sites undergoing remedial action  
24 under this Title.

25 (f) Until such time as the Board adopts remediation  
26 objectives under this Section, the remediation objectives



1 adopted by the Board under Title XVI of this Act shall apply to  
2 all environmental assessments and soil or groundwater remedial  
3 action conducted under this Title.

4 (Source: P.A. 91-909, eff. 7-7-00; revised 9-20-23.)

5 (415 ILCS 5/58.6)

6 Sec. 58.6. Remedial investigations and reports.

7 (a) Any RA who proceeds under this Title may elect to seek  
8 review and approval for any of the remediation objectives  
9 provided in Section 58.5 for any or all regulated substances  
10 of concern. The RA shall conduct investigations and remedial  
11 activities for regulated substances of concern and prepare  
12 plans and reports in accordance with this Section and rules  
13 adopted hereunder. The RA shall submit the plans and reports  
14 for review and approval in accordance with Section 58.7. All  
15 investigations, plans, and reports conducted or prepared under  
16 this Section shall be under the supervision of a Licensed  
17 Professional Engineer (LPE) or, in the case of a site  
18 investigation only, a Licensed Professional Geologist in  
19 accordance with the requirements of this Title.

20 (b) ~~(1)~~ Site investigation and Site Investigation Report.

21 (1) The RA shall conduct a site investigation to  
22 determine the significant physical features of the site  
23 and vicinity that may affect contaminant transport and  
24 risk to human health, safety, and the environment and to  
25 determine the nature, concentration, direction and rate of

1 movement, and extent of the contamination at the site.

2 (2) The RA shall compile the results of the  
3 investigations into a Site Investigation Report. At a  
4 minimum, the reports shall include the following, as  
5 applicable:

6 (A) Executive summary;

7 (B) Site history;

8 (C) Site-specific sampling methods and results;

9 (D) Documentation of field activities, including  
10 quality assurance project plan;

11 (E) Interpretation of results; and

12 (F) Conclusions.

13 (c) Remediation Objectives Report.

14 (1) If an ~~a~~ RA elects to determine remediation  
15 objectives appropriate for the site using the Tier II or  
16 Tier III procedures under subsection (d) of Section 58.5,  
17 the RA shall develop such remediation objectives based on  
18 site-specific information. In support of such remediation  
19 objectives, the RA shall prepare a Remediation Objectives  
20 Report demonstrating how the site-specific objectives were  
21 calculated or otherwise determined.

22 (2) If an ~~a~~ RA elects to determine remediation  
23 objectives appropriate for the site using the area  
24 background procedures under subsection (b) of Section  
25 58.5, the RA shall develop such remediation objectives  
26 based on site-specific literature review, sampling

1 protocol, or appropriate statistical methods in accordance  
2 with Board rules. In support of such remediation  
3 objectives, the RA shall prepare a Remediation Objectives  
4 Report demonstrating how the area background remediation  
5 objectives were determined.

6 (d) Remedial Action Plan. If the approved remediation  
7 objectives for any regulated substance established under  
8 Section 58.5 are less than the levels existing at the site  
9 prior to any remedial action, the RA shall prepare a Remedial  
10 Action Plan. The Remedial Action Plan shall describe the  
11 selected remedy and evaluate its ability and effectiveness to  
12 achieve the remediation objectives approved for the site. At a  
13 minimum, the reports shall include the following, as  
14 applicable:

- 15 (1) Executive summary;
- 16 (2) Statement of remediation objectives;
- 17 (3) Remedial technologies selected;
- 18 (4) Confirmation sampling plan;
- 19 (5) Current and projected future use of the property;

20 and

21 (6) Applicable preventive, engineering, and  
22 institutional controls including long-term reliability,  
23 operating, and maintenance plans, and monitoring  
24 procedures.

25 (e) Remedial Action Completion Report.

- 26 (1) Upon completion of the Remedial Action Plan, the

1 RA shall prepare a Remedial Action Completion Report. The  
2 report shall demonstrate whether the remedial action was  
3 completed in accordance with the approved Remedial Action  
4 Plan and whether the remediation objectives, as well as  
5 any other requirements of the plan, have been attained.

6 (2) If the approved remediation objectives for the  
7 regulated substances of concern established under Section  
8 58.5 are equal to or above the levels existing at the site  
9 prior to any remedial action, notification and  
10 documentation of such shall constitute the entire Remedial  
11 Action Completion Report for purposes of this Title.

12 (f) Ability to proceed. The RA may elect to prepare and  
13 submit for review and approval any and all reports or plans  
14 required under the provisions of this Section individually,  
15 following completion of each such activity; concurrently,  
16 following completion of all activities; or in any other  
17 combination. In any event, the review and approval process  
18 shall proceed in accordance with Section 58.7 and rules  
19 adopted thereunder.

20 (g) Nothing in this Section shall prevent an RA from  
21 implementing or conducting an interim or any other remedial  
22 measure prior to election to proceed under Section 58.6.

23 (h) In accordance with Section 58.11, the Agency shall  
24 propose and the Board shall adopt rules to carry out the  
25 purposes of this Section.

26 (Source: P.A. 92-735, eff. 7-25-02; revised 9-20-23.)

1 (415 ILCS 5/58.7)

2 Sec. 58.7. Review and approvals.

3 (a) Requirements. All plans and reports that are submitted  
4 pursuant to this Title shall be submitted for review or  
5 approval in accordance with this Section.

6 (b) Review and evaluation by the Agency.

7 (1) Except for sites excluded under subdivision (a) (2)  
8 of Section 58.1, the Agency shall, subject to available  
9 resources, agree to provide review and evaluation services  
10 for activities carried out pursuant to this Title for  
11 which the RA requested the services in writing. As a  
12 condition for providing such services, the Agency may  
13 require that the RA for a site:

14 (A) Conform with the procedures of this Title;

15 (B) Allow for or otherwise arrange site visits or  
16 other site evaluation by the Agency when so requested;

17 (C) Agree to perform the Remedial Action Plan as  
18 approved under this Title;

19 (D) Agree to pay any reasonable costs incurred and  
20 documented by the Agency in providing such services;

21 (E) Make an advance partial payment to the Agency  
22 for such anticipated services in the amount of \$2,500;  
23 and

24 (F) Demonstrate, if necessary, authority to act on  
25 behalf of or in lieu of the owner or operator.

1           (2) Any moneys received by the State for costs  
2 incurred by the Agency in performing review or evaluation  
3 services for actions conducted pursuant to this Title  
4 shall be deposited in the Hazardous Waste Fund.

5           (3) An RA requesting services under subdivision (b)  
6 (1) of this Section may, at any time, notify the Agency, in  
7 writing, that Agency services previously requested are no  
8 longer wanted. Within 180 days after receipt of the  
9 notice, the Agency shall provide the RA with a final  
10 invoice for services provided until the date of such  
11 notifications.

12           (4) The Agency may invoice or otherwise request or  
13 demand payment from an ~~a~~ RA for costs incurred by the  
14 Agency in performing review or evaluation services for  
15 actions by the RA at sites only if:

16           (A) The Agency has incurred costs in performing  
17 response actions, other than review or evaluation  
18 services, due to the failure of the RA to take response  
19 action in accordance with a notice issued pursuant to  
20 this Act;

21           (B) The RA has agreed in writing to the payment of  
22 such costs;

23           (C) The RA has been ordered to pay such costs by  
24 the Board or a court of competent jurisdiction  
25 pursuant to this Act; or

26           (D) The RA has requested or has consented to

1 Agency review or evaluation services under subdivision  
2 (b) (1) of this Section.

3 (5) The Agency may, subject to available resources,  
4 agree to provide review and evaluation services for  
5 response actions if there is a written agreement among  
6 parties to a legal action or if a notice to perform a  
7 response action has been issued by the Agency.

8 (c) Review and evaluation by a RELPEG. An ~~A~~ RA may elect to  
9 contract with a Licensed Professional Engineer or, in the case  
10 of a site investigation report only, a Licensed Professional  
11 Geologist, who will perform review and evaluation services on  
12 behalf of and under the direction of the Agency relative to the  
13 site activities.

14 (1) Prior to entering into the contract with the  
15 RELPEG, the RA shall notify the Agency of the RELPEG to be  
16 selected. The Agency and the RA shall discuss the  
17 potential terms of the contract.

18 (2) At a minimum, the contract with the RELPEG shall  
19 provide that the RELPEG will submit any reports directly  
20 to the Agency, will take his or her directions for work  
21 assignments from the Agency, and will perform the assigned  
22 work on behalf of the Agency.

23 (3) Reasonable costs incurred by the Agency shall be  
24 paid by the RA directly to the Agency in accordance with  
25 the terms of the review and evaluation services agreement  
26 entered into under subdivision (b) (1) of Section 58.7.

1           (4) In no event shall the RELPEG acting on behalf of  
2           the Agency be an employee of the RA or the owner or  
3           operator of the site or be an employee of any other person  
4           the RA has contracted to provide services relative to the  
5           site.

6           (d) Review and approval. All reviews required under this  
7           Title shall be carried out by the Agency or a RELPEG contracted  
8           by the RA pursuant to subsection (c).

9           (1) All review activities conducted by the Agency or a  
10          RELPEG shall be carried out in conformance with this Title  
11          and rules promulgated under Section 58.11.

12          (2) Subject to the limitations in subsection (c) and  
13          this subsection (d), the specific plans, reports, and  
14          activities that the Agency or a RELPEG may review include:

15                 (A) Site Investigation Reports and related  
16                 activities;

17                 (B) Remediation Objectives Reports;

18                 (C) Remedial Action Plans and related activities;

19                 and

20                 (D) Remedial Action Completion Reports and related  
21                 activities.

22          (3) Only the Agency shall have the authority to  
23          approve, disapprove, or approve with conditions a plan or  
24          report as a result of the review process including those  
25          plans and reports reviewed by a RELPEG. If the Agency  
26          disapproves a plan or report or approves a plan or report



1 with conditions, the written notification required by  
2 subdivision (d)(4) of this Section shall contain the  
3 following information, as applicable:

4 (A) An explanation of the Sections of this Title  
5 that may be violated if the plan or report was  
6 approved;

7 (B) An explanation of the provisions of the rules  
8 promulgated under this Title that may be violated if  
9 the plan or report was approved;

10 (C) An explanation of the specific type of  
11 information, if any, that the Agency deems the  
12 applicant did not provide the Agency;

13 (D) A statement of specific reasons why the Title  
14 and regulations might not be met if the plan or report  
15 were approved; and

16 (E) An explanation of the reasons for conditions  
17 if conditions are required.

18 (4) Upon approving, disapproving, or approving with  
19 conditions a plan or report, the Agency shall notify the  
20 RA in writing of its decision. In the case of approval or  
21 approval with conditions of a Remedial Action Completion  
22 Report, the Agency shall prepare a No Further Remediation  
23 Letter that meets the requirements of Section 58.10 and  
24 send a copy of the letter to the RA.

25 (5) All reviews undertaken by the Agency or a RELPEG  
26 shall be completed and the decisions communicated to the

1 RA within 60 days of the request for review or approval of  
2 a single plan or report and within 90 days after the  
3 request for review or approval of 2 or more plans or  
4 reports submitted concurrently. The RA may waive the  
5 deadline upon a request from the Agency. If the Agency  
6 disapproves or approves with conditions a plan or report  
7 or fails to issue a final decision within the applicable  
8 60-day or 90-day period and the RA has not agreed to a  
9 waiver of the deadline, the RA may, within 35 days, file an  
10 appeal to the Board. Appeals to the Board shall be in the  
11 manner provided for the review of permit decisions in  
12 Section 40 of this Act.

13 (e) Standard of review. In making determinations, the  
14 following factors, and additional factors as may be adopted by  
15 the Board in accordance with Section 58.11, shall be  
16 considered by the Agency when reviewing or approving plans,  
17 reports, and related activities, or the RELPEG, when reviewing  
18 plans, reports, and related activities:

19 (1) Site Investigation Reports and related activities:  
20 Whether investigations have been conducted and the results  
21 compiled in accordance with the appropriate procedures and  
22 whether the interpretations and conclusions reached are  
23 supported by the information gathered. In making the  
24 determination, the following factors shall be considered:

25 (A) The adequacy of the description of the site  
26 and site characteristics that were used to evaluate

1 the site;

2 (B) The adequacy of the investigation of potential  
3 pathways and risks to receptors identified at the  
4 site; and

5 (C) The appropriateness of the sampling and  
6 analysis used.

7 (2) Remediation Objectives Reports: Whether the  
8 remediation objectives are consistent with the  
9 requirements of the applicable method for selecting or  
10 determining remediation objectives under Section 58.5. In  
11 making the determination, the following factors shall be  
12 considered:

13 (A) If the objectives were based on the  
14 determination of area background levels under  
15 subsection (b) of Section 58.5, whether the review of  
16 current and historic conditions at or in the immediate  
17 vicinity of the site has been thorough and whether the  
18 site sampling and analysis has been performed in a  
19 manner resulting in accurate determinations;

20 (B) If the objectives were calculated on the basis  
21 of predetermined equations using site specific data,  
22 whether the calculations were accurately performed and  
23 whether the site specific data reflect actual site  
24 conditions; and

25 (C) If the objectives were determined using a site  
26 specific risk assessment procedure, whether the

1 procedure used is nationally recognized and accepted,  
2 whether the calculations were accurately performed,  
3 and whether the site specific data reflect actual site  
4 conditions.

5 (3) Remedial Action Plans and related activities:  
6 Whether the plan will result in compliance with this  
7 Title, and rules adopted under it and attainment of the  
8 applicable remediation objectives. In making the  
9 determination, the following factors shall be considered:

10 (A) The likelihood that the plan will result in  
11 the attainment of the applicable remediation  
12 objectives;

13 (B) Whether the activities proposed are consistent  
14 with generally accepted engineering practices; and

15 (C) The management of risk relative to any  
16 remaining contamination, including, but not limited  
17 to, provisions for the long-term enforcement,  
18 operation, and maintenance of institutional and  
19 engineering controls, if relied on.

20 (4) Remedial Action Completion Reports and related  
21 activities: Whether the remedial activities have been  
22 completed in accordance with the approved Remedial Action  
23 Plan and whether the applicable remediation objectives  
24 have been attained.

25 (f) All plans and reports submitted for review shall  
26 include a Licensed Professional Engineer's certification that

1 all investigations and remedial activities were carried out  
2 under his or her direction and, to the best of his or her  
3 knowledge and belief, the work described in the plan or report  
4 has been completed in accordance with generally accepted  
5 engineering practices, and the information presented is  
6 accurate and complete. In the case of a site investigation  
7 report prepared or supervised by a Licensed Professional  
8 Geologist, the required certification may be made by the  
9 Licensed Professional Geologist (rather than a Licensed  
10 Professional Engineer) and based upon generally accepted  
11 principles of professional geology.

12 (g) In accordance with Section 58.11, the Agency shall  
13 propose and the Board shall adopt rules to carry out the  
14 purposes of this Section. At a minimum, the rules shall detail  
15 the types of services the Agency may provide in response to  
16 requests under subdivision (b)(1) of this Section and the  
17 recordkeeping it will utilize in documenting to the RA the  
18 costs incurred by the Agency in providing such services.

19 (h) Public participation.

20 (1) The Agency shall develop guidance to assist RAs  
21 ~~RA's~~ in the implementation of a community relations plan  
22 to address activity at sites undergoing remedial action  
23 pursuant to this Title.

24 (2) The RA may elect to enter into a services  
25 agreement with the Agency for Agency assistance in  
26 community outreach efforts.

1           (3) The Agency shall maintain a registry listing those  
2 sites undergoing remedial action pursuant to this Title.

3           (4) Notwithstanding any provisions of this Section,  
4 the RA of a site undergoing remedial activity pursuant to  
5 this Title may elect to initiate a community outreach  
6 effort for the site.

7           (i) Notwithstanding any other provision of this Title, the  
8 Agency is not required to take action on any submission under  
9 this Title from or on behalf of an RA if the RA has failed to  
10 pay all fees due pursuant to an invoice or other request or  
11 demand for payment under this Title. Any deadline for Agency  
12 action on such a submission shall be tolled until the fees due  
13 are paid in full.

14           (Source: P.A. 103-172, eff. 1-1-24; revised 1-2-24.)

15           Section 505. The Illinois Pesticide Act is amended by  
16 changing Section 24.1 as follows:

17           (415 ILCS 60/24.1) (from Ch. 5, par. 824.1)

18           Sec. 24.1. Administrative actions and penalties.

19           (1) The Director is authorized after an opportunity for an  
20 administrative hearing to suspend, revoke, or modify any  
21 license, permit, special order, registration, or certification  
22 issued under this Act. This action may be taken in addition to  
23 or in lieu of monetary penalties assessed as set forth in this  
24 Section. When it is in the interest of the people of the State

1 of Illinois, the Director may, upon good and sufficient  
2 evidence, suspend the registration, license, or permit until a  
3 hearing has been held. In such cases, the Director shall issue  
4 an order in writing setting forth the reasons for the  
5 suspension. Such order shall be served personally on the  
6 person or by registered or certified mail sent to the person's  
7 business address as shown in the latest notification to the  
8 Department. When such an order has been issued by the  
9 Director, the person may request an immediate hearing.

10 (2) Before initiating hearing proceedings, the Director  
11 may issue an advisory letter to a violator of this Act or its  
12 rules and regulations when the violation points total 6 or  
13 less, as determined by the Department by the Use and Violation  
14 Criteria established in this Section. When the Department  
15 determines that the violation points total more than 6 but not  
16 more than 13, the Director shall issue a warning letter to the  
17 violator.

18 (3) The hearing officer upon determination of a violation  
19 or violations shall assess one or more of the following  
20 penalties:

21 (A) For any person applying pesticides without a  
22 license or misrepresenting certification or failing to  
23 comply with conditions of an agrichemical facility permit  
24 or failing to comply with the conditions of a written  
25 authorization for land application of agrichemical  
26 contaminated soils or groundwater, a penalty of \$500 shall

1 be assessed for the first offense and \$1,000 for the  
2 second and subsequent offenses.

3 (B) For violations of a stop use order imposed by the  
4 Director, the penalty shall be \$2500.

5 (C) For violations of a stop sale order imposed by the  
6 Director, the penalty shall be \$1500 for each individual  
7 item of the product found in violation of the order.

8 (D) For selling restricted use pesticides to a  
9 non-certified applicator the penalty shall be \$1000.

10 (E) For selling restricted use pesticides without a  
11 dealer's license the penalty shall be \$1,000.

12 (F) For constructing or operating without an  
13 agrichemical facility permit after receiving written  
14 notification, the penalty shall be \$500 for the first  
15 offense and \$1,000 for the second and subsequent offenses.

16 (F-5) For any person found by the Department to have  
17 committed a use inconsistent with the label, as defined in  
18 subsection 40 of Section 4, that results in human exposure  
19 to a pesticide, the penalty shall be assessed in  
20 accordance with this paragraph (F-5). The Department shall  
21 impose a penalty under this paragraph (F-5) only if it  
22 represents an amount greater than the penalty assessed  
23 under paragraph ~~subparagraph~~ (G). The amount of the  
24 penalty under this paragraph (F-5) is calculated as  
25 follows:

26 (a) If fewer than 3 humans are exposed, then the



1 penalty shall be \$500 for each human exposed.

2 (b) If 3 or more humans but fewer than 5 humans are  
3 exposed, then the penalty shall be \$750 for each human  
4 exposed.

5 (c) If 5 or more humans are exposed, then the  
6 penalty shall be \$1,250 for each human exposed.

7 If a penalty is imposed under this paragraph (F-5),  
8 the Department shall redetermine the total violation  
9 points under subsection (4), less any points under  
10 subsection (4) stemming from human exposure, and impose  
11 any additional penalty under paragraph ~~subparagraph~~ (G)  
12 based on the new total. The reassessed total shall not  
13 affect any determination under subsection (2); any  
14 determination under subsection (2) shall be determined by  
15 the full application of points under subsection (4).

16 (G) For violations of the Act and rules and  
17 regulations, administrative penalties will be based upon  
18 the total violation points as determined by the Use and  
19 Violation Criteria as set forth in subsection ~~paragraph~~  
20 (4) of this Section. The monetary penalties shall be as  
21 follows:

22	Total Violation Points	Monetary Penalties
23	14-16	\$750
24	17-19	\$1000
25	20-21	\$2500
26	22-25	\$5000

1	26-29	\$7500
2	30 and above	\$10,000

3 (4) Subject to paragraph (F-5), the following Use and  
4 Violation Criteria establishes the point value which shall be  
5 compiled to determine the total violation points and  
6 administrative actions or monetary penalties to be imposed as  
7 set forth in paragraph (3) (G) of this Section:

8 (A) Point values shall be assessed upon the harm or  
9 loss incurred.

10 (1) A point value of 1 shall be assessed for the  
11 following:

12 (a) Exposure to a pesticide by plants, animals  
13 or humans with no symptoms or damage noted.

14 (b) Fraudulent sales practices or  
15 representations with no apparent monetary losses  
16 involved.

17 (2) A point value of 2 shall be assessed for  
18 exposure ~~the following:~~ ~~(a) Exposure~~ to a pesticide  
19 which resulted in:

20 (a) ~~(1)~~ Plants or property showing signs of  
21 damage, including, but not limited to, leaf curl,  
22 burning, wilting, spotting, discoloration, or  
23 dying.

24 (b) ~~(2)~~ Garden produce or an agricultural crop  
25 not being harvested on schedule.

26 (c) ~~(3)~~ Fraudulent sales practices or

1           representations resulting in losses under \$500.

2           (3) A point value of 4 shall be assessed for the  
3 following:

4           (a) Exposure to a pesticide resulting in a  
5 human experiencing headaches, nausea, eye  
6 irritation, and such other symptoms which  
7 persisted less than 3 days.

8           (b) Plant or property damage resulting in a  
9 loss below \$1000.

10           (c) Animals exhibiting symptoms of pesticide  
11 poisoning, including, but not limited to, eye or  
12 skin irritations or lack of coordination.

13           (d) Death to less than 5 animals.

14           (e) Fraudulent sales practices or  
15 representations resulting in losses from \$500 to  
16 \$2000.

17           (4) A point value of 6 shall be assessed for the  
18 following:

19           (a) Exposure to a pesticide resulting in a  
20 human experiencing headaches, nausea, eye  
21 irritation, and such other symptoms which  
22 persisted 3 or more days.

23           (b) Plant or property damage resulting in a  
24 loss of \$1000 or more.

25           (c) Death to 5 or more animals.

26           (d) Fraudulent sales practices or

1                   representations resulting in losses over \$2000.

2                   (B) Point values shall be assessed based upon the  
3                   signal word on the label of the chemical involved:

4                   Point Value	Signal Word
5                   1	Caution
6                   2	Warning
7                   4	Danger/Poison

8                   (C) Point values shall be assessed based upon the  
9                   degree of responsibility.

10                   Point Value	Degree of Responsibility
11                   2	Accidental (such as equipment 12                   malfunction)
13                   4	Negligence
14                   10	Knowingly

15                   (D) Point values shall be assessed based upon the  
16                   violator's history for the previous 3 years:

17                   Point Value	Record
18                   2	Advisory letter
19                   3	Warning letter
20                   5	Previous criminal conviction of 21                   this Act or administrative 22                   violation resulting in a monetary penalty
23                   7	Certification, license, <u>  </u> or 24                   registration currently 25                   suspended or revoked

1 (E) Point values shall be assessed based upon the  
2 violation type:

3 (1) Application Oriented:

4 Point Value	Violation
5 1	Inadequate records
6 2	Lack of supervision
7 2	Faulty equipment
8 Use contrary to label directions:	
9 2	a. resulting in exposure to
10	applicator or operator
11 3	b. resulting in exposure to
12	other persons or the
13	environment
14 3	c. precautionary statements,
15	sites, rates, restricted use
16	requirements
17 3	Water contamination
18 3	Storage or disposal contrary
19	to label directions
20 3	Pesticide drift
21 4	Direct application to a
22	non-target site
23 6	Falsification of records
24 6	Failure to secure a permit or
25	violation of permit or special
26	order

1 (2) Product Oriented:

2	Point Value	Violation
3	6	Pesticide not registered
4	4	Product label claims differ
5		from approved label
6	4	Product composition (active
7		ingredients differs from
8		that of approved label)
8	4	Product not colored as required
9	4	Misbranding as set forth in
10		Section 5 of the Act (4
11		points will be assessed for
12		each count)

13 (5) Any penalty not paid within 60 days of notice from  
14 the Department shall be submitted to the Attorney  
15 General's Office for collection. Failure to pay a penalty  
16 shall also be grounds for suspension or revocation of  
17 permits, licenses and registrations.

18 (6) Private applicators, except those private  
19 applicators who have been found by the Department to have  
20 committed a "use inconsistent with the label" as defined  
21 in subsection 40 of Section 4 of this Act, are exempt from  
22 the Use and Violation Criteria point values.

23 (Source: P.A. 102-558, eff. 8-20-21; 103-62, eff. 6-9-23;  
24 revised 9-20-23.)

1 Section 510. The Electric Vehicle Rebate Act is amended by  
2 changing Section 40 as follows:

3 (415 ILCS 120/40)

4 Sec. 40. Appropriations from the Electric Vehicle Rebate  
5 Fund.

6 (a) The Agency shall estimate the amount of user fees  
7 expected to be collected under Section 35 of this Act for each  
8 fiscal year. User fee funds shall be deposited into and  
9 distributed from the Electric Vehicle Rebate Fund in the  
10 following manner:

11 (1) Through fiscal year 2023, an ~~An~~ annual amount not  
12 to exceed \$225,000 may be appropriated to the Agency from  
13 the Electric Vehicle Rebate Fund to pay its costs of  
14 administering the programs authorized by Section 27 of  
15 this Act. Beginning in fiscal year 2024 and in each fiscal  
16 year thereafter, an annual amount not to exceed \$600,000  
17 may be appropriated to the Agency from the Electric  
18 Vehicle Rebate Fund to pay its costs of administering the  
19 programs authorized by Section 27 of this Act. An amount  
20 not to exceed \$225,000 may be appropriated to the  
21 Secretary of State from the Electric Vehicle Rebate Fund  
22 to pay the Secretary of State's costs of administering the  
23 programs authorized under this Act.

24 (2) In fiscal year 2022 and each fiscal year  
25 thereafter, after appropriation of the amounts authorized

1 by item (1) of subsection (a) of this Section, the  
2 remaining moneys estimated to be collected during each  
3 fiscal year shall be appropriated.

4 (3) (Blank).

5 (4) Moneys appropriated to fund the programs  
6 authorized in Sections 25 and 30 shall be expended only  
7 after they have been collected and deposited into the  
8 Electric Vehicle Rebate Fund.

9 (b) General Revenue Fund amounts appropriated to and  
10 deposited into the Electric Vehicle Rebate Fund shall be  
11 distributed from the Electric Vehicle Rebate Fund to fund the  
12 program authorized in Section 27.

13 (Source: P.A. 102-662, eff. 9-15-21; 103-8, eff. 6-7-23;  
14 103-363, eff. 7-28-23; revised 9-6-23.)

15 Section 515. The Radiation Protection Act of 1990 is  
16 amended by changing Section 6 as follows:

17 (420 ILCS 40/6) (from Ch. 111 1/2, par. 210-6)

18 (Section scheduled to be repealed on January 1, 2027)

19 Sec. 6. Accreditation of administrators of radiation;  
20 limited scope accreditation; rules and regulations; education.

21 (a) The Agency shall promulgate such rules and regulations  
22 as are necessary to establish accreditation standards and  
23 procedures, including a minimum course of education and  
24 continuing education requirements in the administration of



1 radiation to human beings, which are appropriate to the  
2 classification of accreditation and which are to be met by all  
3 physician assistants, advanced practice registered nurses,  
4 nurses, technicians, or other assistants who administer  
5 radiation to human beings under the supervision of a person  
6 licensed under the Medical Practice Act of 1987. Such rules  
7 and regulations may provide for different classes of  
8 accreditation based on evidence of national certification,  
9 clinical experience or community hardship as conditions of  
10 initial and continuing accreditation. The rules and  
11 regulations of the Agency shall be consistent with national  
12 standards in regard to the protection of the health and safety  
13 of the general public.

14 (b) The rules and regulations shall also provide that  
15 persons who have been accredited by the Agency, in accordance  
16 with the Radiation Protection Act of 1990, without passing an  
17 examination, will remain accredited as provided in Section 43  
18 of this Act and that those persons may be accredited, without  
19 passing an examination, to use other equipment, procedures, or  
20 supervision within the original category of accreditation if  
21 the Agency receives written assurances from a person licensed  
22 under the Medical Practice Act of 1987, that the person  
23 accredited has the necessary skill and qualifications for such  
24 additional equipment procedures or supervision. The Agency  
25 shall, in accordance with subsection (c) of this Section,  
26 provide for the accreditation of nurses, technicians, or other

1 assistants, unless exempted elsewhere in this Act, to perform  
2 a limited scope of diagnostic radiography procedures of the  
3 chest, the extremities, skull and sinuses, or the spine, while  
4 under the supervision of a person licensed under the Medical  
5 Practice Act of 1987.

6 (c) The rules or regulations promulgated by the Agency  
7 pursuant to subsection (a) shall establish standards and  
8 procedures for accrediting persons to perform a limited scope  
9 of diagnostic radiography procedures. The rules or regulations  
10 shall specify that an individual seeking accreditation for  
11 limited diagnostic radiography shall not apply ionizing  
12 radiation to human beings until the individual has passed an  
13 Agency-approved examination and is accredited by the Agency.

14 For an individual to be accredited to perform a limited  
15 scope of diagnostic radiography procedures, he or she must  
16 pass an examination approved by the Agency. The examination  
17 shall be consistent with national standards in regard to  
18 protection of public health and safety. The examination shall  
19 consist of a standardized component covering general  
20 principles applicable to diagnostic radiography procedures and  
21 a clinical component specific to the types of procedures for  
22 which accreditation is being sought. The Agency may assess a  
23 reasonable fee for such examinations to cover any costs  
24 incurred by the Agency in conjunction with the examinations.

25 (d) The Agency shall by rule or regulation exempt from  
26 accreditation physician assistants, advanced practice

1 registered nurses, nurses, technicians, or other assistants  
2 who administer radiation to human beings under supervision of  
3 a person licensed to practice under the Medical Practice Act  
4 of 1987 when the services are performed on employees of a  
5 business at a medical facility owned and operated by the  
6 business. Such exemption shall only apply to the equipment,  
7 procedures, and supervision specific to the medical facility  
8 owned and operated by the business.

9 (Source: P.A. 103-155, eff. 1-1-24; revised 1-2-24.)

10 Section 520. The Firearm Owners Identification Card Act is  
11 amended by changing Section 10 as follows:

12 (430 ILCS 65/10) (from Ch. 38, par. 83-10)

13 Sec. 10. Appeals; hearing; relief from firearm  
14 prohibitions.

15 (a) Whenever an application for a Firearm Owner's  
16 Identification Card is denied or whenever such a Card is  
17 revoked or seized as provided for in Section 8 of this Act, the  
18 aggrieved party may (1) file a record challenge with the  
19 Director regarding the record upon which the decision to deny  
20 or revoke the Firearm Owner's Identification Card was based  
21 under subsection (a-5); or (2) appeal to the Director of the  
22 Illinois State Police through December 31, 2022, or beginning  
23 January 1, 2023, the Firearm Owner's Identification Card  
24 Review Board for a hearing seeking relief from such denial or

1 revocation unless the denial or revocation was based upon a  
2 forcible felony, stalking, aggravated stalking, domestic  
3 battery, any violation of the Illinois Controlled Substances  
4 Act, the Methamphetamine Control and Community Protection Act,  
5 or the Cannabis Control Act that is classified as a Class 2 or  
6 greater felony, any felony violation of Article 24 of the  
7 Criminal Code of 1961 or the Criminal Code of 2012, or any  
8 adjudication as a delinquent minor for the commission of an  
9 offense that if committed by an adult would be a felony, in  
10 which case the aggrieved party may petition the circuit court  
11 in writing in the county of his or her residence for a hearing  
12 seeking relief from such denial or revocation.

13 (a-5) There is created a Firearm Owner's Identification  
14 Card Review Board to consider any appeal under subsection (a)  
15 beginning January 1, 2023, other than an appeal directed to  
16 the circuit court and except when the applicant is challenging  
17 the record upon which the decision to deny or revoke was based  
18 as provided in subsection (a-10).

19 (0.05) In furtherance of the policy of this Act that  
20 the Board shall exercise its powers and duties in an  
21 independent manner, subject to the provisions of this Act  
22 but free from the direction, control, or influence of any  
23 other agency or department of State government. All  
24 expenses and liabilities incurred by the Board in the  
25 performance of its responsibilities hereunder shall be  
26 paid from funds which shall be appropriated to the Board

1 by the General Assembly for the ordinary and contingent  
2 expenses of the Board.

3 (1) The Board shall consist of 7 members appointed by  
4 the Governor, with the advice and consent of the Senate,  
5 with 3 members residing within the First Judicial District  
6 and one member residing within each of the 4 remaining  
7 Judicial Districts. No more than 4 members shall be  
8 members of the same political party. The Governor shall  
9 designate one member as the chairperson. The members shall  
10 have actual experience in law, education, social work,  
11 behavioral sciences, law enforcement, or community affairs  
12 or in a combination of those areas.

13 (2) The terms of the members initially appointed after  
14 January 1, 2022 (the effective date of Public Act 102-237)  
15 shall be as follows: one of the initial members shall be  
16 appointed for a term of one year, 3 shall be appointed for  
17 terms of 2 years, and 3 shall be appointed for terms of 4  
18 years. Thereafter, members shall hold office for 4 years,  
19 with terms expiring on the second Monday in January  
20 immediately following the expiration of their terms and  
21 every 4 years thereafter. Members may be reappointed.  
22 Vacancies in the office of member shall be filled in the  
23 same manner as the original appointment, for the remainder  
24 of the unexpired term. The Governor may remove a member  
25 for incompetence, neglect of duty, malfeasance, or  
26 inability to serve. Members shall receive compensation in

1 an amount equal to the compensation of members of the  
2 Executive Ethics Commission and, beginning July 1, 2023,  
3 shall be compensated from appropriations provided to the  
4 Comptroller for this purpose. Members may be reimbursed,  
5 from funds appropriated for such a purpose, for reasonable  
6 expenses actually incurred in the performance of their  
7 Board duties. The Illinois State Police shall designate an  
8 employee to serve as Executive Director of the Board and  
9 provide logistical and administrative assistance to the  
10 Board.

11 (3) The Board shall meet at least quarterly each year  
12 and at the call of the chairperson as often as necessary to  
13 consider appeals of decisions made with respect to  
14 applications for a Firearm Owner's Identification Card  
15 under this Act. If necessary to ensure the participation  
16 of a member, the Board shall allow a member to participate  
17 in a Board meeting by electronic communication. Any member  
18 participating electronically shall be deemed present for  
19 purposes of establishing a quorum and voting.

20 (4) The Board shall adopt rules for the review of  
21 appeals and the conduct of hearings. The Board shall  
22 maintain a record of its decisions and all materials  
23 considered in making its decisions. All Board decisions  
24 and voting records shall be kept confidential and all  
25 materials considered by the Board shall be exempt from  
26 inspection except upon order of a court.

1           (5) In considering an appeal, the Board shall review  
2           the materials received concerning the denial or revocation  
3           by the Illinois State Police. By a vote of at least 4  
4           members, the Board may request additional information from  
5           the Illinois State Police or the applicant or the  
6           testimony of the Illinois State Police or the applicant.  
7           The Board may require that the applicant submit electronic  
8           fingerprints to the Illinois State Police for an updated  
9           background check if the Board determines it lacks  
10          sufficient information to determine eligibility. The Board  
11          may consider information submitted by the Illinois State  
12          Police, a law enforcement agency, or the applicant. The  
13          Board shall review each denial or revocation and determine  
14          by a majority of members whether an applicant should be  
15          granted relief under subsection (c).

16          (6) The Board shall by order issue summary decisions.  
17          The Board shall issue a decision within 45 days of  
18          receiving all completed appeal documents from the Illinois  
19          State Police and the applicant. However, the Board need  
20          not issue a decision within 45 days if:

21                 (A) the Board requests information from the  
22                 applicant, including, but not limited to, electronic  
23                 fingerprints to be submitted to the Illinois State  
24                 Police, in accordance with paragraph (5) of this  
25                 subsection, in which case the Board shall make a  
26                 decision within 30 days of receipt of the required

1 information from the applicant;

2 (B) the applicant agrees, in writing, to allow the  
3 Board additional time to consider an appeal; or

4 (C) the Board notifies the applicant and the  
5 Illinois State Police that the Board needs an  
6 additional 30 days to issue a decision. The Board may  
7 only issue 2 extensions under this subparagraph (C).  
8 The Board's notification to the applicant and the  
9 Illinois State Police shall include an explanation for  
10 the extension.

11 (7) If the Board determines that the applicant is  
12 eligible for relief under subsection (c), the Board shall  
13 notify the applicant and the Illinois State Police that  
14 relief has been granted and the Illinois State Police  
15 shall issue the Card.

16 (8) Meetings of the Board shall not be subject to the  
17 Open Meetings Act and records of the Board shall not be  
18 subject to the Freedom of Information Act.

19 (9) The Board shall report monthly to the Governor and  
20 the General Assembly on the number of appeals received and  
21 provide details of the circumstances in which the Board  
22 has determined to deny Firearm Owner's Identification  
23 Cards under this subsection (a-5). The report shall not  
24 contain any identifying information about the applicants.

25 (a-10) Whenever an applicant or cardholder is not seeking  
26 relief from a firearms prohibition under subsection (c) but



1 rather does not believe the applicant is appropriately denied  
2 or revoked and is challenging the record upon which the  
3 decision to deny or revoke the Firearm Owner's Identification  
4 Card was based, or whenever the Illinois State Police fails to  
5 act on an application within 30 days of its receipt, the  
6 applicant shall file such challenge with the Director. The  
7 Director shall render a decision within 60 business days of  
8 receipt of all information supporting the challenge. The  
9 Illinois State Police shall adopt rules for the review of a  
10 record challenge.

11 (b) At least 30 days before any hearing in the circuit  
12 court, the petitioner shall serve the relevant State's  
13 Attorney with a copy of the petition. The State's Attorney may  
14 object to the petition and present evidence. At the hearing,  
15 the court shall determine whether substantial justice has been  
16 done. Should the court determine that substantial justice has  
17 not been done, the court shall issue an order directing the  
18 Illinois State Police to issue a Card. However, the court  
19 shall not issue the order if the petitioner is otherwise  
20 prohibited from obtaining, possessing, or using a firearm  
21 under federal law.

22 (c) Any person prohibited from possessing a firearm under  
23 Sections 24-1.1 or 24-3.1 of the Criminal Code of 2012 or  
24 acquiring a Firearm Owner's Identification Card under Section  
25 8 of this Act may apply to the Firearm Owner's Identification  
26 Card Review Board or petition the circuit court in the county

1 where the petitioner resides, whichever is applicable in  
2 accordance with subsection (a) of this Section, requesting  
3 relief from such prohibition and the Board or court may grant  
4 such relief if it is established by the applicant to the  
5 court's or the Board's satisfaction that:

6 (0.05) when in the circuit court, the State's Attorney  
7 has been served with a written copy of the petition at  
8 least 30 days before any such hearing in the circuit court  
9 and at the hearing the State's Attorney was afforded an  
10 opportunity to present evidence and object to the  
11 petition;

12 (1) the applicant has not been convicted of a forcible  
13 felony under the laws of this State or any other  
14 jurisdiction within 20 years of the applicant's  
15 application for a Firearm Owner's Identification Card, or  
16 at least 20 years have passed since the end of any period  
17 of imprisonment imposed in relation to that conviction;

18 (2) the circumstances regarding a criminal conviction,  
19 where applicable, the applicant's criminal history and his  
20 reputation are such that the applicant will not be likely  
21 to act in a manner dangerous to public safety;

22 (3) granting relief would not be contrary to the  
23 public interest; and

24 (4) granting relief would not be contrary to federal  
25 law.

26 (c-5) (1) An active law enforcement officer employed by a

1 unit of government or a Department of Corrections employee  
2 authorized to possess firearms who is denied, revoked, or has  
3 his or her Firearm Owner's Identification Card seized under  
4 subsection (e) of Section 8 of this Act may apply to the  
5 Firearm Owner's Identification Card Review Board requesting  
6 relief if the officer or employee did not act in a manner  
7 threatening to the officer or employee, another person, or the  
8 public as determined by the treating clinical psychologist or  
9 physician, and as a result of his or her work is referred by  
10 the employer for or voluntarily seeks mental health evaluation  
11 or treatment by a licensed clinical psychologist,  
12 psychiatrist, or qualified examiner, and:

13 (A) the officer or employee has not received treatment  
14 involuntarily at a mental health facility, regardless of  
15 the length of admission; or has not been voluntarily  
16 admitted to a mental health facility for more than 30 days  
17 and not for more than one incident within the past 5 years;  
18 and

19 (B) the officer or employee has not left the mental  
20 institution against medical advice.

21 (2) The Firearm Owner's Identification Card Review Board  
22 shall grant expedited relief to active law enforcement  
23 officers and employees described in paragraph (1) of this  
24 subsection (c-5) upon a determination by the Board that the  
25 officer's or employee's possession of a firearm does not  
26 present a threat to themselves, others, or public safety. The

1 Board shall act on the request for relief within 30 business  
2 days of receipt of:

3 (A) a notarized statement from the officer or employee  
4 in the form prescribed by the Board detailing the  
5 circumstances that led to the hospitalization;

6 (B) all documentation regarding the admission,  
7 evaluation, treatment and discharge from the treating  
8 licensed clinical psychologist or psychiatrist of the  
9 officer;

10 (C) a psychological fitness for duty evaluation of the  
11 person completed after the time of discharge; and

12 (D) written confirmation in the form prescribed by the  
13 Board from the treating licensed clinical psychologist or  
14 psychiatrist that the provisions set forth in paragraph  
15 (1) of this subsection (c-5) have been met, the person  
16 successfully completed treatment, and their professional  
17 opinion regarding the person's ability to possess  
18 firearms.

19 (3) Officers and employees eligible for the expedited  
20 relief in paragraph (2) of this subsection (c-5) have the  
21 burden of proof on eligibility and must provide all  
22 information required. The Board may not consider granting  
23 expedited relief until the proof and information is received.

24 (4) "Clinical psychologist", "psychiatrist", and  
25 "qualified examiner" shall have the same meaning as provided  
26 in Chapter I of the Mental Health and Developmental

1 Disabilities Code.

2 (c-10) (1) An applicant, who is denied, revoked, or has  
3 his or her Firearm Owner's Identification Card seized under  
4 subsection (e) of Section 8 of this Act based upon a  
5 determination of a developmental disability or an intellectual  
6 disability may apply to the Firearm Owner's Identification  
7 Card Review Board requesting relief.

8 (2) The Board shall act on the request for relief within 60  
9 business days of receipt of written certification, in the form  
10 prescribed by the Board, from a physician or clinical  
11 psychologist, or qualified examiner, that the aggrieved  
12 party's developmental disability or intellectual disability  
13 condition is determined by a physician, clinical psychologist,  
14 or qualified to be mild. If a fact-finding conference is  
15 scheduled to obtain additional information concerning the  
16 circumstances of the denial or revocation, the 60 business  
17 days the Director has to act shall be tolled until the  
18 completion of the fact-finding conference.

19 (3) The Board may grant relief if the aggrieved party's  
20 developmental disability or intellectual disability is mild as  
21 determined by a physician, clinical psychologist, or qualified  
22 examiner and it is established by the applicant to the Board's  
23 satisfaction that:

24 (A) granting relief would not be contrary to the  
25 public interest; and

26 (B) granting relief would not be contrary to federal

1 law.

2 (4) The Board may not grant relief if the condition is  
3 determined by a physician, clinical psychologist, or qualified  
4 examiner to be moderate, severe, or profound.

5 (5) The changes made to this Section by Public Act 99-29  
6 apply to requests for relief pending on or before July 10, 2015  
7 (the effective date of Public Act 99-29), except that the  
8 60-day period for the Director to act on requests pending  
9 before the effective date shall begin on July 10, 2015 (the  
10 effective date of Public Act 99-29). All appeals as provided  
11 in subsection (a-5) pending on January 1, 2023 shall be  
12 considered by the Board.

13 (d) When a minor is adjudicated delinquent for an offense  
14 which if committed by an adult would be a felony, the court  
15 shall notify the Illinois State Police.

16 (e) The court shall review the denial of an application or  
17 the revocation of a Firearm Owner's Identification Card of a  
18 person who has been adjudicated delinquent for an offense that  
19 if committed by an adult would be a felony if an application  
20 for relief has been filed at least 10 years after the  
21 adjudication of delinquency and the court determines that the  
22 applicant should be granted relief from disability to obtain a  
23 Firearm Owner's Identification Card. If the court grants  
24 relief, the court shall notify the Illinois State Police that  
25 the disability has been removed and that the applicant is  
26 eligible to obtain a Firearm Owner's Identification Card.

1 (f) Any person who is subject to the disabilities of 18  
2 U.S.C. 922(d)(4) and 922(g)(4) of the federal Gun Control Act  
3 of 1968 because of an adjudication or commitment that occurred  
4 under the laws of this State or who was determined to be  
5 subject to the provisions of subsections (e), (f), or (g) of  
6 Section 8 of this Act may apply to the Illinois State Police  
7 requesting relief from that prohibition. The Board shall grant  
8 the relief if it is established by a preponderance of the  
9 evidence that the person will not be likely to act in a manner  
10 dangerous to public safety and that granting relief would not  
11 be contrary to the public interest. In making this  
12 determination, the Board shall receive evidence concerning (i)  
13 the circumstances regarding the firearms disabilities from  
14 which relief is sought; (ii) the petitioner's mental health  
15 and criminal history records, if any; (iii) the petitioner's  
16 reputation, developed at a minimum through character witness  
17 statements, testimony, or other character evidence; and (iv)  
18 changes in the petitioner's condition or circumstances since  
19 the disqualifying events relevant to the relief sought. If  
20 relief is granted under this subsection or by order of a court  
21 under this Section, the Director shall as soon as practicable  
22 but in no case later than 15 business days, update, correct,  
23 modify, or remove the person's record in any database that the  
24 Illinois State Police makes available to the National Instant  
25 Criminal Background Check System and notify the United States  
26 Attorney General that the basis for the record being made

1 available no longer applies. The Illinois State Police shall  
2 adopt rules for the administration of this Section.

3 (Source: P.A. 102-237, eff. 1-1-22; 102-538, eff. 8-20-21;  
4 102-645, eff. 1-1-22; 102-813, eff. 5-13-22; 102-1115, eff.  
5 1-9-23; 102-1129, eff. 2-10-23; revised 2-28-23.)

6 Section 525. The Children's Product Safety Act is amended  
7 by changing Section 10 as follows:

8 (430 ILCS 125/10)

9 Sec. 10. Definitions. In this Act:

10 (a) "Children's product" means a product, including, but  
11 not limited to, a full-size crib, non-full-size crib, toddler  
12 bed, bed, car seat, chair, high chair, booster chair, hook-on  
13 chair, bath seat, gate or other enclosure for confining a  
14 child, play yard, stationary activity center, carrier,  
15 stroller, walker, swing, or toy or play equipment, that meets  
16 the following criteria:

17 (i) the product is designed or intended for the care  
18 of, or use by, any child under age 12; and

19 (ii) the product is designed or intended to come into  
20 contact with the child while the product is used.

21 Notwithstanding any other provision of this Section, a  
22 product is not a "children's product" for purposes of this Act  
23 if:

24 (I) it may be used by or for the care of a child under



1           age 9, but it is designed or intended for use by the  
2           general population or segments of the general population  
3           and not solely or primarily for use by or the care of a  
4           child; or

5                   (II) it is a medication, drug, or food or is intended  
6           to be ingested.

7           (b) "Commercial dealer" means any person who deals in  
8           children's products or who otherwise by one's occupation holds  
9           oneself out as having knowledge or skill peculiar to  
10          children's products, or any person who is in the business of  
11          remanufacturing, retrofitting, selling, leasing, subletting,  
12          or otherwise placing in the stream of commerce children's  
13          products.

14          (b-5) "Manufacturer" means any person who makes and places  
15          into the stream of commerce a children's product as defined by  
16          this Act.

17          (b-10) "Importer" means any person who brings into this  
18          country and places into the stream of commerce a children's  
19          product.

20          (b-15) "Distributor" and "wholesaler" means any person,  
21          other than a manufacturer or retailer, who sells or resells or  
22          otherwise places into the stream of commerce a children's  
23          product.

24          (b-20) "Retailer" means any person other than a  
25          manufacturer, distributor, or wholesaler who sells, leases, or  
26          sublets children's products.

1 (b-25) "First seller" means any retailer selling a  
2 children's product that has not been used or has not  
3 previously been owned. A first seller does not include an  
4 entity such as a second-hand or resale store.

5 (c) "Person" means a natural person, firm, corporation,  
6 limited liability company, or association, or an employee or  
7 agent of a natural person or an entity included in this  
8 definition.

9 (d) "Infant" means any person less than 35 inches tall and  
10 less than 3 years of age.

11 (e) "Crib" means a bed or containment designed to  
12 accommodate an infant.

13 (f) "Full-size crib" means a full-size crib as defined in  
14 Section 1508.3 of Title 16 of the Code of Federal Regulations  
15 regarding the requirements for full-size cribs.

16 (g) "Non-full-size crib" means a non-full-size crib as  
17 defined in Section 1509.2 of Title 16 of the Code of Federal  
18 Regulations regarding the requirements for non-full-size  
19 cribs.

20 (h) "End consumer" means a person who purchases a  
21 children's product for any purpose other than resale.

22 (Source: P.A. 103-44, eff. 1-1-24; revised 1-2-24.)

23 Section 530. The Wildlife Code is amended by changing  
24 Sections 2.36, 2.37, and 3.5 as follows:

1 (520 ILCS 5/2.36) (from Ch. 61, par. 2.36)

2 Sec. 2.36. It shall be unlawful to buy, sell, or barter, or  
3 offer to buy, sell, or barter, and for a commercial  
4 institution, other than a regularly operated refrigerated  
5 storage establishment, to have in its possession any of the  
6 wild birds, or any part thereof (and their eggs), or wild  
7 mammals or any parts thereof, protected by this Act unless  
8 done as hereinafter provided:

9 Game birds or any parts thereof (and their eggs), may be  
10 held, possessed, raised and sold, or otherwise dealt with, as  
11 provided in Section 3.23 of this Act or when legally produced  
12 under similar special permit in another state or country and  
13 legally transported into the State of Illinois; provided that  
14 such imported game birds or any parts thereof, shall be marked  
15 with permanent irremovable tags, or similar devices, to  
16 establish and retain their origin and identity;

17 Rabbits may be legally taken and possessed as provided in  
18 Sections 3.23, 3.24, and 3.26 of this Act;

19 Deer, or any parts thereof, may be held, possessed, sold  
20 or otherwise dealt with as provided in this Section and  
21 Sections 3.23 and 3.24 of this Act;

22 If a properly tagged deer is processed at a licensed meat  
23 processing facility, the meat processor at the facility is an  
24 active member of the Illinois Sportsmen Against Hunger  
25 program, and the owner of the deer (i) fails to claim the  
26 processed deer within a reasonable time or (ii) notifies the

1 licensed meat processing facility that the owner no longer  
2 wants the processed deer, then the deer meat may be given away  
3 by the licensed meat processor to another person or donated to  
4 any other charitable organization or community food bank that  
5 receives wild game meat. The licensed meat processing facility  
6 may charge the person receiving the deer meat a reasonable and  
7 customary processing fee;

8 Meat processors who are active members of the Illinois  
9 Sportsmen Against Hunger program shall keep written records of  
10 all deer received. Records shall include the following  
11 information:

12 (1) the date the deer was received;

13 (2) the name, address, and telephone number of the  
14 person from whom the deer was received;

15 (3) whether the deer was received as a whole carcass  
16 or as deboned meat; if the deer was brought to the meat  
17 processor as deboned meat, the processor shall include the  
18 weight of the meat;

19 (4) the number and state of issuance of the permit of  
20 the person from whom the deer was received; in the absence  
21 of a permit number, the meat processor may rely on the  
22 written certification of the person from whom the deer was  
23 received that the deer was legally taken or obtained; and

24 (5) if the person who originally delivered the deer to  
25 the meat processor fails to collect or make arrangements  
26 for the packaged deer meat to be collected and the meat

1 processor gives all or part of the unclaimed deer meat to  
2 another person, the meat processor shall maintain a record  
3 of the exchange; the meat processor's records shall  
4 include the customer's name, physical address, telephone  
5 number, as well as the quantity and type of deer meat given  
6 to the customer. The meat processor shall also include the  
7 amount of compensation received for the deer meat in his  
8 or her records.

9 Meat processor records for unclaimed deer meat shall be  
10 open for inspection by any peace officer at any reasonable  
11 hour. Meat processors shall maintain records for a period of 2  
12 years after the date of receipt of the wild game or for as long  
13 as the specimen or meat remains in the meat processors  
14 possession, whichever is longer;

15 No meat processor shall have in his or her possession any  
16 deer that is not listed in his or her written records and  
17 properly tagged or labeled;

18 All licensed meat processors who ship any deer or parts of  
19 deer that have been held, possessed, or otherwise dealt with  
20 shall tag or label the shipment, and the tag or label shall  
21 state the name of the meat processor;

22 Nothing in this Section removes meat processors from  
23 responsibility for the observance of any State or federal  
24 laws, rules, or regulations that may apply to the meat  
25 processing business;

26 Fur-bearing mammals, or any parts thereof, may be held,

1 possessed, sold or otherwise dealt with as provided in  
2 Sections 3.16, 3.24, and 3.26 of this Act or when legally taken  
3 and possessed in Illinois or legally taken and possessed in  
4 and transported from other states or countries;

5 It is unlawful for any person to act as a nuisance wildlife  
6 control operator for fee or compensation without a permit as  
7 provided in ~~subsection~~ subsection (b) of Section 2.37 of this  
8 Act unless such trapping is in compliance with Section 2.30.

9 The inedible parts of game mammals may be held, possessed,  
10 sold, or otherwise dealt with when legally taken, in Illinois  
11 or legally taken and possessed in and transported from other  
12 states or countries.

13 Failure to establish proof of the legality of possession  
14 in another state or country and importation into the State of  
15 Illinois, shall be prima facie evidence that such game birds  
16 or any parts thereof, and their eggs, game mammals and  
17 fur-bearing mammals, or any parts thereof, were taken within  
18 the State of Illinois.

19 (Source: P.A. 103-37, eff. 6-9-23; revised 9-20-23.)

20 (520 ILCS 5/2.37) (from Ch. 61, par. 2.37)

21 Sec. 2.37. Authority to kill wildlife responsible for  
22 damage.

23 (a) Subject to federal regulations and Section 3 of the  
24 Illinois Endangered Species Protection Act, the Department may  
25 authorize owners and tenants of lands or their agents, who are

1 performing the service without fee or compensation, to remove  
2 or destroy any wild bird or wild mammal when the wild bird or  
3 wild mammal is known to be destroying property or causing a  
4 risk to human health or safety upon his or her land.

5       Upon receipt by the Department of information from the  
6 owner, tenant, or sharecropper that any one or more species of  
7 wildlife is damaging dams, levees, ditches, cattle pastures,  
8 or other property on the land on which he resides or controls,  
9 together with a statement regarding location of the property  
10 damages, the nature and extent of the damage, and the  
11 particular species of wildlife committing the damage, the  
12 Department shall make an investigation.

13       If, after investigation, the Department finds that damage  
14 does exist and can be abated only by removing or destroying  
15 that wildlife, a permit shall be issued by the Department to  
16 remove or destroy the species responsible for causing the  
17 damage.

18       A permit to control the damage shall be for a period of up  
19 to 90 days, shall specify the means and methods by which and  
20 the person or persons by whom the wildlife may be removed or  
21 destroyed, without fee or compensation, and shall set forth  
22 the disposition procedure to be made of all wildlife taken and  
23 other restrictions the Director considers necessary and  
24 appropriate in the circumstances of the particular case.  
25 Whenever possible, the specimens destroyed shall be given to a  
26 bona fide ~~bona fide~~ public or State scientific, educational,

1 or zoological institution.

2 The permittee shall advise the Department in writing,  
3 within 10 days after the expiration date of the permit, of the  
4 number of individual species of wildlife taken, disposition  
5 made of them, and any other information which the Department  
6 may consider necessary.

7 (b) Subject to federal regulations and Section 3 of the  
8 Illinois Endangered Species Protection Act, the Department may  
9 grant the authority to control species protected by this Code  
10 pursuant to the issuance of a Nuisance Wildlife Control Permit  
11 to:

12 (1) any person who is providing such service for a fee  
13 or compensation;

14 (2) a governmental body; or

15 (3) a nonprofit or other charitable organization.

16 The Department shall set forth applicable regulations in  
17 an Administrative Order and may require periodic reports  
18 listing species taken, numbers of each species taken, dates  
19 when taken, and other pertinent information.

20 Any person operating under a Nuisance Wildlife Control  
21 Permit who subcontracts the operation of nuisance wildlife  
22 control to another shall ensure that such subcontractor  
23 possesses a valid Nuisance Wildlife Control Permit issued by  
24 the Department. The person must maintain a record of the  
25 subcontractor including the subcontractor's name, address, and  
26 phone number, and type of work to be performed, for a period of



1 not less than 2 years from the date the subcontractor is no  
2 longer performing services on behalf of the person. The  
3 records shall be presented to an authorized employee of the  
4 Department or law enforcement officer upon request for  
5 inspection.

6 Any person operating without the required permit as  
7 outlined under this subsection (b) or in violation of this  
8 subsection (b) is deemed to be taking, attempting to take,  
9 disturbing, or harassing wildlife contrary to the provisions  
10 of this Code, including the taking or attempting to take such  
11 species for commercial purposes as outlined in Sections 2.36  
12 and 2.36a of this Code. Any devices and equipment, including  
13 vehicles, used in violation of this subsection (b) may be  
14 subject to the provisions of Section 1.25 of this Code.

15 ~~(c) Except when operating under subsection (b) of this~~  
16 ~~Section, drainage districts district fur trapping unless~~  
17 ~~otherwise instructed by the Department district This authority~~  
18 ~~only extends to control of beavers. Any other protected~~  
19 ~~species must be controlled pursuant to subsection (b) or (c).~~

20 (c) The location of traps or snares authorized under this  
21 Section, either by the Department or any other governmental  
22 body with the authority to control species protected by this  
23 Code, shall be exempt from the provisions of the Freedom of  
24 Information Act.

25 (d) A drainage district or road district or the designee  
26 of a drainage district or road district shall be exempt from

1 the requirement to obtain a permit to control nuisance  
2 muskrats or beavers if all applicable provisions for licenses  
3 are complied with and any trap types and sizes used are in  
4 compliance with this Code Act, including marking or  
5 identification. The designee of a drainage district or road  
6 district must have a signed and dated written authorization  
7 from the drainage district or road district in possession at  
8 all times when conducting activities under this Section. This  
9 exemption from obtaining a permit shall be valid only upon  
10 property owned, leased, or controlled by the drainage district  
11 or road district. For the purposes of this Section, "road  
12 district" includes a township road district.

13 (Source: P.A. 102-524, eff. 8-20-21; 103-37, eff. 6-9-23;  
14 103-225, eff. 6-30-23; revised 8-28-23.)

15 (520 ILCS 5/3.5) (from Ch. 61, par. 3.5)

16 Sec. 3.5. Penalties; probation.

17 (a) Any person who violates any of the provisions of  
18 Section 2.36a, including administrative rules, shall be guilty  
19 of a Class 3 felony, except as otherwise provided in  
20 subsection (b) of this Section and subsection (a) of Section  
21 2.36a.

22 (b) Whenever any person who has not previously been  
23 convicted of, or placed on probation or court supervision for,  
24 any offense under Section 1.22, 2.36, or 2.36a, operating  
25 without a permit as prescribed in subsection (b) of Section

1 2.37, or an offense under subsection (i) or (cc) of Section  
2 2.33, the court may, without entering a judgment and with the  
3 person's consent, sentence the person to probation for a  
4 violation of Section 2.36a.

5 (1) When a person is placed on probation, the court  
6 shall enter an order specifying a period of probation of  
7 24 months and shall defer further proceedings in the case  
8 until the conclusion of the period or until the filing of a  
9 petition alleging violation of a term or condition of  
10 probation.

11 (2) The conditions of probation shall be that the  
12 person:

13 (A) Not violate any criminal statute of any  
14 jurisdiction.

15 (B) Perform no less than 30 hours of community  
16 service, provided community service is available in  
17 the jurisdiction and is funded and approved by the  
18 county board.

19 (3) The court may, in addition to other conditions:

20 (A) Require that the person make a report to and  
21 appear in person before or participate with the court  
22 or courts, person, or social service agency as  
23 directed by the court in the order of probation.

24 (B) Require that the person pay a fine and costs.

25 (C) Require that the person refrain from  
26 possessing a firearm or other dangerous weapon.

1           (D) Prohibit the person from associating with any  
2           person who is actively engaged in any of the  
3           activities regulated by the permits issued or  
4           privileges granted by the Department of Natural  
5           Resources.

6           (4) Upon violation of a term or condition of  
7           probation, the court may enter a judgment on its original  
8           finding of guilt and proceed as otherwise provided.

9           (5) Upon fulfillment of the terms and conditions of  
10          probation, the court shall discharge the person and  
11          dismiss the proceedings against the person.

12          (6) A disposition of probation is considered to be a  
13          conviction for the purposes of imposing the conditions of  
14          probation, for appeal, and for administrative revocation  
15          and suspension of licenses and privileges; however,  
16          discharge and dismissal under this Section is not a  
17          conviction for purposes of disqualification or  
18          disabilities imposed by law upon conviction of a crime.

19          (7) Discharge and dismissal under this Section may  
20          occur only once with respect to any person.

21          (8) If a person is convicted of an offense under this  
22          Act within 5 years subsequent to a discharge and dismissal  
23          under this Section, the discharge and dismissal under this  
24          Section shall be admissible in the sentencing proceeding  
25          for that conviction as a factor in aggravation.

26          (9) The Circuit Clerk shall notify the Illinois State

1 Police of all persons convicted of or placed under  
2 probation for violations of Section 2.36a.

3 (c) Any person who violates any of the provisions of  
4 Sections 2.9, 2.11, 2.16, 2.18, 2.24, 2.25, 2.26, 2.29, 2.30,  
5 2.31, 2.32, 2.33 (except subsections (g), (i), (o), (p), (y),  
6 and (cc)), 2.33-1, 2.33a, 3.3, 3.4, 3.11 through 3.16, 3.19,  
7 3.20, 3.21 (except subsections (b), (c), (d), (e), (f), (f.5),  
8 (g), (h), and (i)), 3.24, 3.25, and 3.26 (except subsection  
9 (f)), including administrative rules, shall be guilty of a  
10 Class B misdemeanor.

11 A person who violates Section 2.33b by using any computer  
12 software or service to remotely control a weapon that takes  
13 wildlife by remote operation is guilty of a Class B  
14 misdemeanor. A person who violates Section 2.33b by  
15 facilitating a violation of Section 2.33b, including an owner  
16 of land in which remote control hunting occurs, a computer  
17 programmer who designs a program or software to facilitate  
18 remote control hunting, or a person who provides weapons or  
19 equipment to facilitate remote control hunting, is guilty of a  
20 Class A misdemeanor.

21 Any person who violates any of the provisions of Sections  
22 1.22, 2.2a, 2.3, 2.4, 2.36, and 2.38, including administrative  
23 rules, shall be guilty of a Class A misdemeanor. Any second or  
24 subsequent violations of Sections 2.4 and 2.36 shall be a  
25 Class 4 felony.

26 Any person who violates any of the provisions of this Act,

1 including administrative rules, during such period when his  
2 license, privileges, or permit is revoked or denied by virtue  
3 of Section 3.36, shall be guilty of a Class A misdemeanor.

4 Any person who violates subsection (g), (i), (o), (p),  
5 (y), or (cc) of Section 2.33 shall be guilty of a Class A  
6 misdemeanor and subject to a fine of no less than \$500 and no  
7 more than \$5,000 in addition to other statutory penalties. In  
8 addition, the Department shall suspend the privileges, under  
9 this Act, of any person found guilty of violating subsection  
10 (cc) of Section 2.33~~(cc)~~ for a period of not less than one  
11 year.

12 Any person who operates without a permit in violation of  
13 subsection (b) of Section 2.37 is guilty of a Class A  
14 misdemeanor and subject to a fine of not less than \$500. Any  
15 other violation of subsection (b) of Section 2.37, including  
16 administrative rules, is a Class B misdemeanor.

17 Any person who violates any other of the provisions of  
18 this Act including administrative rules, unless otherwise  
19 stated, shall be guilty of a petty offense. Offenses committed  
20 by minors under the direct control or with the consent of a  
21 parent or guardian may subject the parent or guardian to the  
22 penalties prescribed in this Section.

23 In addition to any fines imposed pursuant to the  
24 provisions of this Section or as otherwise provided in this  
25 Act, any person found guilty of unlawfully taking or  
26 possessing any species protected by this Act, shall be

1 assessed a civil penalty for such species in accordance with  
2 the values prescribed in Section 2.36a of this Act. This civil  
3 penalty shall be imposed by the Circuit Court for the county  
4 within which the offense was committed at the time of the  
5 conviction. Any person found guilty of violating subsection  
6 (b) of Section 2.37 is subject to an additional civil penalty  
7 of up to \$1,500. All penalties provided for in this Section  
8 shall be remitted to the Department in accordance with the  
9 same provisions provided for in Section 1.18 of this Act,  
10 except that civil penalties collected for violation of  
11 subsection ~~Subsection~~ (b) of Section 2.37 shall be remitted to  
12 the Department and allocated as follows:

13 (1) 60% to the Conservation Police Operations  
14 Assistance Fund; and

15 (2) 40% to the Illinois Habitat Fund.

16 (Source: P.A. 102-538, eff. 8-20-21; 103-37, eff. 6-9-23;  
17 revised 9-26-23.)

18 Section 535. The Illinois Highway Code is amended by  
19 changing Section 6-901 as follows:

20 (605 ILCS 5/6-901) (from Ch. 121, par. 6-901)

21 Sec. 6-901. Annually, the General Assembly shall  
22 appropriate to the Department of Transportation from the Road  
23 Fund ~~road fund~~, the General Revenue Fund ~~general revenue fund~~,  
24 any other State funds, or a combination of those funds,

1 \$60,000,000 for apportionment to counties for the use of road  
2 districts for the construction of bridges 20 feet or more in  
3 length, as provided in Sections 6-902 through 6-905.

4 The Department of Transportation shall apportion among the  
5 several counties of this State for the use of road districts  
6 the amounts appropriated under this Section. The amount  
7 apportioned to a county shall be in the proportion which the  
8 total mileage of township or district roads in the county  
9 bears to the total mileage of all township and district roads  
10 in the State. Each county shall allocate to the several road  
11 districts in the county the funds so apportioned to the  
12 county. The allocation to road districts shall be made in the  
13 same manner and be subject to the same conditions and  
14 qualifications as are provided by Section 8 of the "~~Motor Fuel~~  
15 ~~Tax Law~~", ~~approved March 25, 1929, as amended,~~ with respect to  
16 the allocation to road districts of the amount allotted from  
17 the Motor Fuel Tax Fund for apportionment to counties for the  
18 use of road districts, but no allocation shall be made to any  
19 road district that has not levied taxes for road and bridge  
20 purposes and for bridge construction purposes at the maximum  
21 rates permitted by Sections 6-501, 6-508, and 6-512 of this  
22 Act, without referendum. "Road district" and "township or  
23 district road" have the meanings ascribed to those terms in  
24 this Act.

25 Road districts in counties in which a property tax  
26 extension limitation is imposed under the Property Tax



1 Extension Limitation Law that are made ineligible for receipt  
2 of this appropriation due to the imposition of a property tax  
3 extension limitation may become eligible if, at the time the  
4 property tax extension limitation was imposed, the road  
5 district was levying at the required rate and continues to  
6 levy the maximum allowable amount after the imposition of the  
7 property tax extension limitation. The road district also  
8 becomes eligible if it levies at or above the rate required for  
9 eligibility by Section 8 of the Motor Fuel Tax Law.

10 The amounts apportioned under this Section for allocation  
11 to road districts may be used only for bridge construction as  
12 provided in this Division. So much of those amounts as are not  
13 obligated under Sections 6-902 through 6-904 and for which  
14 local funds have not been committed under Section 6-905 within  
15 48 months of the date when such apportionment is made lapses  
16 and shall not be paid to the county treasurer for distribution  
17 to road districts.

18 (Source: P.A. 103-8, eff. 6-7-23; revised 9-25-23.)

19 Section 540. The Illinois Vehicle Code is amended by  
20 changing Sections 2-119, 3-699.14, 6-103, 6-106.1, 6-118,  
21 6-508.5, 7-315, 11-208.6, and 11-305 as follows:

22 (625 ILCS 5/2-119) (from Ch. 95 1/2, par. 2-119)

23 Sec. 2-119. Disposition of fees and taxes.

24 (a) All moneys received from Salvage Certificates shall be

1 deposited in the Common School Fund in the State treasury  
2 ~~Treasury~~.

3 (b) Of the money collected for each certificate of title,  
4 duplicate certificate of title, and corrected certificate of  
5 title:

6 (1) \$2.60 shall be deposited in the Park and  
7 Conservation Fund;

8 (2) \$0.65 shall be deposited in the Illinois Fisheries  
9 Management Fund;

10 (3) \$48 shall be disbursed under subsection (g) of  
11 this Section;

12 (4) \$4 shall be deposited into the Motor Vehicle  
13 License Plate Fund;

14 (5) \$30 shall be deposited into the Capital Projects  
15 Fund; and

16 (6) \$10 shall be deposited into the Secretary of State  
17 Special Services Fund.

18 All remaining moneys collected for certificates of title,  
19 and all moneys collected for filing of security interests,  
20 shall be deposited in the General Revenue Fund.

21 The \$20 collected for each delinquent vehicle registration  
22 renewal fee shall be deposited into the General Revenue Fund.

23 The moneys deposited in the Park and Conservation Fund  
24 under this Section shall be used for the acquisition and  
25 development of bike paths as provided for in Section 805-420  
26 of the Department of Natural Resources (Conservation) Law of

1 the Civil Administrative Code of Illinois. The moneys  
2 deposited into the Park and Conservation Fund under this  
3 subsection shall not be subject to administrative charges or  
4 chargebacks, unless otherwise authorized by this Code.

5 If the balance in the Motor Vehicle License Plate Fund  
6 exceeds \$40,000,000 on the last day of a calendar month, then  
7 during the next calendar month, the \$4 that otherwise would be  
8 deposited in that fund shall instead be deposited into the  
9 Road Fund.

10 (c) All moneys collected for that portion of a driver's  
11 license fee designated for driver education under Section  
12 6-118 shall be placed in the Drivers Education Fund in the  
13 State treasury ~~Treasury~~.

14 (d) Of the moneys collected as a registration fee for each  
15 motorcycle, motor driven cycle, and moped, 27% shall be  
16 deposited in the Cycle Rider Safety Training Fund.

17 (e) (Blank).

18 (f) Of the total money collected for a commercial  
19 learner's permit (CLP) or original or renewal issuance of a  
20 commercial driver's license (CDL) pursuant to the Uniform  
21 Commercial Driver's License Act (UCDLA): (i) \$6 of the total  
22 fee for an original or renewal CDL, and \$6 of the total CLP fee  
23 when such permit is issued to any person holding a valid  
24 Illinois driver's license, shall be paid into the  
25 CDLIS/AAMVAnet/NMVTIS Trust Fund (Commercial Driver's License  
26 Information System/American Association of Motor Vehicle

1 Administrators network/National Motor Vehicle Title  
2 Information Service Trust Fund) and shall be used for the  
3 purposes provided in Section 6z-23 of the State Finance Act  
4 and (ii) \$20 of the total fee for an original or renewal CDL or  
5 CLP shall be paid into the Motor Carrier Safety Inspection  
6 Fund, which is hereby created as a special fund in the State  
7 treasury ~~Treasury~~, to be used by the Illinois State Police,  
8 subject to appropriation, to hire additional officers to  
9 conduct motor carrier safety inspections pursuant to Chapter  
10 18b of this Code.

11 (g) Of the moneys received by the Secretary of State as  
12 registration fees or taxes, certificates of title, duplicate  
13 certificates of title, corrected certificates of title, or as  
14 payment of any other fee under this Code, when those moneys are  
15 not otherwise distributed by this Code, 37% shall be deposited  
16 into the State Construction Account Fund, and 63% shall be  
17 deposited in the Road Fund. Moneys in the Road Fund shall be  
18 used for the purposes provided in Section 8.3 of the State  
19 Finance Act.

20 (h) (Blank).

21 (i) (Blank).

22 (j) (Blank).

23 (k) There is created in the State treasury ~~Treasury~~ a  
24 special fund to be known as the Secretary of State Special  
25 License Plate Fund. Money deposited into the Fund shall,  
26 subject to appropriation, be used by the Office of the

1 Secretary of State (i) to help defray plate manufacturing and  
2 plate processing costs for the issuance and, when applicable,  
3 renewal of any new or existing registration plates authorized  
4 under this Code and (ii) for grants made by the Secretary of  
5 State to benefit Illinois Veterans Home libraries.

6 (l) The Motor Vehicle Review Board Fund is created as a  
7 special fund in the State treasury ~~Treasury~~. Moneys deposited  
8 into the Fund under paragraph (7) of subsection (b) of Section  
9 5-101 and Section 5-109 shall, subject to appropriation, be  
10 used by the Office of the Secretary of State to administer the  
11 Motor Vehicle Review Board, including, without limitation,  
12 payment of compensation and all necessary expenses incurred in  
13 administering the Motor Vehicle Review Board under the Motor  
14 Vehicle Franchise Act.

15 (m) Effective July 1, 1996, there is created in the State  
16 treasury ~~Treasury~~ a special fund to be known as the Family  
17 Responsibility Fund. Moneys deposited into the Fund shall,  
18 subject to appropriation, be used by the Office of the  
19 Secretary of State for the purpose of enforcing the Illinois  
20 Safety and Family Financial Responsibility Law.

21 (n) The Illinois Fire Fighters' Memorial Fund is created  
22 as a special fund in the State treasury ~~Treasury~~. Moneys  
23 deposited into the Fund shall, subject to appropriation, be  
24 used by the Office of the State Fire Marshal for construction  
25 of the Illinois Fire Fighters' Memorial to be located at the  
26 State Capitol grounds in Springfield, Illinois. Upon the

1 completion of the Memorial, moneys in the Fund shall be used in  
2 accordance with Section 3-634.

3 (o) Of the money collected for each certificate of title  
4 for all-terrain vehicles and off-highway motorcycles, \$17  
5 shall be deposited into the Off-Highway Vehicle Trails Fund.

6 (p) For audits conducted on or after July 1, 2003 pursuant  
7 to Section 2-124(d) of this Code, 50% of the money collected as  
8 audit fees shall be deposited into the General Revenue Fund.

9 (q) Beginning July 1, 2023, the additional fees imposed by  
10 Public Act 103-8 ~~this amendatory Act of the 103rd General~~  
11 ~~Assembly~~ in Sections 2-123, 3-821, and 6-118 shall be  
12 deposited into the Secretary of State Special Services Fund.

13 (Source: P.A. 102-538, eff. 8-20-21; 103-8, eff. 7-1-23;  
14 revised 9-25-23.)

15 (625 ILCS 5/3-699.14)

16 Sec. 3-699.14. Universal special license plates.

17 (a) In addition to any other special license plate, the  
18 Secretary, upon receipt of all applicable fees and  
19 applications made in the form prescribed by the Secretary, may  
20 issue Universal special license plates to residents of  
21 Illinois on behalf of organizations that have been authorized  
22 by the General Assembly to issue decals for Universal special  
23 license plates. Appropriate documentation, as determined by  
24 the Secretary, shall accompany each application. Authorized  
25 organizations shall be designated by amendment to this

1 Section. When applying for a Universal special license plate  
2 the applicant shall inform the Secretary of the name of the  
3 authorized organization from which the applicant will obtain a  
4 decal to place on the plate. The Secretary shall make a record  
5 of that organization and that organization shall remain  
6 affiliated with that plate until the plate is surrendered,  
7 revoked, or otherwise cancelled. The authorized organization  
8 may charge a fee to offset the cost of producing and  
9 distributing the decal, but that fee shall be retained by the  
10 authorized organization and shall be separate and distinct  
11 from any registration fees charged by the Secretary. No decal,  
12 sticker, or other material may be affixed to a Universal  
13 special license plate other than a decal authorized by the  
14 General Assembly in this Section or a registration renewal  
15 sticker. The special plates issued under this Section shall be  
16 affixed only to passenger vehicles of the first division,  
17 including motorcycles and autocycles, or motor vehicles of the  
18 second division weighing not more than 8,000 pounds. Plates  
19 issued under this Section shall expire according to the  
20 multi-year procedure under Section 3-414.1 of this Code.

21 (b) The design, color, and format of the Universal special  
22 license plate shall be wholly within the discretion of the  
23 Secretary. Universal special license plates are not required  
24 to designate "Land of Lincoln", as prescribed in subsection  
25 (b) of Section 3-412 of this Code. The design shall allow for  
26 the application of a decal to the plate. Organizations

1 authorized by the General Assembly to issue decals for  
2 Universal special license plates shall comply with rules  
3 adopted by the Secretary governing the requirements for and  
4 approval of Universal special license plate decals. The  
5 Secretary may, in his or her discretion, allow Universal  
6 special license plates to be issued as vanity or personalized  
7 plates in accordance with Section 3-405.1 of this Code. The  
8 Secretary of State must make a version of the special  
9 registration plates authorized under this Section in a form  
10 appropriate for motorcycles and autocycles.

11 (c) When authorizing a Universal special license plate,  
12 the General Assembly shall set forth whether an additional fee  
13 is to be charged for the plate and, if a fee is to be charged,  
14 the amount of the fee and how the fee is to be distributed.  
15 When necessary, the authorizing language shall create a  
16 special fund in the State treasury into which fees may be  
17 deposited for an authorized Universal special license plate.  
18 Additional fees may only be charged if the fee is to be paid  
19 over to a State agency or to a charitable entity that is in  
20 compliance with the registration and reporting requirements of  
21 the Charitable Trust Act and the Solicitation for Charity Act.  
22 Any charitable entity receiving fees for the sale of Universal  
23 special license plates shall annually provide the Secretary of  
24 State a letter of compliance issued by the Attorney General  
25 verifying that the entity is in compliance with the Charitable  
26 Trust Act and the Solicitation for Charity Act.



1 (d) Upon original issuance and for each registration  
2 renewal period, in addition to the appropriate registration  
3 fee, if applicable, the Secretary shall collect any additional  
4 fees, if required, for issuance of Universal special license  
5 plates. The fees shall be collected on behalf of the  
6 organization designated by the applicant when applying for the  
7 plate. All fees collected shall be transferred to the State  
8 agency on whose behalf the fees were collected, or paid into  
9 the special fund designated in the law authorizing the  
10 organization to issue decals for Universal special license  
11 plates. All money in the designated fund shall be distributed  
12 by the Secretary subject to appropriation by the General  
13 Assembly.

14 (e) The following organizations may issue decals for  
15 Universal special license plates with the original and renewal  
16 fees and fee distribution as follows:

17 (1) The Illinois Department of Natural Resources.

18 (A) Original issuance: \$25; with \$10 to the  
19 Roadside Monarch Habitat Fund and \$15 to the Secretary  
20 of State Special License Plate Fund.

21 (B) Renewal: \$25; with \$23 to the Roadside Monarch  
22 Habitat Fund and \$2 to the Secretary of State Special  
23 License Plate Fund.

24 (2) Illinois Veterans' Homes.

25 (A) Original issuance: \$26, which shall be  
26 deposited into the Illinois Veterans' Homes Fund.

1 (B) Renewal: \$26, which shall be deposited into  
2 the Illinois Veterans' Homes Fund.

3 (3) The Illinois Department of Human Services for  
4 volunteerism decals.

5 (A) Original issuance: \$25, which shall be  
6 deposited into the Secretary of State Special License  
7 Plate Fund.

8 (B) Renewal: \$25, which shall be deposited into  
9 the Secretary of State Special License Plate Fund.

10 (4) The Illinois Department of Public Health.

11 (A) Original issuance: \$25; with \$10 to the  
12 Prostate Cancer Awareness Fund and \$15 to the  
13 Secretary of State Special License Plate Fund.

14 (B) Renewal: \$25; with \$23 to the Prostate Cancer  
15 Awareness Fund and \$2 to the Secretary of State  
16 Special License Plate Fund.

17 (5) Horsemen's Council of Illinois.

18 (A) Original issuance: \$25; with \$10 to the  
19 Horsemen's Council of Illinois Fund and \$15 to the  
20 Secretary of State Special License Plate Fund.

21 (B) Renewal: \$25; with \$23 to the Horsemen's  
22 Council of Illinois Fund and \$2 to the Secretary of  
23 State Special License Plate Fund.

24 (6) K9s for Veterans, NFP.

25 (A) Original issuance: \$25; with \$10 to the  
26 Post-Traumatic Stress Disorder Awareness Fund and \$15

1 to the Secretary of State Special License Plate Fund.

2 (B) Renewal: \$25; with \$23 to the Post-Traumatic  
3 Stress Disorder Awareness Fund and \$2 to the Secretary  
4 of State Special License Plate Fund.

5 (7) The International Association of Machinists and  
6 Aerospace Workers.

7 (A) Original issuance: \$35; with \$20 to the Guide  
8 Dogs of America Fund and \$15 to the Secretary of State  
9 Special License Plate Fund.

10 (B) Renewal: \$25; with \$23 going to the Guide Dogs  
11 of America Fund and \$2 to the Secretary of State  
12 Special License Plate Fund.

13 (8) Local Lodge 701 of the International Association  
14 of Machinists and Aerospace Workers.

15 (A) Original issuance: \$35; with \$10 to the Guide  
16 Dogs of America Fund, \$10 to the Mechanics Training  
17 Fund, and \$15 to the Secretary of State Special  
18 License Plate Fund.

19 (B) Renewal: \$30; with \$13 to the Guide Dogs of  
20 America Fund, \$15 to the Mechanics Training Fund, and  
21 \$2 to the Secretary of State Special License Plate  
22 Fund.

23 (9) Illinois Department of Human Services.

24 (A) Original issuance: \$25; with \$10 to the  
25 Theresa Tracy Trot - Illinois CancerCare Foundation  
26 Fund and \$15 to the Secretary of State Special License

1 Plate Fund.

2 (B) Renewal: \$25; with \$23 to the Theresa Tracy  
3 Trot - Illinois CancerCare Foundation Fund and \$2 to  
4 the Secretary of State Special License Plate Fund.

5 (10) The Illinois Department of Human Services for  
6 developmental disabilities awareness decals.

7 (A) Original issuance: \$25; with \$10 to the  
8 Developmental Disabilities Awareness Fund and \$15 to  
9 the Secretary of State Special License Plate Fund.

10 (B) Renewal: \$25; with \$23 to the Developmental  
11 Disabilities Awareness Fund and \$2 to the Secretary of  
12 State Special License Plate Fund.

13 (11) The Illinois Department of Human Services for  
14 pediatric cancer awareness decals.

15 (A) Original issuance: \$25; with \$10 to the  
16 Pediatric Cancer Awareness Fund and \$15 to the  
17 Secretary of State Special License Plate Fund.

18 (B) Renewal: \$25; with \$23 to the Pediatric Cancer  
19 Awareness Fund and \$2 to the Secretary of State  
20 Special License Plate Fund.

21 (12) The Department of Veterans' Affairs for Fold of  
22 Honor decals.

23 (A) Original issuance: \$25; with \$10 to the Folds  
24 of Honor Foundation Fund and \$15 to the Secretary of  
25 State Special License Plate Fund.

26 (B) Renewal: \$25; with \$23 to the Folds of Honor

1 Foundation Fund and \$2 to the Secretary of State  
2 Special License Plate Fund.

3 (13) The Illinois chapters of the Experimental  
4 Aircraft Association for aviation enthusiast decals.

5 (A) Original issuance: \$25; with \$10 to the  
6 Experimental Aircraft Association Fund and \$15 to the  
7 Secretary of State Special License Plate Fund.

8 (B) Renewal: \$25; with \$23 to the Experimental  
9 Aircraft Association Fund and \$2 to the Secretary of  
10 State Special License Plate Fund.

11 (14) The Illinois Department of Human Services for  
12 Child Abuse Council of the Quad Cities decals.

13 (A) Original issuance: \$25; with \$10 to the Child  
14 Abuse Council of the Quad Cities Fund and \$15 to the  
15 Secretary of State Special License Plate Fund.

16 (B) Renewal: \$25; with \$23 to the Child Abuse  
17 Council of the Quad Cities Fund and \$2 to the Secretary  
18 of State Special License Plate Fund.

19 (15) The Illinois Department of Public Health for  
20 health care worker decals.

21 (A) Original issuance: \$25; with \$10 to the  
22 Illinois Health Care Workers Benefit Fund, and \$15 to  
23 the Secretary of State Special License Plate Fund.

24 (B) Renewal: \$25; with \$23 to the Illinois Health  
25 Care Workers Benefit Fund and \$2 to the Secretary of  
26 State Special License Plate Fund.

1           (16) The Department of Agriculture for Future Farmers  
2 of America decals.

3           (A) Original issuance: \$25; with \$10 to the Future  
4 Farmers of America Fund and \$15 to the Secretary of  
5 State Special License Plate Fund.

6           (B) Renewal: \$25; with \$23 to the Future Farmers  
7 of America Fund and \$2 to the Secretary of State  
8 Special License Plate Fund.

9           (17) The Illinois Department of Public Health for  
10 autism awareness decals that are designed with input from  
11 autism advocacy organizations.

12           (A) Original issuance: \$25; with \$10 to the Autism  
13 Awareness Fund and \$15 to the Secretary of State  
14 Special License Plate Fund.

15           (B) Renewal: \$25; with \$23 to the Autism Awareness  
16 Fund and \$2 to the Secretary of State Special License  
17 Plate Fund.

18           (18) ~~(17)~~ The Department of Natural Resources for Lyme  
19 disease research decals.

20           (A) Original issuance: \$25; with \$10 to the Tick  
21 Research, Education, and Evaluation Fund and \$15 to  
22 the Secretary of State Special License Plate Fund.

23           (B) Renewal: \$25; with \$23 to the Tick Research,  
24 Education, and Evaluation Fund and \$2 to the Secretary  
25 of State Special License Plate Fund.

26           (19) ~~(17)~~ The IBEW Thank a Line Worker decal.

1           (A) Original issuance: \$15, which shall be  
2           deposited into the Secretary of State Special License  
3           Plate Fund.

4           (B) Renewal: \$2, which shall be deposited into the  
5           Secretary of State Special License Plate Fund.

6           (f) The following funds are created as special funds in  
7           the State treasury:

8           (1) The Roadside Monarch Habitat Fund. All money in  
9           the Roadside Monarch Habitat Fund shall be paid as grants  
10          to the Illinois Department of Natural Resources to fund  
11          roadside monarch and other pollinator habitat development,  
12          enhancement, and restoration projects in this State.

13          (2) The Prostate Cancer Awareness Fund. All money in  
14          the Prostate Cancer Awareness Fund shall be paid as grants  
15          to the Prostate Cancer Foundation of Chicago.

16          (3) The Horsemen's Council of Illinois Fund. All money  
17          in the Horsemen's Council of Illinois Fund shall be paid  
18          as grants to the Horsemen's Council of Illinois.

19          (4) The Post-Traumatic Stress Disorder Awareness Fund.  
20          All money in the Post-Traumatic Stress Disorder Awareness  
21          Fund shall be paid as grants to K9s for Veterans, NFP for  
22          support, education, and awareness of veterans with  
23          post-traumatic stress disorder.

24          (5) The Guide Dogs of America Fund. All money in the  
25          Guide Dogs of America Fund shall be paid as grants to the  
26          International Guiding Eyes, Inc., doing business as Guide

1 Dogs of America.

2 (6) The Mechanics Training Fund. All money in the  
3 Mechanics Training Fund shall be paid as grants to the  
4 Mechanics Local 701 Training Fund.

5 (7) The Theresa Tracy Trot - Illinois CancerCare  
6 Foundation Fund. All money in the Theresa Tracy Trot -  
7 Illinois CancerCare Foundation Fund shall be paid to the  
8 Illinois CancerCare Foundation for the purpose of  
9 furthering pancreatic cancer research.

10 (8) The Developmental Disabilities Awareness Fund. All  
11 money in the Developmental Disabilities Awareness Fund  
12 shall be paid as grants to the Illinois Department of  
13 Human Services to fund legal aid groups to assist with  
14 guardianship fees for private citizens willing to become  
15 guardians for individuals with developmental disabilities  
16 but who are unable to pay the legal fees associated with  
17 becoming a guardian.

18 (9) The Pediatric Cancer Awareness Fund. All money in  
19 the Pediatric Cancer Awareness Fund shall be paid as  
20 grants to the Cancer Center at Illinois for pediatric  
21 cancer treatment and research.

22 (10) The Folds of Honor Foundation Fund. All money in  
23 the Folds of Honor Foundation Fund shall be paid as grants  
24 to the Folds of Honor Foundation to aid in providing  
25 educational scholarships to military families.

26 (11) The Experimental Aircraft Association Fund. All



1 money in the Experimental Aircraft Association Fund shall  
2 be paid, subject to appropriation by the General Assembly  
3 and distribution by the Secretary, as grants to promote  
4 recreational aviation.

5 (12) The Child Abuse Council of the Quad Cities Fund.  
6 All money in the Child Abuse Council of the Quad Cities  
7 Fund shall be paid as grants to benefit the Child Abuse  
8 Council of the Quad Cities.

9 (13) The Illinois Health Care Workers Benefit Fund.  
10 All money in the Illinois Health Care Workers Benefit Fund  
11 shall be paid as grants to the Trinity Health Foundation  
12 for the benefit of health care workers, doctors, nurses,  
13 and others who work in the health care industry in this  
14 State.

15 (14) The Future Farmers of America Fund. All money in  
16 the Future Farmers of America Fund shall be paid as grants  
17 to the Illinois Association of Future Farmers of America.

18 (15) The Tick Research, Education, and Evaluation  
19 Fund. All money in the Tick Research, Education, and  
20 Evaluation Fund shall be paid as grants to the Illinois  
21 Lyme Association.

22 (Source: P.A. 102-383, eff. 1-1-22; 102-422, eff. 8-20-21;  
23 102-423, eff. 8-20-21; 102-515, eff. 1-1-22; 102-558, eff.  
24 8-20-21; 102-809, eff. 1-1-23; 102-813, eff. 5-13-22; 103-112,  
25 eff. 1-1-24; 103-163, eff. 1-1-24; 103-349, eff. 1-1-24;  
26 revised 12-15-23.)

1 (625 ILCS 5/6-103) (from Ch. 95 1/2, par. 6-103)

2 Sec. 6-103. What persons shall not be licensed as drivers  
3 or granted permits. The Secretary of State shall not issue,  
4 renew, or allow the retention of any driver's license nor  
5 issue any permit under this Code:

6 1. To any person, as a driver, who is under the age of  
7 18 years except as provided in Section 6-107, and except  
8 that an instruction permit may be issued under Section  
9 6-107.1 to a child who is not less than 15 years of age if  
10 the child is enrolled in an approved driver education  
11 course as defined in Section 1-103 of this Code and  
12 requires an instruction permit to participate therein,  
13 except that an instruction permit may be issued under the  
14 provisions of Section 6-107.1 to a child who is 17 years  
15 and 3 months of age without the child having enrolled in an  
16 approved driver education course and except that an  
17 instruction permit may be issued to a child who is at least  
18 15 years and 3 months of age, is enrolled in school, meets  
19 the educational requirements of the Driver Education Act,  
20 and has passed examinations the Secretary of State in his  
21 or her discretion may prescribe;

22 1.5. To any person at least 18 years of age but less  
23 than 21 years of age unless the person has, in addition to  
24 any other requirements of this Code, successfully  
25 completed an adult driver education course as provided in

1 Section 6-107.5 of this Code;

2 2. To any person who is under the age of 18 as an  
3 operator of a motorcycle other than a motor driven cycle  
4 unless the person has, in addition to meeting the  
5 provisions of Section 6-107 of this Code, successfully  
6 completed a motorcycle training course approved by the  
7 Illinois Department of Transportation;

8 3. To any person, as a driver, whose driver's license  
9 or permit has been suspended, during the suspension, nor  
10 to any person whose driver's license or permit has been  
11 revoked, except as provided in Sections 6-205, 6-206, and  
12 6-208;

13 4. To any person, as a driver, who is a user of alcohol  
14 or any other drug to a degree that renders the person  
15 incapable of safely driving a motor vehicle;

16 5. To any person, as a driver, who has previously been  
17 adjudged to be afflicted with or suffering from any mental  
18 or physical disability or disease and who has not at the  
19 time of application been restored to competency by the  
20 methods provided by law;

21 6. To any person, as a driver, who is required by the  
22 Secretary of State to submit an alcohol and drug  
23 evaluation or take an examination provided for in this  
24 Code unless the person has successfully passed the  
25 examination and submitted any required evaluation;

26 7. To any person who is required under the provisions

1 of the laws of this State to deposit security or proof of  
2 financial responsibility and who has not deposited the  
3 security or proof;

4 8. To any person when the Secretary of State has good  
5 cause to believe that the person by reason of physical or  
6 mental disability would not be able to safely operate a  
7 motor vehicle upon the highways, unless the person shall  
8 furnish to the Secretary of State a verified written  
9 statement, acceptable to the Secretary of State, from a  
10 competent medical specialist, a licensed physician  
11 assistant, or a licensed advanced practice registered  
12 nurse, to the effect that the operation of a motor vehicle  
13 by the person would not be inimical to the public safety;

14 9. To any person, as a driver, who is 69 years of age  
15 or older, unless the person has successfully complied with  
16 the provisions of Section 6-109;

17 10. To any person convicted, within 12 months of  
18 application for a license, of any of the sexual offenses  
19 enumerated in paragraph 2 of subsection (b) of Section  
20 6-205;

21 11. To any person who is under the age of 21 years with  
22 a classification prohibited in paragraph (b) of Section  
23 6-104 and to any person who is under the age of 18 years  
24 with a classification prohibited in paragraph (c) of  
25 Section 6-104;

26 12. To any person who has been either convicted of or

1 adjudicated under the Juvenile Court Act of 1987 based  
2 upon a violation of the Cannabis Control Act, the Illinois  
3 Controlled Substances Act, or the Methamphetamine Control  
4 and Community Protection Act while that person was in  
5 actual physical control of a motor vehicle. For purposes  
6 of this Section, any person placed on probation under  
7 Section 10 of the Cannabis Control Act, Section 410 of the  
8 Illinois Controlled Substances Act, or Section 70 of the  
9 Methamphetamine Control and Community Protection Act shall  
10 not be considered convicted. Any person found guilty of  
11 this offense, while in actual physical control of a motor  
12 vehicle, shall have an entry made in the court record by  
13 the judge that this offense did occur while the person was  
14 in actual physical control of a motor vehicle and order  
15 the clerk of the court to report the violation to the  
16 Secretary of State as such. The Secretary of State shall  
17 not issue a new license or permit for a period of one year;

18 13. To any person who is under the age of 18 years and  
19 who has committed the offense of operating a motor vehicle  
20 without a valid license or permit in violation of Section  
21 6-101 or a similar out-of-state ~~out-of-state~~ offense;

22 14. To any person who is 90 days or more delinquent in  
23 court ordered child support payments or has been  
24 adjudicated in arrears in an amount equal to 90 days'  
25 obligation or more and who has been found in contempt of  
26 court for failure to pay the support, subject to the

1 requirements and procedures of Article VII of Chapter 7 of  
2 the Illinois Vehicle Code;

3 14.5. To any person certified by the Illinois  
4 Department of Healthcare and Family Services as being 90  
5 days or more delinquent in payment of support under an  
6 order of support entered by a court or administrative body  
7 of this or any other State, subject to the requirements  
8 and procedures of Article VII of Chapter 7 of this Code  
9 regarding those certifications;

10 15. To any person released from a term of imprisonment  
11 for violating Section 9-3 of the Criminal Code of 1961 or  
12 the Criminal Code of 2012, or a similar provision of a law  
13 of another state relating to reckless homicide or for  
14 violating subparagraph (F) of paragraph (1) of subsection  
15 (d) of Section 11-501 of this Code relating to aggravated  
16 driving under the influence of alcohol, other drug or  
17 drugs, intoxicating compound or compounds, or any  
18 combination thereof, if the violation was the proximate  
19 cause of a death, within 24 months of release from a term  
20 of imprisonment;

21 16. To any person who, with intent to influence any  
22 act related to the issuance of any driver's license or  
23 permit, by an employee of the Secretary of State's Office,  
24 or the owner or employee of any commercial driver training  
25 school licensed by the Secretary of State, or any other  
26 individual authorized by the laws of this State to give

1 driving instructions or administer all or part of a  
2 driver's license examination, promises or tenders to that  
3 person any property or personal advantage which that  
4 person is not authorized by law to accept. Any persons  
5 promising or tendering such property or personal advantage  
6 shall be disqualified from holding any class of driver's  
7 license or permit for 120 consecutive days. The Secretary  
8 of State shall establish by rule the procedures for  
9 implementing this period of disqualification and the  
10 procedures by which persons so disqualified may obtain  
11 administrative review of the decision to disqualify;

12 17. To any person for whom the Secretary of State  
13 cannot verify the accuracy of any information or  
14 documentation submitted in application for a driver's  
15 license;

16 18. To any person who has been adjudicated under the  
17 Juvenile Court Act of 1987 based upon an offense that is  
18 determined by the court to have been committed in  
19 furtherance of the criminal activities of an organized  
20 gang, as provided in Section 5-710 of that Act, and that  
21 involved the operation or use of a motor vehicle or the use  
22 of a driver's license or permit. The person shall be  
23 denied a license or permit for the period determined by  
24 the court; or

25 19. To any person who holds a REAL ID compliant  
26 identification card or REAL ID compliant Person with a

1           Disability Identification Card issued under the Illinois  
2           Identification Card Act. Any such person may, at his or  
3           her discretion, surrender the REAL ID compliant  
4           identification card or REAL ID compliant Person with a  
5           Disability Identification Card in order to become eligible  
6           to obtain a REAL ID compliant driver's license.

7           The Secretary of State shall retain all conviction  
8           information, if the information is required to be held  
9           confidential under the Juvenile Court Act of 1987.

10          (Source: P.A. 103-162, eff. 1-1-24; revised 1-2-24.)

11           (625 ILCS 5/6-106.1)

12           Sec. 6-106.1. School bus driver permit.

13           (a) The Secretary of State shall issue a school bus driver  
14           permit for the operation of first or second division vehicles  
15           being operated as school buses or a permit valid only for the  
16           operation of first division vehicles being operated as school  
17           buses to those applicants who have met all the requirements of  
18           the application and screening process under this Section to  
19           insure the welfare and safety of children who are transported  
20           on school buses throughout the State of Illinois. Applicants  
21           shall obtain the proper application required by the Secretary  
22           of State from their prospective or current employer and submit  
23           the completed application to the prospective or current  
24           employer along with the necessary fingerprint submission as  
25           required by the Illinois State Police to conduct



1 fingerprint-based ~~fingerprint-based~~ criminal background checks  
2 on current and future information available in the State ~~state~~  
3 system and current information available through the Federal  
4 Bureau of Investigation's system. Applicants who have  
5 completed the fingerprinting requirements shall not be  
6 subjected to the fingerprinting process when applying for  
7 subsequent permits or submitting proof of successful  
8 completion of the annual refresher course. Individuals who on  
9 July 1, 1995 (the effective date of Public Act 88-612) possess  
10 a valid school bus driver permit that has been previously  
11 issued by the appropriate Regional School Superintendent are  
12 not subject to the fingerprinting provisions of this Section  
13 as long as the permit remains valid and does not lapse. The  
14 applicant shall be required to pay all related application and  
15 fingerprinting fees as established by rule, including, but not  
16 limited to, the amounts established by the Illinois State  
17 Police and the Federal Bureau of Investigation to process  
18 fingerprint-based ~~fingerprint-based~~ criminal background  
19 investigations. All fees paid for fingerprint processing  
20 services under this Section shall be deposited into the State  
21 Police Services Fund for the cost incurred in processing the  
22 fingerprint-based ~~fingerprint-based~~ criminal background  
23 investigations. All other fees paid under this Section shall  
24 be deposited into the Road Fund for the purpose of defraying  
25 the costs of the Secretary of State in administering this  
26 Section. All applicants must:

- 1           1. be 21 years of age or older;
- 2           2. possess a valid and properly classified driver's
- 3 license issued by the Secretary of State;
- 4           3. possess a valid driver's license, which has not
- 5 been revoked, suspended, or canceled for 3 years
- 6 immediately prior to the date of application, or have not
- 7 had his or her commercial motor vehicle driving privileges
- 8 disqualified within the 3 years immediately prior to the
- 9 date of application;
- 10          4. successfully pass a first division or second
- 11 division written test, administered by the Secretary of
- 12 State, on school bus operation, school bus safety, and
- 13 special traffic laws relating to school buses and submit
- 14 to a review of the applicant's driving habits by the
- 15 Secretary of State at the time the written test is given;
- 16          5. demonstrate ability to exercise reasonable care in
- 17 the operation of school buses in accordance with rules
- 18 promulgated by the Secretary of State;
- 19          6. demonstrate physical fitness to operate school
- 20 buses by submitting the results of a medical examination,
- 21 including tests for drug use for each applicant not
- 22 subject to such testing pursuant to federal law, conducted
- 23 by a licensed physician, a licensed advanced practice
- 24 registered nurse, or a licensed physician assistant within
- 25 90 days of the date of application according to standards
- 26 promulgated by the Secretary of State;

1           7. affirm under penalties of perjury that he or she  
2           has not made a false statement or knowingly concealed a  
3           material fact in any application for permit;

4           8. have completed an initial classroom course,  
5           including first aid procedures, in school bus driver  
6           safety as promulgated by the Secretary of State~~r~~ and~~l~~  
7           after satisfactory completion of said initial course~~l~~ an  
8           annual refresher course; such courses and the agency or  
9           organization conducting such courses shall be approved by  
10          the Secretary of State; failure to complete the annual  
11          refresher course~~r~~ shall result in cancellation of the  
12          permit until such course is completed;

13          9. not have been under an order of court supervision  
14          for or convicted of 2 or more serious traffic offenses, as  
15          defined by rule, within one year prior to the date of  
16          application that may endanger the life or safety of any of  
17          the driver's passengers within the duration of the permit  
18          period;

19          10. not have been under an order of court supervision  
20          for or convicted of reckless driving, aggravated reckless  
21          driving, driving while under the influence of alcohol,  
22          other drug or drugs, intoxicating compound or compounds or  
23          any combination thereof, or reckless homicide resulting  
24          from the operation of a motor vehicle within 3 years of the  
25          date of application;

26          11. not have been convicted of committing or

1 attempting to commit any one or more of the following  
2 offenses: (i) those offenses defined in Sections 8-1,  
3 8-1.2, 9-1, 9-1.2, 9-2, 9-2.1, 9-3, 9-3.2, 9-3.3, 10-1,  
4 10-2, 10-3.1, 10-4, 10-5, 10-5.1, 10-6, 10-7, 10-9,  
5 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6, 11-6.5,  
6 11-6.6, 11-9, 11-9.1, 11-9.1A, 11-9.3, 11-9.4, 11-9.4-1,  
7 11-14, 11-14.1, 11-14.3, 11-14.4, 11-15, 11-15.1, 11-16,  
8 11-17, 11-17.1, 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2,  
9 11-20, 11-20.1, 11-20.1B, 11-20.3, 11-21, 11-22, 11-23,  
10 11-24, 11-25, 11-26, 11-30, 12-2.6, 12-3.05, 12-3.1,  
11 12-3.3, 12-4, 12-4.1, 12-4.2, 12-4.2-5, 12-4.3, 12-4.4,  
12 12-4.5, 12-4.6, 12-4.7, 12-4.9, 12-5.3, 12-6, 12-6.2,  
13 12-7.1, 12-7.3, 12-7.4, 12-7.5, 12-11, 12-13, 12-14,  
14 12-14.1, 12-15, 12-16, 12-21.5, 12-21.6, 12-33, 12C-5,  
15 12C-10, 12C-20, 12C-30, 12C-45, 16-16, 16-16.1, 18-1,  
16 18-2, 18-3, 18-4, 18-5, 19-6, 20-1, 20-1.1, 20-1.2,  
17 20-1.3, 20-2, 24-1, 24-1.1, 24-1.2, 24-1.2-5, 24-1.6,  
18 24-1.7, 24-2.1, 24-3.3, 24-3.5, 24-3.8, 24-3.9, 31A-1.1,  
19 33A-2, and 33D-1, in subsection (A), clauses (a) and (b),  
20 of Section 24-3, and those offenses contained in Article  
21 29D of the Criminal Code of 1961 or the Criminal Code of  
22 2012; (ii) those offenses defined in the Cannabis Control  
23 Act except those offenses defined in subsections (a) and  
24 (b) of Section 4, and subsection (a) of Section 5 of the  
25 Cannabis Control Act; (iii) those offenses defined in the  
26 Illinois Controlled Substances Act; (iv) those offenses

1 defined in the Methamphetamine Control and Community  
2 Protection Act; (v) any offense committed or attempted in  
3 any other state or against the laws of the United States,  
4 which if committed or attempted in this State would be  
5 punishable as one or more of the foregoing offenses; (vi)  
6 the offenses defined in Section 4.1 and 5.1 of the Wrongs  
7 to Children Act or Section 11-9.1A of the Criminal Code of  
8 1961 or the Criminal Code of 2012; (vii) those offenses  
9 defined in Section 6-16 of the Liquor Control Act of 1934;  
10 and (viii) those offenses defined in the Methamphetamine  
11 Precursor Control Act;

12 12. not have been repeatedly involved as a driver in  
13 motor vehicle collisions or been repeatedly convicted of  
14 offenses against laws and ordinances regulating the  
15 movement of traffic, to a degree which indicates lack of  
16 ability to exercise ordinary and reasonable care in the  
17 safe operation of a motor vehicle or disrespect for the  
18 traffic laws and the safety of other persons upon the  
19 highway;

20 13. not have, through the unlawful operation of a  
21 motor vehicle, caused a crash resulting in the death of  
22 any person;

23 14. not have, within the last 5 years, been adjudged  
24 to be afflicted with or suffering from any mental  
25 disability or disease;

26 15. consent, in writing, to the release of results of

1 reasonable suspicion drug and alcohol testing under  
2 Section 6-106.1c of this Code by the employer of the  
3 applicant to the Secretary of State; and

4 16. not have been convicted of committing or  
5 attempting to commit within the last 20 years: (i) an  
6 offense defined in subsection (c) of Section 4, subsection  
7 (b) of Section 5, and subsection (a) of Section 8 of the  
8 Cannabis Control Act; or (ii) any offenses in any other  
9 state or against the laws of the United States that, if  
10 committed or attempted in this State, would be punishable  
11 as one or more of the foregoing offenses.

12 (a-5) If an applicant's driver's license has been  
13 suspended within the 3 years immediately prior to the date of  
14 application for the sole reason of failure to pay child  
15 support, that suspension shall not bar the applicant from  
16 receiving a school bus driver permit.

17 (a-10) ~~(a-5)~~ By January 1, 2024, the Secretary of State,  
18 in conjunction with the Illinois State Board of Education,  
19 shall develop a separate classroom course and refresher course  
20 for operation of vehicles of the first division being operated  
21 as school buses. Regional superintendents of schools, working  
22 with the Illinois State Board of Education, shall offer the  
23 course.

24 (b) A school bus driver permit shall be valid for a period  
25 specified by the Secretary of State as set forth by rule. It  
26 shall be renewable upon compliance with subsection (a) of this

1 Section.

2 (c) A school bus driver permit shall contain the holder's  
3 driver's license number, legal name, residence address, zip  
4 code, and date of birth, a brief description of the holder, and  
5 a space for signature. The Secretary of State may require a  
6 suitable photograph of the holder.

7 (d) The employer shall be responsible for conducting a  
8 pre-employment interview with prospective school bus driver  
9 candidates, distributing school bus driver applications and  
10 medical forms to be completed by the applicant, and submitting  
11 the applicant's fingerprint cards to the Illinois State Police  
12 that are required for the criminal background investigations.  
13 The employer shall certify in writing to the Secretary of  
14 State that all pre-employment conditions have been  
15 successfully completed including the successful completion of  
16 an Illinois specific criminal background investigation through  
17 the Illinois State Police and the submission of necessary  
18 fingerprints to the Federal Bureau of Investigation for  
19 criminal history information available through the Federal  
20 Bureau of Investigation system. The applicant shall present  
21 the certification to the Secretary of State at the time of  
22 submitting the school bus driver permit application.

23 (e) Permits shall initially be provisional upon receiving  
24 certification from the employer that all pre-employment  
25 conditions have been successfully completed, and upon  
26 successful completion of all training and examination

1 requirements for the classification of the vehicle to be  
2 operated, the Secretary of State shall provisionally issue a  
3 School Bus Driver Permit. The permit shall remain in a  
4 provisional status pending the completion of the Federal  
5 Bureau of Investigation's criminal background investigation  
6 based upon fingerprinting specimens submitted to the Federal  
7 Bureau of Investigation by the Illinois State Police. The  
8 Federal Bureau of Investigation shall report the findings  
9 directly to the Secretary of State. The Secretary of State  
10 shall remove the bus driver permit from provisional status  
11 upon the applicant's successful completion of the Federal  
12 Bureau of Investigation's criminal background investigation.

13 (f) A school bus driver permit holder shall notify the  
14 employer and the Secretary of State if he or she is issued an  
15 order of court supervision for or convicted in another state  
16 of an offense that would make him or her ineligible for a  
17 permit under subsection (a) of this Section. The written  
18 notification shall be made within 5 days of the entry of the  
19 order of court supervision or conviction. Failure of the  
20 permit holder to provide the notification is punishable as a  
21 petty offense for a first violation and a Class B misdemeanor  
22 for a second or subsequent violation.

23 (g) Cancellation; suspension; notice and procedure.

24 (1) The Secretary of State shall cancel a school bus  
25 driver permit of an applicant whose criminal background  
26 investigation discloses that he or she is not in



1 compliance with the provisions of subsection (a) of this  
2 Section.

3 (2) The Secretary of State shall cancel a school bus  
4 driver permit when he or she receives notice that the  
5 permit holder fails to comply with any provision of this  
6 Section or any rule promulgated for the administration of  
7 this Section.

8 (3) The Secretary of State shall cancel a school bus  
9 driver permit if the permit holder's restricted commercial  
10 or commercial driving privileges are withdrawn or  
11 otherwise invalidated.

12 (4) The Secretary of State may not issue a school bus  
13 driver permit for a period of 3 years to an applicant who  
14 fails to obtain a negative result on a drug test as  
15 required in item 6 of subsection (a) of this Section or  
16 under federal law.

17 (5) The Secretary of State shall forthwith suspend a  
18 school bus driver permit for a period of 3 years upon  
19 receiving notice that the holder has failed to obtain a  
20 negative result on a drug test as required in item 6 of  
21 subsection (a) of this Section or under federal law.

22 (6) The Secretary of State shall suspend a school bus  
23 driver permit for a period of 3 years upon receiving  
24 notice from the employer that the holder failed to perform  
25 the inspection procedure set forth in subsection (a) or  
26 (b) of Section 12-816 of this Code.

1           (7) The Secretary of State shall suspend a school bus  
2 driver permit for a period of 3 years upon receiving  
3 notice from the employer that the holder refused to submit  
4 to an alcohol or drug test as required by Section 6-106.1c  
5 or has submitted to a test required by that Section which  
6 disclosed an alcohol concentration of more than 0.00 or  
7 disclosed a positive result on a National Institute on  
8 Drug Abuse five-drug panel, utilizing federal standards  
9 set forth in 49 CFR 40.87.

10          The Secretary of State shall notify the State  
11 Superintendent of Education and the permit holder's  
12 prospective or current employer that the applicant ~~has~~ (1) has  
13 failed a criminal background investigation or (2) is no longer  
14 eligible for a school bus driver permit; and of the related  
15 cancellation of the applicant's provisional school bus driver  
16 permit. The cancellation shall remain in effect pending the  
17 outcome of a hearing pursuant to Section 2-118 of this Code.  
18 The scope of the hearing shall be limited to the issuance  
19 criteria contained in subsection (a) of this Section. A  
20 petition requesting a hearing shall be submitted to the  
21 Secretary of State and shall contain the reason the individual  
22 feels he or she is entitled to a school bus driver permit. The  
23 permit holder's employer shall notify in writing to the  
24 Secretary of State that the employer has certified the removal  
25 of the offending school bus driver from service prior to the  
26 start of that school bus driver's next work shift ~~workshift~~.

1 An employing school board that fails to remove the offending  
2 school bus driver from service is subject to the penalties  
3 defined in Section 3-14.23 of the School Code. A school bus  
4 contractor who violates a provision of this Section is subject  
5 to the penalties defined in Section 6-106.11.

6 All valid school bus driver permits issued under this  
7 Section prior to January 1, 1995, shall remain effective until  
8 their expiration date unless otherwise invalidated.

9 (h) When a school bus driver permit holder who is a service  
10 member is called to active duty, the employer of the permit  
11 holder shall notify the Secretary of State, within 30 days of  
12 notification from the permit holder, that the permit holder  
13 has been called to active duty. Upon notification pursuant to  
14 this subsection, (i) the Secretary of State shall characterize  
15 the permit as inactive until a permit holder renews the permit  
16 as provided in subsection (i) of this Section, and (ii) if a  
17 permit holder fails to comply with the requirements of this  
18 Section while called to active duty, the Secretary of State  
19 shall not characterize the permit as invalid.

20 (i) A school bus driver permit holder who is a service  
21 member returning from active duty must, within 90 days, renew  
22 a permit characterized as inactive pursuant to subsection (h)  
23 of this Section by complying with the renewal requirements of  
24 subsection (b) of this Section.

25 (j) For purposes of subsections (h) and (i) of this  
26 Section:

1 "Active duty" means active duty pursuant to an executive  
2 order of the President of the United States, an act of the  
3 Congress of the United States, or an order of the Governor.

4 "Service member" means a member of the Armed Services or  
5 reserve forces of the United States or a member of the Illinois  
6 National Guard.

7 (k) A private carrier employer of a school bus driver  
8 permit holder, having satisfied the employer requirements of  
9 this Section, shall be held to a standard of ordinary care for  
10 intentional acts committed in the course of employment by the  
11 bus driver permit holder. This subsection (k) shall in no way  
12 limit the liability of the private carrier employer for  
13 violation of any provision of this Section or for the  
14 negligent hiring or retention of a school bus driver permit  
15 holder.

16 (Source: P.A. 101-458, eff. 1-1-20; 102-168, eff. 7-27-21;  
17 102-299, eff. 8-6-21; 102-538, eff. 8-20-21; 102-726, eff.  
18 1-1-23; 102-813, eff. 5-13-22; 102-982, eff. 7-1-23; 102-1130,  
19 eff. 7-1-23; revised 9-19-23.)

20 (625 ILCS 5/6-118)

21 Sec. 6-118. Fees.

22 (a) The fees for licenses and permits under this Article  
23 are as follows:

24 Original driver's license..... \$30

25 Original or renewal driver's license

1	issued to 18, 19, and 20 year olds .....	<u>\$5</u>
2	All driver's licenses for persons	
3	age 69 through age 80 .....	<u>\$5</u>
4	All driver's licenses for persons	
5	age 81 through age 86 .....	<u>\$2</u>
6	All driver's licenses for persons	
7	age 87 or older .....	<u>\$0</u>
8	Renewal driver's license (except for	
9	applicants ages 18, 19, and 20 or	
10	age 69 and older) .....	<u>\$30</u>
11	Original instruction permit issued to	
12	persons (except those age 69 and older)	
13	who do not hold or have not previously	
14	held an Illinois instruction permit or	
15	driver's license .....	<u>\$20</u>
16	Instruction permit issued to any person	
17	holding an Illinois driver's license	
18	who wishes a change in classifications,	
19	other than at the time of renewal .....	<u>\$5</u>
20	Any instruction permit issued to a person	
21	age 69 and older .....	<u>\$5</u>
22	Instruction permit issued to any person,	
23	under age 69, not currently holding a	
24	valid Illinois driver's license or	
25	instruction permit but who has	
26	previously been issued either document	

1	in Illinois .....	<u>\$10</u>
2	Restricted driving permit .....	<u>\$8</u>
3	Monitoring device driving permit .....	<u>\$8</u>
4	Duplicate or corrected driver's license	
5	or permit .....	<u>\$5</u>
6	Duplicate or corrected restricted	
7	driving permit .....	<u>\$5</u>
8	Duplicate or corrected monitoring	
9	device driving permit .....	<u>\$5</u>
10	Duplicate driver's license or permit issued to	
11	an active-duty member of the	
12	United States Armed Forces,	
13	the member's spouse, or	
14	the dependent children living	
15	with the member .....	<u>\$0</u>
16	Original or renewal M or L endorsement .....	<u>\$5</u>

17 SPECIAL FEES FOR COMMERCIAL DRIVER'S LICENSE

18 The fees for commercial driver licenses and permits  
19 under Article V shall be as follows:

20 Commercial driver's license:

- 21 \$6 for the CDLIS/AAMVAnet/NMVTIS Trust Fund
- 22 (Commercial Driver's License Information
- 23 System/American Association of Motor Vehicle
- 24 Administrators network/National Motor Vehicle
- 25 Title Information Service Trust Fund);
- 26 \$20 for the Motor Carrier Safety Inspection Fund;

1           \$10 for the driver's license;  
 2           and \$24 for the CDL: ..... \$60

3           Renewal commercial driver's license:

4           \$6 for the CDLIS/AAMVANet/NMVTIS Trust Fund;  
 5           \$20 for the Motor Carrier Safety Inspection Fund;  
 6           \$10 for the driver's license; and  
 7           \$24 for the CDL: ..... \$60

8           Commercial learner's permit

9           issued to any person holding a valid  
 10          Illinois driver's license for the  
 11          purpose of changing to a  
 12          CDL classification:  
 13          \$6 for the CDLIS/AAMVANet/NMVTIS Trust Fund;  
 14          \$20 for the Motor Carrier Safety Inspection Fund; and  
 15          \$24 for the CDL classification ..... \$50

16          Commercial learner's permit

17          issued to any person holding a valid  
 18          Illinois CDL for the purpose of  
 19          making a change in a classification,  
 20          endorsement or restriction ..... \$5

21          CDL duplicate or corrected license ..... \$5

22          In order to ensure the proper implementation of the  
 23          Uniform Commercial Driver License Act, Article V of this  
 24          Chapter, the Secretary of State is empowered to prorate the  
 25          \$24 fee for the commercial driver's license proportionate to  
 26          the expiration date of the applicant's Illinois driver's

1 license.

2 The fee for any duplicate license or permit shall be  
3 waived for any person who presents the Secretary of State's  
4 office with a police report showing that his license or permit  
5 was stolen.

6 The fee for any duplicate license or permit shall be  
7 waived for any person age 60 or older whose driver's license or  
8 permit has been lost or stolen.

9 No additional fee shall be charged for a driver's license,  
10 or for a commercial driver's license, when issued to the  
11 holder of an instruction permit for the same classification or  
12 type of license who becomes eligible for such license.

13 The fee for a restricted driving permit under this  
14 subsection (a) shall be imposed annually until the expiration  
15 of the permit.

16 (a-5) The fee for a driver's record or data contained  
17 therein is \$20 and shall be disbursed as set forth in  
18 subsection (k) of Section 2-123 of this Code.

19 (b) Any person whose license or privilege to operate a  
20 motor vehicle in this State has been suspended or revoked  
21 under Section 3-707, any provision of Chapter 6, Chapter 11,  
22 or Section 7-205, 7-303, or 7-702 of the Illinois Safety and  
23 Family Financial Responsibility Law of this Code, shall in  
24 addition to any other fees required by this Code, pay a  
25 reinstatement fee as follows:

26 Suspension under Section 3-707 ..... \$100



1	Suspension under Section 11-1431 .....	\$100
2	Summary suspension under Section 11-501.1 .....	\$250
3	Suspension under Section 11-501.9 .....	\$250
4	Summary revocation under Section 11-501.1 .....	\$500
5	Other suspension .....	\$70
6	Revocation .....	\$500

7       However, any person whose license or privilege to operate  
8 a motor vehicle in this State has been suspended or revoked for  
9 a second or subsequent time for a violation of Section 11-501,  
10 11-501.1, or 11-501.9 of this Code or a similar provision of a  
11 local ordinance or a similar out-of-state offense or Section  
12 9-3 of the Criminal Code of 1961 or the Criminal Code of 2012  
13 and each suspension or revocation was for a violation of  
14 Section 11-501, 11-501.1, or 11-501.9 of this Code or a  
15 similar provision of a local ordinance or a similar  
16 out-of-state offense or Section 9-3 of the Criminal Code of  
17 1961 or the Criminal Code of 2012 shall pay, in addition to any  
18 other fees required by this Code, a reinstatement fee as  
19 follows:

20	Summary suspension under Section 11-501.1 .....	\$500
21	Suspension under Section 11-501.9 .....	\$500
22	Summary revocation under Section 11-501.1 .....	\$500
23	Revocation .....	\$500

24       (c) All fees collected under the provisions of this  
25 Chapter 6 shall be disbursed under subsection (g) of Section  
26 2-119 of this Code, except as follows:

1           1. The following amounts shall be paid into the  
2 Drivers Education Fund:

3           (A) \$16 of the \$20 fee for an original driver's  
4 instruction permit;

5           (B) \$5 of the \$30 fee for an original driver's  
6 license;

7           (C) \$5 of the \$30 fee for a 4 year renewal driver's  
8 license;

9           (D) \$4 of the \$8 fee for a restricted driving  
10 permit; and

11           (E) \$4 of the \$8 fee for a monitoring device  
12 driving permit.

13           2. \$30 of the \$250 fee for reinstatement of a license  
14 summarily suspended under Section 11-501.1 or suspended  
15 under Section 11-501.9 shall be deposited into the Drunk  
16 and Drugged Driving Prevention Fund. However, for a person  
17 whose license or privilege to operate a motor vehicle in  
18 this State has been suspended or revoked for a second or  
19 subsequent time for a violation of Section 11-501,  
20 11-501.1, or 11-501.9 of this Code or Section 9-3 of the  
21 Criminal Code of 1961 or the Criminal Code of 2012, \$190 of  
22 the \$500 fee for reinstatement of a license summarily  
23 suspended under Section 11-501.1 or suspended under  
24 Section 11-501.9, and \$190 of the \$500 fee for  
25 reinstatement of a revoked license shall be deposited into  
26 the Drunk and Drugged Driving Prevention Fund. \$190 of the

1           \$500 fee for reinstatement of a license summarily revoked  
2           pursuant to Section 11-501.1 shall be deposited into the  
3           Drunk and Drugged Driving Prevention Fund.

4           3. \$6 of the original or renewal fee for a commercial  
5           driver's license and \$6 of the commercial learner's permit  
6           fee when the permit is issued to any person holding a valid  
7           Illinois driver's license, shall be paid into the  
8           CDLIS/AAMVAnet/NMVTIS Trust Fund.

9           4. \$30 of the \$70 fee for reinstatement of a license  
10          suspended under the Illinois Safety and Family Financial  
11          Responsibility Law shall be paid into the Family  
12          Responsibility Fund.

13          5. The \$5 fee for each original or renewal M or L  
14          endorsement shall be deposited into the Cycle Rider Safety  
15          Training Fund.

16          6. \$20 of any original or renewal fee for a commercial  
17          driver's license or commercial learner's permit shall be  
18          paid into the Motor Carrier Safety Inspection Fund.

19          7. The following amounts shall be paid into the  
20          General Revenue Fund:

21                (A) \$190 of the \$250 reinstatement fee for a  
22                summary suspension under Section 11-501.1 or a  
23                suspension under Section 11-501.9;

24                (B) \$40 of the \$70 reinstatement fee for any other  
25                suspension provided in subsection (b) of this Section;  
26                and

1           (C) \$440 of the \$500 reinstatement fee for a first  
2           offense revocation and \$310 of the \$500 reinstatement  
3           fee for a second or subsequent revocation.

4           8. Fees collected under paragraph (4) of subsection  
5           (d) and subsection (h) of Section 6-205 of this Code;  
6           subparagraph (C) of paragraph 3 of subsection (c) of  
7           Section 6-206 of this Code; and paragraph (4) of  
8           subsection (a) of Section 6-206.1 of this Code, shall be  
9           paid into the funds set forth in those Sections.

10          (d) All of the proceeds of the additional fees imposed by  
11          this amendatory Act of the 96th General Assembly shall be  
12          deposited into the Capital Projects Fund.

13          (e) The additional fees imposed by this amendatory Act of  
14          the 96th General Assembly shall become effective 90 days after  
15          becoming law. The additional fees imposed by this amendatory  
16          Act of the 103rd General Assembly shall become effective July  
17          1, 2023 and shall be paid into the Secretary of State Special  
18          Services Fund.

19          (f) As used in this Section, "active-duty member of the  
20          United States Armed Forces" means a member of the Armed  
21          Services or Reserve Forces of the United States or a member of  
22          the Illinois National Guard who is called to active duty  
23          pursuant to an executive order of the President of the United  
24          States, an act of the Congress of the United States, or an  
25          order of the Governor.

26          (Source: P.A. 103-8, eff. 7-1-23; revised 9-26-23.)

1 (625 ILCS 5/6-508.5)

2 Sec. 6-508.5. Drug and alcohol clearinghouse.

3 (a) No driver who has engaged in conduct prohibited by  
4 subpart B of 49 CFR 382 shall perform safety-sensitive  
5 functions, including driving a commercial motor vehicle,  
6 unless the driver has met the return-to-duty ~~return-to-duty~~  
7 requirements of subpart O of 49 CFR 40 and, if the driver's CDL  
8 or CLP was canceled, has had the CDL or CLP reinstated.

9 (b) By applying for a CDL or CLP, a driver is deemed to  
10 have consented to the release of information from the drug and  
11 alcohol clearinghouse to the Secretary of State.

12 (c) No later than November 18, 2024, the Secretary shall  
13 request information from the drug and alcohol clearinghouse  
14 for all applicants applying for an initial, renewal, transfer,  
15 or upgraded CDL or CLP. If the Secretary receives notification  
16 that pursuant to 49 CFR 382.503 the applicant is prohibited  
17 from operating a commercial motor vehicle, the Secretary shall  
18 not issue, renew, transfer, or upgrade a CDL or CLP.

19 (d) No later than November 18, 2024, the Secretary must,  
20 upon receiving notification from the drug and alcohol  
21 clearinghouse that a holder of a CDL or CLP is prohibited from  
22 operating a commercial motor vehicle, cancel the CDL or CLP.  
23 The cancellation must be completed and recorded on the CDLIS  
24 driver record within 60 days after the State's receipt of such  
25 a notification. Upon notification from the Federal Motor

1 Carrier Safety Administration that a driver has completed the  
2 return-to-duty process, the Secretary may reinstate the  
3 driver's CDL or CLP privileges.

4 (e) Upon notification from the Federal Motor Carrier  
5 Safety Administration that a violation was entered into the  
6 drug and alcohol clearinghouse erroneously, the Secretary  
7 shall reinstate the driver's CDL or CLP privileges and remove  
8 the cancellation from the driving record.

9 (Source: P.A. 103-179, eff. 6-30-23; revised 9-26-23.)

10 (625 ILCS 5/7-315) (from Ch. 95 1/2, par. 7-315)

11 Sec. 7-315. Certificate ~~A certificate~~ of insurance proof.

12 (a) Proof of financial responsibility may be made by  
13 filing with the Secretary of State the electronic certificate  
14 of any insurance carrier duly authorized to do business in  
15 this State, certifying that it has issued to or for the benefit  
16 of the person furnishing such proof and named as the insured in  
17 a motor vehicle liability policy, a motor vehicle liability  
18 policy or policies or in certain events an operator's policy  
19 meeting the requirements of this Code and that said policy or  
20 policies are then in full force and effect. All electronic  
21 certificates must be submitted in a manner satisfactory to the  
22 Secretary of State.

23 (b) Such certificate or certificates shall give the dates  
24 of issuance and expiration of such policy or policies and  
25 certify that the same shall not be canceled unless 15 days'

1 prior electronic notice thereof be given to the Secretary of  
2 State and shall explicitly describe all motor vehicles covered  
3 thereby unless the policy or policies are issued to a person  
4 who is not the owner of a motor vehicle.

5 (c) The Secretary of State shall not accept any  
6 certificate or certificates unless the same shall cover all  
7 motor vehicles then registered in this State in the name of the  
8 person furnishing such proof as owner and an additional  
9 certificate or certificates shall be required as a condition  
10 precedent to the subsequent registration of any motor vehicle  
11 or motor vehicles in the name of the person giving such proof  
12 as owner.

13 (Source: P.A. 103-179, eff. 6-30-23; revised 9-26-23.)

14 (625 ILCS 5/11-208.6)

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

16 (a) As used in this Section, "automated traffic law  
17 enforcement system" means a device with one or more motor  
18 vehicle sensors working in conjunction with a red light signal  
19 to produce recorded images of motor vehicles entering an  
20 intersection against a red signal indication in violation of  
21 Section 11-306 of this Code or a similar provision of a local  
22 ordinance.

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

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

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

8 (1) 2 or more photographs;

9 (2) 2 or more microphotographs;

10 (3) 2 or more electronic images; or

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

15 (b-5) A municipality or county that produces a recorded  
16 image of a motor vehicle's violation of a provision of this  
17 Code or a local ordinance must make the recorded images of a  
18 violation accessible to the alleged violator by providing the  
19 alleged violator with a website address, accessible through  
20 the Internet.

21 (c) Except as provided under Section 11-208.8 of this  
22 Code, a county or municipality, including a home rule county  
23 or municipality, may not use an automated traffic law  
24 enforcement system to provide recorded images of a motor  
25 vehicle for the purpose of recording its speed. Except as  
26 provided under Section 11-208.8 of this Code, the regulation



1 of the use of automated traffic law enforcement systems to  
2 record vehicle speeds is an exclusive power and function of  
3 the State. This subsection (c) is a denial and limitation of  
4 home rule powers and functions under subsection (h) of Section  
5 6 of Article VII of the Illinois Constitution.

6 (c-5) A county or municipality, including a home rule  
7 county or municipality, may not use an automated traffic law  
8 enforcement system to issue violations in instances where the  
9 motor vehicle comes to a complete stop and does not enter the  
10 intersection, as defined by Section 1-132 of this Code, during  
11 the cycle of the red signal indication unless one or more  
12 pedestrians or bicyclists are present, even if the motor  
13 vehicle stops at a point past a stop line or crosswalk where a  
14 driver is required to stop, as specified in subsection (c) of  
15 Section 11-306 of this Code or a similar provision of a local  
16 ordinance.

17 (c-6) A county, or a municipality with less than 2,000,000  
18 inhabitants, including a home rule county or municipality, may  
19 not use an automated traffic law enforcement system to issue  
20 violations in instances where a motorcyclist enters an  
21 intersection against a red signal indication when the red  
22 signal fails to change to a green signal within a reasonable  
23 period of time not less than 120 seconds because of a signal  
24 malfunction or because the signal has failed to detect the  
25 arrival of the motorcycle due to the motorcycle's size or  
26 weight.

1 (d) For each violation of a provision of this Code or a  
2 local ordinance recorded by an automatic traffic law  
3 enforcement system, the county or municipality having  
4 jurisdiction shall issue a written notice of the violation to  
5 the registered owner of the vehicle as the alleged violator.  
6 The notice shall be delivered to the registered owner of the  
7 vehicle, by mail, within 30 days after the Secretary of State  
8 notifies the municipality or county of the identity of the  
9 owner of the vehicle, but in no event later than 90 days after  
10 the violation.

11 The notice shall include:

12 (1) the name and address of the registered owner of  
13 the vehicle;

14 (2) the registration number of the motor vehicle  
15 involved in the violation;

16 (3) the violation charged;

17 (4) the location where the violation occurred;

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

19 (6) a copy of the recorded images;

20 (7) the amount of the civil penalty imposed and the  
21 requirements of any traffic education program imposed and  
22 the date by which the civil penalty should be paid and the  
23 traffic education program should be completed;

24 (8) a statement that recorded images are evidence of a  
25 violation of a red light signal;

26 (9) a warning that failure to pay the civil penalty,

1 to complete a required traffic education program, or to  
2 contest liability in a timely manner is an admission of  
3 liability;

4 (10) a statement that the person may elect to proceed  
5 by:

6 (A) paying the fine, completing a required traffic  
7 education program, or both; or

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

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

13 (e) (Blank).

14 (f) Based on inspection of recorded images produced by an  
15 automated traffic law enforcement system, a notice alleging  
16 that the violation occurred shall be evidence of the facts  
17 contained in the notice and admissible in any proceeding  
18 alleging a violation under this Section.

19 (g) Recorded images made by an automatic traffic law  
20 enforcement system are confidential and shall be made  
21 available only to the alleged violator and governmental and  
22 law enforcement agencies for purposes of adjudicating a  
23 violation of this Section, for statistical purposes, or for  
24 other governmental purposes. Any recorded image evidencing a  
25 violation of this Section, however, may be admissible in any  
26 proceeding resulting from the issuance of the citation.

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

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

8 (1.5) that the motor vehicle was hijacked before the  
9 violation occurred and not under the control of or in the  
10 possession of the owner or lessee at the time of the  
11 violation;

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

16 (3) any other evidence or issues provided by municipal  
17 or county ordinance.

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

26 (j) Unless the driver of the motor vehicle received a

1 Uniform Traffic Citation from a police officer at the time of  
2 the violation, the motor vehicle owner is subject to a civil  
3 penalty not exceeding \$100 or the completion of a traffic  
4 education program, or both, plus an additional penalty of not  
5 more than \$100 for failure to pay the original penalty or to  
6 complete a required traffic education program, or both, in a  
7 timely manner, if the motor vehicle is recorded by an  
8 automated traffic law enforcement system. A violation for  
9 which a civil penalty is imposed under this Section is not a  
10 violation of a traffic regulation governing the movement of  
11 vehicles and may not be recorded on the driving record of the  
12 owner of the vehicle.

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

16 (j-5) For purposes of the required traffic education  
17 program only, a registered owner may submit an affidavit to  
18 the court or hearing officer swearing that at the time of the  
19 alleged violation, the vehicle was in the custody and control  
20 of another person. The affidavit must identify the person in  
21 custody and control of the vehicle, including the person's  
22 name and current address. The person in custody and control of  
23 the vehicle at the time of the violation is required to  
24 complete the required traffic education program. If the person  
25 in custody and control of the vehicle at the time of the  
26 violation completes the required traffic education program,

1 the registered owner of the vehicle is not required to  
2 complete a traffic education program.

3 (k) An intersection equipped with an automated traffic law  
4 enforcement system must be posted with a sign visible to  
5 approaching traffic indicating that the intersection is being  
6 monitored by an automated traffic law enforcement system and  
7 informing drivers whether, following a stop, a right turn at  
8 the intersection is permitted or prohibited.

9 (k-3) A municipality or county that has one or more  
10 intersections equipped with an automated traffic law  
11 enforcement system must provide notice to drivers by posting  
12 the locations of automated traffic law systems on the  
13 municipality or county website.

14 (k-5) An intersection equipped with an automated traffic  
15 law enforcement system must have a yellow change interval that  
16 conforms with the Illinois Manual on Uniform Traffic Control  
17 Devices (IMUTCD) published by the Illinois Department of  
18 Transportation. Beginning 6 months before it installs an  
19 automated traffic law enforcement system at an intersection, a  
20 county or municipality may not change the yellow change  
21 interval at that intersection.

22 (k-7) A municipality or county operating an automated  
23 traffic law enforcement system shall conduct a statistical  
24 analysis to assess the safety impact of each automated traffic  
25 law enforcement system at an intersection following  
26 installation of the system and every 2 years thereafter. Each

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

21 (k-8) Any municipality or county operating an automated  
22 traffic law enforcement system before July 28, 2023 (the  
23 effective date of Public Act 103-364) ~~this amendatory Act of~~  
24 ~~the 103rd General Assembly~~ shall conduct a statistical  
25 analysis to assess the safety impact of each automated traffic  
26 law enforcement system at an intersection by no later than one

1 year after July 28, 2023 (the effective date of Public Act  
2 103-364) ~~this amendatory Act of the 103rd General Assembly~~ and  
3 every 2 years thereafter. The statistical analyses shall be  
4 based upon the best available crash, traffic, and other data,  
5 and shall cover a period of time before and after installation  
6 of the system sufficient to provide a statistically valid  
7 comparison of safety impact. The statistical analyses shall be  
8 consistent with professional judgment and acceptable industry  
9 practice. The statistical analyses also shall be consistent  
10 with the data required for valid comparisons of before and  
11 after conditions. The statistical analyses required by this  
12 subsection shall be made available to the public and shall be  
13 published on the website of the municipality or county. If the  
14 statistical analysis for any period following installation of  
15 the system indicates that there has been an increase in the  
16 rate of accidents at the approach to the intersection  
17 monitored by the system, the municipality or county shall  
18 undertake additional studies to determine the cause and  
19 severity of the accidents, and may take any action that it  
20 determines is necessary or appropriate to reduce the number or  
21 severity of the accidents at that intersection.

22 (1) The compensation paid for an automated traffic law  
23 enforcement system must be based on the value of the equipment  
24 or the services provided and may not be based on the number of  
25 traffic citations issued or the revenue generated by the  
26 system.



1 (1-1) No member of the General Assembly and no officer or  
2 employee of a municipality or county shall knowingly accept  
3 employment or receive compensation or fees for services from a  
4 vendor that provides automated traffic law enforcement system  
5 equipment or services to municipalities or counties. No former  
6 member of the General Assembly shall, within a period of 2  
7 years immediately after the termination of service as a member  
8 of the General Assembly, knowingly accept employment or  
9 receive compensation or fees for services from a vendor that  
10 provides automated traffic law enforcement system equipment or  
11 services to municipalities or counties. No former officer or  
12 employee of a municipality or county shall, within a period of  
13 2 years immediately after the termination of municipal or  
14 county employment, knowingly accept employment or receive  
15 compensation or fees for services from a vendor that provides  
16 automated traffic law enforcement system equipment or services  
17 to municipalities or counties.

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

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

23 A low-income individual required to complete a traffic  
24 education program under this Section who provides proof of  
25 eligibility for the federal earned income tax credit under  
26 Section 32 of the Internal Revenue Code or the Illinois earned

1 income tax credit under Section 212 of the Illinois Income Tax  
2 Act shall not be required to pay any fee for participating in a  
3 required traffic education program.

4 (o) (Blank).

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

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

19 (q) If a county or municipality selects a new vendor for  
20 its automated traffic law enforcement system and must, as a  
21 consequence, apply for a permit, approval, or other  
22 authorization from the Department for reinstallation of one or  
23 more malfunctioning components of that system and if, at the  
24 time of the application for the permit, approval, or other  
25 authorization, the new vendor operates an automated traffic  
26 law enforcement system for any other county or municipality in

1 the State, then the Department shall approve or deny the  
2 county or municipality's application for the permit, approval,  
3 or other authorization within 90 days after its receipt.

4 (r) The Department may revoke any permit, approval, or  
5 other authorization granted to a county or municipality for  
6 the placement, installation, or operation of an automated  
7 traffic law enforcement system if any official or employee who  
8 serves that county or municipality is charged with bribery,  
9 official misconduct, or a similar crime related to the  
10 placement, installation, or operation of the automated traffic  
11 law enforcement system in the county or municipality.

12 The Department shall adopt any rules necessary to  
13 implement and administer this subsection. The rules adopted by  
14 the Department shall describe the revocation process, shall  
15 ensure that notice of the revocation is provided, and shall  
16 provide an opportunity to appeal the revocation. Any county or  
17 municipality that has a permit, approval, or other  
18 authorization revoked under this subsection may not reapply  
19 for such a permit, approval, or other authorization for a  
20 period of one ± year after the revocation.

21 (s) If an automated traffic law enforcement system is  
22 removed or rendered inoperable due to construction, then the  
23 Department shall authorize the reinstallation or use of the  
24 automated traffic law enforcement system within 30 days after  
25 the construction is complete.

26 (Source: P.A. 102-905, eff. 1-1-23; 102-982, eff. 7-1-23;

1 103-154, eff. 6-30-23; 103-364, eff. 7-28-23; revised  
2 1-30-24.)

3 (625 ILCS 5/11-305) (from Ch. 95 1/2, par. 11-305)

4 Sec. 11-305. Obedience to and required traffic-control  
5 devices.

6 (a) The driver of any vehicle shall obey the instructions  
7 of any official traffic-control device applicable thereto  
8 placed or held in accordance with the provisions of this Act,  
9 unless otherwise directed by a police officer, subject to the  
10 exceptions granted the driver of an authorized emergency  
11 vehicle in this Act.

12 (b) It is unlawful for any person to leave the roadway and  
13 travel across private property to avoid an official  
14 traffic-control ~~traffic-control~~ device.

15 (c) No provision of this Act for which official  
16 traffic-control devices are required shall be enforced against  
17 an alleged violator if at the time and place of the alleged  
18 violation an official device is not in proper position and  
19 sufficiently legible to be seen by an ordinarily observant  
20 person. Whenever a particular section does not state that  
21 official traffic-control devices are required, such section  
22 shall be effective even though no devices are erected or in  
23 place.

24 (d) Whenever any official traffic-control device is placed  
25 or held in position approximately conforming to the

1 requirements of this Act and purports to conform to the lawful  
2 requirements pertaining to such device, such device shall be  
3 presumed to have been so placed or held by the official act or  
4 direction of lawful authority, and comply with the  
5 requirements of this Act, unless the contrary shall be  
6 established by competent evidence.

7 (e) The driver of a vehicle approaching a traffic control  
8 signal on which no signal light facing such vehicle is  
9 illuminated shall stop before entering the intersection in  
10 accordance with rules applicable in making a stop at a stop  
11 sign. This provision does not apply to the driver of a vehicle  
12 approaching a pedestrian hybrid beacon.

13 (f) Any violation of subsection (a) that occurs within a  
14 designated highway construction zone or maintenance zone shall  
15 result in a fine of no less than \$100 and no more than \$1,000.

16 (Source: P.A. 103-158, eff. 1-1-24; revised 1-2-24.)

17 Section 545. The Public-Private Partnerships for  
18 Transportation Act is amended by changing Section 19 as  
19 follows:

20 (630 ILCS 5/19)

21 Sec. 19. Unsolicited proposals.

22 (a) A responsible public entity may receive unsolicited  
23 proposals for a project and may thereafter enter into a  
24 public-private agreement with a private entity, or a

1 consortium of private entities, for the design, construction,  
2 upgrading, operating, ownership, or financing of facilities.

3 (b) A responsible public entity may consider, evaluate,  
4 and accept an unsolicited proposal for a public-private  
5 partnership project from a private entity if the proposal:

6 (1) is independently developed and drafted by the  
7 proposer without responsible public entity supervision;

8 (2) shows that the proposed project could benefit the  
9 transportation system;

10 (3) includes a financing plan to allow the project to  
11 move forward pursuant to the applicable responsible public  
12 entity's budget and finance requirements; and

13 (4) includes sufficient detail and information for the  
14 responsible public entity to evaluate the proposal in an  
15 objective and timely manner and permit a determination  
16 that the project would be worthwhile.

17 (c) The unsolicited proposal shall include the following:

18 (1) an executive summary covering the major elements  
19 of the proposal;

20 (2) qualifications concerning the experience,  
21 expertise, technical competence, and qualifications of the  
22 private entity and of each member of its management team  
23 and of other key employees, consultants, and  
24 subcontractors, including the name, address, and  
25 professional designation;

26 (3) a project description, including, when applicable:

1 (A) the limits, scope, and location of the  
2 proposed project;

3 (B) right-of-way requirements;

4 (C) connections with other facilities and  
5 improvements to those facilities necessary if the  
6 project is developed;

7 (D) a conceptual project design; and

8 (E) a statement of the project's relationship to  
9 and impact upon relevant existing plans of the  
10 responsible public entity;

11 (4) a facilities project schedule, including when  
12 applicable, estimates of:

13 (A) dates of contract award;

14 (B) start of construction;

15 (C) completion of construction;

16 (D) start of operations; and

17 (E) major maintenance or reconstruction activities  
18 during the life of the proposed project agreement;

19 (5) an operating plan describing the operation of the  
20 completed facility if operation of a facility is part of  
21 the proposal, describing the management structure and  
22 approach, the proposed period of operations, enforcement,  
23 emergency response, and other relevant information;

24 (6) a finance plan describing the proposed financing  
25 of the project, identifying the source of funds to, where  
26 applicable, design, construct, maintain, and manage the

1 project during the term of the proposed contract; and

2 (7) the legal basis for the project and licenses and  
3 certifications; the private entity must demonstrate that  
4 it has all licenses and certificates necessary to complete  
5 the project.

6 (d) Within 120 days after receiving an unsolicited  
7 proposal, the responsible public entity shall complete a  
8 preliminary evaluation of the unsolicited proposal and shall  
9 either:

10 (1) if the preliminary evaluation is unfavorable,  
11 return the proposal without further action;

12 (2) if the preliminary evaluation is favorable, notify  
13 the proposer that the responsible public entity will  
14 further evaluate the proposal; or

15 (3) request amendments, clarification, or modification  
16 of the unsolicited proposal.

17 (e) The procurement process for unsolicited proposals  
18 shall be as follows:

19 (1) If the responsible public entity chooses to  
20 further evaluate an unsolicited proposal with the intent  
21 to enter into a public-private agreement for the proposed  
22 project, then the responsible public entity shall publish  
23 notice in the Illinois Procurement Bulletin or in a  
24 newspaper of general circulation covering the location of  
25 the project at least once a week for 2 weeks stating that  
26 the responsible public entity has received a proposal and



1 will accept other proposals for the same project. The time  
2 frame within which the responsible public entity may  
3 accept other proposals shall be determined by the  
4 responsible public entity on a project-by-project basis  
5 based upon the complexity of the transportation project  
6 and the public benefit to be gained by allowing a longer or  
7 shorter period of time within which other proposals may be  
8 received; however, the time frame for allowing other  
9 proposals must be at least 21 days, but no more than 120  
10 days, after the initial date of publication.

11 (2) A copy of the notice must be mailed to each local  
12 government directly affected by the transportation  
13 project.

14 (3) The responsible public entity shall provide  
15 reasonably sufficient information, including the identity  
16 of its contact person, to enable other private entities to  
17 make proposals.

18 (4) If, after no less than 120 days, no  
19 counterproposal is received, or if the counterproposals  
20 are evaluated and found to be equal to or inferior to the  
21 original unsolicited proposal, the responsible public  
22 entity may proceed to negotiate a contract with the  
23 original proposer.

24 (5) If, after no less than 120 days, one or more  
25 counterproposals meeting unsolicited proposal standards  
26 are received, and if, in the opinion of the responsible

1 public entity, the counterproposals are evaluated and  
2 found to be superior to the original unsolicited proposal,  
3 the responsible public entity shall proceed to determine  
4 the successful participant through a final procurement  
5 phase known as "Best and Final Offer" (BAFO). The BAFO is a  
6 process whereby a responsible public entity shall invite  
7 the original private sector party and the proponent  
8 submitting the superior counterproposal to engage in a  
9 BAFO phase. The invitation to participate in the BAFO  
10 phase will provide to each participating proposer:

11 (A) the general concepts that were considered  
12 superior to the original proposal, while keeping  
13 proprietary information contained in the proposals  
14 confidential to the extent possible; and

15 (B) the preestablished evaluation criteria or the  
16 "basis of award" to be used to determine the  
17 successful proponent.

18 (6) Offers received in response to the BAFO invitation  
19 will be reviewed by the responsible public entity and  
20 scored in accordance with a preestablished criteria, or  
21 alternatively, in accordance with the basis of award  
22 provision identified through the BAFO process. The  
23 successful proponent will be the proponent offering "best  
24 value" to the responsible public entity.

25 (7) In all cases, the basis of award will be the best  
26 value to the responsible public entity, as determined by

1 the responsible public entity.

2 (f) After a comprehensive evaluation and acceptance of an  
3 unsolicited proposal and any alternatives, the responsible  
4 public entity may commence negotiations with a proposer,  
5 considering:

6 (1) the proposal has received a favorable  
7 comprehensive evaluation;

8 (2) the proposal is not duplicative of existing  
9 infrastructure project;

10 (3) the alternative proposal does not closely resemble  
11 a pending competitive proposal for a public-private  
12 private partnership or other procurement;

13 (4) the proposal demonstrates a unique method,  
14 approach, or concept;

15 (5) facts and circumstances that preclude or warrant  
16 additional competition;

17 (6) the availability of any funds, debts, or assets  
18 that the State will contribute to the project;

19 (7) facts and circumstances demonstrating that the  
20 project will likely have a significant adverse impact on  
21 ~~on~~ State bond ratings; and

22 (8) indemnifications included in the proposal.

23 (Source: P.A. 103-570, eff. 1-1-24; revised 1-3-24.)

24 Section 550. The Clerks of Courts Act is amended by  
25 changing Section 27.1b as follows:

1 (705 ILCS 105/27.1b)

2 Sec. 27.1b. Circuit court clerk fees. Notwithstanding any  
3 other provision of law, all fees charged by the clerks of the  
4 circuit court for the services described in this Section shall  
5 be established, collected, and disbursed in accordance with  
6 this Section. Except as otherwise specified in this Section,  
7 all fees under this Section shall be paid in advance and  
8 disbursed by each clerk on a monthly basis. In a county with a  
9 population of over 3,000,000, units of local government and  
10 school districts shall not be required to pay fees under this  
11 Section in advance and the clerk shall instead send an  
12 itemized bill to the unit of local government or school  
13 district, within 30 days of the fee being incurred, and the  
14 unit of local government or school district shall be allowed  
15 at least 30 days from the date of the itemized bill to pay;  
16 these payments shall be disbursed by each clerk on a monthly  
17 basis. Unless otherwise specified in this Section, the amount  
18 of a fee shall be determined by ordinance or resolution of the  
19 county board and remitted to the county treasurer to be used  
20 for purposes related to the operation of the court system in  
21 the county. In a county with a population of over 3,000,000,  
22 any amount retained by the clerk of the circuit court or  
23 remitted to the county treasurer shall be subject to  
24 appropriation by the county board.

25 (a) Civil cases. The fee for filing a complaint, petition,

1 or other pleading initiating a civil action shall be as set  
2 forth in the applicable schedule under this subsection in  
3 accordance with case categories established by the Supreme  
4 Court in schedules.

5 (1) SCHEDULE 1: not to exceed a total of \$366 in a  
6 county with a population of 3,000,000 or more and not to  
7 exceed \$316 in any other county, except as applied to  
8 units of local government and school districts in counties  
9 with more than 3,000,000 inhabitants an amount not to  
10 exceed \$190 through December 31, 2021 and \$184 on and  
11 after January 1, 2022. The fees collected under this  
12 schedule shall be disbursed as follows:

13 (A) The clerk shall retain a sum, in an amount not  
14 to exceed \$55 in a county with a population of  
15 3,000,000 or more and in an amount not to exceed \$45 in  
16 any other county determined by the clerk with the  
17 approval of the Supreme Court, to be used for court  
18 automation, court document storage, and administrative  
19 purposes.

20 (B) The clerk shall remit up to \$21 to the State  
21 Treasurer. The State Treasurer shall deposit the  
22 appropriate amounts, in accordance with the clerk's  
23 instructions, as follows:

24 (i) up to \$10, as specified by the Supreme  
25 Court in accordance with Part 10A of Article II of  
26 the Code of Civil Procedure, into the Mandatory

1 Arbitration Fund;

2 (ii) \$2 into the Access to Justice Fund; and

3 (iii) \$9 into the Supreme Court Special  
4 Purposes Fund.

5 (C) The clerk shall remit a sum to the County  
6 Treasurer, in an amount not to exceed \$290 in a county  
7 with a population of 3,000,000 or more and in an amount  
8 not to exceed \$250 in any other county, as specified by  
9 ordinance or resolution passed by the county board,  
10 for purposes related to the operation of the court  
11 system in the county.

12 (2) SCHEDULE 2: not to exceed a total of \$357 in a  
13 county with a population of 3,000,000 or more and not to  
14 exceed \$266 in any other county, except as applied to  
15 units of local government and school districts in counties  
16 with more than 3,000,000 inhabitants an amount not to  
17 exceed \$190 through December 31, 2021 and \$184 on and  
18 after January 1, 2022. The fees collected under this  
19 schedule shall be disbursed as follows:

20 (A) The clerk shall retain a sum, in an amount not  
21 to exceed \$55 in a county with a population of  
22 3,000,000 or more and in an amount not to exceed \$45 in  
23 any other county determined by the clerk with the  
24 approval of the Supreme Court, to be used for court  
25 automation, court document storage, and administrative  
26 purposes.

1 (B) The clerk shall remit up to \$21 to the State  
2 Treasurer. The State Treasurer shall deposit the  
3 appropriate amounts, in accordance with the clerk's  
4 instructions, as follows:

5 (i) up to \$10, as specified by the Supreme  
6 Court in accordance with Part 10A of Article II of  
7 the Code of Civil Procedure, into the Mandatory  
8 Arbitration Fund;

9 (ii) \$2 into the Access to Justice Fund: and

10 (iii) \$9 into the Supreme Court Special  
11 Purposes Fund.

12 (C) The clerk shall remit a sum to the County  
13 Treasurer, in an amount not to exceed \$281 in a county  
14 with a population of 3,000,000 or more and in an amount  
15 not to exceed \$200 in any other county, as specified by  
16 ordinance or resolution passed by the county board,  
17 for purposes related to the operation of the court  
18 system in the county.

19 (3) SCHEDULE 3: not to exceed a total of \$265 in a  
20 county with a population of 3,000,000 or more and not to  
21 exceed \$89 in any other county, except as applied to units  
22 of local government and school districts in counties with  
23 more than 3,000,000 inhabitants an amount not to exceed  
24 \$190 through December 31, 2021 and \$184 on and after  
25 January 1, 2022. The fees collected under this schedule  
26 shall be disbursed as follows:

1           (A) The clerk shall retain a sum, in an amount not  
2           to exceed \$55 in a county with a population of  
3           3,000,000 or more and in an amount not to exceed \$22 in  
4           any other county determined by the clerk with the  
5           approval of the Supreme Court, to be used for court  
6           automation, court document storage, and administrative  
7           purposes.

8           (B) The clerk shall remit \$11 to the State  
9           Treasurer. The State Treasurer shall deposit the  
10          appropriate amounts in accordance with the clerk's  
11          instructions, as follows:

12                   (i) \$2 into the Access to Justice Fund; and

13                   (ii) \$9 into the Supreme Court Special  
14          Purposes Fund.

15          (C) The clerk shall remit a sum to the County  
16          Treasurer, in an amount not to exceed \$199 in a county  
17          with a population of 3,000,000 or more and in an amount  
18          not to exceed \$56 in any other county, as specified by  
19          ordinance or resolution passed by the county board,  
20          for purposes related to the operation of the court  
21          system in the county.

22          (4) SCHEDULE 4: \$0.

23          (b) Appearance. The fee for filing an appearance in a  
24          civil action, including a cannabis civil law action under the  
25          Cannabis Control Act, shall be as set forth in the applicable  
26          schedule under this subsection in accordance with case



1 categories established by the Supreme Court in schedules.

2 (1) SCHEDULE 1: not to exceed a total of \$230 in a  
3 county with a population of 3,000,000 or more and not to  
4 exceed \$191 in any other county, except as applied to  
5 units of local government and school districts in counties  
6 with more than 3,000,000 inhabitants an amount not to  
7 exceed \$75. The fees collected under this schedule shall  
8 be disbursed as follows:

9 (A) The clerk shall retain a sum, in an amount not  
10 to exceed \$50 in a county with a population of  
11 3,000,000 or more and in an amount not to exceed \$45 in  
12 any other county determined by the clerk with the  
13 approval of the Supreme Court, to be used for court  
14 automation, court document storage, and administrative  
15 purposes.

16 (B) The clerk shall remit up to \$21 to the State  
17 Treasurer. The State Treasurer shall deposit the  
18 appropriate amounts, in accordance with the clerk's  
19 instructions, as follows:

20 (i) up to \$10, as specified by the Supreme  
21 Court in accordance with Part 10A of Article II of  
22 the Code of Civil Procedure, into the Mandatory  
23 Arbitration Fund;

24 (ii) \$2 into the Access to Justice Fund; and

25 (iii) \$9 into the Supreme Court Special  
26 Purposes Fund.

1           (C) The clerk shall remit a sum to the County  
2           Treasurer, in an amount not to exceed \$159 in a county  
3           with a population of 3,000,000 or more and in an amount  
4           not to exceed \$125 in any other county, as specified by  
5           ordinance or resolution passed by the county board,  
6           for purposes related to the operation of the court  
7           system in the county.

8           (2) SCHEDULE 2: not to exceed a total of \$130 in a  
9           county with a population of 3,000,000 or more and not to  
10          exceed \$109 in any other county, except as applied to  
11          units of local government and school districts in counties  
12          with more than 3,000,000 inhabitants an amount not to  
13          exceed \$75. The fees collected under this schedule shall  
14          be disbursed as follows:

15           (A) The clerk shall retain a sum, in an amount not  
16           to exceed \$50 in a county with a population of  
17           3,000,000 or more and in an amount not to exceed \$10 in  
18           any other county determined by the clerk with the  
19           approval of the Supreme Court, to be used for court  
20           automation, court document storage, and administrative  
21           purposes.

22           (B) The clerk shall remit \$9 to the State  
23           Treasurer, which the State Treasurer shall deposit  
24           into the Supreme Court Special Purposes Fund.

25           (C) The clerk shall remit a sum to the County  
26           Treasurer, in an amount not to exceed \$71 in a county

1 with a population of 3,000,000 or more and in an amount  
2 not to exceed \$90 in any other county, as specified by  
3 ordinance or resolution passed by the county board,  
4 for purposes related to the operation of the court  
5 system in the county.

6 (3) SCHEDULE 3: \$0.

7 (b-5) Kane County and Will County. In Kane County and Will  
8 County civil cases, there is an additional fee of up to \$30 as  
9 set by the county board under Section 5-1101.3 of the Counties  
10 Code to be paid by each party at the time of filing the first  
11 pleading, paper, or other appearance; provided that no  
12 additional fee shall be required if more than one party is  
13 represented in a single pleading, paper, or other appearance.  
14 Distribution of fees collected under this subsection (b-5)  
15 shall be as provided in Section 5-1101.3 of the Counties Code.

16 (c) Counterclaim or third party complaint. When any  
17 defendant files a counterclaim or third party complaint, as  
18 part of the defendant's answer or otherwise, the defendant  
19 shall pay a filing fee for each counterclaim or third party  
20 complaint in an amount equal to the filing fee the defendant  
21 would have had to pay had the defendant brought a separate  
22 action for the relief sought in the counterclaim or third  
23 party complaint, less the amount of the appearance fee, if  
24 any, that the defendant has already paid in the action in which  
25 the counterclaim or third party complaint is filed.

26 (d) Alias summons. The clerk shall collect a fee not to

1 exceed \$6 in a county with a population of 3,000,000 or more  
2 and not to exceed \$5 in any other county for each alias summons  
3 or citation issued by the clerk, except as applied to units of  
4 local government and school districts in counties with more  
5 than 3,000,000 inhabitants an amount not to exceed \$5 for each  
6 alias summons or citation issued by the clerk.

7 (e) Jury services. The clerk shall collect, in addition to  
8 other fees allowed by law, a sum not to exceed \$212.50, as a  
9 fee for the services of a jury in every civil action not  
10 quasi-criminal in its nature and not a proceeding for the  
11 exercise of the right of eminent domain and in every other  
12 action wherein the right of trial by jury is or may be given by  
13 law. The jury fee shall be paid by the party demanding a jury  
14 at the time of filing the jury demand. If the fee is not paid  
15 by either party, no jury shall be called in the action or  
16 proceeding, and the action or proceeding shall be tried by the  
17 court without a jury.

18 (f) Change of venue. In connection with a change of venue:

19 (1) The clerk of the jurisdiction from which the case  
20 is transferred may charge a fee, not to exceed \$40, for the  
21 preparation and certification of the record; and

22 (2) The clerk of the jurisdiction to which the case is  
23 transferred may charge the same filing fee as if it were  
24 the commencement of a new suit.

25 (g) Petition to vacate or modify.

26 (1) In a proceeding involving a petition to vacate or

1 modify any final judgment or order filed within 30 days  
2 after the judgment or order was entered, except for an  
3 eviction case, small claims case, petition to reopen an  
4 estate, petition to modify, terminate, or enforce a  
5 judgment or order for child or spousal support, or  
6 petition to modify, suspend, or terminate an order for  
7 withholding, the fee shall not exceed \$60 in a county with  
8 a population of 3,000,000 or more and shall not exceed \$50  
9 in any other county, except as applied to units of local  
10 government and school districts in counties with more than  
11 3,000,000 inhabitants an amount not to exceed \$50.

12 (2) In a proceeding involving a petition to vacate or  
13 modify any final judgment or order filed more than 30 days  
14 after the judgment or order was entered, except for a  
15 petition to modify, terminate, or enforce a judgment or  
16 order for child or spousal support, or petition to modify,  
17 suspend, or terminate an order for withholding, the fee  
18 shall not exceed \$75.

19 (3) In a proceeding involving a motion to vacate or  
20 amend a final order, motion to vacate an ex parte  
21 judgment, judgment of forfeiture, or "failure to appear"  
22 or "failure to comply" notices sent to the Secretary of  
23 State, the fee shall equal \$40.

24 (h) Appeals preparation. The fee for preparation of a  
25 record on appeal shall be based on the number of pages, as  
26 follows:

1           (1) if the record contains no more than 100 pages, the  
2           fee shall not exceed \$70 in a county with a population of  
3           3,000,000 or more and shall not exceed \$50 in any other  
4           county;

5           (2) if the record contains between 100 and 200 pages,  
6           the fee shall not exceed \$100; and

7           (3) if the record contains 200 or more pages, the  
8           clerk may collect an additional fee not to exceed 25 cents  
9           per page.

10          (i) Remands. In any cases remanded to the circuit court  
11          from the Supreme Court or the appellate court for a new trial,  
12          the clerk shall reinstate the case with either its original  
13          number or a new number. The clerk shall not charge any new or  
14          additional fee for the reinstatement. Upon reinstatement, the  
15          clerk shall advise the parties of the reinstatement. Parties  
16          shall have the same right to a jury trial on remand and  
17          reinstatement that they had before the appeal, and no  
18          additional or new fee or charge shall be made for a jury trial  
19          after remand.

20          (j) Garnishment, wage deduction, and citation. In  
21          garnishment affidavit, wage deduction affidavit, and citation  
22          petition proceedings:

23                (1) if the amount in controversy in the proceeding is  
24                not more than \$1,000, the fee may not exceed \$35 in a  
25                county with a population of 3,000,000 or more and may not  
26                exceed \$15 in any other county, except as applied to units

1 of local government and school districts in counties with  
2 more than 3,000,000 inhabitants an amount not to exceed  
3 \$15;

4 (2) if the amount in controversy in the proceeding is  
5 greater than \$1,000 and not more than \$5,000, the fee may  
6 not exceed \$45 in a county with a population of 3,000,000  
7 or more and may not exceed \$30 in any other county, except  
8 as applied to units of local government and school  
9 districts in counties with more than 3,000,000 inhabitants  
10 an amount not to exceed \$30; and

11 (3) if the amount in controversy in the proceeding is  
12 greater than \$5,000, the fee may not exceed \$65 in a county  
13 with a population of 3,000,000 or more and may not exceed  
14 \$50 in any other county, except as applied to units of  
15 local government and school districts in counties with  
16 more than 3,000,000 inhabitants an amount not to exceed  
17 \$50.

18 (j-5) Debt collection. In any proceeding to collect a debt  
19 subject to the exception in item (ii) of subparagraph (A-5) of  
20 paragraph (1) of subsection (z) of this Section, the circuit  
21 court shall order and the clerk shall collect from each  
22 judgment debtor a fee of:

23 (1) \$35 if the amount in controversy in the proceeding  
24 is not more than \$1,000;

25 (2) \$45 if the amount in controversy in the proceeding  
26 is greater than \$1,000 and not more than \$5,000; and

1           (3) \$65 if the amount in controversy in the proceeding  
2 is greater than \$5,000.

3           (k) Collections.

4           (1) For all collections made of others, except the  
5 State and county and except in maintenance or child  
6 support cases, the clerk may collect a fee of up to 2.5% of  
7 the amount collected and turned over.

8           (2) In child support and maintenance cases, the clerk  
9 may collect an annual fee of up to \$36 from the person  
10 making payment for maintaining child support records and  
11 the processing of support orders to the State of Illinois  
12 KIDS system and the recording of payments issued by the  
13 State Disbursement Unit for the official record of the  
14 Court. This fee is in addition to and separate from  
15 amounts ordered to be paid as maintenance or child support  
16 and shall be deposited into a Separate Maintenance and  
17 Child Support Collection Fund, of which the clerk shall be  
18 the custodian, ex officio, to be used by the clerk to  
19 maintain child support orders and record all payments  
20 issued by the State Disbursement Unit for the official  
21 record of the Court. The clerk may recover from the person  
22 making the maintenance or child support payment any  
23 additional cost incurred in the collection of this annual  
24 fee.

25           (3) The clerk may collect a fee of \$5 for  
26 certifications made to the Secretary of State as provided



1 in Section 7-703 of the Illinois Vehicle Code, and this  
2 fee shall be deposited into the Separate Maintenance and  
3 Child Support Collection Fund.

4 (4) In proceedings to foreclose the lien of delinquent  
5 real estate taxes, State's Attorneys shall receive a fee  
6 of 10% of the total amount realized from the sale of real  
7 estate sold in the proceedings. The clerk shall collect  
8 the fee from the total amount realized from the sale of the  
9 real estate sold in the proceedings and remit to the  
10 County Treasurer to be credited to the earnings of the  
11 Office of the State's Attorney.

12 (l) Mailing. The fee for the clerk mailing documents shall  
13 not exceed \$10 plus the cost of postage.

14 (m) Certified copies. The fee for each certified copy of a  
15 judgment, after the first copy, shall not exceed \$10.

16 (n) Certification, authentication, and reproduction.

17 (1) The fee for each certification or authentication  
18 for taking the acknowledgment of a deed or other  
19 instrument in writing with the seal of office shall not  
20 exceed \$6.

21 (2) The fee for reproduction of any document contained  
22 in the clerk's files shall not exceed:

23 (A) \$2 for the first page;

24 (B) 50 cents per page for the next 19 pages; and

25 (C) 25 cents per page for all additional pages.

26 (o) Record search. For each record search, within a

1 division or municipal district, the clerk may collect a search  
2 fee not to exceed \$6 for each year searched.

3 (p) Hard copy. For each page of hard copy print output,  
4 when case records are maintained on an automated medium, the  
5 clerk may collect a fee not to exceed \$10 in a county with a  
6 population of 3,000,000 or more and not to exceed \$6 in any  
7 other county, except as applied to units of local government  
8 and school districts in counties with more than 3,000,000  
9 inhabitants an amount not to exceed \$6.

10 (q) Index inquiry and other records. No fee shall be  
11 charged for a single plaintiff and defendant index inquiry or  
12 single case record inquiry when this request is made in person  
13 and the records are maintained in a current automated medium,  
14 and when no hard copy print output is requested. The fees to be  
15 charged for management records, multiple case records, and  
16 multiple journal records may be specified by the Chief Judge  
17 pursuant to the guidelines for access and dissemination of  
18 information approved by the Supreme Court.

19 (r) Performing a marriage. There shall be a \$10 fee for  
20 performing a marriage in court.

21 (s) Voluntary assignment. For filing each deed of  
22 voluntary assignment, the clerk shall collect a fee not to  
23 exceed \$20. For recording a deed of voluntary assignment, the  
24 clerk shall collect a fee not to exceed 50 cents for each 100  
25 words. Exceptions filed to claims presented to an assignee of  
26 a debtor who has made a voluntary assignment for the benefit of

1 creditors shall be considered and treated, for the purpose of  
2 taxing costs therein, as actions in which the party or parties  
3 filing the exceptions shall be considered as party or parties  
4 plaintiff, and the claimant or claimants as party or parties  
5 defendant, and those parties respectively shall pay to the  
6 clerk the same fees as provided by this Section to be paid in  
7 other actions.

8 (t) Expungement petition. Except as provided in Sections  
9 1-19 and 5-915 of the Juvenile Court Act of 1987, the clerk may  
10 collect a fee not to exceed \$60 for each expungement petition  
11 filed and an additional fee not to exceed \$4 for each certified  
12 copy of an order to expunge arrest records.

13 (u) Transcripts of judgment. For the filing of a  
14 transcript of judgment, the clerk may collect the same fee as  
15 if it were the commencement of a new suit.

16 (v) Probate filings.

17 (1) For each account (other than one final account)  
18 filed in the estate of a decedent, or ward, the fee shall  
19 not exceed \$25.

20 (2) For filing a claim in an estate when the amount  
21 claimed is greater than \$150 and not more than \$500, the  
22 fee shall not exceed \$40 in a county with a population of  
23 3,000,000 or more and shall not exceed \$25 in any other  
24 county; when the amount claimed is greater than \$500 and  
25 not more than \$10,000, the fee shall not exceed \$55 in a  
26 county with a population of 3,000,000 or more and shall

1 not exceed \$40 in any other county; and when the amount  
2 claimed is more than \$10,000, the fee shall not exceed \$75  
3 in a county with a population of 3,000,000 or more and  
4 shall not exceed \$60 in any other county; except the court  
5 in allowing a claim may add to the amount allowed the  
6 filing fee paid by the claimant.

7 (3) For filing in an estate a claim, petition, or  
8 supplemental proceeding based upon an action seeking  
9 equitable relief including the construction or contest of  
10 a will, enforcement of a contract to make a will, and  
11 proceedings involving testamentary trusts or the  
12 appointment of testamentary trustees, the fee shall not  
13 exceed \$60.

14 (4) There shall be no fee for filing in an estate: (i)  
15 the appearance of any person for the purpose of consent;  
16 or (ii) the appearance of an executor, administrator,  
17 administrator to collect, guardian, guardian ad litem, or  
18 special administrator.

19 (5) For each jury demand, the fee shall not exceed  
20 \$137.50.

21 (6) For each certified copy of letters of office, of  
22 court order, or other certification, the fee shall not  
23 exceed \$2 per page.

24 (7) For each exemplification, the fee shall not exceed  
25 \$2, plus the fee for certification.

26 (8) The executor, administrator, guardian, petitioner,

1 or other interested person or his or her attorney shall  
2 pay the cost of publication by the clerk directly to the  
3 newspaper.

4 (9) The person on whose behalf a charge is incurred  
5 for witness, court reporter, appraiser, or other  
6 miscellaneous fees shall pay the same directly to the  
7 person entitled thereto.

8 (10) The executor, administrator, guardian,  
9 petitioner, or other interested person or his or her  
10 attorney shall pay to the clerk all postage charges  
11 incurred by the clerk in mailing petitions, orders,  
12 notices, or other documents pursuant to the provisions of  
13 the Probate Act of 1975.

14 (w) Corrections of numbers. For correction of the case  
15 number, case title, or attorney computer identification  
16 number, if required by rule of court, on any document filed in  
17 the clerk's office, to be charged against the party that filed  
18 the document, the fee shall not exceed \$25.

19 (x) Miscellaneous.

20 (1) Interest earned on any fees collected by the clerk  
21 shall be turned over to the county general fund as an  
22 earning of the office.

23 (2) For any check, draft, or other bank instrument  
24 returned to the clerk for non-sufficient funds, account  
25 closed, or payment stopped, the clerk shall collect a fee  
26 of \$25.

1           (y) Other fees. Any fees not covered in this Section shall  
2 be set by rule or administrative order of the circuit court  
3 with the approval of the Administrative Office of the Illinois  
4 Courts. The clerk of the circuit court may provide services in  
5 connection with the operation of the clerk's office, other  
6 than those services mentioned in this Section, as may be  
7 requested by the public and agreed to by the clerk and approved  
8 by the Chief Judge. Any charges for additional services shall  
9 be as agreed to between the clerk and the party making the  
10 request and approved by the Chief Judge. Nothing in this  
11 subsection shall be construed to require any clerk to provide  
12 any service not otherwise required by law.

13           (y-5) Unpaid fees. Unless a court ordered payment schedule  
14 is implemented or the fee requirements of this Section are  
15 waived under a court order, the clerk of the circuit court may  
16 add to any unpaid fees and costs under this Section a  
17 delinquency amount equal to 5% of the unpaid fees that remain  
18 unpaid after 30 days, 10% of the unpaid fees that remain unpaid  
19 after 60 days, and 15% of the unpaid fees that remain unpaid  
20 after 90 days. Notice to those parties may be made by signage  
21 posting or publication. The additional delinquency amounts  
22 collected under this Section shall be deposited into the  
23 Circuit Court Clerk Operations and Administration Fund and  
24 used to defray additional administrative costs incurred by the  
25 clerk of the circuit court in collecting unpaid fees and  
26 costs.

1 (z) Exceptions.

2 (1) No fee authorized by this Section shall apply to:

3 (A) police departments or other law enforcement  
4 agencies. In this Section, "law enforcement agency"  
5 means: an agency of the State or agency of a unit of  
6 local government which is vested by law or ordinance  
7 with the duty to maintain public order and to enforce  
8 criminal laws or ordinances; the Attorney General; or  
9 any State's Attorney;

10 (A-5) any unit of local government or school  
11 district, except in counties having a population of  
12 500,000 or more the county board may by resolution set  
13 fees for units of local government or school districts  
14 no greater than the minimum fees applicable in  
15 counties with a population less than 3,000,000;  
16 provided however, no fee may be charged to any unit of  
17 local government or school district in connection with  
18 any action which, in whole or in part, is: (i) to  
19 enforce an ordinance; (ii) to collect a debt; or (iii)  
20 under the Administrative Review Law;

21 (B) any action instituted by the corporate  
22 authority of a municipality with more than 1,000,000  
23 inhabitants under Section 11-31-1 of the Illinois  
24 Municipal Code and any action instituted under  
25 subsection (b) of Section 11-31-1 of the Illinois  
26 Municipal Code by a private owner or tenant of real

1 property within 1,200 feet of a dangerous or unsafe  
2 building seeking an order compelling the owner or  
3 owners of the building to take any of the actions  
4 authorized under that subsection;

5 (C) any commitment petition or petition for an  
6 order authorizing the administration of psychotropic  
7 medication or electroconvulsive therapy under the  
8 Mental Health and Developmental Disabilities Code;

9 (D) a petitioner in any order of protection  
10 proceeding, including, but not limited to, fees for  
11 filing, modifying, withdrawing, certifying, or  
12 photocopying petitions for orders of protection,  
13 issuing alias summons, any related filing service, or  
14 certifying, modifying, vacating, or photocopying any  
15 orders of protection;

16 (E) proceedings for the appointment of a  
17 confidential intermediary under the Adoption Act;

18 (F) a minor subject to Article III, IV, or V of the  
19 Juvenile Court Act of 1987, or the minor's parent,  
20 guardian, or legal custodian; or

21 (G) a minor under the age of 18 transferred to  
22 adult court or excluded from juvenile court  
23 jurisdiction under Article V of the Juvenile Court Act  
24 of 1987, or the minor's parent, guardian, or legal  
25 custodian.

26 (2) No fee other than the filing fee contained in the



1 applicable schedule in subsection (a) shall be charged to  
2 any person in connection with an adoption proceeding.

3 (3) Upon good cause shown, the court may waive any  
4 fees associated with a special needs adoption. The term  
5 "special needs adoption" has the meaning provided by the  
6 Illinois Department of Children and Family Services.

7 (Source: P.A. 102-145, eff. 7-23-21; 102-278, eff. 8-6-21;  
8 102-558, eff. 8-20-21; 102-813, eff. 5-13-22; 103-4, eff.  
9 5-31-23; 103-379, eff. 7-28-23; revised 8-30-23.)

10 Section 555. The Juvenile Court Act of 1987 is amended by  
11 changing Sections 1-8, 2-3, 2-6, 2-9, 2-10, 2-20, 2-28, 3-5,  
12 3-6, 3-16, 3-17, 3-19, 3-21, 3-24, 3-33.5, 4-8, 4-9, 4-14,  
13 4-16, 4-18, 4-21, 5-105, 5-120, 5-401.6, 5-410, 5-525, 5-601,  
14 5-610, 5-615, 5-625, 5-705, 5-710, 5-715, 5-810, 5-915, 6-7,  
15 6-9, and 6-10 as follows:

16 (705 ILCS 405/1-8)

17 Sec. 1-8. Confidentiality and accessibility of juvenile  
18 court records.

19 (A) A juvenile adjudication shall never be considered a  
20 conviction nor shall an adjudicated individual be considered a  
21 criminal. Unless expressly allowed by law, a juvenile  
22 adjudication shall not operate to impose upon the individual  
23 any of the civil disabilities ordinarily imposed by or  
24 resulting from conviction. Unless expressly allowed by law,

1 adjudications shall not prejudice or disqualify the individual  
2 in any civil service application or appointment, from holding  
3 public office, or from receiving any license granted by public  
4 authority. All juvenile court records which have not been  
5 expunged are sealed and may never be disclosed to the general  
6 public or otherwise made widely available. Sealed juvenile  
7 court records may be obtained only under this Section and  
8 Section 1-7 and Part 9 of Article V of this Act, when their use  
9 is needed for good cause and with an order from the juvenile  
10 court. Inspection and copying of juvenile court records  
11 relating to a minor who is the subject of a proceeding under  
12 this Act shall be restricted to the following:

13 (1) The minor who is the subject of record, the  
14 minor's parents, guardian, and counsel.

15 (2) Law enforcement officers and law enforcement  
16 agencies when such information is essential to executing  
17 an arrest or search warrant or other compulsory process,  
18 or to conducting an ongoing investigation or relating to a  
19 minor who has been adjudicated delinquent and there has  
20 been a previous finding that the act which constitutes the  
21 previous offense was committed in furtherance of criminal  
22 activities by a criminal street gang.

23 Before July 1, 1994, for the purposes of this Section,  
24 "criminal street gang" means any ongoing organization,  
25 association, or group of 3 or more persons, whether formal  
26 or informal, having as one of its primary activities the

1 commission of one or more criminal acts and that has a  
2 common name or common identifying sign, symbol, or  
3 specific color apparel displayed, and whose members  
4 individually or collectively engage in or have engaged in  
5 a pattern of criminal activity.

6 Beginning July 1, 1994, for purposes of this Section,  
7 "criminal street gang" has the meaning ascribed to it in  
8 Section 10 of the Illinois Streetgang Terrorism Omnibus  
9 Prevention Act.

10 (3) Judges, hearing officers, prosecutors, public  
11 defenders, probation officers, social workers, or other  
12 individuals assigned by the court to conduct a  
13 pre-adjudication or pre-disposition investigation, and  
14 individuals responsible for supervising or providing  
15 temporary or permanent care and custody for minors under  
16 the order of the juvenile court when essential to  
17 performing their responsibilities.

18 (4) Judges, federal, State, and local prosecutors,  
19 public defenders, probation officers, and designated  
20 staff:

21 (a) in the course of a trial when institution of  
22 criminal proceedings has been permitted or required  
23 under Section 5-805;

24 (b) when criminal proceedings have been permitted  
25 or required under Section 5-805 and a minor is the  
26 subject of a proceeding to determine the conditions of

1           pretrial release;

2           (c) when criminal proceedings have been permitted  
3           or required under Section 5-805 and a minor is the  
4           subject of a pre-trial investigation, pre-sentence  
5           investigation or fitness hearing, or proceedings on an  
6           application for probation; or

7           (d) when a minor becomes 18 years of age or older,  
8           and is the subject of criminal proceedings, including  
9           a hearing to determine the conditions of pretrial  
10          release, a pre-trial investigation, a pre-sentence  
11          investigation, a fitness hearing, or proceedings on an  
12          application for probation.

13          (5) Adult and Juvenile Prisoner Review Boards.

14          (6) Authorized military personnel.

15          (6.5) Employees of the federal government authorized  
16          by law.

17          (7) Victims, their subrogees and legal  
18          representatives; however, such persons shall have access  
19          only to the name and address of the minor and information  
20          pertaining to the disposition or alternative adjustment  
21          plan of the juvenile court.

22          (8) Persons engaged in bona fide research, with the  
23          permission of the presiding judge of the juvenile court  
24          and the chief executive of the agency that prepared the  
25          particular records; provided that publication of such  
26          research results in no disclosure of a minor's identity

1 and protects the confidentiality of the record.

2 (9) The Secretary of State to whom the Clerk of the  
3 Court shall report the disposition of all cases, as  
4 required in Section 6-204 of the Illinois Vehicle Code.  
5 However, information reported relative to these offenses  
6 shall be privileged and available only to the Secretary of  
7 State, courts, and police officers.

8 (10) The administrator of a bonafide substance abuse  
9 student assistance program with the permission of the  
10 presiding judge of the juvenile court.

11 (11) Mental health professionals on behalf of the  
12 Department of Corrections or the Department of Human  
13 Services or prosecutors who are evaluating, prosecuting,  
14 or investigating a potential or actual petition brought  
15 under the Sexually Violent Persons Commitment Act relating  
16 to a person who is the subject of juvenile court records or  
17 the respondent to a petition brought under the Sexually  
18 Violent Persons Commitment Act, who is the subject of  
19 juvenile court records sought. Any records and any  
20 information obtained from those records under this  
21 paragraph (11) may be used only in sexually violent  
22 persons commitment proceedings.

23 (12) (Blank).

24 (A-1) Findings and exclusions of paternity entered in  
25 proceedings occurring under Article II of this Act shall be  
26 disclosed, in a manner and form approved by the Presiding

1 Judge of the Juvenile Court, to the Department of Healthcare  
2 and Family Services when necessary to discharge the duties of  
3 the Department of Healthcare and Family Services under Article  
4 X of the Illinois Public Aid Code.

5 (B) A minor who is the victim in a juvenile proceeding  
6 shall be provided the same confidentiality regarding  
7 disclosure of identity as the minor who is the subject of  
8 record.

9 (C) (0.1) In cases where the records concern a pending  
10 juvenile court case, the requesting party seeking to inspect  
11 the juvenile court records shall provide actual notice to the  
12 attorney or guardian ad litem of the minor whose records are  
13 sought.

14 (0.2) In cases where the juvenile court records concern a  
15 juvenile court case that is no longer pending, the requesting  
16 party seeking to inspect the juvenile court records shall  
17 provide actual notice to the minor or the minor's parent or  
18 legal guardian, and the matter shall be referred to the chief  
19 judge presiding over matters pursuant to this Act.

20 (0.3) In determining whether juvenile court records should  
21 be made available for inspection and whether inspection should  
22 be limited to certain parts of the file, the court shall  
23 consider the minor's interest in confidentiality and  
24 rehabilitation over the requesting party's interest in  
25 obtaining the information. The State's Attorney, the minor,  
26 and the minor's parents, guardian, and counsel shall at all

1 times have the right to examine court files and records.

2 (0.4) Any records obtained in violation of this Section  
3 shall not be admissible in any criminal or civil proceeding,  
4 or operate to disqualify a minor from subsequently holding  
5 public office, or operate as a forfeiture of any public  
6 benefit, right, privilege, or right to receive any license  
7 granted by public authority.

8 (D) Pending or following any adjudication of delinquency  
9 for any offense defined in Sections 11-1.20 through 11-1.60 or  
10 12-13 through 12-16 of the Criminal Code of 1961 or the  
11 Criminal Code of 2012, the victim of any such offense shall  
12 receive the rights set out in Sections 4 and 6 of the ~~Bill of~~  
13 Rights of Crime ~~for~~ Victims and Witnesses ~~of Violent Crime~~  
14 Act; and the juvenile who is the subject of the adjudication,  
15 notwithstanding any other provision of this Act, shall be  
16 treated as an adult for the purpose of affording such rights to  
17 the victim.

18 (E) Nothing in this Section shall affect the right of a  
19 Civil Service Commission or appointing authority of the  
20 federal government, or any state, county, or municipality  
21 examining the character and fitness of an applicant for  
22 employment with a law enforcement agency, correctional  
23 institution, or fire department to ascertain whether that  
24 applicant was ever adjudicated to be a delinquent minor and,  
25 if so, to examine the records of disposition or evidence which  
26 were made in proceedings under this Act.

1 (F) Following any adjudication of delinquency for a crime  
2 which would be a felony if committed by an adult, or following  
3 any adjudication of delinquency for a violation of Section  
4 24-1, 24-3, 24-3.1, or 24-5 of the Criminal Code of 1961 or the  
5 Criminal Code of 2012, the State's Attorney shall ascertain  
6 whether the minor respondent is enrolled in school and, if so,  
7 shall provide a copy of the dispositional order to the  
8 principal or chief administrative officer of the school.  
9 Access to the dispositional order shall be limited to the  
10 principal or chief administrative officer of the school and  
11 any school counselor designated by the principal or chief  
12 administrative officer.

13 (G) Nothing contained in this Act prevents the sharing or  
14 disclosure of information or records relating or pertaining to  
15 juveniles subject to the provisions of the Serious Habitual  
16 Offender Comprehensive Action Program when that information is  
17 used to assist in the early identification and treatment of  
18 habitual juvenile offenders.

19 (H) When a court hearing a proceeding under Article II of  
20 this Act becomes aware that an earlier proceeding under  
21 Article II had been heard in a different county, that court  
22 shall request, and the court in which the earlier proceedings  
23 were initiated shall transmit, an authenticated copy of the  
24 juvenile court record, including all documents, petitions, and  
25 orders filed and the minute orders, transcript of proceedings,  
26 and docket entries of the court.



1 (I) The Clerk of the Circuit Court shall report to the  
2 Illinois State Police, in the form and manner required by the  
3 Illinois State Police, the final disposition of each minor who  
4 has been arrested or taken into custody before the minor's  
5 18th birthday for those offenses required to be reported under  
6 Section 5 of the Criminal Identification Act. Information  
7 reported to the Illinois State Police ~~Department~~ under this  
8 Section may be maintained with records that the Illinois State  
9 Police ~~Department~~ files under Section 2.1 of the Criminal  
10 Identification Act.

11 (J) The changes made to this Section by Public Act 98-61  
12 apply to juvenile law enforcement records of a minor who has  
13 been arrested or taken into custody on or after January 1, 2014  
14 (the effective date of Public Act 98-61).

15 (K) Willful violation of this Section is a Class C  
16 misdemeanor and each violation is subject to a fine of \$1,000.  
17 This subsection (K) shall not apply to the person who is the  
18 subject of the record.

19 (L) A person convicted of violating this Section is liable  
20 for damages in the amount of \$1,000 or actual damages,  
21 whichever is greater.

22 (Source: P.A. 102-197, eff. 7-30-21; 102-538, eff. 8-20-21;  
23 102-813, eff. 5-13-22; 103-22, eff. 8-8-23; 103-379, eff.  
24 7-28-23; revised 8-30-23.)

25 (705 ILCS 405/2-3) (from Ch. 37, par. 802-3)

1           Sec. 2-3. Neglected or abused minor.

2           (1) Those who are neglected include any minor under 18  
3 years of age or a minor 18 years of age or older for whom the  
4 court has made a finding of probable cause to believe that the  
5 minor is abused, neglected, or dependent under subsection (1)  
6 of Section 2-10 prior to the minor's 18th birthday:

7           (a) who is not receiving the proper or necessary  
8 support, education as required by law, or medical or other  
9 remedial care recognized under State law as necessary for  
10 a minor's well-being, or other care necessary for the  
11 minor's well-being, including adequate food, clothing, and  
12 shelter, or who is abandoned by the minor's parent or  
13 parents or other person or persons responsible for the  
14 minor's welfare, except that a minor shall not be  
15 considered neglected for the sole reason that the minor's  
16 parent or parents or other person or persons responsible  
17 for the minor's welfare have left the minor in the care of  
18 an adult relative for any period of time, who the parent or  
19 parents or other person responsible for the minor's  
20 welfare know is both a mentally capable adult relative and  
21 physically capable adult relative, as defined by this Act;  
22 or

23           (b) whose environment is injurious to the minor's  
24 welfare; or

25           (c) who is a ~~any~~ newborn infant whose blood, urine, or  
26 meconium contains any amount of a controlled substance as

1 defined in subsection (f) of Section 102 of the Illinois  
2 Controlled Substances Act, ~~as now or hereafter amended,~~ or  
3 a metabolite of a controlled substance, with the exception  
4 of controlled substances or metabolites of such  
5 substances, the presence of which in the newborn infant is  
6 the result of medical treatment administered to the person  
7 who gave birth or the newborn infant; or

8 (d) ~~any minor~~ whose parent or other person responsible  
9 for the minor's welfare leaves the minor without  
10 supervision for an unreasonable period of time without  
11 regard for the mental or physical health, safety, or  
12 welfare of that minor. Whether the minor was left without  
13 regard for the mental or physical health, safety, or  
14 welfare of that minor or the period of time was  
15 unreasonable shall be determined by considering ~~the~~  
16 ~~following~~ factors, including, but not limited to, the  
17 following:

18 (1) the age of the minor;

19 (2) the number of minors left at the location;

20 (3) the special needs of the minor, including  
21 whether the minor is a person with a physical or mental  
22 disability, ~~or~~ is otherwise in need of ongoing  
23 prescribed medical treatment, such as periodic doses  
24 of insulin or other medications;

25 (4) the duration of time in which the minor was  
26 left without supervision;

1           (5) the condition and location of the place where  
2 the minor was left without supervision;

3           (6) the time of day or night when the minor was  
4 left without supervision;

5           (7) the weather conditions, including whether the  
6 minor was left in a location with adequate protection  
7 from the natural elements, l such as adequate heat or  
8 light;

9           (8) the location of the parent or guardian at the  
10 time the minor was left without supervision and 7 the  
11 physical distance the minor was from the parent or  
12 guardian at the time the minor was without  
13 supervision;

14           (9) whether the minor's movement was restricted 7  
15 or the minor was otherwise locked within a room or  
16 other structure;

17           (10) whether the minor was given a phone number of  
18 a person or location to call in the event of an  
19 emergency and whether the minor was capable of making  
20 an emergency call;

21           (11) whether there was food and other provision  
22 left for the minor;

23           (12) whether any of the conduct is attributable to  
24 economic hardship or illness and the parent, guardian, l  
25 or other person having physical custody or control of  
26 the child made a good faith effort to provide for the

1 health and safety of the minor;

2 (13) the age and physical and mental capabilities  
3 of the person or persons who provided supervision for  
4 the minor;

5 (14) whether the minor was left under the  
6 supervision of another person;

7 (15) any other factor that would endanger the  
8 health and safety of that particular minor; or

9 (e) ~~any minor~~ who has been provided with interim  
10 crisis intervention services under Section 3-5 of this Act  
11 and whose parent, guardian, or custodian refuses to permit  
12 the minor to return home unless the minor is an immediate  
13 physical danger to the minor or others living in the home.

14 A minor shall not be considered neglected for the sole  
15 reason that the minor has been relinquished in accordance with  
16 the Abandoned Newborn Infant Protection Act.

17 (1.5) A minor shall not be considered neglected for the  
18 sole reason that the minor's parent or other person  
19 responsible for the minor's welfare permits the minor to  
20 engage in independent activities unless the minor was  
21 permitted to engage in independent activities under  
22 circumstances presenting unreasonable risk of harm to the  
23 minor's mental or physical health, safety, or well-being.

24 "Independent activities" includes, but is not limited to:

25 (a) traveling to and from school, including by  
26 walking, running, or bicycling;

1 (b) traveling to and from nearby commercial or  
2 recreational facilities;

3 (c) engaging in outdoor play;

4 (d) remaining in a vehicle unattended, except as  
5 otherwise provided by law;

6 (e) remaining at home or at a similarly appropriate  
7 location unattended; or

8 (f) engaging in a similar independent activity alone  
9 or with other children.

10 In determining whether an independent activity presented  
11 unreasonable risk of harm, the court shall consider:

12 (1) whether the activity is accepted as suitable for  
13 minors of the same age, maturity level, and developmental  
14 capacity as the involved minor;

15 (2) the factors listed in items (1) through (15) of  
16 paragraph (d) of subsection (1); and

17 (3) any other factor the court deems relevant.

18 (2) Those who are abused include any minor under 18 years  
19 of age or a minor 18 years of age or older for whom the court  
20 has made a finding of probable cause to believe that the minor  
21 is abused, neglected, or dependent under subsection (1) of  
22 Section 2-10 prior to the minor's 18th birthday whose parent  
23 or immediate family member, or any person responsible for the  
24 minor's welfare, or any person who is in the same family or  
25 household as the minor, or any individual residing in the same  
26 home as the minor, or a paramour of the minor's parent:

1           (i) inflicts, causes to be inflicted, or allows to be  
2           inflicted upon such minor physical injury, by other than  
3           accidental means, which causes death, disfigurement,  
4           impairment of physical or emotional health, or loss or  
5           impairment of any bodily function;

6           (ii) creates a substantial risk of physical injury to  
7           such minor by other than accidental means which would be  
8           likely to cause death, disfigurement, impairment of  
9           emotional health, or loss or impairment of any bodily  
10          function;

11          (iii) commits or allows to be committed any sex  
12          offense against such minor, as such sex offenses are  
13          defined in the Criminal Code of 1961 or the Criminal Code  
14          of 2012, or in the Wrongs to Children Act, and extending  
15          those definitions of sex offenses to include minors under  
16          18 years of age;

17          (iv) commits or allows to be committed an act or acts  
18          of torture upon such minor;

19          (v) inflicts excessive corporal punishment;

20          (vi) commits or allows to be committed the offense of  
21          involuntary servitude, involuntary sexual servitude of a  
22          minor, or trafficking in persons as defined in Section  
23          10-9 of the Criminal Code of 1961 or the Criminal Code of  
24          2012, upon such minor; or

25          (vii) allows, encourages, or requires a minor to  
26          commit any act of prostitution, as defined in the Criminal

1 Code of 1961 or the Criminal Code of 2012, and extending  
2 those definitions to include minors under 18 years of age.

3 A minor shall not be considered abused for the sole reason  
4 that the minor has been relinquished in accordance with the  
5 Abandoned Newborn Infant Protection Act.

6 (3) This Section does not apply to a minor who would be  
7 included herein solely for the purpose of qualifying for  
8 financial assistance for the minor or, the minor's parents,  
9 guardian, or custodian.

10 (4) The changes made by Public Act 101-79 ~~this amendatory~~  
11 ~~Act of the 101st General Assembly~~ apply to a case that is  
12 pending on or after July 12, 2019 (the effective date of Public  
13 Act 101-79) ~~this amendatory Act of the 101st General Assembly~~.

14 (Source: P.A. 103-22, eff. 8-8-23; 103-233, eff. 6-30-23;  
15 revised 8-30-23.)

16 (705 ILCS 405/2-6) (from Ch. 37, par. 802-6)

17 Sec. 2-6. Duty of officer. ~~(1)~~ A law enforcement officer  
18 who takes a minor into custody under Section 2-5 shall  
19 immediately make a reasonable attempt to notify the parent or  
20 other person legally responsible for the minor's care or the  
21 person with whom the minor resides that the minor has been  
22 taken into custody and where the minor is being held.

23 (a) A law enforcement officer who takes a minor into  
24 custody with a warrant shall without unnecessary delay  
25 take the minor to the nearest juvenile police officer



1 designated for such purposes in the county of venue.

2 (b) A law enforcement officer who takes a minor into  
3 custody without a warrant shall place the minor in  
4 temporary protective custody and shall immediately notify  
5 the Department of Children and Family Services by  
6 contacting either the central register established under  
7 Section 7.7 of the Abused and Neglected Child Reporting  
8 Act or the nearest Department of Children and Family  
9 Services office. If there is reasonable cause to suspect  
10 that a minor has died as a result of abuse or neglect, the  
11 law enforcement officer shall immediately report such  
12 suspected abuse or neglect to the appropriate medical  
13 examiner or coroner.

14 (Source: P.A. 103-22, eff. 8-8-23; revised 9-20-23.)

15 (705 ILCS 405/2-9) (from Ch. 37, par. 802-9)

16 Sec. 2-9. Setting of temporary custody hearing; notice;  
17 release.

18 (1) Unless sooner released, a minor, as defined in Section  
19 2-3 or 2-4 of this Act, taken into temporary protective  
20 custody must be brought before a judicial officer within 48  
21 hours, exclusive of Saturdays, Sundays, and court-designated  
22 holidays, for a temporary custody hearing to determine whether  
23 the minor shall be further held in custody.

24 (2) If the probation officer or such other public officer  
25 designated by the court determines that the minor should be

1 retained in custody, the probation officer or such other  
2 public officer designated by the court shall cause a petition  
3 to be filed as provided in Section 2-13 of this Article, and  
4 the clerk of the court shall set the matter for hearing on the  
5 temporary custody hearing calendar. When a parent, guardian,  
6 custodian, or responsible relative is present and so requests,  
7 the temporary custody hearing shall be held immediately if the  
8 court is in session, otherwise at the earliest feasible time.  
9 The petitioner through counsel or such other public officer  
10 designated by the court shall ensure ~~insure~~ notification to  
11 the minor's parent, guardian, custodian, or responsible  
12 relative of the time and place of the hearing by the best  
13 practicable notice, allowing for oral notice in place of  
14 written notice only if provision of written notice is  
15 unreasonable under the circumstances.

16 (3) The minor must be released from temporary protective  
17 custody at the expiration of the 48-hour ~~48-hour~~ period  
18 specified by this Section if not brought before a judicial  
19 officer within that period.

20 (Source: P.A. 103-22, eff. 8-8-23; revised 9-25-23.)

21 (705 ILCS 405/2-10) (from Ch. 37, par. 802-10)

22 Sec. 2-10. Temporary custody hearing. At the appearance of  
23 the minor before the court at the temporary custody hearing,  
24 all witnesses present shall be examined before the court in  
25 relation to any matter connected with the allegations made in

1 the petition.

2 (1) If the court finds that there is not probable cause to  
3 believe that the minor is abused, neglected, or dependent it  
4 shall release the minor and dismiss the petition.

5 (2) If the court finds that there is probable cause to  
6 believe that the minor is abused, neglected, or dependent, the  
7 court shall state in writing the factual basis supporting its  
8 finding and the minor, the minor's parent, guardian, or  
9 custodian, and other persons able to give relevant testimony  
10 shall be examined before the court. The Department of Children  
11 and Family Services shall give testimony concerning indicated  
12 reports of abuse and neglect, of which they are aware through  
13 the central registry, involving the minor's parent, guardian,  
14 or custodian. After such testimony, the court may, consistent  
15 with the health, safety, and best interests of the minor,  
16 enter an order that the minor shall be released upon the  
17 request of parent, guardian, or custodian if the parent,  
18 guardian, or custodian appears to take custody. If it is  
19 determined that a parent's, guardian's, or custodian's  
20 compliance with critical services mitigates the necessity for  
21 removal of the minor from the minor's home, the court may enter  
22 an Order of Protection setting forth reasonable conditions of  
23 behavior that a parent, guardian, or custodian must observe  
24 for a specified period of time, not to exceed 12 months,  
25 without a violation; provided, however, that the 12-month  
26 period shall begin anew after any violation. "Custodian"

1 includes the Department of Children and Family Services, if it  
2 has been given custody of the child, or any other agency of the  
3 State which has been given custody or wardship of the child. If  
4 it is consistent with the health, safety, and best interests  
5 of the minor, the court may also prescribe shelter care and  
6 order that the minor be kept in a suitable place designated by  
7 the court or in a shelter care facility designated by the  
8 Department of Children and Family Services or a licensed child  
9 welfare agency; however, on and after January 1, 2015 (the  
10 effective date of Public Act 98-803) and before January 1,  
11 2017, a minor charged with a criminal offense under the  
12 Criminal Code of 1961 or the Criminal Code of 2012 or  
13 adjudicated delinquent shall not be placed in the custody of  
14 or committed to the Department of Children and Family Services  
15 by any court, except a minor less than 16 years of age and  
16 committed to the Department of Children and Family Services  
17 under Section 5-710 of this Act or a minor for whom an  
18 independent basis of abuse, neglect, or dependency exists; and  
19 on and after January 1, 2017, a minor charged with a criminal  
20 offense under the Criminal Code of 1961 or the Criminal Code of  
21 2012 or adjudicated delinquent shall not be placed in the  
22 custody of or committed to the Department of Children and  
23 Family Services by any court, except a minor less than 15 years  
24 of age and committed to the Department of Children and Family  
25 Services under Section 5-710 of this Act or a minor for whom an  
26 independent basis of abuse, neglect, or dependency exists. An

1 independent basis exists when the allegations or adjudication  
2 of abuse, neglect, or dependency do not arise from the same  
3 facts, incident, or circumstances which give rise to a charge  
4 or adjudication of delinquency.

5 In placing the minor, the Department or other agency  
6 shall, to the extent compatible with the court's order, comply  
7 with Section 7 of the Children and Family Services Act. In  
8 determining the health, safety, and best interests of the  
9 minor to prescribe shelter care, the court must find that it is  
10 a matter of immediate and urgent necessity for the safety, and  
11 protection of the minor or of the person or property of another  
12 that the minor be placed in a shelter care facility or that the  
13 minor is likely to flee the jurisdiction of the court, and must  
14 further find that reasonable efforts have been made or that,  
15 consistent with the health, safety and best interests of the  
16 minor, no efforts reasonably can be made to prevent or  
17 eliminate the necessity of removal of the minor from the  
18 minor's home. The court shall require documentation from the  
19 Department of Children and Family Services as to the  
20 reasonable efforts that were made to prevent or eliminate the  
21 necessity of removal of the minor from the minor's home or the  
22 reasons why no efforts reasonably could be made to prevent or  
23 eliminate the necessity of removal. When a minor is placed in  
24 the home of a relative, the Department of Children and Family  
25 Services shall complete a preliminary background review of the  
26 members of the minor's custodian's household in accordance

1 with Section 4.3 of the Child Care Act of 1969 within 90 days  
2 of that placement. If the minor is ordered placed in a shelter  
3 care facility of the Department of Children and Family  
4 Services or a licensed child welfare agency, the court shall,  
5 upon request of the appropriate Department or other agency,  
6 appoint the Department of Children and Family Services  
7 Guardianship Administrator or other appropriate agency  
8 executive temporary custodian of the minor and the court may  
9 enter such other orders related to the temporary custody as it  
10 deems fit and proper, including the provision of services to  
11 the minor or the minor's family to ameliorate the causes  
12 contributing to the finding of probable cause or to the  
13 finding of the existence of immediate and urgent necessity.

14 Where the Department of Children and Family Services  
15 Guardianship Administrator is appointed as the executive  
16 temporary custodian, the Department of Children and Family  
17 Services shall file with the court and serve on the parties a  
18 parent-child visiting plan, within 10 days, excluding weekends  
19 and holidays, after the appointment. The parent-child visiting  
20 plan shall set out the time and place of visits, the frequency  
21 of visits, the length of visits, who shall be present at the  
22 visits, and where appropriate, the minor's opportunities to  
23 have telephone and mail communication with the parents.

24 Where the Department of Children and Family Services  
25 Guardianship Administrator is appointed as the executive  
26 temporary custodian, and when the child has siblings in care,

1 the Department of Children and Family Services shall file with  
2 the court and serve on the parties a sibling placement and  
3 contact plan within 10 days, excluding weekends and holidays,  
4 after the appointment. The sibling placement and contact plan  
5 shall set forth whether the siblings are placed together, and  
6 if they are not placed together, what, if any, efforts are  
7 being made to place them together. If the Department has  
8 determined that it is not in a child's best interest to be  
9 placed with a sibling, the Department shall document in the  
10 sibling placement and contact plan the basis for its  
11 determination. For siblings placed separately, the sibling  
12 placement and contact plan shall set the time and place for  
13 visits, the frequency of the visits, the length of visits, who  
14 shall be present for the visits, and where appropriate, the  
15 child's opportunities to have contact with their siblings in  
16 addition to in person contact. If the Department determines it  
17 is not in the best interest of a sibling to have contact with a  
18 sibling, the Department shall document in the sibling  
19 placement and contact plan the basis for its determination.  
20 The sibling placement and contact plan shall specify a date  
21 for development of the Sibling Contact Support Plan, under  
22 subsection (f) of Section 7.4 of the Children and Family  
23 Services Act, and shall remain in effect until the Sibling  
24 Contact Support Plan is developed.

25 For good cause, the court may waive the requirement to  
26 file the parent-child visiting plan or the sibling placement

1 and contact plan, or extend the time for filing either plan.  
2 Any party may, by motion, request the court to review the  
3 parent-child visiting plan to determine whether it is  
4 reasonably calculated to expeditiously facilitate the  
5 achievement of the permanency goal. A party may, by motion,  
6 request the court to review the parent-child visiting plan or  
7 the sibling placement and contact plan to determine whether it  
8 is consistent with the minor's best interest. The court may  
9 refer the parties to mediation where available. The frequency,  
10 duration, and locations of visitation shall be measured by the  
11 needs of the child and family, and not by the convenience of  
12 Department personnel. Child development principles shall be  
13 considered by the court in its analysis of how frequent  
14 visitation should be, how long it should last, where it should  
15 take place, and who should be present. If upon motion of the  
16 party to review either plan and after receiving evidence, the  
17 court determines that the parent-child visiting plan is not  
18 reasonably calculated to expeditiously facilitate the  
19 achievement of the permanency goal or that the restrictions  
20 placed on parent-child contact or sibling placement or contact  
21 are contrary to the child's best interests, the court shall  
22 put in writing the factual basis supporting the determination  
23 and enter specific findings based on the evidence. The court  
24 shall enter an order for the Department to implement changes  
25 to the parent-child visiting plan or sibling placement or  
26 contact plan, consistent with the court's findings. At any



1 stage of proceeding, any party may by motion request the court  
2 to enter any orders necessary to implement the parent-child  
3 visiting plan, sibling placement or contact plan, or  
4 subsequently developed Sibling Contact Support Plan. Nothing  
5 under this subsection (2) shall restrict the court from  
6 granting discretionary authority to the Department to increase  
7 opportunities for additional parent-child contacts or sibling  
8 contacts, without further court orders. Nothing in this  
9 subsection (2) shall restrict the Department from immediately  
10 restricting or terminating parent-child contact or sibling  
11 contacts, without either amending the parent-child visiting  
12 plan or the sibling contact plan or obtaining a court order,  
13 where the Department or its assigns reasonably believe there  
14 is an immediate need to protect the child's health, safety,  
15 and welfare. Such restrictions or terminations must be based  
16 on available facts to the Department and its assigns when  
17 viewed in light of the surrounding circumstances and shall  
18 only occur on an individual case-by-case basis. The Department  
19 shall file with the court and serve on the parties any  
20 amendments to the plan within 10 days, excluding weekends and  
21 holidays, of the change of the visitation.

22 Acceptance of services shall not be considered an  
23 admission of any allegation in a petition made pursuant to  
24 this Act, nor may a referral of services be considered as  
25 evidence in any proceeding pursuant to this Act, except where  
26 the issue is whether the Department has made reasonable

1 efforts to reunite the family. In making its findings that it  
2 is consistent with the health, safety, and best interests of  
3 the minor to prescribe shelter care, the court shall state in  
4 writing (i) the factual basis supporting its findings  
5 concerning the immediate and urgent necessity for the  
6 protection of the minor or of the person or property of another  
7 and (ii) the factual basis supporting its findings that  
8 reasonable efforts were made to prevent or eliminate the  
9 removal of the minor from the minor's home or that no efforts  
10 reasonably could be made to prevent or eliminate the removal  
11 of the minor from the minor's home. The parents, guardian,  
12 custodian, temporary custodian, and minor shall each be  
13 furnished a copy of such written findings. The temporary  
14 custodian shall maintain a copy of the court order and written  
15 findings in the case record for the child. The order together  
16 with the court's findings of fact in support thereof shall be  
17 entered of record in the court.

18 Once the court finds that it is a matter of immediate and  
19 urgent necessity for the protection of the minor that the  
20 minor be placed in a shelter care facility, the minor shall not  
21 be returned to the parent, custodian, or guardian until the  
22 court finds that such placement is no longer necessary for the  
23 protection of the minor.

24 If the child is placed in the temporary custody of the  
25 Department of Children and Family Services for the minor's  
26 protection, the court shall admonish the parents, guardian,

1     custodian, or responsible relative that the parents must  
2     cooperate with the Department of Children and Family Services,  
3     comply with the terms of the service plans, and correct the  
4     conditions which require the child to be in care, or risk  
5     termination of their parental rights. The court shall ensure,  
6     by inquiring in open court of each parent, guardian,  
7     custodian, or responsible relative, that the parent, guardian,  
8     custodian, or responsible relative has had the opportunity to  
9     provide the Department with all known names, addresses, and  
10    telephone numbers of each of the minor's living adult  
11    relatives, including, but not limited to, grandparents,  
12    siblings of the minor's parents, and siblings. The court shall  
13    advise the parents, guardian, custodian, or responsible  
14    relative to inform the Department if additional information  
15    regarding the minor's adult relatives becomes available.

16         (3) If prior to the shelter care hearing for a minor  
17    described in Sections 2-3, 2-4, 3-3, and 4-3 the moving party  
18    is unable to serve notice on the party respondent, the shelter  
19    care hearing may proceed ex parte. A shelter care order from an  
20    ex parte hearing shall be endorsed with the date and hour of  
21    issuance and shall be filed with the clerk's office and  
22    entered of record. The order shall expire after 10 days from  
23    the time it is issued unless before its expiration it is  
24    renewed, at a hearing upon appearance of the party respondent,  
25    or upon an affidavit of the moving party as to all diligent  
26    efforts to notify the party respondent by notice as herein

1 prescribed. The notice prescribed shall be in writing and  
 2 shall be personally delivered to the minor or the minor's  
 3 attorney and to the last known address of the other person or  
 4 persons entitled to notice. The notice shall also state the  
 5 nature of the allegations, the nature of the order sought by  
 6 the State, including whether temporary custody is sought, and  
 7 the consequences of failure to appear and shall contain a  
 8 notice that the parties will not be entitled to further  
 9 written notices or publication notices of proceedings in this  
 10 case, including the filing of an amended petition or a motion  
 11 to terminate parental rights, except as required by Supreme  
 12 Court Rule 11; and shall explain the right of the parties and  
 13 the procedures to vacate or modify a shelter care order as  
 14 provided in this Section. The notice for a shelter care  
 15 hearing shall be substantially as follows:

16 NOTICE TO PARENTS AND CHILDREN  
 17 OF SHELTER CARE HEARING

18 On ..... at ....., before the Honorable  
 19 ....., (address:) ....., the State  
 20 of Illinois will present evidence (1) that (name of child  
 21 or children) ..... are abused,  
 22 neglected, or dependent for the following reasons:  
 23 ..... and (2)  
 24 whether there is "immediate and urgent necessity" to  
 25 remove the child or children from the responsible  
 26 relative.



1 TO REHEARING ON TEMPORARY CUSTODY

2 If you were not present at and did not have adequate  
3 notice of the Shelter Care Hearing at which temporary  
4 custody of ..... was awarded to  
5 ....., you have the right to request a full  
6 rehearing on whether the State should have temporary  
7 custody of ..... To request this rehearing,  
8 you must file with the Clerk of the Juvenile Court  
9 (address): ....., in person or by  
10 mailing a statement (affidavit) setting forth the  
11 following:

- 12 1. That you were not present at the shelter care  
13 hearing.
- 14 2. That you did not get adequate notice  
15 (explaining how the notice was inadequate).
- 16 3. Your signature.
- 17 4. Signature must be notarized.

18 The rehearing should be scheduled within 48 hours of  
19 your filing this affidavit.

20 At the rehearing, your rights are the same as at the  
21 initial shelter care hearing. The enclosed notice explains  
22 those rights.

23 At the Shelter Care Hearing, children have the  
24 following rights:

- 25 1. To have a guardian ad litem appointed.
- 26 2. To be declared competent as a witness and to

1 present testimony concerning:

2 a. Whether they are abused, neglected or  
3 dependent.

4 b. Whether there is "immediate and urgent  
5 necessity" to be removed from home.

6 c. Their best interests.

7 3. To cross examine witnesses for other parties.

8 4. To obtain an explanation of any proceedings and  
9 orders of the court.

10 (4) If the parent, guardian, legal custodian, responsible  
11 relative, minor age 8 or over, or counsel of the minor did not  
12 have actual notice of or was not present at the shelter care  
13 hearing, the parent, guardian, legal custodian, responsible  
14 relative, minor age 8 or over, or counsel of the minor may file  
15 an affidavit setting forth these facts, and the clerk shall  
16 set the matter for rehearing not later than 48 hours,  
17 excluding Sundays and legal holidays, after the filing of the  
18 affidavit. At the rehearing, the court shall proceed in the  
19 same manner as upon the original hearing.

20 (5) Only when there is reasonable cause to believe that  
21 the minor taken into custody is a person described in  
22 subsection (3) of Section 5-105 may the minor be kept or  
23 detained in a detention home or county or municipal jail. This  
24 Section shall in no way be construed to limit subsection (6).

25 (6) No minor under 16 years of age may be confined in a  
26 jail or place ordinarily used for the confinement of prisoners

1 in a police station. Minors under 18 years of age must be kept  
2 separate from confined adults and may not at any time be kept  
3 in the same cell, room, or yard with adults confined pursuant  
4 to the criminal law.

5 (7) If the minor is not brought before a judicial officer  
6 within the time period as specified in Section 2-9, the minor  
7 must immediately be released from custody.

8 (8) If neither the parent, guardian, or custodian appears  
9 within 24 hours to take custody of a minor released upon  
10 request pursuant to subsection (2) of this Section, then the  
11 clerk of the court shall set the matter for rehearing not later  
12 than 7 days after the original order and shall issue a summons  
13 directed to the parent, guardian, or custodian to appear. At  
14 the same time the probation department shall prepare a report  
15 on the minor. If a parent, guardian, or custodian does not  
16 appear at such rehearing, the judge may enter an order  
17 prescribing that the minor be kept in a suitable place  
18 designated by the Department of Children and Family Services  
19 or a licensed child welfare agency.

20 (9) Notwithstanding any other provision of this Section  
21 any interested party, including the State, the temporary  
22 custodian, an agency providing services to the minor or family  
23 under a service plan pursuant to Section 8.2 of the Abused and  
24 Neglected Child Reporting Act, foster parent, or any of their  
25 representatives, on notice to all parties entitled to notice,  
26 may file a motion that it is in the best interests of the minor



1 to modify or vacate a temporary custody order on any of the  
2 following grounds:

3 (a) It is no longer a matter of immediate and urgent  
4 necessity that the minor remain in shelter care; or

5 (b) There is a material change in the circumstances of  
6 the natural family from which the minor was removed and  
7 the child can be cared for at home without endangering the  
8 child's health or safety; or

9 (c) A person not a party to the alleged abuse, neglect  
10 or dependency, including a parent, relative, or legal  
11 guardian, is capable of assuming temporary custody of the  
12 minor; or

13 (d) Services provided by the Department of Children  
14 and Family Services or a child welfare agency or other  
15 service provider have been successful in eliminating the  
16 need for temporary custody and the child can be cared for  
17 at home without endangering the child's health or safety.

18 In ruling on the motion, the court shall determine whether  
19 it is consistent with the health, safety, and best interests  
20 of the minor to modify or vacate a temporary custody order. If  
21 the minor is being restored to the custody of a parent, legal  
22 custodian, or guardian who lives outside of Illinois, and an  
23 Interstate Compact has been requested and refused, the court  
24 may order the Department of Children and Family Services to  
25 arrange for an assessment of the minor's proposed living  
26 arrangement and for ongoing monitoring of the health, safety,

1 and best interest of the minor and compliance with any order of  
2 protective supervision entered in accordance with Section 2-20  
3 or 2-25.

4 The clerk shall set the matter for hearing not later than  
5 14 days after such motion is filed. In the event that the court  
6 modifies or vacates a temporary custody order but does not  
7 vacate its finding of probable cause, the court may order that  
8 appropriate services be continued or initiated in behalf of  
9 the minor and the minor's family.

10 (10) When the court finds or has found that there is  
11 probable cause to believe a minor is an abused minor as  
12 described in subsection (2) of Section 2-3 and that there is an  
13 immediate and urgent necessity for the abused minor to be  
14 placed in shelter care, immediate and urgent necessity shall  
15 be presumed for any other minor residing in the same household  
16 as the abused minor provided:

17 (a) Such other minor is the subject of an abuse or  
18 neglect petition pending before the court; and

19 (b) A party to the petition is seeking shelter care  
20 for such other minor.

21 Once the presumption of immediate and urgent necessity has  
22 been raised, the burden of demonstrating the lack of immediate  
23 and urgent necessity shall be on any party that is opposing  
24 shelter care for the other minor.

25 (11) The changes made to this Section by Public Act 98-61  
26 apply to a minor who has been arrested or taken into custody on

1 or after January 1, 2014 (the effective date of Public Act  
2 98-61).

3 (12) After the court has placed a minor in the care of a  
4 temporary custodian pursuant to this Section, any party may  
5 file a motion requesting the court to grant the temporary  
6 custodian the authority to serve as a surrogate decision maker  
7 for the minor under the Health Care Surrogate Act for purposes  
8 of making decisions pursuant to paragraph (1) of subsection  
9 (b) of Section 20 of the Health Care Surrogate Act. The court  
10 may grant the motion if it determines by clear and convincing  
11 evidence that it is in the best interests of the minor to grant  
12 the temporary custodian such authority. In making its  
13 determination, the court shall weigh the following factors in  
14 addition to considering the best interests factors listed in  
15 subsection (4.05) of Section 1-3 of this Act:

16 (a) the efforts to identify and locate the respondents  
17 and adult family members of the minor and the results of  
18 those efforts;

19 (b) the efforts to engage the respondents and adult  
20 family members of the minor in decision making on behalf  
21 of the minor;

22 (c) the length of time the efforts in paragraphs (a)  
23 and (b) have been ongoing;

24 (d) the relationship between the respondents and adult  
25 family members and the minor;

26 (e) medical testimony regarding the extent to which

1 the minor is suffering and the impact of a delay in  
2 decision-making on the minor; and

3 (f) any other factor the court deems relevant.

4 If the Department of Children and Family Services is the  
5 temporary custodian of the minor, in addition to the  
6 requirements of paragraph (1) of subsection (b) of Section 20  
7 of the Health Care Surrogate Act, the Department shall follow  
8 its rules and procedures in exercising authority granted under  
9 this subsection.

10 (Source: P.A. 102-489, eff. 8-20-21; 102-502, eff. 1-1-22;  
11 102-813, eff. 5-13-22; 103-22, eff. 8-8-23; revised 9-20-23.)

12 (705 ILCS 405/2-20) (from Ch. 37, par. 802-20)

13 Sec. 2-20. Continuance under supervision.

14 (1) The court may enter an order of continuance under  
15 supervision: (a) upon an admission or stipulation by the  
16 appropriate respondent or minor respondent of the facts  
17 supporting the petition and before proceeding to findings and  
18 adjudication, or after hearing the evidence at the  
19 adjudicatory hearing but before noting in the minutes of  
20 proceeding a finding of whether or not the minor is abused,  
21 neglected or dependent; and (b) in the absence of objection  
22 made in open court by the minor, the minor's parent, guardian,  
23 custodian, responsible relative, or defense attorney, or the  
24 State's Attorney.

25 (2) If the minor, the minor's parent, guardian, custodian,

1 responsible relative, or defense attorney, or the State's  
2 Attorney, objects in open court to any such continuance and  
3 insists upon proceeding to findings and adjudication, the  
4 court shall so proceed.

5 (3) Nothing in this Section limits the power of the court  
6 to order a continuance of the hearing for the production of  
7 additional evidence or for any other proper reason.

8 (4) When a hearing where a minor is alleged to be abused,  
9 neglected or dependent is continued pursuant to this Section,  
10 the court may permit the minor to remain in the minor's home if  
11 the court determines and makes written factual findings that  
12 the minor can be cared for at home when consistent with the  
13 minor's health, safety, and best interests, subject to such  
14 conditions concerning the minor's conduct and supervision as  
15 the court may require by order.

16 (5) If a petition is filed charging a violation of a  
17 condition of the continuance under supervision, the court  
18 shall conduct a hearing. If the court finds that such  
19 condition of supervision has not been fulfilled the court may  
20 proceed to findings and adjudication and disposition. The  
21 filing of a petition for violation of a condition of the  
22 continuance under supervision shall toll the period of  
23 continuance under supervision until the final determination of  
24 the charge, and the term of the continuance under supervision  
25 shall not run until the hearing and disposition of the  
26 petition for violation; provided where the petition alleges

1 conduct that does not constitute a criminal offense, the  
2 hearing must be held within 15 days of the filing of the  
3 petition unless a delay in such hearing has been occasioned by  
4 the minor, in which case the delay shall continue the tolling  
5 of the period of continuance under supervision for the period  
6 of such delay.

7 (Source: P.A. 103-22, eff. 8-8-23; revised 9-20-23.)

8 (705 ILCS 405/2-28)

9 Sec. 2-28. Court review.

10 (1) The court may require any legal custodian or guardian  
11 of the person appointed under this Act to report periodically  
12 to the court or may cite the legal custodian or guardian into  
13 court and require the legal custodian, guardian, or the legal  
14 custodian's or guardian's agency to make a full and accurate  
15 report of the doings of the legal custodian, guardian, or  
16 agency on behalf of the minor. The custodian or guardian,  
17 within 10 days after such citation, or earlier if the court  
18 determines it to be necessary to protect the health, safety,  
19 or welfare of the minor, shall make the report, either in  
20 writing verified by affidavit or orally under oath in open  
21 court, or otherwise as the court directs. Upon the hearing of  
22 the report the court may remove the custodian or guardian and  
23 appoint another in the custodian's or guardian's stead or  
24 restore the minor to the custody of the minor's parents or  
25 former guardian or custodian. However, custody of the minor

1 shall not be restored to any parent, guardian, or legal  
2 custodian in any case in which the minor is found to be  
3 neglected or abused under Section 2-3 or dependent under  
4 Section 2-4 of this Act, unless the minor can be cared for at  
5 home without endangering the minor's health or safety and it  
6 is in the best interests of the minor, and if such neglect,  
7 abuse, or dependency is found by the court under paragraph (1)  
8 of Section 2-21 of this Act to have come about due to the acts  
9 or omissions or both of such parent, guardian, or legal  
10 custodian, until such time as an investigation is made as  
11 provided in paragraph (5) and a hearing is held on the issue of  
12 the fitness of such parent, guardian, or legal custodian to  
13 care for the minor and the court enters an order that such  
14 parent, guardian, or legal custodian is fit to care for the  
15 minor.

16 (1.5) The public agency that is the custodian or guardian  
17 of the minor shall file a written report with the court no  
18 later than 15 days after a minor in the agency's care remains:

19 (1) in a shelter placement beyond 30 days;

20 (2) in a psychiatric hospital past the time when the  
21 minor is clinically ready for discharge or beyond medical  
22 necessity for the minor's health; or

23 (3) in a detention center or Department of Juvenile  
24 Justice facility solely because the public agency cannot  
25 find an appropriate placement for the minor.

26 The report shall explain the steps the agency is taking to

1 ensure the minor is placed appropriately, how the minor's  
2 needs are being met in the minor's shelter placement, and if a  
3 future placement has been identified by the Department, why  
4 the anticipated placement is appropriate for the needs of the  
5 minor and the anticipated placement date.

6 (1.6) Within 30 days after placing a child in its care in a  
7 qualified residential treatment program, as defined by the  
8 federal Social Security Act, the Department of Children and  
9 Family Services shall prepare a written report for filing with  
10 the court and send copies of the report to all parties. Within  
11 20 days of the filing of the report, or as soon thereafter as  
12 the court's schedule allows but not more than 60 days from the  
13 date of placement, the court shall hold a hearing to consider  
14 the Department's report and determine whether placement of the  
15 child in a qualified residential treatment program provides  
16 the most effective and appropriate level of care for the child  
17 in the least restrictive environment and if the placement is  
18 consistent with the short-term and long-term goals for the  
19 child, as specified in the permanency plan for the child. The  
20 court shall approve or disapprove the placement. If  
21 applicable, the requirements of Sections 2-27.1 and 2-27.2  
22 must also be met. The Department's written report and the  
23 court's written determination shall be included in and made  
24 part of the case plan for the child. If the child remains  
25 placed in a qualified residential treatment program, the  
26 Department shall submit evidence at each status and permanency



1 hearing:

2 (1) demonstrating that on-going assessment of the  
3 strengths and needs of the child continues to support the  
4 determination that the child's needs cannot be met through  
5 placement in a foster family home, that the placement  
6 provides the most effective and appropriate level of care  
7 for the child in the least restrictive, appropriate  
8 environment, and that the placement is consistent with the  
9 short-term and long-term permanency goal for the child, as  
10 specified in the permanency plan for the child;

11 (2) documenting the specific treatment or service  
12 needs that should be met for the child in the placement and  
13 the length of time the child is expected to need the  
14 treatment or services; and

15 (3) the efforts made by the agency to prepare the  
16 child to return home or to be placed with a fit and willing  
17 relative, a legal guardian, or an adoptive parent, or in a  
18 foster family home.

19 (2) The first permanency hearing shall be conducted by the  
20 judge. Subsequent permanency hearings may be heard by a judge  
21 or by hearing officers appointed or approved by the court in  
22 the manner set forth in Section 2-28.1 of this Act. The initial  
23 hearing shall be held (a) within 12 months from the date  
24 temporary custody was taken, regardless of whether an  
25 adjudication or dispositional hearing has been completed  
26 within that time frame, (b) if the parental rights of both

1 parents have been terminated in accordance with the procedure  
2 described in subsection (5) of Section 2-21, within 30 days of  
3 the order for termination of parental rights and appointment  
4 of a guardian with power to consent to adoption, or (c) in  
5 accordance with subsection (2) of Section 2-13.1. Subsequent  
6 permanency hearings shall be held every 6 months or more  
7 frequently if necessary in the court's determination following  
8 the initial permanency hearing, in accordance with the  
9 standards set forth in this Section, until the court  
10 determines that the plan and goal have been achieved. Once the  
11 plan and goal have been achieved, if the minor remains in  
12 substitute care, the case shall be reviewed at least every 6  
13 months thereafter, subject to the provisions of this Section,  
14 unless the minor is placed in the guardianship of a suitable  
15 relative or other person and the court determines that further  
16 monitoring by the court does not further the health, safety,  
17 or best interest of the child and that this is a stable  
18 permanent placement. The permanency hearings must occur within  
19 the time frames set forth in this subsection and may not be  
20 delayed in anticipation of a report from any source or due to  
21 the agency's failure to timely file its written report (this  
22 written report means the one required under the next paragraph  
23 and does not mean the service plan also referred to in that  
24 paragraph).

25 The public agency that is the custodian or guardian of the  
26 minor, or another agency responsible for the minor's care,

1 shall ensure that all parties to the permanency hearings are  
2 provided a copy of the most recent service plan prepared  
3 within the prior 6 months at least 14 days in advance of the  
4 hearing. If not contained in the agency's service plan, the  
5 agency shall also include a report setting forth (i) any  
6 special physical, psychological, educational, medical,  
7 emotional, or other needs of the minor or the minor's family  
8 that are relevant to a permanency or placement determination  
9 and (ii) for any minor age 16 or over, a written description of  
10 the programs and services that will enable the minor to  
11 prepare for independent living. If not contained in the  
12 agency's service plan, the agency's report shall specify if a  
13 minor is placed in a licensed child care facility under a  
14 corrective plan by the Department due to concerns impacting  
15 the minor's safety and well-being. The report shall explain  
16 the steps the Department is taking to ensure the safety and  
17 well-being of the minor and that the minor's needs are met in  
18 the facility. The agency's written report must detail what  
19 progress or lack of progress the parent has made in correcting  
20 the conditions requiring the child to be in care; whether the  
21 child can be returned home without jeopardizing the child's  
22 health, safety, and welfare, and, if not, what permanency goal  
23 is recommended to be in the best interests of the child, and  
24 why the other permanency goals are not appropriate. The  
25 caseworker must appear and testify at the permanency hearing.  
26 If a permanency hearing has not previously been scheduled by

1 the court, the moving party shall move for the setting of a  
2 permanency hearing and the entry of an order within the time  
3 frames set forth in this subsection.

4 At the permanency hearing, the court shall determine the  
5 future status of the child. The court shall set one of the  
6 following permanency goals:

7 (A) The minor will be returned home by a specific date  
8 within 5 months.

9 (B) The minor will be in short-term care with a  
10 continued goal to return home within a period not to  
11 exceed one year, where the progress of the parent or  
12 parents is substantial giving particular consideration to  
13 the age and individual needs of the minor.

14 (B-1) The minor will be in short-term care with a  
15 continued goal to return home pending a status hearing.  
16 When the court finds that a parent has not made reasonable  
17 efforts or reasonable progress to date, the court shall  
18 identify what actions the parent and the Department must  
19 take in order to justify a finding of reasonable efforts  
20 or reasonable progress and shall set a status hearing to  
21 be held not earlier than 9 months from the date of  
22 adjudication nor later than 11 months from the date of  
23 adjudication during which the parent's progress will again  
24 be reviewed.

25 (C) The minor will be in substitute care pending court  
26 determination on termination of parental rights.

1           (D) Adoption, provided that parental rights have been  
2 terminated or relinquished.

3           (E) The guardianship of the minor will be transferred  
4 to an individual or couple on a permanent basis provided  
5 that goals (A) through (D) have been deemed inappropriate  
6 and not in the child's best interests. The court shall  
7 confirm that the Department has discussed adoption, if  
8 appropriate, and guardianship with the caregiver prior to  
9 changing a goal to guardianship.

10           (F) The minor over age 15 will be in substitute care  
11 pending independence. In selecting this permanency goal,  
12 the Department of Children and Family Services may provide  
13 services to enable reunification and to strengthen the  
14 minor's connections with family, fictive kin, and other  
15 responsible adults, provided the services are in the  
16 minor's best interest. The services shall be documented in  
17 the service plan.

18           (G) The minor will be in substitute care because the  
19 minor cannot be provided for in a home environment due to  
20 developmental disabilities or mental illness or because  
21 the minor is a danger to self or others, provided that  
22 goals (A) through (D) have been deemed inappropriate and  
23 not in the child's best interests.

24           In selecting any permanency goal, the court shall indicate  
25 in writing the reasons the goal was selected and why the  
26 preceding goals were deemed inappropriate and not in the

1 child's best interest. Where the court has selected a  
2 permanency goal other than (A), (B), or (B-1), the Department  
3 of Children and Family Services shall not provide further  
4 reunification services, except as provided in paragraph (F) of  
5 this subsection (2), but shall provide services consistent  
6 with the goal selected.

7 (H) Notwithstanding any other provision in this  
8 Section, the court may select the goal of continuing  
9 foster care as a permanency goal if:

10 (1) The Department of Children and Family Services  
11 has custody and guardianship of the minor;

12 (2) The court has deemed all other permanency  
13 goals inappropriate based on the child's best  
14 interest;

15 (3) The court has found compelling reasons, based  
16 on written documentation reviewed by the court, to  
17 place the minor in continuing foster care. Compelling  
18 reasons include:

19 (a) the child does not wish to be adopted or to  
20 be placed in the guardianship of the minor's  
21 relative or foster care placement;

22 (b) the child exhibits an extreme level of  
23 need such that the removal of the child from the  
24 minor's placement would be detrimental to the  
25 child; or

26 (c) the child who is the subject of the

1 permanency hearing has existing close and strong  
2 bonds with a sibling, and achievement of another  
3 permanency goal would substantially interfere with  
4 the subject child's sibling relationship, taking  
5 into consideration the nature and extent of the  
6 relationship, and whether ongoing contact is in  
7 the subject child's best interest, including  
8 long-term emotional interest, as compared with the  
9 legal and emotional benefit of permanence;

10 (4) The child has lived with the relative or  
11 foster parent for at least one year; and

12 (5) The relative or foster parent currently caring  
13 for the child is willing and capable of providing the  
14 child with a stable and permanent environment.

15 The court shall set a permanency goal that is in the best  
16 interest of the child. In determining that goal, the court  
17 shall consult with the minor in an age-appropriate manner  
18 regarding the proposed permanency or transition plan for the  
19 minor. The court's determination shall include the following  
20 factors:

21 (1) Age of the child.

22 (2) Options available for permanence, including both  
23 out-of-state and in-state placement options.

24 (3) Current placement of the child and the intent of  
25 the family regarding adoption.

26 (4) Emotional, physical, and mental status or

1 condition of the child.

2 (5) Types of services previously offered and whether  
3 or not the services were successful and, if not  
4 successful, the reasons the services failed.

5 (6) Availability of services currently needed and  
6 whether the services exist.

7 (7) Status of siblings of the minor.

8 The court shall consider (i) the permanency goal contained  
9 in the service plan, (ii) the appropriateness of the services  
10 contained in the plan and whether those services have been  
11 provided, (iii) whether reasonable efforts have been made by  
12 all the parties to the service plan to achieve the goal, and  
13 (iv) whether the plan and goal have been achieved. All  
14 evidence relevant to determining these questions, including  
15 oral and written reports, may be admitted and may be relied on  
16 to the extent of their probative value.

17 The court shall make findings as to whether, in violation  
18 of Section 8.2 of the Abused and Neglected Child Reporting  
19 Act, any portion of the service plan compels a child or parent  
20 to engage in any activity or refrain from any activity that is  
21 not reasonably related to remedying a condition or conditions  
22 that gave rise or which could give rise to any finding of child  
23 abuse or neglect. The services contained in the service plan  
24 shall include services reasonably related to remedy the  
25 conditions that gave rise to removal of the child from the home  
26 of the child's parents, guardian, or legal custodian or that



1 the court has found must be remedied prior to returning the  
2 child home. Any tasks the court requires of the parents,  
3 guardian, or legal custodian or child prior to returning the  
4 child home must be reasonably related to remedying a condition  
5 or conditions that gave rise to or which could give rise to any  
6 finding of child abuse or neglect.

7 If the permanency goal is to return home, the court shall  
8 make findings that identify any problems that are causing  
9 continued placement of the children away from the home and  
10 identify what outcomes would be considered a resolution to  
11 these problems. The court shall explain to the parents that  
12 these findings are based on the information that the court has  
13 at that time and may be revised, should additional evidence be  
14 presented to the court.

15 The court shall review the Sibling Contact Support Plan  
16 developed or modified under subsection (f) of Section 7.4 of  
17 the Children and Family Services Act, if applicable. If the  
18 Department has not convened a meeting to develop or modify a  
19 Sibling Contact Support Plan, or if the court finds that the  
20 existing Plan is not in the child's best interest, the court  
21 may enter an order requiring the Department to develop,  
22 modify, or implement a Sibling Contact Support Plan, or order  
23 mediation.

24 If the goal has been achieved, the court shall enter  
25 orders that are necessary to conform the minor's legal custody  
26 and status to those findings.

1           If, after receiving evidence, the court determines that  
2 the services contained in the plan are not reasonably  
3 calculated to facilitate achievement of the permanency goal,  
4 the court shall put in writing the factual basis supporting  
5 the determination and enter specific findings based on the  
6 evidence. The court also shall enter an order for the  
7 Department to develop and implement a new service plan or to  
8 implement changes to the current service plan consistent with  
9 the court's findings. The new service plan shall be filed with  
10 the court and served on all parties within 45 days of the date  
11 of the order. The court shall continue the matter until the new  
12 service plan is filed. Except as authorized by subsection  
13 (2.5) of this Section and as otherwise specifically authorized  
14 by law, the court is not empowered under this Section to order  
15 specific placements, specific services, or specific service  
16 providers to be included in the service plan.

17           A guardian or custodian appointed by the court pursuant to  
18 this Act shall file updated case plans with the court every 6  
19 months.

20           Rights of wards of the court under this Act are  
21 enforceable against any public agency by complaints for relief  
22 by mandamus filed in any proceedings brought under this Act.

23           (2.5) If, after reviewing the evidence, including evidence  
24 from the Department, the court determines that the minor's  
25 current or planned placement is not necessary or appropriate  
26 to facilitate achievement of the permanency goal, the court

1 shall put in writing the factual basis supporting its  
2 determination and enter specific findings based on the  
3 evidence. If the court finds that the minor's current or  
4 planned placement is not necessary or appropriate, the court  
5 may enter an order directing the Department to implement a  
6 recommendation by the minor's treating clinician or a  
7 clinician contracted by the Department to evaluate the minor  
8 or a recommendation made by the Department. If the Department  
9 places a minor in a placement under an order entered under this  
10 subsection (2.5), the Department has the authority to remove  
11 the minor from that placement when a change in circumstances  
12 necessitates the removal to protect the minor's health,  
13 safety, and best interest. If the Department determines  
14 removal is necessary, the Department shall notify the parties  
15 of the planned placement change in writing no later than 10  
16 days prior to the implementation of its determination unless  
17 remaining in the placement poses an imminent risk of harm to  
18 the minor, in which case the Department shall notify the  
19 parties of the placement change in writing immediately  
20 following the implementation of its decision. The Department  
21 shall notify others of the decision to change the minor's  
22 placement as required by Department rule.

23 (3) Following the permanency hearing, the court shall  
24 enter a written order that includes the determinations  
25 required under subsection (2) of this Section and sets forth  
26 the following:

1           (a) The future status of the minor, including the  
2 permanency goal, and any order necessary to conform the  
3 minor's legal custody and status to such determination; or

4           (b) If the permanency goal of the minor cannot be  
5 achieved immediately, the specific reasons for continuing  
6 the minor in the care of the Department of Children and  
7 Family Services or other agency for short-term placement,  
8 and the following determinations:

9           (i) (Blank).

10           (ii) Whether the services required by the court  
11 and by any service plan prepared within the prior 6  
12 months have been provided and (A) if so, whether the  
13 services were reasonably calculated to facilitate the  
14 achievement of the permanency goal or (B) if not  
15 provided, why the services were not provided.

16           (iii) Whether the minor's current or planned  
17 placement is necessary, and appropriate to the plan  
18 and goal, recognizing the right of minors to the least  
19 restrictive (most family-like) setting available and  
20 in close proximity to the parents' home consistent  
21 with the health, safety, best interest, and special  
22 needs of the minor and, if the minor is placed  
23 out-of-state, whether the out-of-state placement  
24 continues to be appropriate and consistent with the  
25 health, safety, and best interest of the minor.

26           (iv) (Blank).

1 (v) (Blank).

2 (4) The minor or any person interested in the minor may  
3 apply to the court for a change in custody of the minor and the  
4 appointment of a new custodian or guardian of the person or for  
5 the restoration of the minor to the custody of the minor's  
6 parents or former guardian or custodian.

7 When return home is not selected as the permanency goal:

8 (a) The Department, the minor, or the current foster  
9 parent or relative caregiver seeking private guardianship  
10 may file a motion for private guardianship of the minor.  
11 Appointment of a guardian under this Section requires  
12 approval of the court.

13 (b) The State's Attorney may file a motion to  
14 terminate parental rights of any parent who has failed to  
15 make reasonable efforts to correct the conditions which  
16 led to the removal of the child or reasonable progress  
17 toward the return of the child, as defined in subdivision  
18 (D)(m) of Section 1 of the Adoption Act or for whom any  
19 other unfitness ground for terminating parental rights as  
20 defined in subdivision (D) of Section 1 of the Adoption  
21 Act exists.

22 When parental rights have been terminated for a  
23 minimum of 3 years and the child who is the subject of the  
24 permanency hearing is 13 years old or older and is not  
25 currently placed in a placement likely to achieve  
26 permanency, the Department of Children and Family Services

1 shall make reasonable efforts to locate parents whose  
2 rights have been terminated, except when the Court  
3 determines that those efforts would be futile or  
4 inconsistent with the subject child's best interests. The  
5 Department of Children and Family Services shall assess  
6 the appropriateness of the parent whose rights have been  
7 terminated, and shall, as appropriate, foster and support  
8 connections between the parent whose rights have been  
9 terminated and the youth. The Department of Children and  
10 Family Services shall document its determinations and  
11 efforts to foster connections in the child's case plan.

12 Custody of the minor shall not be restored to any parent,  
13 guardian, or legal custodian in any case in which the minor is  
14 found to be neglected or abused under Section 2-3 or dependent  
15 under Section 2-4 of this Act, unless the minor can be cared  
16 for at home without endangering the minor's health or safety  
17 and it is in the best interest of the minor, and if such  
18 neglect, abuse, or dependency is found by the court under  
19 paragraph (1) of Section 2-21 of this Act to have come about  
20 due to the acts or omissions or both of such parent, guardian,  
21 or legal custodian, until such time as an investigation is  
22 made as provided in paragraph (5) and a hearing is held on the  
23 issue of the health, safety, and best interest of the minor and  
24 the fitness of such parent, guardian, or legal custodian to  
25 care for the minor and the court enters an order that such  
26 parent, guardian, or legal custodian is fit to care for the

1 minor. If a motion is filed to modify or vacate a private  
2 guardianship order and return the child to a parent, guardian,  
3 or legal custodian, the court may order the Department of  
4 Children and Family Services to assess the minor's current and  
5 proposed living arrangements and to provide ongoing monitoring  
6 of the health, safety, and best interest of the minor during  
7 the pendency of the motion to assist the court in making that  
8 determination. In the event that the minor has attained 18  
9 years of age and the guardian or custodian petitions the court  
10 for an order terminating the minor's guardianship or custody,  
11 guardianship or custody shall terminate automatically 30 days  
12 after the receipt of the petition unless the court orders  
13 otherwise. No legal custodian or guardian of the person may be  
14 removed without the legal custodian's or guardian's consent  
15 until given notice and an opportunity to be heard by the court.

16 When the court orders a child restored to the custody of  
17 the parent or parents, the court shall order the parent or  
18 parents to cooperate with the Department of Children and  
19 Family Services and comply with the terms of an after-care  
20 plan, or risk the loss of custody of the child and possible  
21 termination of their parental rights. The court may also enter  
22 an order of protective supervision in accordance with Section  
23 2-24.

24 If the minor is being restored to the custody of a parent,  
25 legal custodian, or guardian who lives outside of Illinois,  
26 and an Interstate Compact has been requested and refused, the

1 court may order the Department of Children and Family Services  
2 to arrange for an assessment of the minor's proposed living  
3 arrangement and for ongoing monitoring of the health, safety,  
4 and best interest of the minor and compliance with any order of  
5 protective supervision entered in accordance with Section  
6 2-24.

7 (5) Whenever a parent, guardian, or legal custodian files  
8 a motion for restoration of custody of the minor, and the minor  
9 was adjudicated neglected, abused, or dependent as a result of  
10 physical abuse, the court shall cause to be made an  
11 investigation as to whether the movant has ever been charged  
12 with or convicted of any criminal offense which would indicate  
13 the likelihood of any further physical abuse to the minor.  
14 Evidence of such criminal convictions shall be taken into  
15 account in determining whether the minor can be cared for at  
16 home without endangering the minor's health or safety and  
17 fitness of the parent, guardian, or legal custodian.

18 (a) Any agency of this State or any subdivision  
19 thereof shall cooperate with the agent of the court in  
20 providing any information sought in the investigation.

21 (b) The information derived from the investigation and  
22 any conclusions or recommendations derived from the  
23 information shall be provided to the parent, guardian, or  
24 legal custodian seeking restoration of custody prior to  
25 the hearing on fitness and the movant shall have an  
26 opportunity at the hearing to refute the information or



1 contest its significance.

2 (c) All information obtained from any investigation  
3 shall be confidential as provided in Section 5-150 of this  
4 Act.

5 (Source: P.A. 102-193, eff. 7-30-21; 102-489, eff. 8-20-21;  
6 102-813, eff. 5-13-22; 103-22, eff. 8-8-23; 103-154, eff.  
7 6-30-23; 103-171, eff. 1-1-24; revised 12-15-23.)

8 (705 ILCS 405/3-5) (from Ch. 37, par. 803-5)

9 Sec. 3-5. Interim crisis intervention services.

10 (a) Any minor who is taken into limited custody, or who  
11 independently requests or is referred for assistance, may be  
12 provided crisis intervention services by an agency or  
13 association, as defined in this Act, provided the association  
14 or agency staff (i) immediately investigate the circumstances  
15 of the minor and the facts surrounding the minor being taken  
16 into custody and promptly explain these facts and  
17 circumstances to the minor, and (ii) make a reasonable effort  
18 to inform the minor's parent, guardian, or custodian of the  
19 fact that the minor has been taken into limited custody and  
20 where the minor is being kept, and (iii) if the minor consents,  
21 make a reasonable effort to transport, arrange for the  
22 transportation of, or otherwise release the minor to the  
23 parent, guardian, or custodian. Upon release of the child who  
24 is believed to need or benefit from medical, psychological,  
25 psychiatric, or social services, the association or agency may

1 inform the minor and the person to whom the minor is released  
2 of the nature and location of appropriate services and shall,  
3 if requested, assist in establishing contact between the  
4 family and other associations or agencies providing such  
5 services. If the agency or association is unable by all  
6 reasonable efforts to contact a parent, guardian, or  
7 custodian, or if the person contacted lives an unreasonable  
8 distance away, or if the minor refuses to be taken to the  
9 minor's home or other appropriate residence, or if the agency  
10 or association is otherwise unable despite all reasonable  
11 efforts to make arrangements for the safe return of the minor,  
12 the minor may be taken to a temporary living arrangement which  
13 is in compliance with the Child Care Act of 1969 or which is  
14 with persons agreed to by the parents and the agency or  
15 association.

16 (b) An agency or association is authorized to permit a  
17 minor to be sheltered in a temporary living arrangement  
18 provided the agency seeks to effect the minor's return home or  
19 alternative living arrangements agreeable to the minor and the  
20 parent, guardian, or custodian as soon as practicable. No  
21 minor shall be sheltered in a temporary living arrangement for  
22 more than 21 business days. Throughout such limited custody,  
23 the agency or association shall work with the parent,  
24 guardian, or custodian and the minor's local school district,  
25 the Department of Human Services, the Department of Healthcare  
26 and Family Services, the Department of Juvenile Justice, and

1 the Department of Children and Family Services to identify  
2 immediate and long-term treatment or placement. If at any time  
3 during the crisis intervention there is a concern that the  
4 minor has experienced abuse or neglect, the Comprehensive  
5 Community Based-Youth Services provider shall contact the  
6 Department of Children and Family Services as provided in the  
7 Abused and Neglected Child Reporting Act. ~~the minor~~

8 (c) Any agency or association or employee thereof acting  
9 reasonably and in good faith in the care of a minor being  
10 provided interim crisis intervention services and shelter care  
11 shall be immune from any civil or criminal liability resulting  
12 from such care.

13 (Source: P.A. 103-22, eff. 8-8-23; 103-546, eff. 8-11-23;  
14 revised 8-30-23.)

15 (705 ILCS 405/3-6) (from Ch. 37, par. 803-6)

16 Sec. 3-6. Alternative voluntary residential placement.

17 (a) A minor and the minor's parent, guardian or custodian  
18 may agree to an arrangement for alternative voluntary  
19 residential placement, in compliance with the "Child Care Act  
20 of 1969", without court order. Such placement may continue as  
21 long as there is agreement.

22 (b) If the minor and the minor's parent, guardian or  
23 custodian cannot agree to an arrangement for alternative  
24 voluntary residential placement in the first instance, or  
25 cannot agree to the continuation of such placement, and the

1 minor refuses to return home, the minor or the minor's parent,  
2 guardian or custodian, or a person properly acting at the  
3 minor's request, may file with the court a petition alleging  
4 that the minor requires authoritative intervention as  
5 described in Section 3-3.

6 (Source: P.A. 103-22, eff. 8-8-23; revised 9-20-23.)

7 (705 ILCS 405/3-16) (from Ch. 37, par. 803-16)

8 Sec. 3-16. Date for adjudicatory hearing.

9 (a) (Blank).

10 (b) (1) (A) When a petition has been filed alleging that the  
11 minor requires authoritative intervention, an adjudicatory  
12 hearing shall be held within 120 days of a demand made by any  
13 party, except that when the court determines that the State,  
14 without success, has exercised due diligence to obtain  
15 evidence material to the case and that there are reasonable  
16 grounds to believe that such evidence may be obtained at a  
17 later date, the court may, upon motion by the State, continue  
18 the adjudicatory hearing for not more than 30 additional days.

19 The 120-day ~~120-day~~ period in which an adjudicatory  
20 hearing shall be held is tolled by: (i) delay occasioned by the  
21 minor; or (ii) a continuance allowed pursuant to Section 114-4  
22 of the Code of Criminal Procedure of 1963 after a court's  
23 determination of the minor's physical incapacity for trial; or  
24 (iii) an interlocutory appeal. Any such delay shall  
25 temporarily suspend, for the time of the delay, the period

1 within which the adjudicatory hearing must be held. On the day  
2 of expiration of the delay, the said period shall continue at  
3 the point at which it was suspended.

4 (B) When no such adjudicatory hearing is held within the  
5 time required by paragraph (b)(1)(A) of this Section, the  
6 court shall, upon motion by any party, dismiss the petition  
7 with prejudice.

8 (2) Without affecting the applicability of the tolling and  
9 multiple prosecution provisions of paragraph (b)(1) of this  
10 Section, when a petition has been filed alleging that the  
11 minor requires authoritative intervention and the minor is in  
12 shelter care, the adjudicatory hearing shall be held within 10  
13 judicial days after the date of the order directing shelter  
14 care, or the earliest possible date in compliance with the  
15 notice provisions of Sections 3-17 and 3-18 as to the  
16 custodial parent, guardian, or legal custodian, but no later  
17 than 30 judicial days from the date of the order of the court  
18 directing shelter care.

19 (3) Any failure to comply with the time limits of  
20 paragraph (b)(2) of this Section shall require the immediate  
21 release of the minor from shelter care, and the time limits of  
22 paragraph (b)(1) shall apply.

23 (4) Nothing in this Section prevents the minor or the  
24 minor's parents or guardian from exercising their respective  
25 rights to waive the time limits set forth in this Section.

26 (Source: P.A. 103-22, eff. 8-8-23; revised 9-20-23.)

1 (705 ILCS 405/3-17) (from Ch. 37, par. 803-17)

2 Sec. 3-17. Summons.

3 (1) When a petition is filed, the clerk of the court shall  
4 issue a summons with a copy of the petition attached. The  
5 summons shall be directed to the minor's legal guardian or  
6 custodian and to each person named as a respondent in the  
7 petition, except that summons need not be directed to a minor  
8 respondent under 8 years of age for whom the court appoints a  
9 guardian ad litem if the guardian ad litem appears on behalf of  
10 the minor in any proceeding under this Act.

11 (2) The summons must contain a statement that the minor or  
12 any of the respondents is entitled to have an attorney present  
13 at the hearing on the petition, and that the clerk of the court  
14 should be notified promptly if the minor or any other  
15 respondent desires to be represented by an attorney but is  
16 financially unable to employ counsel.

17 (3) The summons shall be issued under the seal of the  
18 court, attested to and signed with the name of the clerk of the  
19 court, dated on the day it is issued, and shall require each  
20 respondent to appear and answer the petition on the date set  
21 for the adjudicatory hearing.

22 (4) The summons may be served by any county sheriff,  
23 coroner, or probation officer, even though the officer is the  
24 petitioner. The return of the summons with endorsement of  
25 service by the officer is sufficient proof thereof.

1           (5) Service of a summons and petition shall be made by: (a)  
2 leaving a copy thereof with the person summoned at least 3 days  
3 before the time stated therein for appearance; (b) leaving a  
4 copy at the summoned person's usual place of abode with some  
5 person of the family, of the age of 10 years or upwards, and  
6 informing that person of the contents thereof, provided the  
7 officer or other person making service shall also send a copy  
8 of the summons in a sealed envelope with postage fully  
9 prepaid, addressed to the person summoned at the person's  
10 usual place of abode, at least 3 days before the time stated  
11 therein for appearance; or (c) leaving a copy thereof with the  
12 guardian or custodian of a minor, at least 3 days before the  
13 time stated therein for appearance. If the guardian or  
14 custodian is an agency of the State of Illinois, proper  
15 service may be made by leaving a copy of the summons and  
16 petition with any administrative employee of such agency  
17 designated by such agency to accept service of summons and  
18 petitions. The certificate of the officer or affidavit of the  
19 person that the officer or person has sent the copy pursuant to  
20 this Section is sufficient proof of service.

21           (6) When a parent or other person, who has signed a written  
22 promise to appear and bring the minor to court or who has  
23 waived or acknowledged service, fails to appear with the minor  
24 on the date set by the court, a bench warrant may be issued for  
25 the parent or other person, the minor, or both.

26           (7) The appearance of the minor's legal guardian or

1     custodian, or a person named as a respondent in a petition, in  
2     any proceeding under this Act shall constitute a waiver of  
3     service of summons and submission to the jurisdiction of the  
4     court. A copy of the summons and petition shall be provided to  
5     the person at the time of the person's appearance.

6             (8) Fines or assessments, such as fees or administrative  
7     costs, in the service of process shall not be ordered or  
8     imposed on a minor or a minor's parent, guardian, or legal  
9     custodian.

10     (Source: P.A. 103-22, eff. 8-8-23; 103-379, eff. 7-28-23;  
11     revised 9-7-23.)

12             (705 ILCS 405/3-19) (from Ch. 37, par. 803-19)

13             Sec. 3-19. Guardian ad litem.

14             (1) Immediately upon the filing of a petition alleging  
15     that the minor requires authoritative intervention, the court  
16     may appoint a guardian ad litem for the minor if:

17             (a) such petition alleges that the minor is the victim  
18     of sexual abuse or misconduct; or

19             (b) such petition alleges that charges alleging the  
20     commission of any of the sex offenses defined in Article  
21     11 or in Section ~~Sections~~ 11-1.20, 11-1.30, 11-1.40,  
22     11-1.50, 11-1.60, 12-13, 12-14, 12-14.1, 12-15, or 12-16  
23     of the Criminal Code of 1961 or the Criminal Code of 2012,  
24     have been filed against a defendant in any court and that  
25     such minor is the alleged victim of the acts of the



1 defendant in the commission of such offense.

2 (2) Unless the guardian ad litem appointed pursuant to  
3 paragraph (1) is an attorney at law, the guardian ad litem  
4 shall be represented in the performance of the guardian ad  
5 litem's duties by counsel.

6 (3) Before proceeding with the hearing, the court shall  
7 appoint a guardian ad litem for the minor if:

8 (a) no parent, guardian, custodian, or relative of the  
9 minor appears at the first or any subsequent hearing of  
10 the case;

11 (b) the petition prays for the appointment of a  
12 guardian with power to consent to adoption; or

13 (c) the petition for which the minor is before the  
14 court resulted from a report made pursuant to the Abused  
15 and Neglected Child Reporting Act.

16 (4) The court may appoint a guardian ad litem for the minor  
17 whenever it finds that there may be a conflict of interest  
18 between the minor and the minor's parents or other custodian  
19 or that it is otherwise in the minor's interest to do so.

20 (5) The reasonable fees of a guardian ad litem appointed  
21 under this Section shall be fixed by the court and paid from  
22 the general fund of the county.

23 (Source: P.A. 103-22, eff. 8-8-23; 103-379, eff. 7-28-23;  
24 revised 8-30-23.)

25 (705 ILCS 405/3-21) (from Ch. 37, par. 803-21)

1           Sec. 3-21. Continuance under supervision.

2           (1) The court may enter an order of continuance under  
3 supervision (a) upon an admission or stipulation by the  
4 appropriate respondent or minor respondent of the facts  
5 supporting the petition and before proceeding to findings and  
6 adjudication, or after hearing the evidence at the  
7 adjudicatory hearing but before noting in the minutes of  
8 proceedings a finding of whether or not the minor is a person  
9 requiring authoritative intervention; and (b) in the absence  
10 of objection made in open court by the minor, the minor's  
11 parent, guardian, custodian, responsible relative, or defense  
12 attorney, or the State's Attorney.

13           (2) If the minor, the minor's parent, guardian, custodian,  
14 responsible relative, or defense attorney, or State's  
15 Attorney, objects in open court to any such continuance and  
16 insists upon proceeding to findings and adjudication, the  
17 court shall so proceed.

18           (3) Nothing in this Section limits the power of the court  
19 to order a continuance of the hearing for the production of  
20 additional evidence or for any other proper reason.

21           (4) When a hearing where a minor is alleged to be a minor  
22 requiring authoritative intervention is continued pursuant to  
23 this Section, the court may permit the minor to remain in the  
24 minor's home subject to such conditions concerning the minor's  
25 conduct and supervision as the court may require by order.

26           (5) If a petition is filed charging a violation of a

1 condition of the continuance under supervision, the court  
2 shall conduct a hearing. If the court finds that such  
3 condition of supervision has not been fulfilled the court may  
4 proceed to findings and adjudication and disposition. The  
5 filing of a petition for violation of a condition of the  
6 continuance under supervision shall toll the period of  
7 continuance under supervision until the final determination of  
8 the charge, and the term of the continuance under supervision  
9 shall not run until the hearing and disposition of the  
10 petition for violation; provided where the petition alleges  
11 conduct that does not constitute a criminal offense, the  
12 hearing must be held within 15 days of the filing of the  
13 petition unless a delay in such hearing has been occasioned by  
14 the minor, in which case the delay shall continue the tolling  
15 of the period of continuance under supervision for the period  
16 of such delay.

17 (6) (Blank).

18 (Source: P.A. 103-22, eff. 8-8-23; 103-379, eff. 7-28-23;  
19 revised 9-25-23.)

20 (705 ILCS 405/3-24) (from Ch. 37, par. 803-24)

21 Sec. 3-24. Kinds of dispositional orders.

22 (1) The following kinds of orders of disposition may be  
23 made in respect to wards of the court: A minor found to be  
24 requiring authoritative intervention under Section 3-3 may be  
25 (a) committed to the Department of Children and Family

1 Services, subject to Section 5 of the Children and Family  
2 Services Act; (b) placed under supervision and released to the  
3 minor's parents, guardian, or legal custodian; (c) placed in  
4 accordance with Section 3-28 with or without also being placed  
5 under supervision. Conditions of supervision may be modified  
6 or terminated by the court if it deems that the best interests  
7 of the minor and the public will be served thereby; (d) ordered  
8 partially or completely emancipated in accordance with the  
9 provisions of the Emancipation of Minors Act; or (e) subject  
10 to having the minor's driver's license or driving privilege  
11 suspended for such time as determined by the Court but only  
12 until the minor attains 18 years of age.

13 (2) Any order of disposition may provide for protective  
14 supervision under Section 3-25 and may include an order of  
15 protection under Section 3-26.

16 (3) Unless the order of disposition expressly so provides,  
17 it does not operate to close proceedings on the pending  
18 petition, but is subject to modification until final closing  
19 and discharge of the proceedings under Section 3-32.

20 (4) In addition to any other order of disposition, the  
21 court may order any person found to be a minor requiring  
22 authoritative intervention under Section 3-3 to make  
23 restitution, in monetary or non-monetary form, under the terms  
24 and conditions of Section 5-5-6 of the Unified Code of  
25 Corrections, except that the "presentence hearing" referred to  
26 therein shall be the dispositional hearing for purposes of

1 this Section. The parent, guardian, or legal custodian of the  
2 minor may pay some or all of such restitution on the minor's  
3 behalf.

4 (5) Any order for disposition where the minor is committed  
5 or placed in accordance with Section 3-28 shall provide for  
6 the parents or guardian of the estate of such minor to pay to  
7 the legal custodian or guardian of the person of the minor such  
8 sums as are determined by the custodian or guardian of the  
9 person of the minor as necessary for the minor's needs. Such  
10 payments may not exceed the maximum amounts provided for by  
11 Section 9.1 of the Children and Family Services Act.

12 (6) Whenever the order of disposition requires the minor  
13 to attend school or participate in a program of training, the  
14 truant officer or designated school official shall regularly  
15 report to the court if the minor is a chronic or habitual  
16 truant under Section 26-2a of the School Code.

17 (7) (Blank).

18 (Source: P.A. 103-22, eff. 8-8-23; 103-379, eff. 7-28-23;  
19 revised 9-20-23.)

20 (705 ILCS 405/3-33.5)

21 Sec. 3-33.5. Truant minors in need of supervision.

22 (a) Definition. A minor who is reported by the office of  
23 the regional superintendent of schools as a chronic truant may  
24 be subject to a petition for adjudication and adjudged a  
25 truant minor in need of supervision, provided that prior to

1 the filing of the petition, the office of the regional  
2 superintendent of schools or a community truancy review board  
3 certifies that the local school has provided appropriate  
4 truancy intervention services to the truant minor and the  
5 minor's family. For purposes of this Section, "truancy  
6 intervention services" means services designed to assist the  
7 minor's return to an educational program, and includes, but is  
8 not limited to: assessments, counseling, mental health  
9 services, shelter, optional and alternative education  
10 programs, tutoring, and educational advocacy. If, after review  
11 by the regional office of education or community truancy  
12 review board, it is determined the local school did not  
13 provide the appropriate interventions, then the minor shall be  
14 referred to a comprehensive community based youth service  
15 agency for truancy intervention services. If the comprehensive  
16 community based youth service agency is incapable to provide  
17 intervention services, then this requirement for services is  
18 not applicable. The comprehensive community based youth  
19 service agency shall submit reports to the office of the  
20 regional superintendent of schools or truancy review board  
21 within 20, 40, and 80 school days of the initial referral or at  
22 any other time requested by the office of the regional  
23 superintendent of schools or truancy review board, which  
24 reports each shall certify the date of the minor's referral  
25 and the extent of the minor's progress and participation in  
26 truancy intervention services provided by the comprehensive

1 community based youth service agency. In addition, if, after  
2 referral by the office of the regional superintendent of  
3 schools or community truancy review board, the minor declines  
4 or refuses to fully participate in truancy intervention  
5 services provided by the comprehensive community based youth  
6 service agency, then the agency shall immediately certify such  
7 facts to the office of the regional superintendent of schools  
8 or community truancy review board.

9 (a-1) There is a rebuttable presumption that a chronic  
10 truant is a truant minor in need of supervision.

11 (a-2) There is a rebuttable presumption that school  
12 records of a minor's attendance at school are authentic.

13 (a-3) For purposes of this Section, "chronic truant" has  
14 the meaning ascribed to it in Section 26-2a of the School Code.

15 (a-4) For purposes of this Section, a "community truancy  
16 review board" is a local community based board comprised of,  
17 but not limited to: representatives from local comprehensive  
18 community based youth service agencies, representatives from  
19 court service agencies, representatives from local schools,  
20 representatives from health service agencies, and  
21 representatives from local professional and community  
22 organizations as deemed appropriate by the office of the  
23 regional superintendent of schools. The regional  
24 superintendent of schools must approve the establishment and  
25 organization of a community truancy review board, and the  
26 regional superintendent of schools or the regional

1 superintendent's designee shall chair the board.

2 (a-5) Nothing in this Section shall be construed to create  
3 a private cause of action or right of recovery against a  
4 regional office of education, its superintendent, or its staff  
5 with respect to truancy intervention services where the  
6 determination to provide the services is made in good faith.

7 (b) Kinds of dispositional orders. A minor found to be a  
8 truant minor in need of supervision may be:

9 (1) committed to the appropriate regional  
10 superintendent of schools for a student assistance team  
11 staffing, a service plan, or referral to a comprehensive  
12 community based youth service agency;

13 (2) required to comply with a service plan as  
14 specifically provided by the appropriate regional  
15 superintendent of schools;

16 (3) ordered to obtain counseling or other supportive  
17 services;

18 (4) (blank);

19 (5) required to perform some reasonable public service  
20 work that does not interfere with school hours,  
21 school-related activities, or work commitments of the  
22 minor or the minor's parent, guardian, or legal custodian;  
23 or

24 (6) (blank).

25 A dispositional order may include public service only if  
26 the court has made an express written finding that a truancy



1 prevention program has been offered by the school, regional  
2 superintendent of schools, or a comprehensive community based  
3 youth service agency to the truant minor in need of  
4 supervision.

5 (c) Orders entered under this Section may be enforced by  
6 contempt proceedings. Fines or assessments, such as fees or  
7 administrative costs, shall not be ordered or imposed in  
8 contempt proceedings under this Section.

9 (Source: P.A. 102-456, eff. 1-1-22; 103-22, eff. 8-8-23;  
10 103-379, eff. 7-28-23; revised 9-20-23.)

11 (705 ILCS 405/4-8) (from Ch. 37, par. 804-8)

12 Sec. 4-8. Setting of shelter care hearing.

13 (1) Unless sooner released, a minor alleged to be addicted  
14 taken into temporary protective custody must be brought before  
15 a judicial officer within 48 hours, exclusive of Saturdays,  
16 Sundays, and holidays, for a shelter care hearing to determine  
17 whether the minor shall be further held in custody.

18 (2) If the probation officer or such other public officer  
19 designated by the court determines that the minor should be  
20 retained in custody, the probation officer or such other  
21 public officer designated by the court shall cause a petition  
22 to be filed as provided in Section 4-12 of this Act, and the  
23 clerk of the court shall set the matter for hearing on the  
24 shelter care hearing calendar. When a parent, guardian,  
25 custodian, or responsible relative is present and so requests,

1 the shelter care hearing shall be held immediately if the  
2 court is in session, otherwise at the earliest feasible time.  
3 The probation officer or such other public officer designated  
4 by the court shall notify the minor's parent, guardian,  
5 custodian, or responsible relative of the time and place of  
6 the hearing. The notice may be given orally.

7 (3) The minor must be released from custody at the  
8 expiration of the 48-hour ~~48-hour~~ period, as the case may be,  
9 specified by this Section, if not brought before a judicial  
10 officer within that period.

11 (Source: P.A. 103-22, eff. 8-8-23; revised 9-20-23.)

12 (705 ILCS 405/4-9) (from Ch. 37, par. 804-9)

13 Sec. 4-9. Shelter care hearing. At the appearance of the  
14 minor before the court at the shelter care hearing, all  
15 witnesses present shall be examined before the court in  
16 relation to any matter connected with the allegations made in  
17 the petition.

18 (1) If the court finds that there is not probable cause to  
19 believe that the minor is addicted, it shall release the minor  
20 and dismiss the petition.

21 (2) If the court finds that there is probable cause to  
22 believe that the minor is addicted, the minor, the minor's  
23 parent, guardian, or custodian, and other persons able to give  
24 relevant testimony shall be examined before the court. After  
25 such testimony, the court may enter an order that the minor

1 shall be released upon the request of a parent, guardian, or  
2 custodian if the parent, guardian, or custodian appears to  
3 take custody and agrees to abide by a court order which  
4 requires the minor and the minor's parent, guardian, or legal  
5 custodian to complete an evaluation by an entity licensed by  
6 the Department of Human Services, as the successor to the  
7 Department of Alcoholism and Substance Abuse, and complete any  
8 treatment recommendations indicated by the assessment.  
9 "Custodian" includes the Department of Children and Family  
10 Services, if it has been given custody of the child, or any  
11 other agency of the State which has been given custody or  
12 wardship of the child.

13 The court ~~Court~~ shall require documentation by  
14 representatives of the Department of Children and Family  
15 Services or the probation department as to the reasonable  
16 efforts that were made to prevent or eliminate the necessity  
17 of removal of the minor from the minor's home, and shall  
18 consider the testimony of any person as to those reasonable  
19 efforts. If the court finds that it is a matter of immediate  
20 and urgent necessity for the protection of the minor or of the  
21 person or property of another that the minor be placed in a  
22 shelter care facility or that the minor is likely to flee the  
23 jurisdiction of the court, and, further, finds that reasonable  
24 efforts have been made or good cause has been shown why  
25 reasonable efforts cannot prevent or eliminate the necessity  
26 of removal of the minor from the minor's home, the court may

1 prescribe shelter care and order that the minor be kept in a  
2 suitable place designated by the court, ~~or~~ in a shelter care  
3 facility designated by the Department of Children and Family  
4 Services or a licensed child welfare agency, or in a facility  
5 or program licensed by the Department of Human Services for  
6 shelter and treatment services; otherwise, it shall release  
7 the minor from custody. If the court prescribes shelter care,  
8 then in placing the minor, the Department or other agency  
9 shall, to the extent compatible with the court's order, comply  
10 with Section 7 of the Children and Family Services Act. If the  
11 minor is ordered placed in a shelter care facility of the  
12 Department of Children and Family Services or a licensed child  
13 welfare agency, or in a facility or program licensed by the  
14 Department of Human Services for shelter and treatment  
15 services, the court shall, upon request of the appropriate  
16 Department or other agency, appoint the Department of Children  
17 and Family Services Guardianship Administrator or other  
18 appropriate agency executive temporary custodian of the minor  
19 and the court may enter such other orders related to the  
20 temporary custody as it deems fit and proper, including the  
21 provision of services to the minor or the minor's family to  
22 ameliorate the causes contributing to the finding of probable  
23 cause or to the finding of the existence of immediate and  
24 urgent necessity. Acceptance of services shall not be  
25 considered an admission of any allegation in a petition made  
26 pursuant to this Act, nor may a referral of services be

1 considered as evidence in any proceeding pursuant to this Act,  
2 except where the issue is whether the Department has made  
3 reasonable efforts to reunite the family. In making its  
4 findings that reasonable efforts have been made or that good  
5 cause has been shown why reasonable efforts cannot prevent or  
6 eliminate the necessity of removal of the minor from the  
7 minor's home, the court shall state in writing its findings  
8 concerning the nature of the services that were offered or the  
9 efforts that were made to prevent removal of the child and the  
10 apparent reasons that such services or efforts could not  
11 prevent the need for removal. The parents, guardian,  
12 custodian, temporary custodian, and minor shall each be  
13 furnished a copy of such written findings. The temporary  
14 custodian shall maintain a copy of the court order and written  
15 findings in the case record for the child. The order, together  
16 with the court's findings of fact in support thereof, shall be  
17 entered of record in the court.

18 Once the court finds that it is a matter of immediate and  
19 urgent necessity for the protection of the minor that the  
20 minor be placed in a shelter care facility, the minor shall not  
21 be returned to the parent, custodian, or guardian until the  
22 court finds that such placement is no longer necessary for the  
23 protection of the minor.

24 (3) If neither the parent, guardian, legal custodian,  
25 responsible relative nor counsel of the minor has had actual  
26 notice of or is present at the shelter care hearing, the

1 parent, guardian, legal custodian, responsible relative, or  
2 counsel of the minor may file an affidavit setting forth these  
3 facts, and the clerk shall set the matter for rehearing not  
4 later than 24 hours, excluding Sundays and legal holidays,  
5 after the filing of the affidavit. At the rehearing, the court  
6 shall proceed in the same manner as upon the original hearing.

7 (4) If the minor is not brought before a judicial officer  
8 within the time period as specified in Section 4-8, the minor  
9 must immediately be released from custody.

10 (5) Only when there is reasonable cause to believe that  
11 the minor taken into custody is a person described in  
12 subsection (3) of Section 5-105 may the minor be kept or  
13 detained in a detention home or county or municipal jail. This  
14 Section shall in no way be construed to limit subsection (6).

15 (6) No minor under 16 years of age may be confined in a  
16 jail or place ordinarily used for the confinement of prisoners  
17 in a police station. Minors under 18 years of age must be kept  
18 separate from confined adults and may not at any time be kept  
19 in the same cell, room, or yard with adults confined pursuant  
20 to the criminal law.

21 (7) If neither the parent, guardian, or custodian appears  
22 within 24 hours to take custody of a minor released upon  
23 request pursuant to subsection (2) of this Section, then the  
24 clerk of the court shall set the matter for rehearing not later  
25 than 7 days after the original order and shall issue a summons  
26 directed to the parent, guardian, or custodian to appear. At

1 the same time the probation department shall prepare a report  
2 on the minor. If a parent, guardian, or custodian does not  
3 appear at such rehearing, the judge may enter an order  
4 prescribing that the minor be kept in a suitable place  
5 designated by the Department of Children and Family Services  
6 or a licensed child welfare agency.

7 (8) Any interested party, including the State, the  
8 temporary custodian, an agency providing services to the minor  
9 or family under a service plan pursuant to Section 8.2 of the  
10 Abused and Neglected Child Reporting Act, foster parent, or  
11 any of their representatives, may file a motion to modify or  
12 vacate a temporary custody order on any of the following  
13 grounds:

14 (a) It is no longer a matter of immediate and urgent  
15 necessity that the minor remain in shelter care; or

16 (b) There is a material change in the circumstances of  
17 the natural family from which the minor was removed; or

18 (c) A person, including a parent, relative, or legal  
19 guardian, is capable of assuming temporary custody of the  
20 minor; or

21 (d) Services provided by the Department of Children  
22 and Family Services or a child welfare agency or other  
23 service provider have been successful in eliminating the  
24 need for temporary custody.

25 The clerk shall set the matter for hearing not later than  
26 14 days after such motion is filed. In the event that the court

1 modifies or vacates a temporary custody order but does not  
2 vacate its finding of probable cause, the court may order that  
3 appropriate services be continued or initiated in behalf of  
4 the minor and the minor's family.

5 (9) The changes made to this Section by Public Act 98-61  
6 apply to a minor who has been arrested or taken into custody on  
7 or after January 1, 2014 (the effective date of Public Act  
8 98-61).

9 (Source: P.A. 103-22, eff. 8-8-23; revised 9-20-23.)

10 (705 ILCS 405/4-14) (from Ch. 37, par. 804-14)

11 Sec. 4-14. Summons.

12 (1) When a petition is filed, the clerk of the court shall  
13 issue a summons with a copy of the petition attached. The  
14 summons shall be directed to the minor's legal guardian or  
15 custodian and to each person named as a respondent in the  
16 petition, except that summons need not be directed to a minor  
17 respondent under 8 years of age for whom the court appoints a  
18 guardian ad litem if the guardian ad litem appears on behalf of  
19 the minor in any proceeding under this Act.

20 (2) The summons must contain a statement that the minor or  
21 any of the respondents is entitled to have an attorney present  
22 at the hearing on the petition, and that the clerk of the court  
23 should be notified promptly if the minor or any other  
24 respondent desires to be represented by an attorney but is  
25 financially unable to employ counsel.



1           (3) The summons shall be issued under the seal of the  
2 court, attested to and signed with the name of the clerk of the  
3 court, dated on the day it is issued, and shall require each  
4 respondent to appear and answer the petition on the date set  
5 for the adjudicatory hearing.

6           (4) The summons may be served by any county sheriff,  
7 coroner, or probation officer, even though the officer is the  
8 petitioner. The return of the summons with endorsement of  
9 service by the officer is sufficient proof thereof.

10          (5) Service of a summons and petition shall be made by:

11           (a) leaving a copy thereof with the person summoned at  
12 least 3 days before the time stated therein for  
13 appearance;

14           (b) leaving a copy at the summoned person's usual  
15 place of abode with some person of the family, of the age  
16 of 10 years or upwards, and informing that person of the  
17 contents thereof, provided that the officer or other  
18 person making service shall also send a copy of the  
19 summons in a sealed envelope with postage fully prepaid,  
20 addressed to the person summoned at the person's usual  
21 place of abode, at least 3 days before the time stated  
22 therein for appearance; or

23           (c) leaving a copy thereof with the guardian or  
24 custodian of a minor, at least 3 days before the time  
25 stated therein for appearance.

26          If the guardian or custodian is an agency of the State of

1 Illinois, proper service may be made by leaving a copy of the  
2 summons and petition with any administrative employee of such  
3 agency designated by such agency to accept service of summons  
4 and petitions. The certificate of the officer or affidavit of  
5 the person that the officer or person has sent the copy  
6 pursuant to this Section is sufficient proof of service.

7 (6) When a parent or other person, who has signed a written  
8 promise to appear and bring the minor to court or who has  
9 waived or acknowledged service, fails to appear with the minor  
10 on the date set by the court, a bench warrant may be issued for  
11 the parent or other person, the minor, or both.

12 (7) The appearance of the minor's legal guardian or  
13 custodian, or a person named as a respondent in a petition, in  
14 any proceeding under this Act shall constitute a waiver of  
15 service of summons and submission to the jurisdiction of the  
16 court. A copy of the summons and petition shall be provided to  
17 the person at the time of the person's appearance.

18 (8) Fines or assessments, such as fees or administrative  
19 costs, in the service of process shall not be ordered or  
20 imposed on a minor or a minor's parent, guardian, or legal  
21 custodian.

22 (Source: P.A. 103-22, eff. 8-8-23; 103-379, eff. 7-28-23;  
23 revised 9-25-23.)

24 (705 ILCS 405/4-16) (from Ch. 37, par. 804-16)

25 Sec. 4-16. Guardian ad litem.

1           (1) Immediately upon the filing of a petition alleging  
2 that the minor is a person described in Section 4-3 of this  
3 Act, the court may appoint a guardian ad litem for the minor  
4 if:

5           (a) such petition alleges that the minor is the victim  
6 of sexual abuse or misconduct; or

7           (b) such petition alleges that charges alleging the  
8 commission of any of the sex offenses defined in Article  
9 11 or in Sections 11-1.20, 11-1.30, 11-1.40, 11-1.50,  
10 11-1.60, 12-13, 12-14, 12-14.1, 12-15, or 12-16 of the  
11 Criminal Code of 1961 or the Criminal Code of 2012, have  
12 been filed against a defendant in any court and that such  
13 minor is the alleged victim of the acts of the defendant in  
14 the commission of such offense.

15           Unless the guardian ad litem appointed pursuant to this  
16 paragraph (1) is an attorney at law, the guardian ad litem  
17 shall be represented in the performance of the guardian ad  
18 litem's duties by counsel.

19           (2) Before proceeding with the hearing, the court shall  
20 appoint a guardian ad litem for the minor if:

21           (a) no parent, guardian, custodian, or relative of the  
22 minor appears at the first or any subsequent hearing of  
23 the case;

24           (b) the petition prays for the appointment of a  
25 guardian with power to consent to adoption; or

26           (c) the petition for which the minor is before the

1 court resulted from a report made pursuant to the Abused  
2 and Neglected Child Reporting Act.

3 (3) The court may appoint a guardian ad litem for the minor  
4 whenever it finds that there may be a conflict of interest  
5 between the minor and the minor's parents or other custodian  
6 or that it is otherwise in the minor's interest to do so.

7 (4) Unless the guardian ad litem is an attorney, the  
8 guardian ad litem shall be represented by counsel.

9 (5) The reasonable fees of a guardian ad litem appointed  
10 under this Section shall be fixed by the court and paid from  
11 the general fund of the county.

12 (Source: P.A. 103-22, eff. 8-8-23; 103-379, eff. 7-28-23;  
13 revised 9-20-23.)

14 (705 ILCS 405/4-18) (from Ch. 37, par. 804-18)

15 Sec. 4-18. Continuance under supervision.

16 (1) The court may enter an order of continuance under  
17 supervision (a) upon an admission or stipulation by the  
18 appropriate respondent or minor respondent of the facts  
19 supporting the petition and before proceeding to findings and  
20 adjudication, or after hearing the evidence at the  
21 adjudicatory hearing but before noting in the minutes of the  
22 proceeding a finding of whether or not the minor is an addict,  
23 and (b) in the absence of objection made in open court by the  
24 minor, the minor's parent, guardian, custodian, responsible  
25 relative, or defense attorney, or the State's Attorney.

1           (2) If the minor, the minor's parent, guardian, custodian,  
2 responsible relative, or defense attorney, or the State's  
3 Attorney~~7~~ objects in open court to any such continuance and  
4 insists upon proceeding to findings and adjudication, the  
5 court shall so proceed.

6           (3) Nothing in this Section limits the power of the court  
7 to order a continuance of the hearing for the production of  
8 additional evidence or for any other proper reason.

9           (4) When a hearing is continued pursuant to this Section,  
10 the court may permit the minor to remain in the minor's home  
11 subject to such conditions concerning the minor's conduct and  
12 supervision as the court may require by order.

13           (5) If a petition is filed charging a violation of a  
14 condition of the continuance under supervision, the court  
15 shall conduct a hearing. If the court finds that such  
16 condition of supervision has not been fulfilled the court may  
17 proceed to findings and adjudication and disposition. The  
18 filing of a petition for violation of a condition of the  
19 continuance under supervision shall toll the period of  
20 continuance under supervision until the final determination of  
21 the charge, and the term of the continuance under supervision  
22 shall not run until the hearing and disposition of the  
23 petition for violation; provided where the petition alleges  
24 conduct that does not constitute a criminal offense, the  
25 hearing must be held within 15 days of the filing of the  
26 petition unless a delay in such hearing has been occasioned by

1 the minor, in which case the delay shall continue the tolling  
2 of the period of continuance under supervision for the period  
3 of such delay.

4 (6) (Blank).

5 (Source: P.A. 103-22, eff. 8-8-23; 103-379, eff. 7-28-23;  
6 revised 9-6-23.)

7 (705 ILCS 405/4-21) (from Ch. 37, par. 804-21)

8 Sec. 4-21. Kinds of dispositional orders.

9 (1) A minor found to be addicted under Section 4-3 may be

10 (a) committed to the Department of Children and Family  
11 Services, subject to Section 5 of the Children and Family  
12 Services Act; (b) placed under supervision and released to the  
13 minor's parents, guardian, or legal custodian; (c) placed in  
14 accordance with Section 4-25 with or without also being placed  
15 under supervision. Conditions of supervision may be modified  
16 or terminated by the court if it deems that the best interests  
17 of the minor and the public will be served thereby; (d)  
18 required to attend an approved alcohol or drug abuse treatment  
19 or counseling program on an inpatient or outpatient basis  
20 instead of or in addition to the disposition otherwise  
21 provided for in this paragraph; (e) ordered partially or  
22 completely emancipated in accordance with the provisions of  
23 the Emancipation of Minors Act; or (f) subject to having the  
24 minor's driver's license or driving privilege suspended for  
25 such time as determined by the Court but only until the minor

1 attains 18 years of age. No disposition under this subsection  
2 shall provide for the minor's placement in a secure facility.

3 (2) Any order of disposition may provide for protective  
4 supervision under Section 4-22 and may include an order of  
5 protection under Section 4-23.

6 (3) Unless the order of disposition expressly so provides,  
7 it does not operate to close proceedings on the pending  
8 petition, but is subject to modification until final closing  
9 and discharge of the proceedings under Section 4-29.

10 (4) In addition to any other order of disposition, the  
11 court may order any minor found to be addicted under this  
12 Article as neglected with respect to the minor's injurious  
13 behavior, to make restitution, in monetary or non-monetary  
14 form, under the terms and conditions of Section 5-5-6 of the  
15 Unified Code of Corrections, except that the "presentence  
16 hearing" referred to therein shall be the dispositional  
17 hearing for purposes of this Section. The parent, guardian, or  
18 legal custodian of the minor may pay some or all of such  
19 restitution on the minor's behalf.

20 (5) Any order for disposition where the minor is placed in  
21 accordance with Section 4-25 shall provide for the parents or  
22 guardian of the estate of such minor to pay to the legal  
23 custodian or guardian of the person of the minor such sums as  
24 are determined by the custodian or guardian of the person of  
25 the minor as necessary for the minor's needs. Such payments  
26 may not exceed the maximum amounts provided for by Section 9.1

1 of the Children and Family Services Act.

2 (6) Whenever the order of disposition requires the minor  
3 to attend school or participate in a program of training, the  
4 truant officer or designated school official shall regularly  
5 report to the court if the minor is a chronic or habitual  
6 truant under Section 26-2a of the School Code.

7 (7) (Blank).

8 (Source: P.A. 103-22, eff. 8-8-23; 103-379, eff. 7-28-23;  
9 revised 9-25-23.)

10 (705 ILCS 405/5-105)

11 Sec. 5-105. Definitions. As used in this Article:

12 (1) "Aftercare release" means the conditional and  
13 revocable release of an adjudicated delinquent juvenile  
14 committed to the Department of Juvenile Justice under the  
15 supervision of the Department of Juvenile Justice.

16 (1.5) "Court" means the circuit court in a session or  
17 division assigned to hear proceedings under this Act, and  
18 includes the term Juvenile Court.

19 (2) "Community service" means uncompensated labor for  
20 a community service agency as hereinafter defined.

21 (2.5) "Community service agency" means a  
22 not-for-profit organization, community organization,  
23 church, charitable organization, individual, public  
24 office, or other public body whose purpose is to enhance  
25 the physical or mental health of a delinquent minor or to



1 rehabilitate the minor, or to improve the environmental  
2 quality or social welfare of the community which agrees to  
3 accept community service from juvenile delinquents and to  
4 report on the progress of the community service to the  
5 State's Attorney pursuant to an agreement or to the court  
6 or to any agency designated by the court or to the  
7 authorized diversion program that has referred the  
8 delinquent minor for community service.

9 (3) "Delinquent minor" means any minor who prior to  
10 the minor's 18th birthday has violated or attempted to  
11 violate an Illinois State, county, or municipal law or  
12 ordinance.

13 (4) "Department" means the Department of Human  
14 Services unless specifically referenced as another  
15 department.

16 (5) "Detention" means the temporary care of a minor  
17 who is alleged to be or has been adjudicated delinquent  
18 and who requires secure custody for the minor's own  
19 protection or the community's protection in a facility  
20 designed to physically restrict the minor's movements,  
21 pending disposition by the court or execution of an order  
22 of the court for placement or commitment. Design features  
23 that physically restrict movement include, but are not  
24 limited to, locked rooms and the secure handcuffing of a  
25 minor to a rail or other stationary object. In addition,  
26 "detention" includes the court ordered care of an alleged

1 or adjudicated delinquent minor who requires secure  
2 custody pursuant to Section 5-125 of this Act.

3 (6) "Diversion" means the referral of a juvenile,  
4 without court intervention, into a program that provides  
5 services designed to educate the juvenile and develop a  
6 productive and responsible approach to living in the  
7 community.

8 (7) "Juvenile detention home" means a public facility  
9 with specially trained staff that conforms to the county  
10 juvenile detention standards adopted by the Department of  
11 Juvenile Justice.

12 (8) "Juvenile justice continuum" means a set of  
13 delinquency prevention programs and services designed for  
14 the purpose of preventing or reducing delinquent acts,  
15 including criminal activity by youth gangs, as well as  
16 intervention, rehabilitation, and prevention services  
17 targeted at minors who have committed delinquent acts, and  
18 minors who have previously been committed to residential  
19 treatment programs for delinquents. The term includes  
20 children-in-need-of-services and  
21 families-in-need-of-services programs; aftercare and  
22 reentry services; substance abuse and mental health  
23 programs; community service programs; community service  
24 work programs; and alternative-dispute resolution programs  
25 serving youth-at-risk of delinquency and their families,  
26 whether offered or delivered by State or local

1 governmental entities, public or private for-profit or  
2 not-for-profit organizations, or religious or charitable  
3 organizations. This term would also encompass any program  
4 or service consistent with the purpose of those programs  
5 and services enumerated in this subsection.

6 (9) "Juvenile police officer" means a sworn police  
7 officer who has completed a Basic Recruit Training Course,  
8 has been assigned to the position of juvenile police  
9 officer by the officer's chief law enforcement officer and  
10 has completed the necessary juvenile officers training as  
11 prescribed by the Illinois Law Enforcement Training  
12 Standards Board, or in the case of a State police officer,  
13 juvenile officer training approved by the Director of the  
14 Illinois State Police.

15 (10) "Minor" means a person under the age of 21 years  
16 subject to this Act.

17 (11) "Non-secure custody" means confinement where the  
18 minor is not physically restricted by being placed in a  
19 locked cell or room, by being handcuffed to a rail or other  
20 stationary object, or by other means. "Non-secure custody"  
21 may include, but is not limited to, electronic monitoring,  
22 foster home placement, home confinement, group home  
23 placement, or physical restriction of movement or activity  
24 solely through facility staff.

25 (12) "Public or community service" means uncompensated  
26 labor for a not-for-profit organization or public body

1       whose purpose is to enhance physical or mental stability  
2       of the offender, environmental quality or the social  
3       welfare and which agrees to accept public or community  
4       service from offenders and to report on the progress of  
5       the offender and the public or community service to the  
6       court or to the authorized diversion program that has  
7       referred the offender for public or community service.  
8       "Public or community service" does not include blood  
9       donation or assignment to labor at a blood bank. For the  
10      purposes of this Act, "blood bank" has the meaning  
11      ascribed to the term in Section 2-124 of the Illinois  
12      Clinical Laboratory and Blood Bank Act.

13           (13) "Sentencing hearing" means a hearing to determine  
14      whether a minor should be adjudged a ward of the court, and  
15      to determine what sentence should be imposed on the minor.  
16      It is the intent of the General Assembly that the term  
17      "sentencing hearing" replace the term "dispositional  
18      hearing" and be synonymous with that definition as it was  
19      used in the Juvenile Court Act of 1987.

20           (14) "Shelter" means the temporary care of a minor in  
21      physically unrestricting facilities pending court  
22      disposition or execution of court order for placement.

23           (15) "Site" means a not-for-profit organization,  
24      public body, church, charitable organization, or  
25      individual agreeing to accept community service from  
26      offenders and to report on the progress of ordered or

1 required public or community service to the court or to  
2 the authorized diversion program that has referred the  
3 offender for public or community service.

4 (16) "Station adjustment" means the informal or formal  
5 handling of an alleged offender by a juvenile police  
6 officer.

7 (17) "Trial" means a hearing to determine whether the  
8 allegations of a petition under Section 5-520 that a minor  
9 is delinquent are proved beyond a reasonable doubt. It is  
10 the intent of the General Assembly that the term "trial"  
11 replace the term "adjudicatory hearing" and be synonymous  
12 with that definition as it was used in the Juvenile Court  
13 Act of 1987.

14 The changes made to this Section by Public Act 98-61 apply  
15 to violations or attempted violations committed on or after  
16 January 1, 2014 (the effective date of Public Act 98-61).

17 (Source: P.A. 102-538, eff. 8-20-21; 103-22, eff. 8-8-23;  
18 103-27, eff. 1-1-24; revised 12-15-23.)

19 (705 ILCS 405/5-120)

20 Sec. 5-120. Exclusive jurisdiction. Proceedings may be  
21 instituted under the provisions of this Article concerning any  
22 minor who prior to the minor's 18th birthday has violated or  
23 attempted to violate an Illinois State, county, or municipal  
24 law or ordinance. Except as provided in Sections 5-125, 5-130,  
25 5-805, and 5-810 of this Article, no minor who was under 18

1 years of age at the time of the alleged offense may be  
2 prosecuted under the criminal laws of this State.

3 The changes made to this Section by Public Act 98-61 ~~this~~  
4 ~~amendatory Act of the 98th General Assembly~~ apply to  
5 violations or attempted violations committed on or after  
6 January 1, 2014 (the effective date of Public Act 98-61) ~~this~~  
7 ~~amendatory Act.~~

8 (Source: P.A. 103-22, eff. 8-8-23; 103-27, eff. 1-1-24;  
9 revised 12-15-23.)

10 (705 ILCS 405/5-401.6)

11 Sec. 5-401.6. Prohibition of deceptive tactics.

12 (a) In this Section:

13 "Custodial interrogation" means any interrogation (i)  
14 during which a reasonable person in the subject's position  
15 would consider the subject to be in custody and (ii) during  
16 which a question is asked that is reasonably likely to elicit  
17 an incriminating response.

18 "Deception" means the knowing communication of false facts  
19 about evidence or unauthorized statements regarding leniency  
20 by a law enforcement officer or juvenile officer to a subject  
21 of custodial interrogation.

22 "Person with a severe or profound intellectual disability"  
23 means a person (i) whose intelligence quotient does not exceed  
24 40 or (ii) whose intelligence quotient does not exceed 55 and  
25 who suffers from significant mental illness to the extent that

1 the person's ability to exercise rational judgment is  
2 impaired.

3 "Place of detention" means a building or a police station  
4 that is a place of operation for a municipal police department  
5 or county sheriff department or other law enforcement agency  
6 at which persons are or may be held in detention in connection  
7 with criminal charges against those persons or allegations  
8 that those persons are delinquent minors.

9 "Protected person" means: a minor who, at the time of the  
10 commission of the offense, was under 18 years of age; or a  
11 person with a severe or profound intellectual disability.

12 (b) An oral, written, or sign language confession of a  
13 protected person made as a result of a custodial interrogation  
14 conducted at a police station or other place of detention on or  
15 after January 1, 2022 (the effective date of Public Act  
16 102-101) ~~this amendatory Act of the 102nd General Assembly~~  
17 shall be presumed to be inadmissible as evidence against the  
18 protected person making the confession in a criminal  
19 proceeding or a juvenile court proceeding for an act that if  
20 committed by an adult would be a misdemeanor offense under  
21 Article 11 of the Criminal Code of 2012 or a felony offense  
22 under the Criminal Code of 2012 if, during the custodial  
23 interrogation, a law enforcement officer or juvenile officer  
24 knowingly engages in deception.

25 (c) The presumption of inadmissibility of a confession of  
26 a protected person at a custodial interrogation at a police

1 station or other place of detention, when such confession is  
2 procured through the knowing use of deception, may be overcome  
3 by a preponderance of the evidence that the confession was  
4 voluntarily given, based on the totality of the circumstances.

5 (d) The burden of going forward with the evidence and the  
6 burden of proving that a confession was voluntary shall be on  
7 the State. Objection to the failure of the State to call all  
8 material witnesses on the issue of whether the confession was  
9 voluntary must be made in the trial court.

10 (Source: P.A. 102-101, eff. 1-1-22; 103-22, eff. 8-8-23;  
11 103-341, eff. 1-1-24; revised 12-15-23.)

12 (705 ILCS 405/5-410)

13 Sec. 5-410. Non-secure custody or detention.

14 (1) Any minor arrested or taken into custody pursuant to  
15 this Act who requires care away from the minor's home but who  
16 does not require physical restriction shall be given temporary  
17 care in a foster family home or other shelter facility  
18 designated by the court.

19 (2)(a) Any minor 10 years of age or older arrested  
20 pursuant to this Act where there is probable cause to believe  
21 that the minor is a delinquent minor and that (i) secure  
22 custody is a matter of immediate and urgent necessity for the  
23 protection of the minor or of the person or property of  
24 another, (ii) the minor is likely to flee the jurisdiction of  
25 the court, or (iii) the minor was taken into custody under a



1 warrant, may be kept or detained in an authorized detention  
2 facility. A minor under 13 years of age shall not be admitted,  
3 kept, or detained in a detention facility unless a local youth  
4 service provider, including a provider through the  
5 Comprehensive Community Based Youth Services network, has been  
6 contacted and has not been able to accept the minor. No minor  
7 under 12 years of age shall be detained in a county jail or a  
8 municipal lockup for more than 6 hours.

9 (a-5) For a minor arrested or taken into custody for  
10 vehicular hijacking or aggravated vehicular hijacking, a  
11 previous finding of delinquency for vehicular hijacking or  
12 aggravated vehicular hijacking shall be given greater weight  
13 in determining whether secured custody of a minor is a matter  
14 of immediate and urgent necessity for the protection of the  
15 minor or of the person or property of another.

16 (b) The written authorization of the probation officer or  
17 detention officer (or other public officer designated by the  
18 court in a county having 3,000,000 or more inhabitants)  
19 constitutes authority for the superintendent of any juvenile  
20 detention home to detain and keep a minor for up to 40 hours,  
21 excluding Saturdays, Sundays, and court-designated holidays.  
22 These records shall be available to the same persons and  
23 pursuant to the same conditions as are law enforcement records  
24 as provided in Section 5-905.

25 (b-4) The consultation required by paragraph (b-5) shall  
26 not be applicable if the probation officer or detention

1 officer (or other public officer designated by the court in a  
2 county having 3,000,000 or more inhabitants) utilizes a  
3 scorable detention screening instrument, which has been  
4 developed with input by the State's Attorney, to determine  
5 whether a minor should be detained; ~~7~~ however, paragraph (b-5)  
6 shall still be applicable where no such screening instrument  
7 is used or where the probation officer, detention officer (or  
8 other public officer designated by the court in a county  
9 having 3,000,000 or more inhabitants) deviates from the  
10 screening instrument.

11 (b-5) Subject to the provisions of paragraph (b-4), if a  
12 probation officer or detention officer (or other public  
13 officer designated by the court in a county having 3,000,000  
14 or more inhabitants) does not intend to detain a minor for an  
15 offense which constitutes one of the following offenses, the  
16 probation officer or detention officer (or other public  
17 officer designated by the court in a county having 3,000,000  
18 or more inhabitants) shall consult with the State's Attorney's  
19 Office prior to the release of the minor: first degree murder,  
20 second degree murder, involuntary manslaughter, criminal  
21 sexual assault, aggravated criminal sexual assault, aggravated  
22 battery with a firearm as described in Section 12-4.2 or  
23 subdivision (e) (1), (e) (2), (e) (3), or (e) (4) of Section  
24 12-3.05, aggravated or heinous battery involving permanent  
25 disability or disfigurement or great bodily harm, robbery,  
26 aggravated robbery, armed robbery, vehicular hijacking,

1 aggravated vehicular hijacking, vehicular invasion, arson,  
2 aggravated arson, kidnapping, aggravated kidnapping, home  
3 invasion, burglary, or residential burglary.

4 (c) Except as otherwise provided in paragraph (a), (d), or  
5 (e), no minor shall be detained in a county jail or municipal  
6 lockup for more than 12 hours, unless the offense is a crime of  
7 violence in which case the minor may be detained up to 24  
8 hours. For the purpose of this paragraph, "crime of violence"  
9 has the meaning ascribed to it in Section 1-10 of the Substance  
10 Use Disorder Act ~~Alcoholism and Other Drug Abuse and~~  
11 ~~Dependency Act.~~

12 (i) The period of detention is deemed to have begun  
13 once the minor has been placed in a locked room or cell or  
14 handcuffed to a stationary object in a building housing a  
15 county jail or municipal lockup. Time spent transporting a  
16 minor is not considered to be time in detention or secure  
17 custody.

18 (ii) Any minor so confined shall be under periodic  
19 supervision and shall not be permitted to come into or  
20 remain in contact with adults in custody in the building.

21 (iii) Upon placement in secure custody in a jail or  
22 lockup, the minor shall be informed of the purpose of the  
23 detention, the time it is expected to last and the fact  
24 that it cannot exceed the time specified under this Act.

25 (iv) A log shall be kept which shows the offense which  
26 is the basis for the detention, the reasons and

1 circumstances for the decision to detain, and the length  
2 of time the minor was in detention.

3 (v) Violation of the time limit on detention in a  
4 county jail or municipal lockup shall not, in and of  
5 itself, render inadmissible evidence obtained as a result  
6 of the violation of this time limit. Minors under 18 years  
7 of age shall be kept separate from confined adults and may  
8 not at any time be kept in the same cell, room, or yard  
9 with adults confined pursuant to criminal law. Persons 18  
10 years of age and older who have a petition of delinquency  
11 filed against them may be confined in an adult detention  
12 facility. In making a determination whether to confine a  
13 person 18 years of age or older who has a petition of  
14 delinquency filed against the person, these factors, among  
15 other matters, shall be considered:

16 (A) the age of the person;

17 (B) any previous delinquent or criminal history of  
18 the person;

19 (C) any previous abuse or neglect history of the  
20 person; and

21 (D) any mental health or educational history of  
22 the person, or both.

23 (d) (i) If a minor 12 years of age or older is confined in a  
24 county jail in a county with a population below 3,000,000  
25 inhabitants, then the minor's confinement shall be implemented  
26 in such a manner that there will be no contact by sight, sound,

1 or otherwise between the minor and adult prisoners. Minors 12  
2 years of age or older must be kept separate from confined  
3 adults and may not at any time be kept in the same cell, room,  
4 or yard with confined adults. This paragraph (d)(i) shall only  
5 apply to confinement pending an adjudicatory hearing and shall  
6 not exceed 40 hours, excluding Saturdays, Sundays, and  
7 court-designated holidays. To accept or hold minors during  
8 this time period, county jails shall comply with all  
9 monitoring standards adopted by the Department of Corrections  
10 and training standards approved by the Illinois Law  
11 Enforcement Training Standards Board.

12 (ii) To accept or hold minors, 12 years of age or older,  
13 after the time period prescribed in paragraph (d)(i) of this  
14 subsection (2) of this Section but not exceeding 7 days  
15 including Saturdays, Sundays, and holidays pending an  
16 adjudicatory hearing, county jails shall comply with all  
17 temporary detention standards adopted by the Department of  
18 Corrections and training standards approved by the Illinois  
19 Law Enforcement Training Standards Board.

20 (iii) To accept or hold minors 12 years of age or older,  
21 after the time period prescribed in paragraphs (d)(i) and  
22 (d)(ii) of this subsection (2) of this Section, county jails  
23 shall comply with all county juvenile detention standards  
24 adopted by the Department of Juvenile Justice.

25 (e) When a minor who is at least 15 years of age is  
26 prosecuted under the criminal laws of this State, the court

1 may enter an order directing that the juvenile be confined in  
2 the county jail. However, any juvenile confined in the county  
3 jail under this provision shall be separated from adults who  
4 are confined in the county jail in such a manner that there  
5 will be no contact by sight, sound, or otherwise between the  
6 juvenile and adult prisoners.

7 (f) For purposes of appearing in a physical lineup, the  
8 minor may be taken to a county jail or municipal lockup under  
9 the direct and constant supervision of a juvenile police  
10 officer. During such time as is necessary to conduct a lineup,  
11 and while supervised by a juvenile police officer, the sight  
12 and sound separation provisions shall not apply.

13 (g) For purposes of processing a minor, the minor may be  
14 taken to a county jail or municipal lockup under the direct and  
15 constant supervision of a law enforcement officer or  
16 correctional officer. During such time as is necessary to  
17 process the minor, and while supervised by a law enforcement  
18 officer or correctional officer, the sight and sound  
19 separation provisions shall not apply.

20 (3) If the probation officer or State's Attorney (or such  
21 other public officer designated by the court in a county  
22 having 3,000,000 or more inhabitants) determines that the  
23 minor may be a delinquent minor as described in subsection (3)  
24 of Section 5-105, and should be retained in custody but does  
25 not require physical restriction, the minor may be placed in  
26 non-secure custody for up to 40 hours pending a detention

1 hearing.

2 (4) Any minor taken into temporary custody, not requiring  
3 secure detention, may, however, be detained in the home of the  
4 minor's parent or guardian subject to such conditions as the  
5 court may impose.

6 (5) The changes made to this Section by Public Act 98-61  
7 apply to a minor who has been arrested or taken into custody on  
8 or after January 1, 2014 (the effective date of Public Act  
9 98-61).

10 (Source: P.A. 103-22, eff. 8-8-23; revised 9-20-23.)

11 (705 ILCS 405/5-525)

12 Sec. 5-525. Service.

13 (1) Service by summons.

14 (a) Upon the commencement of a delinquency  
15 prosecution, the clerk of the court shall issue a summons  
16 with a copy of the petition attached. The summons shall be  
17 directed to the minor's parent, guardian or legal  
18 custodian and to each person named as a respondent in the  
19 petition, except that summons need not be directed (i) to  
20 a minor respondent under 8 years of age for whom the court  
21 appoints a guardian ad litem if the guardian ad litem  
22 appears on behalf of the minor in any proceeding under  
23 this Act, or (ii) to a parent who does not reside with the  
24 minor, does not make regular child support payments to the  
25 minor, to the minor's other parent, or to the minor's

1 legal guardian or custodian pursuant to a support order,  
2 and has not communicated with the minor on a regular  
3 basis.

4 (b) The summons must contain a statement that the  
5 minor is entitled to have an attorney present at the  
6 hearing on the petition, and that the clerk of the court  
7 should be notified promptly if the minor desires to be  
8 represented by an attorney but is financially unable to  
9 employ counsel.

10 (c) The summons shall be issued under the seal of the  
11 court, attested in and signed with the name of the clerk of  
12 the court, dated on the day it is issued, and shall require  
13 each respondent to appear and answer the petition on the  
14 date set for the adjudicatory hearing.

15 (d) The summons may be served by any law enforcement  
16 officer, coroner or probation officer, even though the  
17 officer is the petitioner. The return of the summons with  
18 endorsement of service by the officer is sufficient proof  
19 of service.

20 (e) Service of a summons and petition shall be made  
21 by: (i) leaving a copy of the summons and petition with the  
22 person summoned at least 3 days before the time stated in  
23 the summons for appearance; (ii) leaving a copy at the  
24 summoned person's usual place of abode with some person of  
25 the family, of the age of 10 years or upwards, and  
26 informing that person of the contents of the summons and



1 petition, provided, the officer or other person making  
2 service shall also send a copy of the summons in a sealed  
3 envelope with postage fully prepaid, addressed to the  
4 person summoned at the person's usual place of abode, at  
5 least 3 days before the time stated in the summons for  
6 appearance; or (iii) leaving a copy of the summons and  
7 petition with the guardian or custodian of a minor, at  
8 least 3 days before the time stated in the summons for  
9 appearance. If the guardian or legal custodian is an  
10 agency of the State of Illinois, proper service may be  
11 made by leaving a copy of the summons and petition with any  
12 administrative employee of the agency designated by the  
13 agency to accept the service of summons and petitions. The  
14 certificate of the officer or affidavit of the person that  
15 the officer or person has sent the copy pursuant to this  
16 Section is sufficient proof of service.

17 (f) When a parent or other person, who has signed a  
18 written promise to appear and bring the minor to court or  
19 who has waived or acknowledged service, fails to appear  
20 with the minor on the date set by the court, a bench  
21 warrant may be issued for the parent or other person, the  
22 minor, or both.

23 (2) Service by certified mail or publication.

24 (a) If service on individuals as provided in  
25 subsection (1) is not made on any respondent within a  
26 reasonable time or if it appears that any respondent

1 resides outside the State, service may be made by  
2 certified mail. In that case the clerk shall mail the  
3 summons and a copy of the petition to that respondent by  
4 certified mail marked for delivery to addressee only. The  
5 court shall not proceed with the adjudicatory hearing  
6 until 5 days after the mailing. The regular return receipt  
7 for certified mail is sufficient proof of service.

8 (b) If service upon individuals as provided in  
9 subsection (1) is not made on any respondents within a  
10 reasonable time or if any person is made a respondent  
11 under the designation of "All Whom It May Concern", or if  
12 service cannot be made because the whereabouts of a  
13 respondent are unknown, service may be made by  
14 publication. The clerk of the court as soon as possible  
15 shall cause publication to be made once in a newspaper of  
16 general circulation in the county where the action is  
17 pending. Service by publication is not required in any  
18 case when the person alleged to have legal custody of the  
19 minor has been served with summons personally or by  
20 certified mail, but the court may not enter any order or  
21 judgment against any person who cannot be served with  
22 process other than by publication unless service by  
23 publication is given or unless that person appears.  
24 Failure to provide service by publication to a  
25 non-custodial parent whose whereabouts are unknown shall  
26 not deprive the court of jurisdiction to proceed with a

1 trial or a plea of delinquency by the minor. When a minor  
 2 has been detained or sheltered under Section 5-501 of this  
 3 Act and summons has not been served personally or by  
 4 certified mail within 20 days from the date of the order of  
 5 court directing such detention or shelter care, the clerk  
 6 of the court shall cause publication. Service by  
 7 publication shall be substantially as follows:

8 "A, B, C, D, (here giving the names of the named  
 9 respondents, if any) and to All Whom It May Concern (if  
 10 there is any respondent under that designation):

11 Take notice that on (insert date) a petition was  
 12 filed under the Juvenile Court Act of 1987 by .... in  
 13 the circuit court of .... county entitled 'In the  
 14 interest of ....., a minor', and that in .... courtroom  
 15 at .... on (insert date) at the hour of ....., or as  
 16 soon thereafter as this cause may be heard, an  
 17 adjudicatory hearing will be held upon the petition to  
 18 have the child declared to be a ward of the court under  
 19 that Act. The court has authority in this proceeding  
 20 to take from you the custody and guardianship of the  
 21 minor.

22 Now, unless you appear at the hearing and show  
 23 cause against the petition, the allegations of the  
 24 petition may stand admitted as against you and each of  
 25 you, and an order or judgment entered.

26 .....

1 Clerk

2 Dated (insert the date of publication)"

3 (c) The clerk shall also at the time of the  
4 publication of the notice send a copy of the notice by mail  
5 to each of the respondents on account of whom publication  
6 is made at each respondent's last known address. The  
7 certificate of the clerk that the clerk has mailed the  
8 notice is evidence of that mailing. No other publication  
9 notice is required. Every respondent notified by  
10 publication under this Section must appear and answer in  
11 open court at the hearing. The court may not proceed with  
12 the adjudicatory hearing until 10 days after service by  
13 publication on any custodial parent, guardian or legal  
14 custodian of a minor alleged to be delinquent.

15 (d) If it becomes necessary to change the date set for  
16 the hearing in order to comply with this Section, notice  
17 of the resetting of the date must be given, by certified  
18 mail or other reasonable means, to each respondent who has  
19 been served with summons personally or by certified mail.

20 (3) Once jurisdiction has been established over a party,  
21 further service is not required and notice of any subsequent  
22 proceedings in that prosecution shall be made in accordance  
23 with provisions of Section 5-530.

24 (4) The appearance of the minor's parent, guardian, or  
25 legal custodian, or a person named as a respondent in a  
26 petition, in any proceeding under this Act shall constitute a

1 waiver of service and submission to the jurisdiction of the  
2 court. A copy of the petition shall be provided to the person  
3 at the time of the person's appearance.

4 (5) Fines or assessments, such as fees or administrative  
5 costs in the service of process, shall not be ordered or  
6 imposed on a minor or a minor's parent, guardian, or legal  
7 custodian.

8 (Source: P.A. 103-22, eff. 8-8-23; 103-379, eff. 7-28-23;  
9 revised 9-11-23.)

10 (705 ILCS 405/5-601)

11 Sec. 5-601. Trial.

12 (1) When a petition has been filed alleging that the minor  
13 is a delinquent, a trial must be held within 120 days of a  
14 written demand for such hearing made by any party, except that  
15 when the State, without success, has exercised due diligence  
16 to obtain evidence material to the case and there are  
17 reasonable grounds to believe that the evidence may be  
18 obtained at a later date, the court may, upon motion by the  
19 State, continue the trial for not more than 30 additional  
20 days.

21 (2) If a minor respondent has multiple delinquency  
22 petitions pending against the minor in the same county and  
23 simultaneously demands a trial upon more than one delinquency  
24 petition pending against the minor in the same county, the  
25 minor shall receive a trial or have a finding, after waiver of

1 trial, upon at least one such petition before expiration  
2 relative to any of the pending petitions of the period  
3 described by this Section. All remaining petitions thus  
4 pending against the minor respondent shall be adjudicated  
5 within 160 days from the date on which a finding relative to  
6 the first petition prosecuted is rendered under Section 5-620  
7 of this Article, or, if the trial upon the first petition is  
8 terminated without a finding and there is no subsequent trial,  
9 or adjudication after waiver of trial, on the first petition  
10 within a reasonable time, the minor shall receive a trial upon  
11 all of the remaining petitions within 160 days from the date on  
12 which the trial, or finding after waiver of trial, on the first  
13 petition is concluded. If either such period of 160 days  
14 expires without the commencement of trial, or adjudication  
15 after waiver of trial, of any of the remaining pending  
16 petitions, the petition or petitions shall be dismissed and  
17 barred for want of prosecution unless the delay is occasioned  
18 by any of the reasons described in this Section.

19 (3) When no such trial is held within the time required by  
20 subsections (1) and (2) of this Section, the court shall, upon  
21 motion by any party, dismiss the petition with prejudice.

22 (4) Without affecting the applicability of the tolling and  
23 multiple prosecution provisions of subsections (8) and (2) of  
24 this Section when a petition has been filed alleging that the  
25 minor is a delinquent and the minor is in detention or shelter  
26 care, the trial shall be held within 30 calendar days after the

1 date of the order directing detention or shelter care, or the  
2 earliest possible date in compliance with the provisions of  
3 Section 5-525 as to the custodial parent, guardian, or legal  
4 custodian, but no later than 45 calendar days from the date of  
5 the order of the court directing detention or shelter care.  
6 When the petition alleges the minor has committed an offense  
7 involving a controlled substance as defined in the Illinois  
8 Controlled Substances Act or methamphetamine as defined in the  
9 Methamphetamine Control and Community Protection Act, the  
10 court may, upon motion of the State, continue the trial for  
11 receipt of a confirmatory laboratory report for up to 45 days  
12 after the date of the order directing detention or shelter  
13 care. When the petition alleges the minor committed an offense  
14 that involves the death of, great bodily harm to or sexual  
15 assault or aggravated criminal sexual abuse on a victim, the  
16 court may, upon motion of the State, continue the trial for not  
17 more than 70 calendar days after the date of the order  
18 directing detention or shelter care.

19 Any failure to comply with the time limits of this Section  
20 shall require the immediate release of the minor from  
21 detention, and the time limits set forth in subsections (1)  
22 and (2) shall apply.

23 (5) If the court determines that the State, without  
24 success, has exercised due diligence to obtain the results of  
25 DNA testing that is material to the case, and that there are  
26 reasonable grounds to believe that the results may be obtained

1 at a later date, the court may continue the cause on  
2 application of the State for not more than 120 additional  
3 days. The court may also extend the period of detention of the  
4 minor for not more than 120 additional days.

5 (6) If the State's Attorney makes a written request that a  
6 proceeding be designated an extended juvenile jurisdiction  
7 prosecution, and the minor is in detention, the period the  
8 minor can be held in detention pursuant to subsection (4),  
9 shall be extended an additional 30 days after the court  
10 determines whether the proceeding will be designated an  
11 extended juvenile jurisdiction prosecution or the State's  
12 Attorney withdraws the request for extended juvenile  
13 jurisdiction prosecution.

14 (7) When the State's Attorney files a motion for waiver of  
15 jurisdiction pursuant to Section 5-805, and the minor is in  
16 detention, the period the minor can be held in detention  
17 pursuant to subsection (4), shall be extended an additional 30  
18 days if the court denies motion for waiver of jurisdiction or  
19 the State's Attorney withdraws the motion for waiver of  
20 jurisdiction.

21 (8) The period in which a trial shall be held as prescribed  
22 by subsection ~~subsections~~ (1), (2), (3), (4), (5), (6), or (7)  
23 of this Section is tolled by: (i) delay occasioned by the  
24 minor; (ii) a continuance allowed pursuant to Section 114-4 of  
25 the Code of Criminal Procedure of 1963 after the court's  
26 determination of the minor's incapacity for trial; (iii) an



1 interlocutory appeal; (iv) an examination of fitness ordered  
2 pursuant to Section 104-13 of the Code of Criminal Procedure  
3 of 1963; (v) a fitness hearing; or (vi) an adjudication of  
4 unfitness for trial. Any such delay shall temporarily suspend,  
5 for the time of the delay, the period within which a trial must  
6 be held as prescribed by subsections (1), (2), (4), (5), and  
7 (6) of this Section. On the day of expiration of the delays,  
8 the period shall continue at the point at which the time was  
9 suspended.

10 (9) Nothing in this Section prevents the minor or the  
11 minor's parents, guardian, or legal custodian from exercising  
12 their respective rights to waive the time limits set forth in  
13 this Section.

14 (Source: P.A. 103-22, eff. 8-8-23; revised 9-20-23.)

15 (705 ILCS 405/5-610)

16 Sec. 5-610. Guardian ad litem and appointment of attorney.

17 (1) The court may appoint a guardian ad litem for the minor  
18 whenever it finds that there may be a conflict of interest  
19 between the minor and the minor's parent, guardian, or legal  
20 custodian or that it is otherwise in the minor's interest to do  
21 so.

22 (2) Unless the guardian ad litem is an attorney, the  
23 guardian ad litem shall be represented by counsel.

24 (3) The reasonable fees of a guardian ad litem appointed  
25 under this Section shall be fixed by the court and paid from

1 the general fund of the county.

2 (4) If, during the court proceedings, the parents,  
3 guardian, or legal custodian prove that the minor has an  
4 actual conflict of interest with the minor in that delinquency  
5 proceeding and that the parents, guardian, or legal custodian  
6 are indigent, the court shall appoint a separate attorney for  
7 that parent, guardian, or legal custodian.

8 (5) A guardian ad litem appointed under this Section for a  
9 minor who is in the custody or guardianship of the Department  
10 of Children and Family Services or who has an open intact  
11 family services case with the Department of Children and  
12 Family Services is entitled to receive copies of any and all  
13 classified reports of child abuse or neglect made pursuant to  
14 the Abused and Neglected Child Reporting Act in which the  
15 minor, who is the subject of the report under the Abused and  
16 Neglected Child Reporting Act, is also a minor for whom the  
17 guardian ad litem is appointed under this Act. The Department  
18 of Children and Family Services' obligation under this  
19 subsection to provide reports to a guardian ad litem for a  
20 minor with an open intact family services case applies only if  
21 the guardian ad litem notified the Department in writing of  
22 the representation.

23 (Source: P.A. 103-22, eff. 8-8-23; 103-379, eff. 7-28-23;  
24 revised 9-11-23.)

25 (705 ILCS 405/5-615)

1           Sec. 5-615. Continuance under supervision.

2           (1) The court may enter an order of continuance under  
3 supervision for an offense other than first degree murder, a  
4 Class X felony or a forcible felony:

5           (a) upon an admission or stipulation by the  
6 appropriate respondent or minor respondent of the facts  
7 supporting the petition and before the court makes a  
8 finding of delinquency, and in the absence of objection  
9 made in open court by the minor, the minor's parent,  
10 guardian, or legal custodian, the minor's attorney, or the  
11 State's Attorney; or

12           (b) upon a finding of delinquency and after  
13 considering the circumstances of the offense and the  
14 history, character, and condition of the minor, if the  
15 court is of the opinion that:

16           (i) the minor is not likely to commit further  
17 crimes;

18           (ii) the minor and the public would be best served  
19 if the minor were not to receive a criminal record; and

20           (iii) in the best interests of justice an order of  
21 continuance under supervision is more appropriate than  
22 a sentence otherwise permitted under this Act.

23           (2) (Blank).

24           (3) Nothing in this Section limits the power of the court  
25 to order a continuance of the hearing for the production of  
26 additional evidence or for any other proper reason.

1           (4) When a hearing where a minor is alleged to be a  
2 delinquent is continued pursuant to this Section, the period  
3 of continuance under supervision may not exceed 24 months. The  
4 court may terminate a continuance under supervision at any  
5 time if warranted by the conduct of the minor and the ends of  
6 justice or vacate the finding of delinquency or both.

7           (5) When a hearing where a minor is alleged to be  
8 delinquent is continued pursuant to this Section, the court  
9 may, as conditions of the continuance under supervision,  
10 require the minor to do any of the following:

11           (a) not violate any criminal statute of any  
12 jurisdiction;

13           (b) make a report to and appear in person before any  
14 person or agency as directed by the court;

15           (c) work or pursue a course of study or vocational  
16 training;

17           (d) undergo medical or psychotherapeutic treatment  
18 rendered by a therapist licensed under the provisions of  
19 the Medical Practice Act of 1987, the Clinical  
20 Psychologist Licensing Act, or the Clinical Social Work  
21 and Social Work Practice Act, or an entity licensed by the  
22 Department of Human Services as a successor to the  
23 Department of Alcoholism and Substance Abuse, for the  
24 provision of substance use disorder services as defined in  
25 Section 1-10 of the Substance Use Disorder Act;

26           (e) attend or reside in a facility established for the

- 1 instruction or residence of persons on probation;
- 2 (f) support the minor's dependents, if any;
- 3 (g) (blank);
- 4 (h) refrain from possessing a firearm or other  
5 dangerous weapon, or an automobile;
- 6 (i) permit the probation officer to visit the minor at  
7 the minor's home or elsewhere;
- 8 (j) reside with the minor's parents or in a foster  
9 home;
- 10 (k) attend school;
- 11 (k-5) with the consent of the superintendent of the  
12 facility, attend an educational program at a facility  
13 other than the school in which the offense was committed  
14 if the minor committed a crime of violence as defined in  
15 Section 2 of the Crime Victims Compensation Act in a  
16 school, on the real property comprising a school, or  
17 within 1,000 feet of the real property comprising a  
18 school;
- 19 (l) attend a non-residential program for youth;
- 20 (m) provide nonfinancial contributions to the minor's  
21 own support at home or in a foster home;
- 22 (n) perform some reasonable public or community  
23 service that does not interfere with school hours,  
24 school-related activities, or work commitments of the  
25 minor or the minor's parent, guardian, or legal custodian;
- 26 (o) make restitution to the victim, in the same manner

1 and under the same conditions as provided in subsection  
2 (4) of Section 5-710, except that the "sentencing hearing"  
3 referred to in that Section shall be the adjudicatory  
4 hearing for purposes of this Section;

5 (p) comply with curfew requirements as designated by  
6 the court;

7 (q) refrain from entering into a designated geographic  
8 area except upon terms as the court finds appropriate. The  
9 terms may include consideration of the purpose of the  
10 entry, the time of day, other persons accompanying the  
11 minor, and advance approval by a probation officer;

12 (r) refrain from having any contact, directly or  
13 indirectly, with certain specified persons or particular  
14 types of persons, including, but not limited to, members  
15 of street gangs and drug users or dealers;

16 (r-5) undergo a medical or other procedure to have a  
17 tattoo symbolizing allegiance to a street gang removed  
18 from the minor's body;

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

26 (t) comply with any other conditions as may be ordered

1 by the court.

2 (6) A minor whose case is continued under supervision  
3 under subsection (5) shall be given a certificate setting  
4 forth the conditions imposed by the court. Those conditions  
5 may be reduced, enlarged, or modified by the court on motion of  
6 the probation officer or on its own motion, or that of the  
7 State's Attorney, or, at the request of the minor after notice  
8 and hearing.

9 (7) If a petition is filed charging a violation of a  
10 condition of the continuance under supervision, the court  
11 shall conduct a hearing. If the court finds that a condition of  
12 supervision has not been fulfilled, the court may proceed to  
13 findings, adjudication, and disposition or adjudication and  
14 disposition. The filing of a petition for violation of a  
15 condition of the continuance under supervision shall toll the  
16 period of continuance under supervision until the final  
17 determination of the charge, and the term of the continuance  
18 under supervision shall not run until the hearing and  
19 disposition of the petition for violation; provided where the  
20 petition alleges conduct that does not constitute a criminal  
21 offense, the hearing must be held within 30 days of the filing  
22 of the petition unless a delay shall continue the tolling of  
23 the period of continuance under supervision for the period of  
24 the delay.

25 (8) When a hearing in which a minor is alleged to be a  
26 delinquent for reasons that include a violation of Section

1 21-1.3 of the Criminal Code of 1961 or the Criminal Code of  
2 2012 is continued under this Section, the court shall, as a  
3 condition of the continuance under supervision, require the  
4 minor to perform community service for not less than 30 and not  
5 more than 120 hours, if community service is available in the  
6 jurisdiction. The community service shall include, but need  
7 not be limited to, the cleanup and repair of the damage that  
8 was caused by the alleged violation or similar damage to  
9 property located in the municipality or county in which the  
10 alleged violation occurred. The condition may be in addition  
11 to any other condition. Community service shall not interfere  
12 with the school hours, school-related activities, or work  
13 commitments of the minor or the minor's parent, guardian, or  
14 legal custodian.

15 (8.5) When a hearing in which a minor is alleged to be a  
16 delinquent for reasons that include a violation of Section  
17 3.02 or Section 3.03 of the Humane Care for Animals Act or  
18 paragraph (d) of subsection (1) of Section 21-1 of the  
19 Criminal Code of 1961 or paragraph (4) of subsection (a) of  
20 Section 21-1 or the Criminal Code of 2012 is continued under  
21 this Section, the court shall, as a condition of the  
22 continuance under supervision, require the minor to undergo  
23 medical or psychiatric treatment rendered by a psychiatrist or  
24 psychological treatment rendered by a clinical psychologist.  
25 The condition may be in addition to any other condition.

26 (9) When a hearing in which a minor is alleged to be a



1 delinquent is continued under this Section, the court, before  
2 continuing the case, shall make a finding whether the offense  
3 alleged to have been committed either: (i) was related to or in  
4 furtherance of the activities of an organized gang or was  
5 motivated by the minor's membership in or allegiance to an  
6 organized gang, or (ii) is a violation of paragraph (13) of  
7 subsection (a) of Section 12-2 or paragraph (2) of subsection  
8 (c) of Section 12-2 of the Criminal Code of 1961 or the  
9 Criminal Code of 2012, a violation of any Section of Article 24  
10 of the Criminal Code of 1961 or the Criminal Code of 2012, or a  
11 violation of any statute that involved the unlawful use of a  
12 firearm. If the court determines the question in the  
13 affirmative the court shall, as a condition of the continuance  
14 under supervision and as part of or in addition to any other  
15 condition of the supervision, require the minor to perform  
16 community service for not less than 30 hours, provided that  
17 community service is available in the jurisdiction and is  
18 funded and approved by the county board of the county where the  
19 offense was committed. The community service shall include,  
20 but need not be limited to, the cleanup and repair of any  
21 damage caused by an alleged violation of Section 21-1.3 of the  
22 Criminal Code of 1961 or the Criminal Code of 2012 and similar  
23 damage to property located in the municipality or county in  
24 which the alleged violation occurred. When possible and  
25 reasonable, the community service shall be performed in the  
26 minor's neighborhood. For the purposes of this Section,

1 "organized gang" has the meaning ascribed to it in Section 10  
2 of the Illinois Streetgang Terrorism Omnibus Prevention Act.  
3 Community service shall not interfere with the school hours,  
4 school-related activities, or work commitments of the minor or  
5 the minor's parent, guardian, or legal custodian.

6 (10) (Blank).

7 (11) (Blank).

8 (12) Fines and assessments, including any fee or  
9 administrative cost authorized under Section 5-4.5-105,  
10 5-5-10, 5-6-3, 5-6-3.1, 5-7-6, 5-9-1.4, or 5-9-1.9 of the  
11 Unified Code of Corrections, shall not be ordered or imposed  
12 on a minor or the minor's parent, guardian, or legal custodian  
13 as a condition of continuance under supervision. If the minor  
14 or the minor's parent, guardian, or legal custodian is unable  
15 to cover the cost of a condition under this subsection, the  
16 court shall not preclude the minor from receiving continuance  
17 under supervision based on the inability to pay. Inability to  
18 pay shall not be grounds to object to the minor's placement on  
19 a continuance under supervision.

20 (Source: P.A. 103-22, eff. 8-8-23; 103-379, eff. 7-28-23;  
21 revised 8-25-23.)

22 (705 ILCS 405/5-625)

23 Sec. 5-625. Absence of minor.

24 (1) When a minor after arrest and an initial court  
25 appearance for a felony, fails to appear for trial, at the

1 request of the State and after the State has affirmatively  
2 proven through substantial evidence that the minor is  
3 willfully avoiding trial, the court may commence trial in the  
4 absence of the minor. The absent minor must be represented by  
5 retained or appointed counsel. If trial had previously  
6 commenced in the presence of the minor and the minor is  
7 willfully absent for 2 successive court days, the court shall  
8 proceed to trial. All procedural rights guaranteed by the  
9 United States Constitution, Constitution of the State of  
10 Illinois, statutes of the State of Illinois, and rules of  
11 court shall apply to the proceedings the same as if the minor  
12 were present in court. The court may set the case for a trial  
13 which may be conducted under this Section despite the failure  
14 of the minor to appear at the hearing at which the trial date  
15 is set. When the trial date is set, the clerk shall send to the  
16 minor, by certified mail at the minor's last known address,  
17 notice of the new date which has been set for trial. The  
18 notification shall be required when the minor was not  
19 personally present in open court at the time when the case was  
20 set for trial.

21 (2) The absence of the minor from a trial conducted under  
22 this Section does not operate as a bar to concluding the trial,  
23 to a finding of guilty resulting from the trial, or to a final  
24 disposition of the trial in favor of the minor.

25 (3) Upon a finding or verdict of not guilty, the court  
26 shall enter a finding for the minor. Upon a finding or verdict

1 of guilty, the court shall set a date for the hearing of  
2 post-trial motions and shall hear the motion in the absence of  
3 the minor. If post-trial motions are denied, the court shall  
4 proceed to conduct a sentencing hearing and to impose a  
5 sentence upon the minor. A social investigation is waived if  
6 the minor is absent.

7 (4) A minor who is absent for part of the proceedings of  
8 trial, post-trial motions, or sentencing, does not thereby  
9 forfeit the minor's right to be present at all remaining  
10 proceedings.

11 (5) When a minor who in the minor's absence has been either  
12 found guilty or sentenced or both found guilty and sentenced  
13 appears before the court, the minor must be granted a new trial  
14 or a new sentencing hearing if the minor can establish that the  
15 minor's failure to appear in court was both without the  
16 minor's fault and due to circumstances beyond the minor's  
17 control. A hearing with notice to the State's Attorney on the  
18 minors request for a new trial or a new sentencing hearing must  
19 be held before any such request may be granted. At any such  
20 hearing both the minor and the State may present evidence.

21 (6) If the court grants only the minor's request for a new  
22 sentencing hearing, then a new sentencing hearing shall be  
23 held in accordance with the provisions of this Article. At any  
24 such hearing, both the minor and the State may offer evidence  
25 of the minor's conduct during the minor's period of absence  
26 from the court. The court may impose any sentence authorized

1 by this Article and in the case of an extended juvenile  
2 jurisdiction prosecution the Unified Code of Corrections and  
3 is not in any way limited or restricted by any sentence  
4 previously imposed.

5 (7) A minor whose motion under subsection (5) for a new  
6 trial or new sentencing hearing has been denied may file a  
7 notice of appeal from the denial. The notice may also include a  
8 request for review of the finding and sentence not vacated by  
9 the trial court.

10 (Source: P.A. 103-22, eff. 8-8-23; revised 9-20-23.)

11 (705 ILCS 405/5-705)

12 Sec. 5-705. Sentencing hearing; evidence; continuance.

13 (1) In this subsection (1), "violent crime" has the same  
14 meaning ascribed to the term in subsection (c) of Section 3 of  
15 the Rights of Crime Victims and Witnesses Act. At the  
16 sentencing hearing, the court shall determine whether it is in  
17 the best interests of the minor or the public that the minor be  
18 made a ward of the court, and, if the minor is to be made a  
19 ward of the court, the court shall determine the proper  
20 disposition best serving the interests of the minor and the  
21 public. All evidence helpful in determining these questions,  
22 including oral and written reports, may be admitted and may be  
23 relied upon to the extent of its probative value, even though  
24 not competent for the purposes of the trial. A crime victim  
25 shall be allowed to present an oral or written statement, as

1 guaranteed by Article I, Section 8.1 of the Illinois  
2 Constitution and as provided in Section 6 of the Rights of  
3 Crime Victims and Witnesses Act, in any case in which: (a) a  
4 juvenile has been adjudicated delinquent for a violent crime  
5 after a bench or jury trial; or (b) the petition alleged the  
6 commission of a violent crime and the juvenile has been  
7 adjudicated delinquent under a plea agreement of a crime that  
8 is not a violent crime. The court shall allow a victim to make  
9 an oral statement if the victim is present in the courtroom and  
10 requests to make an oral statement. An oral statement includes  
11 the victim or a representative of the victim reading the  
12 written statement. The court may allow persons impacted by the  
13 crime who are not victims under subsection (a) of Section 3 of  
14 the Rights of Crime Victims and Witnesses Act to present an  
15 oral or written statement. A victim and any person making an  
16 oral statement shall not be put under oath or subject to  
17 cross-examination. A record of a prior continuance under  
18 supervision under Section 5-615, whether successfully  
19 completed or not, is admissible at the sentencing hearing. No  
20 order of commitment to the Department of Juvenile Justice  
21 shall be entered against a minor before a written report of  
22 social investigation, which has been completed within the  
23 previous 60 days, is presented to and considered by the court.

24 (2) Once a party has been served in compliance with  
25 Section 5-525, no further service or notice must be given to  
26 that party prior to proceeding to a sentencing hearing. Before

1 imposing sentence the court shall advise the State's Attorney  
2 and the parties who are present or their counsel of the factual  
3 contents and the conclusions of the reports prepared for the  
4 use of the court and considered by it, and afford fair  
5 opportunity, if requested, to controvert them. Factual  
6 contents, conclusions, documents and sources disclosed by the  
7 court under this paragraph shall not be further disclosed  
8 without the express approval of the court.

9 (3) On its own motion or that of the State's Attorney, a  
10 parent, guardian, legal custodian, or counsel, the court may  
11 adjourn the hearing for a reasonable period to receive reports  
12 or other evidence and, in such event, shall make an  
13 appropriate order for detention of the minor or the minor's  
14 release from detention subject to supervision by the court  
15 during the period of the continuance. In the event the court  
16 shall order detention hereunder, the period of the continuance  
17 shall not exceed 30 court days. At the end of such time, the  
18 court shall release the minor from detention unless notice is  
19 served at least 3 days prior to the hearing on the continued  
20 date that the State will be seeking an extension of the period  
21 of detention, which notice shall state the reason for the  
22 request for the extension. The extension of detention may be  
23 for a maximum period of an additional 15 court days or a lesser  
24 number of days at the discretion of the court. However, at the  
25 expiration of the period of extension, the court shall release  
26 the minor from detention if a further continuance is granted.

1 In scheduling investigations and hearings, the court shall  
2 give priority to proceedings in which a minor is in detention  
3 or has otherwise been removed from the minor's home before a  
4 sentencing order has been made.

5 (4) When commitment to the Department of Juvenile Justice  
6 is ordered, the court shall state the basis for selecting the  
7 particular disposition, and the court shall prepare such a  
8 statement for inclusion in the record.

9 (5) Before a sentencing order is entered by the court  
10 under Section 5-710 for a minor adjudged delinquent for a  
11 violation of paragraph (3.5) of subsection (a) of Section 26-1  
12 of the Criminal Code of 2012, in which the minor made a threat  
13 of violence, death, or bodily harm against a person, school,  
14 school function, or school event, the court may order a mental  
15 health evaluation of the minor by a physician, clinical  
16 psychologist, or qualified examiner, whether employed by the  
17 State, by any public or private mental health facility or part  
18 of the facility, or by any public or private medical facility  
19 or part of the facility. A statement made by a minor during the  
20 course of a mental health evaluation conducted under this  
21 subsection (5) is not admissible on the issue of delinquency  
22 during the course of an adjudicatory hearing held under this  
23 Act. Neither the physician, clinical psychologist, or  
24 qualified examiner, or the employer of the physician, clinical  
25 psychologist, or qualified examiner, shall be held criminally,  
26 civilly, or professionally liable for performing a mental



1 health examination under this subsection (5), except for  
2 willful or wanton misconduct. In this subsection (5),  
3 "qualified examiner" has the meaning provided in Section 1-122  
4 of the Mental Health and Developmental Disabilities Code.  
5 (Source: P.A. 103-22, eff. 8-8-23; revised 9-20-23.)

6 (705 ILCS 405/5-710)

7 Sec. 5-710. Kinds of sentencing orders.

8 (1) The following kinds of sentencing orders may be made  
9 in respect of wards of the court:

10 (a) Except as provided in Sections 5-805, 5-810, and  
11 5-815, a minor who is found guilty under Section 5-620 may  
12 be:

13 (i) put on probation or conditional discharge and  
14 released to the minor's parents, guardian or legal  
15 custodian, provided, however, that any such minor who  
16 is not committed to the Department of Juvenile Justice  
17 under this subsection and who is found to be a  
18 delinquent for an offense which is first degree  
19 murder, a Class X felony, or a forcible felony shall be  
20 placed on probation;

21 (ii) placed in accordance with Section 5-740, with  
22 or without also being put on probation or conditional  
23 discharge;

24 (iii) required to undergo a substance abuse  
25 assessment conducted by a licensed provider and

1           participate in the indicated clinical level of care;

2           (iv) on and after January 1, 2015 (the effective  
3           date of Public Act 98-803) and before January 1, 2017,  
4           placed in the guardianship of the Department of  
5           Children and Family Services, but only if the  
6           delinquent minor is under 16 years of age or, pursuant  
7           to Article II of this Act, a minor under the age of 18  
8           for whom an independent basis of abuse, neglect, or  
9           dependency exists. On and after January 1, 2017,  
10          placed in the guardianship of the Department of  
11          Children and Family Services, but only if the  
12          delinquent minor is under 15 years of age or, pursuant  
13          to Article II of this Act, a minor for whom an  
14          independent basis of abuse, neglect, or dependency  
15          exists. An independent basis exists when the  
16          allegations or adjudication of abuse, neglect, or  
17          dependency do not arise from the same facts, incident,  
18          or circumstances which give rise to a charge or  
19          adjudication of delinquency;

20          (v) placed in detention for a period not to exceed  
21          30 days, either as the exclusive order of disposition  
22          or, where appropriate, in conjunction with any other  
23          order of disposition issued under this paragraph,  
24          provided that any such detention shall be in a  
25          juvenile detention home and the minor so detained  
26          shall be 10 years of age or older. However, the 30-day

1           limitation may be extended by further order of the  
2           court for a minor under age 15 committed to the  
3           Department of Children and Family Services if the  
4           court finds that the minor is a danger to the minor or  
5           others. The minor shall be given credit on the  
6           sentencing order of detention for time spent in  
7           detention under Sections 5-501, 5-601, 5-710, or 5-720  
8           of this Article as a result of the offense for which  
9           the sentencing order was imposed. The court may grant  
10          credit on a sentencing order of detention entered  
11          under a violation of probation or violation of  
12          conditional discharge under Section 5-720 of this  
13          Article for time spent in detention before the filing  
14          of the petition alleging the violation. A minor shall  
15          not be deprived of credit for time spent in detention  
16          before the filing of a violation of probation or  
17          conditional discharge alleging the same or related act  
18          or acts. The limitation that the minor shall only be  
19          placed in a juvenile detention home does not apply as  
20          follows:

21               Persons 18 years of age and older who have a  
22               petition of delinquency filed against them may be  
23               confined in an adult detention facility. In making a  
24               determination whether to confine a person 18 years of  
25               age or older who has a petition of delinquency filed  
26               against the person, these factors, among other

1 matters, shall be considered:

2 (A) the age of the person;

3 (B) any previous delinquent or criminal  
4 history of the person;

5 (C) any previous abuse or neglect history of  
6 the person;

7 (D) any mental health history of the person;

8 and

9 (E) any educational history of the person;

10 (vi) ordered partially or completely emancipated  
11 in accordance with the provisions of the Emancipation  
12 of Minors Act;

13 (vii) subject to having the minor's driver's  
14 license or driving privileges suspended for such time  
15 as determined by the court but only until the minor  
16 attains 18 years of age;

17 (viii) put on probation or conditional discharge  
18 and placed in detention under Section 3-6039 of the  
19 Counties Code for a period not to exceed the period of  
20 incarceration permitted by law for adults found guilty  
21 of the same offense or offenses for which the minor was  
22 adjudicated delinquent, and in any event no longer  
23 than upon attainment of age 21; this subdivision  
24 (viii) notwithstanding any contrary provision of the  
25 law;

26 (ix) ordered to undergo a medical or other

1 procedure to have a tattoo symbolizing allegiance to a  
2 street gang removed from the minor's body; or

3 (x) placed in electronic monitoring or home  
4 detention under Part 7A of this Article.

5 (b) A minor found to be guilty may be committed to the  
6 Department of Juvenile Justice under Section 5-750 if the  
7 minor is at least 13 years and under 20 years of age,  
8 provided that the commitment to the Department of Juvenile  
9 Justice shall be made only if the minor was found guilty of  
10 a felony offense or first degree murder. The court shall  
11 include in the sentencing order any pre-custody credits  
12 the minor is entitled to under Section 5-4.5-100 of the  
13 Unified Code of Corrections. The time during which a minor  
14 is in custody before being released upon the request of a  
15 parent, guardian or legal custodian shall also be  
16 considered as time spent in custody.

17 (c) When a minor is found to be guilty for an offense  
18 which is a violation of the Illinois Controlled Substances  
19 Act, the Cannabis Control Act, or the Methamphetamine  
20 Control and Community Protection Act and made a ward of  
21 the court, the court may enter a disposition order  
22 requiring the minor to undergo assessment, counseling or  
23 treatment in a substance use disorder treatment program  
24 approved by the Department of Human Services.

25 (2) Any sentencing order other than commitment to the  
26 Department of Juvenile Justice may provide for protective

1 supervision under Section 5-725 and may include an order of  
2 protection under Section 5-730.

3 (3) Unless the sentencing order expressly so provides, it  
4 does not operate to close proceedings on the pending petition,  
5 but is subject to modification until final closing and  
6 discharge of the proceedings under Section 5-750.

7 (4) In addition to any other sentence, the court may order  
8 any minor found to be delinquent to make restitution, in  
9 monetary or non-monetary form, under the terms and conditions  
10 of Section 5-5-6 of the Unified Code of Corrections, except  
11 that the "presentencing hearing" referred to in that Section  
12 shall be the sentencing hearing for purposes of this Section.  
13 The parent, guardian or legal custodian of the minor may be  
14 ordered by the court to pay some or all of the restitution on  
15 the minor's behalf, pursuant to the Parental Responsibility  
16 Law. The State's Attorney is authorized to act on behalf of any  
17 victim in seeking restitution in proceedings under this  
18 Section, up to the maximum amount allowed in Section 5 of the  
19 Parental Responsibility Law.

20 (5) Any sentencing order where the minor is committed or  
21 placed in accordance with Section 5-740 shall provide for the  
22 parents or guardian of the estate of the minor to pay to the  
23 legal custodian or guardian of the person of the minor such  
24 sums as are determined by the custodian or guardian of the  
25 person of the minor as necessary for the minor's needs. The  
26 payments may not exceed the maximum amounts provided for by

1 Section 9.1 of the Children and Family Services Act.

2 (6) Whenever the sentencing order requires the minor to  
3 attend school or participate in a program of training, the  
4 truant officer or designated school official shall regularly  
5 report to the court if the minor is a chronic or habitual  
6 truant under Section 26-2a of the School Code. Notwithstanding  
7 any other provision of this Act, in instances in which  
8 educational services are to be provided to a minor in a  
9 residential facility where the minor has been placed by the  
10 court, costs incurred in the provision of those educational  
11 services must be allocated based on the requirements of the  
12 School Code.

13 (7) In no event shall a guilty minor be committed to the  
14 Department of Juvenile Justice for a period of time in excess  
15 of that period for which an adult could be committed for the  
16 same act. The court shall include in the sentencing order a  
17 limitation on the period of confinement not to exceed the  
18 maximum period of imprisonment the court could impose under  
19 Chapter V of the Unified Code of Corrections.

20 (7.5) In no event shall a guilty minor be committed to the  
21 Department of Juvenile Justice or placed in detention when the  
22 act for which the minor was adjudicated delinquent would not  
23 be illegal if committed by an adult.

24 (7.6) In no event shall a guilty minor be committed to the  
25 Department of Juvenile Justice for an offense which is a Class  
26 4 felony under Section 19-4 (criminal trespass to a

1 residence), 21-1 (criminal damage to property), 21-1.01  
2 (criminal damage to government supported property), 21-1.3  
3 (criminal defacement of property), 26-1 (disorderly conduct),  
4 or 31-4 (obstructing justice) of the Criminal Code of 2012.

5 (7.75) In no event shall a guilty minor be committed to the  
6 Department of Juvenile Justice for an offense that is a Class 3  
7 or Class 4 felony violation of the Illinois Controlled  
8 Substances Act unless the commitment occurs upon a third or  
9 subsequent judicial finding of a violation of probation for  
10 substantial noncompliance with court-ordered treatment or  
11 programming.

12 (8) A minor found to be guilty for reasons that include a  
13 violation of Section 21-1.3 of the Criminal Code of 1961 or the  
14 Criminal Code of 2012 shall be ordered to perform community  
15 service for not less than 30 and not more than 120 hours, if  
16 community service is available in the jurisdiction. The  
17 community service shall include, but need not be limited to,  
18 the cleanup and repair of the damage that was caused by the  
19 violation or similar damage to property located in the  
20 municipality or county in which the violation occurred. The  
21 order may be in addition to any other order authorized by this  
22 Section. Community service shall not interfere with the school  
23 hours, school-related activities, or work commitments of the  
24 minor or the minor's parent, guardian, or legal custodian.

25 (8.5) A minor found to be guilty for reasons that include a  
26 violation of Section 3.02 or Section 3.03 of the Humane Care



1 for Animals Act or paragraph (d) of subsection (1) of Section  
2 21-1 of the Criminal Code of 1961 or paragraph (4) of  
3 subsection (a) of Section 21-1 of the Criminal Code of 2012  
4 shall be ordered to undergo medical or psychiatric treatment  
5 rendered by a psychiatrist or psychological treatment rendered  
6 by a clinical psychologist. The order may be in addition to any  
7 other order authorized by this Section.

8 (9) In addition to any other sentencing order, the court  
9 shall order any minor found to be guilty for an act which would  
10 constitute, predatory criminal sexual assault of a child,  
11 aggravated criminal sexual assault, criminal sexual assault,  
12 aggravated criminal sexual abuse, or criminal sexual abuse if  
13 committed by an adult to undergo medical testing to determine  
14 whether the defendant has any sexually transmissible disease  
15 including a test for infection with human immunodeficiency  
16 virus (HIV) or any other identified causative agency of  
17 acquired immunodeficiency syndrome (AIDS). Any medical test  
18 shall be performed only by appropriately licensed medical  
19 practitioners and may include an analysis of any bodily fluids  
20 as well as an examination of the minor's person. Except as  
21 otherwise provided by law, the results of the test shall be  
22 kept strictly confidential by all medical personnel involved  
23 in the testing and must be personally delivered in a sealed  
24 envelope to the judge of the court in which the sentencing  
25 order was entered for the judge's inspection in camera. Acting  
26 in accordance with the best interests of the victim and the

1 public, the judge shall have the discretion to determine to  
2 whom the results of the testing may be revealed. The court  
3 shall notify the minor of the results of the test for infection  
4 with the human immunodeficiency virus (HIV). The court shall  
5 also notify the victim if requested by the victim, and if the  
6 victim is under the age of 15 and if requested by the victim's  
7 parents or legal guardian, the court shall notify the victim's  
8 parents or the legal guardian, of the results of the test for  
9 infection with the human immunodeficiency virus (HIV). The  
10 court shall provide information on the availability of HIV  
11 testing and counseling at the Department of Public Health  
12 facilities to all parties to whom the results of the testing  
13 are revealed. The court shall order that the cost of any test  
14 shall be paid by the county.

15 (10) When a court finds a minor to be guilty the court  
16 shall, before entering a sentencing order under this Section,  
17 make a finding whether the offense committed either: (a) was  
18 related to or in furtherance of the criminal activities of an  
19 organized gang or was motivated by the minor's membership in  
20 or allegiance to an organized gang, or (b) involved a  
21 violation of subsection (a) of Section 12-7.1 of the Criminal  
22 Code of 1961 or the Criminal Code of 2012, a violation of any  
23 Section of Article 24 of the Criminal Code of 1961 or the  
24 Criminal Code of 2012, or a violation of any statute that  
25 involved the wrongful use of a firearm. If the court  
26 determines the question in the affirmative, and the court does

1 not commit the minor to the Department of Juvenile Justice,  
2 the court shall order the minor to perform community service  
3 for not less than 30 hours nor more than 120 hours, provided  
4 that community service is available in the jurisdiction and is  
5 funded and approved by the county board of the county where the  
6 offense was committed. The community service shall include,  
7 but need not be limited to, the cleanup and repair of any  
8 damage caused by a violation of Section 21-1.3 of the Criminal  
9 Code of 1961 or the Criminal Code of 2012 and similar damage to  
10 property located in the municipality or county in which the  
11 violation occurred. When possible and reasonable, the  
12 community service shall be performed in the minor's  
13 neighborhood. This order shall be in addition to any other  
14 order authorized by this Section except for an order to place  
15 the minor in the custody of the Department of Juvenile  
16 Justice. Community service shall not interfere with the school  
17 hours, school-related activities, or work commitments of the  
18 minor or the minor's parent, guardian, or legal custodian. For  
19 the purposes of this Section, "organized gang" has the meaning  
20 ascribed to it in Section 10 of the Illinois Streetgang  
21 Terrorism Omnibus Prevention Act.

22 (11) If the court determines that the offense was  
23 committed in furtherance of the criminal activities of an  
24 organized gang, as provided in subsection (10), and that the  
25 offense involved the operation or use of a motor vehicle or the  
26 use of a driver's license or permit, the court shall notify the

1 Secretary of State of that determination and of the period for  
2 which the minor shall be denied driving privileges. If, at the  
3 time of the determination, the minor does not hold a driver's  
4 license or permit, the court shall provide that the minor  
5 shall not be issued a driver's license or permit until the  
6 minor's 18th birthday. If the minor holds a driver's license  
7 or permit at the time of the determination, the court shall  
8 provide that the minor's driver's license or permit shall be  
9 revoked until the minor's 21st birthday, or until a later date  
10 or occurrence determined by the court. If the minor holds a  
11 driver's license at the time of the determination, the court  
12 may direct the Secretary of State to issue the minor a judicial  
13 driving permit, also known as a JDP. The JDP shall be subject  
14 to the same terms as a JDP issued under Section 6-206.1 of the  
15 Illinois Vehicle Code, except that the court may direct that  
16 the JDP be effective immediately.

17 (12) (Blank).

18 (13) Fines and assessments, including any fee or  
19 administrative cost authorized under Section 5-4.5-105,  
20 5-5-10, 5-6-3, 5-6-3.1, 5-7-6, 5-9-1.4, or 5-9-1.9 of the  
21 Unified Code of Corrections, relating to any sentencing order  
22 shall not be ordered or imposed on a minor or the minor's  
23 parent, guardian, or legal custodian. The inability of a  
24 minor, or minor's parent, guardian, or legal custodian, to  
25 cover the costs associated with an appropriate sentencing  
26 order shall not be the basis for the court to enter a

1 sentencing order incongruent with the court's findings  
2 regarding the offense on which the minor was adjudicated or  
3 the mitigating factors.

4 (Source: P.A. 102-558, eff. 8-20-21; 103-22, eff. 8-8-23;  
5 103-379, eff. 7-28-23; revised 8-25-23.)

6 (705 ILCS 405/5-715)

7 Sec. 5-715. Probation.

8 (1) The period of probation or conditional discharge shall  
9 not exceed 5 years or until the minor has attained the age of  
10 21 years, whichever is less, except as provided in this  
11 Section for a minor who is found to be guilty for an offense  
12 which is first degree murder. The juvenile court may terminate  
13 probation or conditional discharge and discharge the minor at  
14 any time if warranted by the conduct of the minor and the ends  
15 of justice; provided, however, that the period of probation  
16 for a minor who is found to be guilty for an offense which is  
17 first degree murder shall be at least 5 years.

18 (1.5) The period of probation for a minor who is found  
19 guilty of aggravated criminal sexual assault, criminal sexual  
20 assault, or aggravated battery with a firearm shall be at  
21 least 36 months. The period of probation for a minor who is  
22 found to be guilty of any other Class X felony shall be at  
23 least 24 months. The period of probation for a Class 1 or Class  
24 2 forcible felony shall be at least 18 months. Regardless of  
25 the length of probation ordered by the court, for all offenses

1 under this subsection ~~paragraph~~ (1.5), the court shall  
2 schedule hearings to determine whether it is in the best  
3 interest of the minor and public safety to terminate probation  
4 after the minimum period of probation has been served. In such  
5 a hearing, there shall be a rebuttable presumption that it is  
6 in the best interest of the minor and public safety to  
7 terminate probation.

8 (2) The court may as a condition of probation or of  
9 conditional discharge require that the minor:

10 (a) not violate any criminal statute of any  
11 jurisdiction;

12 (b) make a report to and appear in person before any  
13 person or agency as directed by the court;

14 (c) work or pursue a course of study or vocational  
15 training;

16 (d) undergo medical or psychiatric treatment, rendered  
17 by a psychiatrist or psychological treatment rendered by a  
18 clinical psychologist or social work services rendered by  
19 a clinical social worker, or treatment for drug addiction  
20 or alcoholism;

21 (e) attend or reside in a facility established for the  
22 instruction or residence of persons on probation;

23 (f) support the minor's dependents, if any;

24 (g) refrain from possessing a firearm or other  
25 dangerous weapon, or an automobile;

26 (h) permit the probation officer to visit the minor at

1 the minor's home or elsewhere;

2 (i) reside with the minor's parents or in a foster  
3 home;

4 (j) attend school;

5 (j-5) with the consent of the superintendent of the  
6 facility, attend an educational program at a facility  
7 other than the school in which the offense was committed  
8 if the minor committed a crime of violence as defined in  
9 Section 2 of the Crime Victims Compensation Act in a  
10 school, on the real property comprising a school, or  
11 within 1,000 feet of the real property comprising a  
12 school;

13 (k) attend a non-residential program for youth;

14 (l) make restitution under the terms of subsection (4)  
15 of Section 5-710;

16 (m) provide nonfinancial contributions to the minor's  
17 own support at home or in a foster home;

18 (n) perform some reasonable public or community  
19 service that does not interfere with school hours,  
20 school-related activities, or work commitments of the  
21 minor or the minor's parent, guardian, or legal custodian;

22 (o) participate with community corrections programs  
23 including unified delinquency intervention services  
24 administered by the Department of Human Services subject  
25 to Section 5 of the Children and Family Services Act;

26 (p) (blank);

1           (q) serve a term of home confinement. In addition to  
2 any other applicable condition of probation or conditional  
3 discharge, the conditions of home confinement shall be  
4 that the minor:

5           (i) remain within the interior premises of the  
6 place designated for the minor's confinement during  
7 the hours designated by the court;

8           (ii) admit any person or agent designated by the  
9 court into the minor's place of confinement at any  
10 time for purposes of verifying the minor's compliance  
11 with the conditions of the minor's confinement; and

12           (iii) use an approved electronic monitoring device  
13 if ordered by the court subject to Article 8A of  
14 Chapter V of the Unified Code of Corrections;

15           (r) refrain from entering into a designated geographic  
16 area except upon terms as the court finds appropriate. The  
17 terms may include consideration of the purpose of the  
18 entry, the time of day, other persons accompanying the  
19 minor, and advance approval by a probation officer, if the  
20 minor has been placed on probation, or advance approval by  
21 the court, if the minor has been placed on conditional  
22 discharge;

23           (s) refrain from having any contact, directly or  
24 indirectly, with certain specified persons or particular  
25 types of persons, including,    but not limited to,    members  
26 of street gangs and drug users or dealers;



1 (s-5) undergo a medical or other procedure to have a  
2 tattoo symbolizing allegiance to a street gang removed  
3 from the minor's body;

4 (t) refrain from having in the minor's body the  
5 presence of any illicit drug prohibited by the Cannabis  
6 Control Act, the Illinois Controlled Substances Act, or  
7 the Methamphetamine Control and Community Protection Act,  
8 unless prescribed by a physician, and shall submit samples  
9 of the minor's blood or urine or both for tests to  
10 determine the presence of any illicit drug; or

11 (u) comply with other conditions as may be ordered by  
12 the court.

13 (3) The court may as a condition of probation or of  
14 conditional discharge require that a minor found guilty on any  
15 alcohol, cannabis, methamphetamine, or controlled substance  
16 violation, refrain from acquiring a driver's license during  
17 the period of probation or conditional discharge. If the minor  
18 is in possession of a permit or license, the court may require  
19 that the minor refrain from driving or operating any motor  
20 vehicle during the period of probation or conditional  
21 discharge, except as may be necessary in the course of the  
22 minor's lawful employment.

23 (3.5) The court shall, as a condition of probation or of  
24 conditional discharge, require that a minor found to be guilty  
25 and placed on probation for reasons that include a violation  
26 of Section 3.02 or Section 3.03 of the Humane Care for Animals

1 Act or paragraph (4) of subsection (a) of Section 21-1 of the  
2 Criminal Code of 2012 undergo medical or psychiatric treatment  
3 rendered by a psychiatrist or psychological treatment rendered  
4 by a clinical psychologist. The condition may be in addition  
5 to any other condition.

6 (3.10) The court shall order that a minor placed on  
7 probation or conditional discharge for a sex offense as  
8 defined in the Sex Offender Management Board Act undergo and  
9 successfully complete sex offender treatment. The treatment  
10 shall be in conformance with the standards developed under the  
11 Sex Offender Management Board Act and conducted by a treatment  
12 provider approved by the Board.

13 (4) A minor on probation or conditional discharge shall be  
14 given a certificate setting forth the conditions upon which  
15 the minor is being released.

16 (5) (Blank).

17 (5.5) Jurisdiction over an offender may be transferred  
18 from the sentencing court to the court of another circuit with  
19 the concurrence of both courts. Further transfers or  
20 retransfers of jurisdiction are also authorized in the same  
21 manner. The court to which jurisdiction has been transferred  
22 shall have the same powers as the sentencing court.

23 If the transfer case originated in another state and has  
24 been transferred under the Interstate Compact for Juveniles to  
25 the jurisdiction of an Illinois circuit court for supervision  
26 by an Illinois probation department, probation fees may be

1 imposed only if permitted by the Interstate Commission for  
2 Juveniles.

3 (6) The General Assembly finds that in order to protect  
4 the public, the juvenile justice system must compel compliance  
5 with the conditions of probation by responding to violations  
6 with swift, certain, and fair punishments and intermediate  
7 sanctions. The Chief Judge of each circuit shall adopt a  
8 system of structured, intermediate sanctions for violations of  
9 the terms and conditions of a sentence of supervision,  
10 probation, or conditional discharge, under this Act.

11 The court shall provide as a condition of a disposition of  
12 probation, conditional discharge, or supervision, that the  
13 probation agency may invoke any sanction from the list of  
14 intermediate sanctions adopted by the chief judge of the  
15 circuit court for violations of the terms and conditions of  
16 the sentence of probation, conditional discharge, or  
17 supervision, subject to the provisions of Section 5-720 of  
18 this Act.

19 (7) Fines and assessments, including any fee or  
20 administrative cost authorized under Section 5-4.5-105,  
21 5-5-10, 5-6-3, 5-6-3.1, 5-7-6, 5-9-1.4, or 5-9-1.9 of the  
22 Unified Code of Corrections, shall not be ordered or imposed  
23 on a minor or the minor's parent, guardian, or legal custodian  
24 as a condition of probation, conditional discharge, or  
25 supervision. If the minor or the minor's parent, guardian, or  
26 legal custodian is unable to cover the cost of a condition

1 under this subsection, the court shall not preclude the minor  
2 from receiving probation, conditional discharge, or  
3 supervision based on the inability to pay. Inability to pay  
4 shall not be grounds to object to the minor's placement on  
5 probation, conditional discharge, or supervision.

6 (Source: P.A. 103-22, eff. 8-8-23; 103-379, eff. 7-28-23;  
7 revised 9-25-23.)

8 (705 ILCS 405/5-810)

9 Sec. 5-810. Extended jurisdiction juvenile prosecutions.

10 (1) (a) If the State's Attorney files a petition, at any  
11 time prior to commencement of the minor's trial, to designate  
12 the proceeding as an extended jurisdiction juvenile  
13 prosecution and the petition alleges the commission by a minor  
14 13 years of age or older of any offense which would be a felony  
15 if committed by an adult, and, if the juvenile judge assigned  
16 to hear and determine petitions to designate the proceeding as  
17 an extended jurisdiction juvenile prosecution determines that  
18 there is probable cause to believe that the allegations in the  
19 petition and motion are true, there is a rebuttable  
20 presumption that the proceeding shall be designated as an  
21 extended jurisdiction juvenile proceeding.

22 (b) The judge shall enter an order designating the  
23 proceeding as an extended jurisdiction juvenile proceeding  
24 unless the judge makes a finding based on clear and convincing  
25 evidence that sentencing under ~~the~~ Chapter V of the Unified

1 Code of Corrections would not be appropriate for the minor  
2 based on an evaluation of the following factors:

3 (i) the age of the minor;

4 (ii) the history of the minor, including:

5 (A) any previous delinquent or criminal history of  
6 the minor,

7 (B) any previous abuse or neglect history of the  
8 minor,

9 (C) any mental health, physical and/or educational  
10 history of the minor, and

11 (D) any involvement of the minor in the child  
12 welfare system;

13 (iii) the circumstances of the offense, including:

14 (A) the seriousness of the offense,

15 (B) whether the minor is charged through  
16 accountability,

17 (C) whether there is evidence the offense was  
18 committed in an aggressive and premeditated manner,

19 (D) whether there is evidence the offense caused  
20 serious bodily harm,

21 (E) whether there is evidence the minor possessed  
22 a deadly weapon,

23 (F) whether there is evidence the minor was  
24 subjected to outside pressure, including peer  
25 pressure, familial pressure, or negative influences,  
26 and

1 (G) the minor's degree of participation and  
2 specific role in the offense;

3 (iv) the advantages of treatment within the juvenile  
4 justice system including whether there are facilities or  
5 programs, or both, particularly available in the juvenile  
6 system;

7 (v) whether the security of the public requires  
8 sentencing under Chapter V of the Unified Code of  
9 Corrections:

10 (A) the minor's history of services, including the  
11 minor's willingness to participate meaningfully in  
12 available services;

13 (B) whether there is a reasonable likelihood that  
14 the minor can be rehabilitated before the expiration  
15 of the juvenile court's jurisdiction;

16 (C) the adequacy of the punishment or services.

17 In considering these factors, the court shall give greater  
18 weight to the seriousness of the alleged offense, and the  
19 minor's prior record of delinquency than to other factors  
20 listed in this subsection.

21 (2) Procedures for extended jurisdiction juvenile  
22 prosecutions. The State's Attorney may file a written motion  
23 for a proceeding to be designated as an extended juvenile  
24 jurisdiction prior to commencement of trial. Notice of the  
25 motion shall be in compliance with Section 5-530. When the  
26 State's Attorney files a written motion that a proceeding be

1 designated an extended jurisdiction juvenile prosecution, the  
2 court shall commence a hearing within 30 days of the filing of  
3 the motion for designation, unless good cause is shown by the  
4 prosecution or the minor as to why the hearing could not be  
5 held within this time period. If the court finds good cause has  
6 been demonstrated, then the hearing shall be held within 60  
7 days of the filing of the motion. The hearings shall be open to  
8 the public unless the judge finds that the hearing should be  
9 closed for the protection of any party, victim or witness. If  
10 the Juvenile Judge assigned to hear and determine a motion to  
11 designate an extended jurisdiction juvenile prosecution  
12 determines that there is probable cause to believe that the  
13 allegations in the petition and motion are true the court  
14 shall grant the motion for designation. Information used by  
15 the court in its findings or stated in or offered in connection  
16 with this Section may be by way of proffer based on reliable  
17 information offered by the State or the minor. All evidence  
18 shall be admissible if it is relevant and reliable regardless  
19 of whether it would be admissible under the rules of evidence.

20 (3) Trial. A minor who is subject of an extended  
21 jurisdiction juvenile prosecution has the right to trial by  
22 jury. Any trial under this Section shall be open to the public.

23 (4) Sentencing. If an extended jurisdiction juvenile  
24 prosecution under subsection (1) results in a guilty plea, a  
25 verdict of guilty, or a finding of guilt, the court shall  
26 impose the following:

1           (i) one or more juvenile sentences under Section  
2           5-710; and

3           (ii) an adult criminal sentence in accordance with the  
4           provisions of Section 5-4.5-105 of the Unified Code of  
5           Corrections, the execution of which shall be stayed on the  
6           condition that the offender not violate the provisions of  
7           the juvenile sentence.

8           Any sentencing hearing under this Section shall be open to the  
9           public.

10          (5) If, after an extended jurisdiction juvenile  
11          prosecution trial, a minor is convicted of a lesser-included  
12          offense or of an offense that the State's Attorney did not  
13          designate as an extended jurisdiction juvenile prosecution,  
14          the State's Attorney may file a written motion, within 10 days  
15          of the finding of guilt, that the minor be sentenced as an  
16          extended jurisdiction juvenile prosecution offender. The court  
17          shall rule on this motion using the factors found in paragraph  
18          (1)(b) of Section 5-805. If the court denies the State's  
19          Attorney's motion for sentencing under the extended  
20          jurisdiction juvenile prosecution provision, the court shall  
21          proceed to sentence the minor under Section 5-710.

22          (6) When it appears that a minor convicted in an extended  
23          jurisdiction juvenile prosecution under subsection (1) has  
24          violated the conditions of the minor's sentence, or is alleged  
25          to have committed a new offense upon the filing of a petition  
26          to revoke the stay, the court may, without notice, issue a



1 warrant for the arrest of the minor. After a hearing, if the  
2 court finds by a preponderance of the evidence that the minor  
3 committed a new offense, the court shall order execution of  
4 the previously imposed adult criminal sentence. After a  
5 hearing, if the court finds by a preponderance of the evidence  
6 that the minor committed a violation of the minor's sentence  
7 other than by a new offense, the court may order execution of  
8 the previously imposed adult criminal sentence or may continue  
9 the minor on the existing juvenile sentence with or without  
10 modifying or enlarging the conditions. Upon revocation of the  
11 stay of the adult criminal sentence and imposition of that  
12 sentence, the minor's extended jurisdiction juvenile status  
13 shall be terminated. The on-going jurisdiction over the  
14 minor's case shall be assumed by the adult criminal court and  
15 juvenile court jurisdiction shall be terminated and a report  
16 of the imposition of the adult sentence shall be sent to the  
17 Illinois State Police.

18 (7) Upon successful completion of the juvenile sentence  
19 the court shall vacate the adult criminal sentence.

20 (8) Nothing in this Section precludes the State from  
21 filing a motion for transfer under Section 5-805.

22 (Source: P.A. 103-22, eff. 8-8-23; 103-191, eff. 1-1-24;  
23 revised 12-15-23.)

24 (705 ILCS 405/5-915)

25 Sec. 5-915. Expungement of juvenile law enforcement and

1 juvenile court records.

2 (0.05) (Blank).

3 (0.1) (a) The Illinois State Police and all law enforcement  
4 agencies within the State shall automatically expunge, on or  
5 before January 1 of each year, except as described in  
6 paragraph (c) of this subsection (0.1), all juvenile law  
7 enforcement records relating to events occurring before an  
8 individual's 18th birthday if:

9 (1) one year or more has elapsed since the date of the  
10 arrest or law enforcement interaction documented in the  
11 records;

12 (2) no petition for delinquency or criminal charges  
13 were filed with the clerk of the circuit court relating to  
14 the arrest or law enforcement interaction documented in  
15 the records; and

16 (3) 6 months have elapsed since the date of the arrest  
17 without an additional subsequent arrest or filing of a  
18 petition for delinquency or criminal charges whether  
19 related or not to the arrest or law enforcement  
20 interaction documented in the records.

21 (b) If the law enforcement agency is unable to verify  
22 satisfaction of conditions (2) and (3) of this subsection  
23 (0.1), records that satisfy condition (1) of this subsection  
24 (0.1) shall be automatically expunged if the records relate to  
25 an offense that if committed by an adult would not be an  
26 offense classified as a Class 2 felony or higher, an offense

1 under Article 11 of the Criminal Code of 1961 or Criminal Code  
2 of 2012, or an offense under Section 12-13, 12-14, 12-14.1,  
3 12-15, or 12-16 of the Criminal Code of 1961.

4 (c) If the juvenile law enforcement record was received  
5 through a public submission to a statewide student  
6 confidential reporting system administered by the Illinois  
7 State Police, the record will be maintained for a period of 5  
8 years according to all other provisions in this subsection  
9 (0.1).

10 (0.15) If a juvenile law enforcement record meets  
11 paragraph (a) of subsection (0.1) of this Section, a juvenile  
12 law enforcement record created:

13 (1) prior to January 1, 2018, but on or after January  
14 1, 2013 shall be automatically expunged prior to January  
15 1, 2020;

16 (2) prior to January 1, 2013, but on or after January  
17 1, 2000, shall be automatically expunged prior to January  
18 1, 2023; and

19 (3) prior to January 1, 2000 shall not be subject to  
20 the automatic expungement provisions of this Act.

21 Nothing in this subsection (0.15) shall be construed to  
22 restrict or modify an individual's right to have the person's  
23 juvenile law enforcement records expunged except as otherwise  
24 may be provided in this Act.

25 (0.2) (a) Upon dismissal of a petition alleging delinquency  
26 or upon a finding of not delinquent, the successful

1 termination of an order of supervision, or the successful  
2 termination of an adjudication for an offense which would be a  
3 Class B misdemeanor, Class C misdemeanor, or a petty or  
4 business offense if committed by an adult, the court shall  
5 automatically order the expungement of the juvenile court  
6 records and juvenile law enforcement records. The clerk shall  
7 deliver a certified copy of the expungement order to the  
8 Illinois State Police and the arresting agency. Upon request,  
9 the State's Attorney shall furnish the name of the arresting  
10 agency. The expungement shall be completed within 60 business  
11 days after the receipt of the expungement order.

12 (b) If the chief law enforcement officer of the agency, or  
13 the chief law enforcement officer's designee, certifies in  
14 writing that certain information is needed for a pending  
15 investigation involving the commission of a felony, that  
16 information, and information identifying the juvenile, may be  
17 retained until the statute of limitations for the felony has  
18 run. If the chief law enforcement officer of the agency, or the  
19 chief law enforcement officer's designee, certifies in writing  
20 that certain information is needed with respect to an internal  
21 investigation of any law enforcement office, that information  
22 and information identifying the juvenile may be retained  
23 within an intelligence file until the investigation is  
24 terminated or the disciplinary action, including appeals, has  
25 been completed, whichever is later. Retention of a portion of  
26 a juvenile's law enforcement record does not disqualify the

1 remainder of a juvenile's record from immediate automatic  
2 expungement.

3 (0.3) (a) Upon an adjudication of delinquency based on any  
4 offense except a disqualified offense, the juvenile court  
5 shall automatically order the expungement of the juvenile  
6 court and law enforcement records 2 years after the juvenile's  
7 case was closed if no delinquency or criminal proceeding is  
8 pending and the person has had no subsequent delinquency  
9 adjudication or criminal conviction. The clerk shall deliver a  
10 certified copy of the expungement order to the Illinois State  
11 Police and the arresting agency. Upon request, the State's  
12 Attorney shall furnish the name of the arresting agency. The  
13 expungement shall be completed within 60 business days after  
14 the receipt of the expungement order. In this subsection  
15 (0.3), "disqualified offense" means any of the following  
16 offenses: Section 8-1.2, 9-1, 9-1.2, 9-2, 9-2.1, 9-3, 9-3.2,  
17 10-1, 10-2, 10-3, 10-3.1, 10-4, 10-5, 10-9, 11-1.20, 11-1.30,  
18 11-1.40, 11-1.50, 11-1.60, 11-6, 11-6.5, 12-2, 12-3.05,  
19 12-3.3, 12-4.4a, 12-5.02, 12-6.2, 12-6.5, 12-7.1, 12-7.5,  
20 12-20.5, 12-32, 12-33, 12-34, 12-34.5, 18-1, 18-2, 18-3, 18-4,  
21 18-6, 19-3, 19-6, 20-1, 20-1.1, 24-1.2, 24-1.2-5, 24-1.5,  
22 24-3A, 24-3B, 24-3.2, 24-3.8, 24-3.9, 29D-14.9, 29D-20, 30-1,  
23 31-1a, 32-4a, or 33A-2 of the Criminal Code of 2012, or  
24 subsection (b) of Section 8-1, paragraph (4) of subsection (a)  
25 of Section 11-14.4, subsection (a-5) of Section 12-3.1,  
26 paragraph (1), (2), or (3) of subsection (a) of Section 12-6,

1 subsection (a-3) or (a-5) of Section 12-7.3, paragraph (1) or  
2 (2) of subsection (a) of Section 12-7.4, subparagraph (i) of  
3 paragraph (1) of subsection (a) of Section 12-9, subparagraph  
4 (H) of paragraph (3) of subsection (a) of Section 24-1.6,  
5 paragraph (1) of subsection (a) of Section 25-1, or subsection  
6 (a-7) of Section 31-1 of the Criminal Code of 2012.

7 (b) If the chief law enforcement officer of the agency, or  
8 the chief law enforcement officer's designee, certifies in  
9 writing that certain information is needed for a pending  
10 investigation involving the commission of a felony, that  
11 information, and information identifying the juvenile, may be  
12 retained in an intelligence file until the investigation is  
13 terminated or for one additional year, whichever is sooner.  
14 Retention of a portion of a juvenile's juvenile law  
15 enforcement record does not disqualify the remainder of a  
16 juvenile's record from immediate automatic expungement.

17 (0.4) Automatic expungement for the purposes of this  
18 Section shall not require law enforcement agencies to  
19 obliterate or otherwise destroy juvenile law enforcement  
20 records that would otherwise need to be automatically expunged  
21 under this Act, except after 2 years following the subject  
22 arrest for purposes of use in civil litigation against a  
23 governmental entity or its law enforcement agency or personnel  
24 which created, maintained, or used the records. However, these  
25 juvenile law enforcement records shall be considered expunged  
26 for all other purposes during this period and the offense,

1 which the records or files concern, shall be treated as if it  
2 never occurred as required under Section 5-923.

3 (0.5) Subsection (0.1) or (0.2) of this Section does not  
4 apply to violations of traffic, boating, fish and game laws,  
5 or county or municipal ordinances.

6 (0.6) Juvenile law enforcement records of a plaintiff who  
7 has filed civil litigation against the governmental entity or  
8 its law enforcement agency or personnel that created,  
9 maintained, or used the records, or juvenile law enforcement  
10 records that contain information related to the allegations  
11 set forth in the civil litigation may not be expunged until  
12 after 2 years have elapsed after the conclusion of the  
13 lawsuit, including any appeal.

14 (0.7) Officer-worn body camera recordings shall not be  
15 automatically expunged except as otherwise authorized by the  
16 Law Enforcement Officer-Worn Body Camera Act.

17 (1) Whenever a person has been arrested, charged, or  
18 adjudicated delinquent for an incident occurring before a  
19 person's 18th birthday that if committed by an adult would be  
20 an offense, and that person's juvenile law enforcement and  
21 juvenile court records are not eligible for automatic  
22 expungement under subsection (0.1), (0.2), or (0.3), the  
23 person may petition the court at any time at no cost to the  
24 person for expungement of juvenile law enforcement records and  
25 juvenile court records relating to the incident and, upon  
26 termination of all juvenile court proceedings relating to that

1 incident, the court shall order the expungement of all records  
2 in the possession of the Illinois State Police, the clerk of  
3 the circuit court, and law enforcement agencies relating to  
4 the incident, but only in any of the following circumstances:

5 (a) the minor was arrested and no petition for  
6 delinquency was filed with the clerk of the circuit court;

7 (a-5) the minor was charged with an offense and the  
8 petition or petitions were dismissed without a finding of  
9 delinquency;

10 (b) the minor was charged with an offense and was  
11 found not delinquent of that offense;

12 (c) the minor was placed under supervision under  
13 Section 5-615, and the order of supervision has since been  
14 successfully terminated; or

15 (d) the minor was adjudicated for an offense which  
16 would be a Class B misdemeanor, Class C misdemeanor, or a  
17 petty or business offense if committed by an adult.

18 (1.5) At no cost to the person, the Illinois State Police  
19 shall allow a person to use the Access and Review process,  
20 established in the Illinois State Police, for verifying that  
21 the person's juvenile law enforcement records relating to  
22 incidents occurring before the person's 18th birthday eligible  
23 under this Act have been expunged.

24 (1.6) (Blank).

25 (1.7) (Blank).

26 (1.8) (Blank).



1           (2) Any person whose delinquency adjudications are not  
2 eligible for automatic expungement under subsection (0.3) of  
3 this Section may petition the court at no cost to the person to  
4 expunge all juvenile law enforcement records relating to any  
5 incidents occurring before the person's 18th birthday which  
6 did not result in proceedings in criminal court and all  
7 juvenile court records with respect to any adjudications  
8 except those based upon first degree murder or an offense  
9 under Article 11 of the Criminal Code of 2012 if the person is  
10 required to register under the Sex Offender Registration Act  
11 at the time the person petitions the court for expungement;  
12 provided that 2 years have elapsed since all juvenile court  
13 proceedings relating to the person have been terminated and  
14 the person's commitment to the Department of Juvenile Justice  
15 under this Act has been terminated.

16           (2.5) If a minor is arrested and no petition for  
17 delinquency is filed with the clerk of the circuit court at the  
18 time the minor is released from custody, the youth officer, if  
19 applicable, or other designated person from the arresting  
20 agency, shall notify verbally and in writing to the minor or  
21 the minor's parents or guardians that the minor shall have an  
22 arrest record and shall provide the minor and the minor's  
23 parents or guardians with an expungement information packet,  
24 information regarding this State's expungement laws including  
25 a petition to expunge juvenile law enforcement and juvenile  
26 court records obtained from the clerk of the circuit court.

1           (2.6) If a minor is referred to court, then, at the time of  
2 sentencing, dismissal of the case, or successful completion of  
3 supervision, the judge shall inform the delinquent minor of  
4 the minor's rights regarding expungement and the clerk of the  
5 circuit court shall provide an expungement information packet  
6 to the minor, written in plain language, including information  
7 regarding this State's expungement laws and a petition for  
8 expungement, a sample of a completed petition, expungement  
9 instructions that shall include information informing the  
10 minor that (i) once the case is expunged, it shall be treated  
11 as if it never occurred, (ii) the minor shall not be charged a  
12 fee to petition for expungement, (iii) once the minor obtains  
13 an expungement, the minor may not be required to disclose that  
14 the minor had a juvenile law enforcement or juvenile court  
15 record, and (iv) if petitioning the minor may file the  
16 petition on the minor's own or with the assistance of an  
17 attorney. The failure of the judge to inform the delinquent  
18 minor of the minor's right to petition for expungement as  
19 provided by law does not create a substantive right, nor is  
20 that failure grounds for: (i) a reversal of an adjudication of  
21 delinquency; (ii) a new trial; or (iii) an appeal.

22           (2.7) (Blank).

23           (2.8) (Blank).

24           (3) (Blank).

25           (3.1) (Blank).

26           (3.2) (Blank).

1 (3.3) (Blank).

2 (4) (Blank).

3 (5) (Blank).

4 (5.5) Whether or not expunged, records eligible for  
5 automatic expungement under subdivision (0.1) (a), (0.2) (a), or  
6 (0.3) (a) may be treated as expunged by the individual subject  
7 to the records.

8 (6) (Blank).

9 (6.5) The Illinois State Police or any employee of the  
10 Illinois State Police shall be immune from civil or criminal  
11 liability for failure to expunge any records of arrest that  
12 are subject to expungement under this Section because of  
13 inability to verify a record. Nothing in this Section shall  
14 create Illinois State Police liability or responsibility for  
15 the expungement of juvenile law enforcement records it does  
16 not possess.

17 (7) (Blank).

18 (7.5) (Blank).

19 (8) The expungement of juvenile law enforcement or  
20 juvenile court records under subsection (0.1), (0.2), or (0.3)  
21 of this Section shall be funded by appropriation by the  
22 General Assembly for that purpose.

23 (9) (Blank).

24 (10) (Blank).

25 (Source: P.A. 102-538, eff. 8-20-21; 102-558, eff. 8-20-21;  
26 102-752, eff. 1-1-23; 103-22, eff. 8-8-23; 103-154, eff.

1 6-30-23; 103-379, eff. 7-28-23; revised 8-30-23.)

2 (705 ILCS 405/6-7) (from Ch. 37, par. 806-7)

3 Sec. 6-7. Financial responsibility of counties.

4 (1) Each county board shall provide in its annual  
5 appropriation ordinance or annual budget, as the case may be,  
6 a reasonable sum for payments for the care and support of  
7 minors, and for payments for court appointed counsel in  
8 accordance with orders entered under this Act in an amount  
9 which in the judgment of the county board may be needed for  
10 that purpose. Such appropriation or budget item constitutes a  
11 separate fund into which shall be paid the moneys appropriated  
12 by the county board, and all reimbursements by other persons  
13 and by the State. For cases involving minors subject to  
14 Article III, IV, or V of this Act or minors under the age of 18  
15 transferred to adult court or excluded from juvenile court  
16 jurisdiction under Article V of this Act, the county board  
17 shall not seek reimbursement from a minor or the minor's  
18 parent, guardian, or legal custodian.

19 (2) No county may be charged with the care and support of  
20 any minor who is not a resident of the county unless the  
21 minor's parents or guardian are unknown or the minor's place  
22 of residence cannot be determined.

23 (3) No order upon the county for care and support of a  
24 minor may be entered until the president or chairman of the  
25 county board has had due notice that such a proceeding is

1 pending.

2 (Source: P.A. 103-22, eff. 8-8-23; 103-379, eff. 7-28-23;  
3 revised 8-30-23.)

4 (705 ILCS 405/6-9) (from Ch. 37, par. 806-9)

5 Sec. 6-9. Enforcement of liability of parents and others.

6 (1) If parentage is at issue in any proceeding under this  
7 Act, other than cases involving those exceptions to the  
8 definition of parent set out in item (11) in Section 1-3, then  
9 the Illinois Parentage Act of 2015 shall apply and the court  
10 shall enter orders consistent with that Act. If it appears at  
11 any hearing that a parent or any other person named in the  
12 petition, liable under the law for the support of the minor, is  
13 able to contribute to the minor's support, the court shall  
14 enter an order requiring that parent or other person to pay the  
15 clerk of the court, or to the guardian or custodian appointed  
16 under Section 2-27, a reasonable sum from time to time for the  
17 care, support, and necessary special care or treatment of the  
18 minor. If the court determines at any hearing that a parent or  
19 any other person named in the petition, liable under the law  
20 for the support of the minor, is able to contribute to help  
21 defray the costs associated with the minor's detention in a  
22 county or regional detention center, the court shall enter an  
23 order requiring that parent or other person to pay the clerk of  
24 the court a reasonable sum for the care and support of the  
25 minor. The court may require reasonable security for the

1 payments. Upon failure to pay, the court may enforce obedience  
2 to the order by a proceeding as for contempt of court.

3 Costs associated with detention, legal representation, or  
4 other services or programs under Article III, IV, or V of this  
5 Act shall not be ordered or imposed on a parent, guardian, or  
6 legal custodian liable under the law for the support of a  
7 minor. ~~the minor's the parent or other person the person's~~

8 (2) (Blank). ~~the person the person the person's the person~~  
9 ~~the person's the person the person's the person~~

10 (3) If the minor is a recipient of public aid under the  
11 Illinois Public Aid Code, the court shall order that payments  
12 made by a parent or through assignment of the parent's wages,  
13 salary, or commission be made directly to (a) the Department  
14 of Healthcare and Family Services if the minor is a recipient  
15 of aid under Article V of the Code, (b) the Department of Human  
16 Services if the minor is a recipient of aid under Article IV of  
17 the Code, or (c) the local governmental unit responsible for  
18 the support of the minor if the minor is a recipient under  
19 Article ~~Articles~~ VI or VII of the Code. The order shall permit  
20 the Department of Healthcare and Family Services, the  
21 Department of Human Services, or the local governmental unit,  
22 as the case may be, to direct that subsequent payments be made  
23 directly to the guardian or custodian of the minor, or to some  
24 other person or agency in the minor's behalf, upon removal of  
25 the minor from the public aid rolls; and upon such direction  
26 and removal of the minor from the public aid rolls, the

1 Department of Healthcare and Family Services, the Department  
2 of Human Services, or the local governmental unit, as the case  
3 requires, shall give written notice of such action to the  
4 court. Payments received by the Department of Healthcare and  
5 Family Services, the Department of Human Services, or the  
6 local governmental unit are to be covered, respectively, into  
7 the General Revenue Fund of the State Treasury or the General  
8 Assistance Fund of the governmental unit, as provided in  
9 Section 10-19 of the Illinois Public Aid Code.

10 (Source: P.A. 103-22, eff. 8-8-23; 103-379, eff. 7-28-23;  
11 revised 9-15-23.)

12 (705 ILCS 405/6-10) (from Ch. 37, par. 806-10)

13 Sec. 6-10. State reimbursement of funds.

14 (a) Before the 15th day of each month, the clerk of the  
15 court shall itemize all payments received by the clerk under  
16 Section 6-9 during the preceding month and shall pay such  
17 amounts to the county treasurer. Before the 20th day of each  
18 month, the county treasurer shall file with the Department of  
19 Children and Family Services an itemized statement of the  
20 amount of money for the care and shelter of a minor placed in  
21 shelter care under Sections 2-7, 3-9, 4-6 or 5-410 or placed  
22 under Sections 2-27, 3-28, 4-25, or 5-740 before July 1, 1980  
23 and after June 30, 1981, paid by the county during the last  
24 preceding month pursuant to court order entered under Section  
25 6-8, certified by the court, and an itemized account of all

1 payments received by the clerk of the court under Section 6-9  
2 during the preceding month and paid over to the county  
3 treasurer, certified by the county treasurer. The Department  
4 of Children and Family Services shall examine and audit the  
5 monthly statement and account, and upon finding them correct,  
6 shall voucher for payment to the county a sum equal to the  
7 amount so paid out by the county less the amount received by  
8 the clerk of the court under Section 6-9 and paid to the county  
9 treasurer but not more than an amount equal to the current  
10 average daily rate paid by the Department of Children and  
11 Family Services for similar services pursuant to Section 5a of  
12 the Children and Family Services Act, approved June 4, 1963,  
13 ~~as amended~~. Reimbursement to the counties under this Section  
14 for care and support of minors in licensed child caring  
15 institutions must be made by the Department of Children and  
16 Family Services only for care in those institutions which have  
17 filed with the Department a certificate affirming that they  
18 admit minors on the basis of need without regard to race or  
19 ethnic origin.

20 (b) The county treasurer may file with the Department of  
21 Children and Family Services an itemized statement of the  
22 amount of money paid by the county during the last preceding  
23 month pursuant to court order entered under Section 6-8,  
24 certified by the court, and an itemized account of all  
25 payments received by the clerk of the court under Section 6-9  
26 during the preceding month and paid over to the county



1 treasurer, certified by the county treasurer. The Department  
2 of Children and Family Services shall examine and audit the  
3 monthly statement and account, and upon finding them correct,  
4 shall voucher for payment to the county a sum equal to the  
5 amount so paid out by the county less the amount received by  
6 the clerk of the court under Section 6-9 and paid to the county  
7 treasurer. Subject to appropriations for that purpose, the  
8 State shall reimburse the county for the care and shelter of a  
9 minor placed in detention as a result of any new provisions  
10 that are created by the Juvenile Justice Reform Provisions of  
11 1998 (Public Act 90-590).

12 (Source: P.A. 103-22, eff. 8-8-23; revised 9-20-23.)

13 Section 560. The Criminal Code of 2012 is amended by  
14 changing Sections 9-1, 24-1.9, 24-1.10, and 24-5.1 as follows:

15 (720 ILCS 5/9-1) (from Ch. 38, par. 9-1)

16 Sec. 9-1. First degree murder.

17 (a) A person who kills an individual without lawful  
18 justification commits first degree murder if, in performing  
19 the acts which cause the death:

20 (1) he or she either intends to kill or do great bodily  
21 harm to that individual or another, or knows that such  
22 acts will cause death to that individual or another; or

23 (2) he or she knows that such acts create a strong  
24 probability of death or great bodily harm to that

1 individual or another; or

2 (3) he or she, acting alone or with one or more  
3 participants, commits or attempts to commit a forcible  
4 felony other than second degree murder, and in the course  
5 of or in furtherance of such crime or flight therefrom, he  
6 or she or another participant causes the death of a  
7 person.

8 (b) (Blank).

9 (b-5) (Blank).

10 (c) (Blank).

11 (d) (Blank).

12 (e) (Blank).

13 (f) (Blank).

14 (g) (Blank).

15 (h) (Blank).~~—~~

16 (h-5) (Blank).

17 (i) (Blank).

18 (j) (Blank).

19 (k) (Blank).

20 (Source: P.A. 103-51, eff. 1-1-24; revised 9-20-23.)

21 (720 ILCS 5/24-1.9)

22 Sec. 24-1.9. Manufacture, possession, delivery, sale, and  
23 purchase of assault weapons, .50 caliber rifles, and .50  
24 caliber cartridges.

25 (a) Definitions. In this Section:

1           (1) "Assault weapon" means any of the following, except as  
2 provided in subdivision (2) of this subsection:

3           (A) A semiautomatic rifle that has the capacity to  
4 accept a detachable magazine or that may be readily  
5 modified to accept a detachable magazine, if the firearm  
6 has one or more of the following:

7                   (i) a pistol grip or thumbhole stock;

8                   (ii) any feature capable of functioning as a  
9 protruding grip that can be held by the non-trigger  
10 hand;

11                   (iii) a folding, telescoping, thumbhole, or  
12 detachable stock, or a stock that is otherwise  
13 foldable or adjustable in a manner that operates to  
14 reduce the length, size, or any other dimension, or  
15 otherwise enhances the concealability of, the weapon;

16                   (iv) a flash suppressor;

17                   (v) a grenade launcher;

18                   (vi) a shroud attached to the barrel or that  
19 partially or completely encircles the barrel, allowing  
20 the bearer to hold the firearm with the non-trigger  
21 hand without being burned, but excluding a slide that  
22 encloses the barrel.

23           (B) A semiautomatic rifle that has a fixed magazine  
24 with the capacity to accept more than 10 rounds, except  
25 for an attached tubular device designed to accept, and  
26 capable of operating only with, .22 caliber rimfire

1 ammunition.

2 (C) A semiautomatic pistol that has the capacity to  
3 accept a detachable magazine or that may be readily  
4 modified to accept a detachable magazine, if the firearm  
5 has one or more of the following:

6 (i) a threaded barrel;

7 (ii) a second pistol grip or another feature  
8 capable of functioning as a protruding grip that can  
9 be held by the non-trigger hand;

10 (iii) a shroud attached to the barrel or that  
11 partially or completely encircles the barrel, allowing  
12 the bearer to hold the firearm with the non-trigger  
13 hand without being burned, but excluding a slide that  
14 encloses the barrel;

15 (iv) a flash suppressor;

16 (v) the capacity to accept a detachable magazine  
17 at some location outside of the pistol grip; or

18 (vi) a buffer tube, arm brace, or other part that  
19 protrudes horizontally behind the pistol grip and is  
20 designed or redesigned to allow or facilitate a  
21 firearm to be fired from the shoulder.

22 (D) A semiautomatic pistol that has a fixed magazine  
23 with the capacity to accept more than 15 rounds.

24 (E) Any shotgun with a revolving cylinder.

25 (F) A semiautomatic shotgun that has one or more of  
26 the following:

- 1 (i) a pistol grip or thumbhole stock;
- 2 (ii) any feature capable of functioning as a  
3 protruding grip that can be held by the non-trigger  
4 hand;
- 5 (iii) a folding or thumbhole stock;
- 6 (iv) a grenade launcher;
- 7 (v) a fixed magazine with the capacity of more  
8 than 5 rounds; or
- 9 (vi) the capacity to accept a detachable magazine.
- 10 (G) Any semiautomatic firearm that has the capacity to  
11 accept a belt ammunition feeding device.
- 12 (H) Any firearm that has been modified to be operable  
13 as an assault weapon as defined in this Section.
- 14 (I) Any part or combination of parts designed or  
15 intended to convert a firearm into an assault weapon,  
16 including any combination of parts from which an assault  
17 weapon may be readily assembled if those parts are in the  
18 possession or under the control of the same person.
- 19 (J) All of the following rifles, copies, duplicates,  
20 variants, or altered facsimiles with the capability of any  
21 such weapon:
- 22 (i) All AK types, including the following:
- 23 (I) AK, AK47, AK47S, AK-74, AKM, AKS, ARM,  
24 MAK90, MISR, NHM90, NHM91, SA85, SA93, Vector Arms  
25 AK-47, VEPR, WASR-10, and WUM.
- 26 (II) IZHMASH Saiga AK.

- 1 (III) MAADI AK47 and ARM.
- 2 (IV) Norinco 56S, 56S2, 84S, and 86S.
- 3 (V) Poly Technologies AK47 and AKS.
- 4 (VI) SKS with a detachable magazine.
- 5 (ii) all AR types, including the following:
- 6 (I) AR-10.
- 7 (II) AR-15.
- 8 (III) Alexander Arms Overmatch Plus 16.
- 9 (IV) Armalite M15 22LR Carbine.
- 10 (V) Armalite M15-T.
- 11 (VI) Barrett REC7.
- 12 (VII) Beretta AR-70.
- 13 (VIII) Black Rain Ordnance Recon Scout.
- 14 (IX) Bushmaster ACR.
- 15 (X) Bushmaster Carbon 15.
- 16 (XI) Bushmaster MOE series.
- 17 (XII) Bushmaster XM15.
- 18 (XIII) Chiappa Firearms MFour rifles.
- 19 (XIV) Colt Match Target rifles.
- 20 (XV) CORE Rifle Systems CORE15 rifles.
- 21 (XVI) Daniel Defense M4A1 rifles.
- 22 (XVII) Devil Dog Arms 15 Series rifles.
- 23 (XVIII) Diamondback DB15 rifles.
- 24 (XIX) DoubleStar AR rifles.
- 25 (XX) DPMS Tactical rifles.
- 26 (XXI) DSA Inc. ZM-4 Carbine.

- 1 (XXII) Heckler & Koch MR556.
- 2 (XXIII) High Standard HSA-15 rifles.
- 3 (XXIV) Jesse James Nomad AR-15 rifle.
- 4 (XXV) Knight's Armament SR-15.
- 5 (XXVI) Lancer L15 rifles.
- 6 (XXVII) MGI Hydra Series rifles.
- 7 (XXVIII) Mossberg MMR Tactical rifles.
- 8 (XXIX) Noreen Firearms BN 36 rifle.
- 9 (XXX) Olympic Arms.
- 10 (XXXI) POF USA P415.
- 11 (XXXII) Precision Firearms AR rifles.
- 12 (XXXIII) Remington R-15 rifles.
- 13 (XXXIV) Rhino Arms AR rifles.
- 14 (XXXV) Rock River Arms LAR-15 or Rock River  
15 Arms LAR-47.
- 16 (XXXVI) Sig Sauer SIG516 rifles and MCX  
17 rifles.
- 18 (XXXVII) Smith & Wesson M&P15 rifles.
- 19 (XXXVIII) Stag Arms AR rifles.
- 20 (XXXIX) Sturm, Ruger & Co. SR556 and AR-556  
21 rifles.
- 22 (XL) Uselton Arms Air-Lite M-4 rifles.
- 23 (XLI) Windham Weaponry AR rifles.
- 24 (XLII) WMD Guns Big Beast.
- 25 (XLIII) Yankee Hill Machine Company, Inc.  
26 YHM-15 rifles.

- 1 (iii) Barrett M107A1.
- 2 (iv) Barrett M82A1.
- 3 (v) Beretta CX4 Storm.
- 4 (vi) Calico Liberty Series.
- 5 (vii) CETME Sporter.
- 6 (viii) Daewoo K-1, K-2, Max 1, Max 2, AR 100, and  
7 AR 110C.
- 8 (ix) Fabrique Nationale/FN Herstal FAL, LAR, 22  
9 FNC, 308 Match, L1A1 Sporter, PS90, SCAR, and FS2000.
- 10 (x) Feather Industries AT-9.
- 11 (xi) Galil Model AR and Model ARM.
- 12 (xii) Hi-Point Carbine.
- 13 (xiii) HK-91, HK-93, HK-94, HK-PSG-1, and HK USC.
- 14 (xiv) IWI TAVOR, Galil ACE rifle.
- 15 (xv) Kel-Tec Sub-2000, SU-16, and RFB.
- 16 (xvi) SIG AMT, SIG PE-57, Sig Sauer SG 550, Sig  
17 Sauer SG 551, and SIG MCX.
- 18 (xvii) Springfield Armory SAR-48.
- 19 (xviii) Steyr AUG.
- 20 (xix) Sturm, Ruger & Co. Mini-14 Tactical Rifle  
21 M-14/20CF.
- 22 (xx) All Thompson rifles, including the following:
  - 23 (I) Thompson M1SB.
  - 24 (II) Thompson T1100D.
  - 25 (III) Thompson T150D.
  - 26 (IV) Thompson T1B.



- 1 (V) Thompson T1B100D.  
2 (VI) Thompson T1B50D.  
3 (VII) Thompson T1BSB.  
4 (VIII) Thompson T1-C.  
5 (IX) Thompson T1D.  
6 (X) Thompson T1SB.  
7 (XI) Thompson T5.  
8 (XII) Thompson T5100D.  
9 (XIII) Thompson TM1.  
10 (XIV) Thompson TM1C.  
11 (xxi) UMAREX UZI rifle.  
12 (xxii) UZI Mini Carbine, UZI Model A Carbine, and  
13 UZI Model B Carbine.  
14 (xxiii) Valmet M62S, M71S, and M78.  
15 (xxiv) Vector Arms UZI Type.  
16 (xxv) Weaver Arms Nighthawk.  
17 (xxvi) Wilkinson Arms Linda Carbine.  
18 (K) All of the following pistols, copies, duplicates,  
19 variants, or altered facsimiles with the capability of any  
20 such weapon thereof:  
21 (i) All AK types, including the following:  
22 (I) Centurion 39 AK pistol.  
23 (II) CZ Scorpion pistol.  
24 (III) Draco AK-47 pistol.  
25 (IV) HCR AK-47 pistol.  
26 (V) IO Inc. Hellpup AK-47 pistol.

- 1 (VI) Krinkov pistol.
- 2 (VII) Mini Draco AK-47 pistol.
- 3 (VIII) PAP M92 pistol.
- 4 (IX) Yugo Krebs Krink pistol.
- 5 (ii) All AR types, including the following:
- 6 (I) American Spirit AR-15 pistol.
- 7 (II) Bushmaster Carbon 15 pistol.
- 8 (III) Chiappa Firearms M4 Pistol GEN II.
- 9 (IV) CORE Rifle Systems CORE15 Roscoe pistol.
- 10 (V) Daniel Defense MK18 pistol.
- 11 (VI) DoubleStar Corporation AR pistol.
- 12 (VII) DPMS AR-15 pistol.
- 13 (VIII) Jesse James Nomad AR-15 pistol.
- 14 (IX) Olympic Arms AR-15 pistol.
- 15 (X) Osprey Armament MK-18 pistol.
- 16 (XI) POF USA AR pistols.
- 17 (XII) Rock River Arms LAR 15 pistol.
- 18 (XIII) Uselton Arms Air-Lite M-4 pistol.
- 19 (iii) Calico pistols.
- 20 (iv) DSA SA58 PKP FAL pistol.
- 21 (v) Encom MP-9 and MP-45.
- 22 (vi) Heckler & Koch model SP-89 pistol.
- 23 (vii) Intratec AB-10, TEC-22 Scorpion, TEC-9, and
- 24 TEC-DC9.
- 25 (viii) IWI Galil Ace pistol, UZI PRO pistol.
- 26 (ix) Kel-Tec PLR 16 pistol.

- 1 (x) All MAC types, including the following:
- 2 (I) MAC-10.
- 3 (II) MAC-11.
- 4 (III) Masterpiece Arms MPA A930 Mini Pistol,
- 5 MPA460 Pistol, MPA Tactical Pistol, and MPA Mini
- 6 Tactical Pistol.
- 7 (IV) Military Armament Corp. Ingram M-11.
- 8 (V) Velocity Arms VMAC.
- 9 (xi) Sig Sauer P556 pistol.
- 10 (xii) Sites Spectre.
- 11 (xiii) All Thompson types, including the
- 12 following:
- 13 (I) Thompson TA510D.
- 14 (II) Thompson TA5.
- 15 (xiv) All UZI types, including Micro-UZI.
- 16 (L) All of the following shotguns, copies, duplicates,
- 17 variants, or altered facsimiles with the capability of any
- 18 such weapon thereof:
- 19 (i) DERYA Anakon MC-1980, Anakon SD12.
- 20 (ii) Doruk Lethal shotguns.
- 21 (iii) Franchi LAW-12 and SPAS 12.
- 22 (iv) All IZHMASH Saiga 12 types, including the
- 23 following:
- 24 (I) IZHMASH Saiga 12.
- 25 (II) IZHMASH Saiga 12S.
- 26 (III) IZHMASH Saiga 12S EXP-01.

1 (IV) IZHMASH Saiga 12K.

2 (V) IZHMASH Saiga 12K-030.

3 (VI) IZHMASH Saiga 12K-040 Taktika.

4 (v) Streetsweeper.

5 (vi) Striker 12.

6 (2) "Assault weapon" does not include:

7 (A) Any firearm that is an unserviceable firearm or  
8 has been made permanently inoperable.

9 (B) An antique firearm or a replica of an antique  
10 firearm.

11 (C) A firearm that is manually operated by bolt, pump,  
12 lever or slide action, unless the firearm is a shotgun  
13 with a revolving cylinder.

14 (D) Any air rifle as defined in Section 24.8-0.1 of  
15 this Code.

16 (E) Any handgun, as defined under the Firearm  
17 Concealed Carry Act, unless otherwise listed in this  
18 Section.

19 (3) "Assault weapon attachment" means any device capable  
20 of being attached to a firearm that is specifically designed  
21 for making or converting a firearm into any of the firearms  
22 listed in paragraph (1) of this subsection (a).

23 (4) "Antique firearm" has the meaning ascribed to it in 18  
24 U.S.C. 921(a)(16).

25 (5) ".50 caliber rifle" means a centerfire rifle capable  
26 of firing a .50 caliber cartridge. The term does not include

1 any antique firearm, any shotgun including a shotgun that has  
2 a rifle barrel, or any muzzle-loader which uses black powder  
3 for hunting or historical reenactments.

4 (6) ".50 caliber cartridge" means a cartridge in .50 BMG  
5 caliber, either by designation or actual measurement, that is  
6 capable of being fired from a centerfire rifle. The term ".50  
7 caliber cartridge" does not include any memorabilia or display  
8 item that is filled with a permanent inert substance or that is  
9 otherwise permanently altered in a manner that prevents ready  
10 modification for use as live ammunition or shotgun ammunition  
11 with a caliber measurement that is equal to or greater than .50  
12 caliber.

13 (7) "Detachable magazine" means an ammunition feeding  
14 device that may be removed from a firearm without disassembly  
15 of the firearm action, including an ammunition feeding device  
16 that may be readily removed from a firearm with the use of a  
17 bullet, cartridge, accessory, or other tool, or any other  
18 object that functions as a tool, including a bullet or  
19 cartridge.

20 (8) "Fixed magazine" means an ammunition feeding device  
21 that is permanently attached to a firearm, or contained in and  
22 not removable from a firearm, or that is otherwise not a  
23 detachable magazine, but does not include an attached tubular  
24 device designed to accept, and capable of operating only with,  
25 .22 caliber rimfire ammunition.

26 (b) Except as provided in subsections (c), (d), and (e),

1 on or after January 10, 2023 (the effective date of Public Act  
2 102-1116) ~~this amendatory Act of the 102nd General Assembly,~~  
3 it is unlawful for any person within this State to knowingly  
4 manufacture, deliver, sell, import, or purchase or cause to be  
5 manufactured, delivered, sold, imported, or purchased by  
6 another, an assault weapon, assault weapon attachment, .50  
7 caliber rifle, or .50 caliber cartridge.

8 (c) Except as otherwise provided in subsection (d),  
9 beginning January 1, 2024, it is unlawful for any person  
10 within this State to knowingly possess an assault weapon,  
11 assault weapon attachment, .50 caliber rifle, or .50 caliber  
12 cartridge.

13 (d) This Section does not apply to a person's possession  
14 of an assault weapon, assault weapon attachment, .50 caliber  
15 rifle, or .50 caliber cartridge device if the person lawfully  
16 possessed that assault weapon, assault weapon attachment, .50  
17 caliber rifle, or .50 caliber cartridge prohibited by  
18 subsection (c) of this Section, if the person has provided in  
19 an endorsement affidavit, prior to January 1, 2024, under oath  
20 or affirmation and in the form and manner prescribed by the  
21 Illinois State Police, no later than October 1, 2023:

22 (1) the affiant's Firearm Owner's Identification Card  
23 number;

24 (2) an affirmation that the affiant: (i) possessed an  
25 assault weapon, assault weapon attachment, .50 caliber  
26 rifle, or .50 caliber cartridge before January 10, 2023

1 (the effective date of Public Act 102-1116) ~~this~~  
2 ~~amendatory Act of the 102nd General Assembly;~~ or (ii)  
3 inherited the assault weapon, assault weapon attachment,  
4 .50 caliber rifle, or .50 caliber cartridge from a person  
5 with an endorsement under this Section or from a person  
6 authorized under subdivisions (1) through (5) of  
7 subsection (e) to possess the assault weapon, assault  
8 weapon attachment, .50 caliber rifle, or .50 caliber  
9 cartridge; and

10 (3) the make, model, caliber, and serial number of the  
11 .50 caliber rifle or assault weapon or assault weapons  
12 listed in paragraphs (J), (K), and (L) of subdivision (1)  
13 of subsection (a) of this Section possessed by the affiant  
14 prior to January 10, 2023 (the effective date of Public  
15 Act 102-1116) ~~this amendatory Act of the 102nd General~~  
16 ~~Assembly~~ and any assault weapons identified and published  
17 by the Illinois State Police pursuant to this subdivision  
18 (3). No later than October 1, 2023, and every October 1  
19 thereafter, the Illinois State Police shall, via  
20 rulemaking, identify, publish, and make available on its  
21 website, the list of assault weapons subject to an  
22 endorsement affidavit under this subsection (d). The list  
23 shall identify, but is not limited to, the copies,  
24 duplicates, variants, and altered facsimiles of the  
25 assault weapons identified in paragraphs (J), (K), and (L)  
26 of subdivision (1) of subsection (a) of this Section and

1 shall be consistent with the definition of "assault  
2 weapon" identified in this Section. The Illinois State  
3 Police may adopt emergency rulemaking in accordance with  
4 Section 5-45 of the Illinois Administrative Procedure Act.  
5 The adoption of emergency rules authorized by Section 5-45  
6 of the Illinois Administrative Procedure Act and this  
7 paragraph is deemed to be necessary for the public  
8 interest, safety, and welfare.

9 The affidavit form shall include the following statement  
10 printed in bold type: "Warning: Entering false information on  
11 this form is punishable as perjury under Section 32-2 of the  
12 Criminal Code of 2012. Entering false information on this form  
13 is a violation of the Firearm Owners Identification Card Act."

14 In any administrative, civil, or criminal proceeding in  
15 this State, a completed endorsement affidavit submitted to the  
16 Illinois State Police by a person under this Section creates a  
17 rebuttable presumption that the person is entitled to possess  
18 and transport the assault weapon, assault weapon attachment,  
19 .50 caliber rifle, or .50 caliber cartridge.

20 Beginning 90 days after January 10, 2023 (the effective  
21 date of Public Act 102-1116) ~~this amendatory Act of the 102nd~~  
22 ~~General Assembly~~, a person authorized under this Section to  
23 possess an assault weapon, assault weapon attachment, .50  
24 caliber rifle, or .50 caliber cartridge shall possess such  
25 items only:

26 (1) on private property owned or immediately



1 controlled by the person;

2 (2) on private property that is not open to the public  
3 with the express permission of the person who owns or  
4 immediately controls such property;

5 (3) while on the premises of a licensed firearms  
6 dealer or gunsmith for the purpose of lawful repair;

7 (4) while engaged in the legal use of the assault  
8 weapon, assault weapon attachment, .50 caliber rifle, or  
9 .50 caliber cartridge at a properly licensed firing range  
10 or sport shooting competition venue; or

11 (5) while traveling to or from these locations,  
12 provided that the assault weapon, assault weapon  
13 attachment, or .50 caliber rifle is unloaded and the  
14 assault weapon, assault weapon attachment, .50 caliber  
15 rifle, or .50 caliber cartridge is enclosed in a case,  
16 firearm carrying box, shipping box, or other container.

17 Beginning on January 1, 2024, the person with the  
18 endorsement for an assault weapon, assault weapon attachment,  
19 .50 caliber rifle, or .50 caliber cartridge or a person  
20 authorized under subdivisions (1) through (5) of subsection  
21 (e) to possess an assault weapon, assault weapon attachment,  
22 .50 caliber rifle, or .50 caliber cartridge may transfer the  
23 assault weapon, assault weapon attachment, .50 caliber rifle,  
24 or .50 caliber cartridge only to an heir, an individual  
25 residing in another state maintaining it in another state, or  
26 a dealer licensed as a federal firearms dealer under Section

1 923 of the federal Gun Control Act of 1968. Within 10 days  
2 after transfer of the weapon except to an heir, the person  
3 shall notify the Illinois State Police of the name and address  
4 of the transferee and comply with the requirements of  
5 subsection (b) of Section 3 of the Firearm Owners  
6 Identification Card Act. The person to whom the weapon or  
7 ammunition is transferred shall, within 60 days of the  
8 transfer, complete an affidavit required under this Section. A  
9 person to whom the weapon is transferred may transfer it only  
10 as provided in this subsection.

11 Except as provided in subsection (e) and beginning on  
12 January 1, 2024, any person who moves into this State in  
13 possession of an assault weapon, assault weapon attachment,  
14 .50 caliber rifle, or .50 caliber cartridge shall, within 60  
15 days, apply for a Firearm Owners Identification Card and  
16 complete an endorsement application as outlined in subsection  
17 (d).

18 Notwithstanding any other law, information contained in  
19 the endorsement affidavit shall be confidential, is exempt  
20 from disclosure under the Freedom of Information Act, and  
21 shall not be disclosed, except to law enforcement agencies  
22 acting in the performance of their duties.

23 (e) The provisions of this Section regarding the purchase  
24 or possession of assault weapons, assault weapon attachments,  
25 .50 caliber rifles, and .50 cartridges, as well as the  
26 provisions of this Section that prohibit causing those items

1 to be purchased or possessed, do not apply to:

2 (1) Peace officers, as defined in Section 2-13 of this  
3 Code.

4 (2) Qualified law enforcement officers and qualified  
5 retired law enforcement officers as defined in the Law  
6 Enforcement Officers Safety Act of 2004 (18 U.S.C. 926B  
7 and 926C) and as recognized under Illinois law.

8 (3) Acquisition and possession by a federal, State, or  
9 local law enforcement agency for the purpose of equipping  
10 the agency's peace officers as defined in paragraph (1) or  
11 (2) of this subsection (e).

12 (4) Wardens, superintendents, and keepers of prisons,  
13 penitentiaries, jails, and other institutions for the  
14 detention of persons accused or convicted of an offense.

15 (5) Members of the Armed Services or Reserve Forces of  
16 the United States or the Illinois National Guard, while  
17 performing their official duties or while traveling to or  
18 from their places of duty.

19 (6) Any company that employs armed security officers  
20 in this State at a nuclear energy, storage, weapons, or  
21 development site or facility regulated by the federal  
22 Nuclear Regulatory Commission and any person employed as  
23 an armed security force member at a nuclear energy,  
24 storage, weapons, or development site or facility  
25 regulated by the federal Nuclear Regulatory Commission who  
26 has completed the background screening and training

1 mandated by the rules and regulations of the federal  
2 Nuclear Regulatory Commission and while performing  
3 official duties.

4 (7) Any private security contractor agency licensed  
5 under the Private Detective, Private Alarm, Private  
6 Security, Fingerprint Vendor, and Locksmith Act of 2004  
7 that employs private security contractors and any private  
8 security contractor who is licensed and has been issued a  
9 firearm control card under the Private Detective, Private  
10 Alarm, Private Security, Fingerprint Vendor, and Locksmith  
11 Act of 2004 while performing official duties.

12 The provisions of this Section do not apply to the  
13 manufacture, delivery, sale, import, purchase, or possession  
14 of an assault weapon, assault weapon attachment, .50 caliber  
15 rifle, or .50 caliber cartridge or causing the manufacture,  
16 delivery, sale, importation, purchase, or possession of those  
17 items:

18 (A) for sale or transfer to persons authorized under  
19 subdivisions (1) through (7) of this subsection (e) to  
20 possess those items;

21 (B) for sale or transfer to the United States or any  
22 department or agency thereof; or

23 (C) for sale or transfer in another state or for  
24 export.

25 This Section does not apply to or affect any of the  
26 following:

1           (i) Possession of any firearm if that firearm is  
2 sanctioned by the International Olympic Committee and by  
3 USA Shooting, the national governing body for  
4 international shooting competition in the United States,  
5 but only when the firearm is in the actual possession of an  
6 Olympic target shooting competitor or target shooting  
7 coach for the purpose of storage, transporting to and from  
8 Olympic target shooting practice or events if the firearm  
9 is broken down in a nonfunctioning state, is not  
10 immediately accessible, or is unloaded and enclosed in a  
11 firearm case, carrying box, shipping box, or other similar  
12 portable container designed for the safe transportation of  
13 firearms, and when the Olympic target shooting competitor  
14 or target shooting coach is engaging in those practices or  
15 events. For the purposes of this paragraph (8), "firearm"  
16 has the meaning provided in Section 1.1 of the Firearm  
17 Owners Identification Card Act.

18           (ii) Any nonresident who transports, within 24 hours,  
19 a weapon for any lawful purpose from any place where the  
20 nonresident may lawfully possess and carry that weapon to  
21 any other place where the nonresident may lawfully possess  
22 and carry that weapon if, during the transportation, the  
23 weapon is unloaded, and neither the weapon nor any  
24 ammunition being transported is readily accessible or is  
25 directly accessible from the passenger compartment of the  
26 transporting vehicle. In the case of a vehicle without a

1 compartment separate from the driver's compartment, the  
2 weapon or ammunition shall be contained in a locked  
3 container other than the glove compartment or console.

4 (iii) Possession of a weapon at an event taking place  
5 at the World Shooting and Recreational Complex at Sparta,  
6 only while engaged in the legal use of the weapon, or while  
7 traveling to or from that location if the weapon is broken  
8 down in a nonfunctioning state, is not immediately  
9 accessible, or is unloaded and enclosed in a firearm case,  
10 carrying box, shipping box, or other similar portable  
11 container designed for the safe transportation of  
12 firearms.

13 (iv) Possession of a weapon only for hunting use  
14 expressly permitted under the Wildlife Code, or while  
15 traveling to or from a location authorized for this  
16 hunting use under the Wildlife Code if the weapon is  
17 broken down in a nonfunctioning state, is not immediately  
18 accessible, or is unloaded and enclosed in a firearm case,  
19 carrying box, shipping box, or other similar portable  
20 container designed for the safe transportation of  
21 firearms. By October 1, 2023, the Illinois State Police,  
22 in consultation with the Department of Natural Resources,  
23 shall adopt rules concerning the list of applicable  
24 weapons approved under this subparagraph (iv). The  
25 Illinois State Police may adopt emergency rules in  
26 accordance with Section 5-45 of the Illinois

1 Administrative Procedure Act. The adoption of emergency  
2 rules authorized by Section 5-45 of the Illinois  
3 Administrative Procedure Act and this paragraph is deemed  
4 to be necessary for the public interest, safety, and  
5 welfare.

6 (v) The manufacture, transportation, possession, sale,  
7 or rental of blank-firing assault weapons and .50 caliber  
8 rifles, or the weapon's respective attachments, to persons  
9 authorized or permitted, or both authorized and permitted,  
10 to acquire and possess these weapons or attachments for  
11 the purpose of rental for use solely as props for a motion  
12 picture, television, or video production or entertainment  
13 event.

14 Any person not subject to this Section may submit an  
15 endorsement affidavit if the person chooses.

16 (f) Any sale or transfer with a background check initiated  
17 to the Illinois State Police on or before January 10, 2023 (the  
18 effective date of Public Act 102-1116) ~~this amendatory Act of~~  
19 ~~the 102nd General Assembly~~ is allowed to be completed after  
20 January 10, 2023 ~~the effective date of this amendatory Act~~  
21 once an approval is issued by the Illinois State Police and any  
22 applicable waiting period under Section 24-3 has expired.

23 (g) The Illinois State Police shall take all steps  
24 necessary to carry out the requirements of this Section ~~within~~  
25 by October 1, 2023.

26 (h) The Illinois ~~Department of the~~ State Police shall also

1 develop and implement a public notice and public outreach  
2 campaign to promote awareness about the provisions of Public  
3 Act 102-1116 ~~this amendatory Act of the 102nd General Assembly~~  
4 and to increase compliance with this Section.

5 (Source: P.A. 102-1116, eff. 1-10-23; revised 4-6-23.)

6 (720 ILCS 5/24-1.10)

7 Sec. 24-1.10. Manufacture, delivery, sale, and possession  
8 of large capacity ammunition feeding devices.

9 (a) In this Section:

10 "Handgun" has the meaning ascribed to it in the Firearm  
11 Concealed Carry Act.

12 "Long gun" means a rifle or shotgun.

13 "Large capacity ammunition feeding device" means:

14 (1) a magazine, belt, drum, feed strip, or similar  
15 device that has a capacity of, or that can be readily  
16 restored or converted to accept, more than 10 rounds of  
17 ammunition for long guns and more than 15 rounds of  
18 ammunition for handguns; or

19 (2) any combination of parts from which a device  
20 described in paragraph (1) can be assembled.

21 "Large capacity ammunition feeding device" does not  
22 include an attached tubular device designed to accept, and  
23 capable of operating only with, .22 caliber rimfire  
24 ammunition. "Large capacity ammunition feeding device" does  
25 not include a tubular magazine that is contained in a



1 lever-action firearm or any device that has been made  
2 permanently inoperable.

3 (b) Except as provided in subsections (e) and (f), it is  
4 unlawful for any person within this State to knowingly  
5 manufacture, deliver, sell, purchase, or cause to be  
6 manufactured, delivered, sold, or purchased a large capacity  
7 ammunition feeding device.

8 (c) Except as provided in subsections (d), (e), and (f),  
9 and beginning 90 days after January 10, 2023 (the effective  
10 date of Public Act 102-1116) ~~this amendatory Act of the 102nd~~  
11 ~~General Assembly~~, it is unlawful to knowingly possess a large  
12 capacity ammunition feeding device.

13 (d) Subsection (c) does not apply to a person's possession  
14 of a large capacity ammunition feeding device if the person  
15 lawfully possessed that large capacity ammunition feeding  
16 device before January 10, 2023 (the effective date of Public  
17 Act 102-1116) ~~this amendatory Act of the 102nd General~~  
18 ~~Assembly~~, provided that the person shall possess such device  
19 only:

20 (1) on private property owned or immediately  
21 controlled by the person;

22 (2) on private property that is not open to the public  
23 with the express permission of the person who owns or  
24 immediately controls such property;

25 (3) while on the premises of a licensed firearms  
26 dealer or gunsmith for the purpose of lawful repair;

1           (4) while engaged in the legal use of the large  
2           capacity ammunition feeding device at a properly licensed  
3           firing range or sport shooting competition venue; or

4           (5) while traveling to or from these locations,  
5           provided that the large capacity ammunition feeding device  
6           is stored unloaded and enclosed in a case, firearm  
7           carrying box, shipping box, or other container.

8           A person authorized under this Section to possess a large  
9           capacity ammunition feeding device may transfer the large  
10          capacity ammunition feeding device only to an heir, an  
11          individual residing in another state maintaining it in another  
12          state, or a dealer licensed as a federal firearms dealer under  
13          Section 923 of the federal Gun Control Act of 1968. Within 10  
14          days after transfer of the large capacity ammunition feeding  
15          device except to an heir, the person shall notify the Illinois  
16          State Police of the name and address of the transferee and  
17          comply with the requirements of subsection (b) of Section 3 of  
18          the Firearm Owners Identification Card Act. The person to whom  
19          the large capacity ammunition feeding device is transferred  
20          shall, within 60 days of the transfer, notify the Illinois  
21          State Police of the person's acquisition and comply with the  
22          requirements of subsection (b) of Section 3 of the Firearm  
23          Owners Identification Card Act. A person to whom the large  
24          capacity ammunition feeding device is transferred may transfer  
25          it only as provided in this subsection.

26          Except as provided in subsections (e) and (f) and

1 beginning 90 days after January 10, 2023 (the effective date  
2 of Public Act 102-1116) ~~this amendatory Act of the 102nd~~  
3 ~~General Assembly~~, any person who moves into this State in  
4 possession of a large capacity ammunition feeding device  
5 shall, within 60 days, apply for a Firearm Owners  
6 Identification Card.

7 (e) The provisions of this Section regarding the purchase  
8 or possession of large capacity ammunition feeding devices, as  
9 well as the provisions of this Section that prohibit causing  
10 those items to be purchased or possessed, do not apply to:

11 (1) Peace officers as defined in Section 2-13 of this  
12 Code.

13 (2) Qualified law enforcement officers and qualified  
14 retired law enforcement officers as defined in the Law  
15 Enforcement Officers Safety Act of 2004 (18 U.S.C. 926B  
16 and 926C) and as recognized under Illinois law.

17 (3) A federal, State, or local law enforcement agency  
18 for the purpose of equipping the agency's peace officers  
19 as defined in paragraph (1) or (2) of this subsection (e).

20 (4) Wardens, superintendents, and keepers of prisons,  
21 penitentiaries, jails, and other institutions for the  
22 detention of persons accused or convicted of an offense.

23 (5) Members of the Armed Services or Reserve Forces of  
24 the United States or the Illinois National Guard, while  
25 performing their official duties or while traveling to or  
26 from their places of duty.

1           (6) Any company that employs armed security officers  
2           in this State at a nuclear energy, storage, weapons, or  
3           development site or facility regulated by the federal  
4           Nuclear Regulatory Commission and any person employed as  
5           an armed security force member at a nuclear energy,  
6           storage, weapons, or development site or facility  
7           regulated by the federal Nuclear Regulatory Commission who  
8           has completed the background screening and training  
9           mandated by the rules and regulations of the federal  
10          Nuclear Regulatory Commission and while performing  
11          official duties.

12          (7) Any private security contractor agency licensed  
13          under the Private Detective, Private Alarm, Private  
14          Security, Fingerprint Vendor, and Locksmith Act of 2004  
15          that employs private security contractors and any private  
16          security contractor who is licensed and has been issued a  
17          firearm control card under the Private Detective, Private  
18          Alarm, Private Security, Fingerprint Vendor, and Locksmith  
19          Act of 2004 while performing official duties.

20          (f) This Section does not apply to or affect any of the  
21          following:

22                 (1) Manufacture, delivery, sale, importation,  
23                 purchase, or possession or causing to be manufactured,  
24                 delivered, sold, imported, purchased, or possessed a large  
25                 capacity ammunition feeding device:

26                         (A) for sale or transfer to persons authorized

1 under subdivisions (1) through (7) of subsection (e)  
2 to possess those items;

3 (B) for sale or transfer to the United States or  
4 any department or agency thereof; or

5 (C) for sale or transfer in another state or for  
6 export.

7 (2) Sale or rental of large capacity ammunition  
8 feeding devices for blank-firing assault weapons and .50  
9 caliber rifles, to persons authorized or permitted, or  
10 both authorized and permitted, to acquire these devices  
11 for the purpose of rental for use solely as props for a  
12 motion picture, television, or video production or  
13 entertainment event.

14 (g) Sentence. A person who knowingly manufactures,  
15 delivers, sells, purchases, possesses, or causes to be  
16 manufactured, delivered, sold, possessed, or purchased in  
17 violation of this Section a large capacity ammunition feeding  
18 device capable of holding more than 10 rounds of ammunition  
19 for long guns or more than 15 rounds of ammunition for handguns  
20 commits a petty offense with a fine of \$1,000 for each  
21 violation.

22 (h) The Illinois Department of the State Police shall also  
23 develop and implement a public notice and public outreach  
24 campaign to promote awareness about the provisions of Public  
25 Act 102-1116 ~~this amendatory Act of the 102nd General Assembly~~  
26 and to increase compliance with this Section.

1 (Source: P.A. 102-1116, eff. 1-10-23; revised 4-6-23.)

2 (720 ILCS 5/24-5.1)

3 Sec. 24-5.1. Serialization of unfinished frames or  
4 receivers; prohibition on unserialized firearms; exceptions;  
5 penalties.

6 (a) In this Section:

7 "Bona fide supplier" means an established business entity  
8 engaged in the development and sale of firearms parts to one or  
9 more federal firearms manufacturers or federal firearms  
10 importers.

11 "Federal firearms dealer" means a licensed manufacturer  
12 pursuant to 18 U.S.C. 921(a)(11).

13 "Federal firearms importer" means a licensed importer  
14 pursuant to 18 U.S.C. 921(a)(9).

15 "Federal firearms manufacturer" means a licensed  
16 manufacturer pursuant to 18 U.S.C. 921(a)(10).

17 "Frame or receiver" means a part of a firearm that, when  
18 the complete weapon is assembled, is visible from the exterior  
19 and provides housing or a structure designed to hold or  
20 integrate one or more fire control components, even if pins or  
21 other attachments are required to connect those components to  
22 the housing or structure. For models of firearms in which  
23 multiple parts provide such housing or structure, the part or  
24 parts that the Director of the federal Bureau of Alcohol,  
25 Tobacco, Firearms and Explosives has determined are a frame or

1 receiver constitute the frame or receiver. For purposes of  
2 this definition, "fire control component" means a component  
3 necessary for the firearm to initiate, complete, or continue  
4 the firing sequence, including any of the following: hammer,  
5 bolt, bolt carrier, breechblock, cylinder, trigger mechanism,  
6 firing pin, striker, or slide rails.

7 "Security exemplar" means an object to be fabricated at  
8 the direction of the United States Attorney General that is  
9 (1) constructed of 3.7 ounces of material type 17-4 PH  
10 stainless steel in a shape resembling a handgun and (2)  
11 suitable for testing and calibrating metal detectors.

12 "Three-dimensional printer" means a computer or  
13 computer-drive machine capable of producing a  
14 three-dimensional object from a digital model.

15 "Undetectable firearm" means (1) a firearm constructed  
16 entirely of non-metal substances; (2) a firearm that, after  
17 removal of all parts but the major components of the firearm,  
18 is not detectable by walk-through metal detectors calibrated  
19 and operated to detect the security exemplar; or (3) a firearm  
20 that includes a major component of a firearm, which, if  
21 subject to the types of detection devices commonly used at  
22 airports for security screening, would not generate an image  
23 that accurately depicts the shape of the component.  
24 "Undetectable firearm" does not include a firearm subject to  
25 the provisions of 18 U.S.C. 922(p) (3) through (6).

26 "Unfinished frame or receiver" means any forging, casting,

1 printing, extrusion, machined body, or similar article that:

2 (1) has reached a stage in manufacture where it may  
3 readily be completed, assembled, or converted to be a  
4 functional firearm; or

5 (2) is marketed or sold to the public to become or be  
6 used as the frame or receiver of a functional firearm once  
7 completed, assembled, or converted.

8 "Unserialized" means lacking a serial number imprinted by:

9 (1) a federal firearms manufacturer, federal firearms  
10 importer, federal firearms dealer, or other federal  
11 licensee authorized to provide marking services, pursuant  
12 to a requirement under federal law; or

13 (2) a federal firearms dealer or other federal  
14 licensee authorized to provide marking services pursuant  
15 to subsection (f) of this Section.

16 (b) It is unlawful for any person to knowingly sell, offer  
17 to sell, or transfer an unserialized unfinished frame or  
18 receiver or unserialized firearm, including those produced  
19 using a three-dimensional printer, unless the party purchasing  
20 or receiving the unfinished frame or receiver or unserialized  
21 firearm is a federal firearms importer, federal firearms  
22 manufacturer, or federal firearms dealer.

23 (c) Beginning 180 days after May 18, 2022 (the effective  
24 date of Public Act 102-889) ~~this amendatory Act of the 102nd~~  
25 ~~General Assembly~~, it is unlawful for any person to knowingly  
26 possess, transport, or receive an unfinished frame or



1 receiver, unless:

2 (1) the party possessing or receiving the unfinished  
3 frame or receiver is a federal firearms importer or  
4 federal firearms manufacturer;

5 (2) the unfinished frame or receiver is possessed or  
6 transported by a person for transfer to a federal firearms  
7 importer or federal firearms manufacturer; or

8 (3) the unfinished frame or receiver has been  
9 imprinted with a serial number issued by a federal  
10 firearms importer or federal firearms manufacturer in  
11 compliance with subsection (f) of this Section.

12 (d) Beginning 180 days after May 18, 2022 (the effective  
13 date of Public Act 102-889) ~~this amendatory Act of the 102nd~~  
14 ~~General Assembly~~, unless the party receiving the firearm is a  
15 federal firearms importer or federal firearms manufacturer, it  
16 is unlawful for any person to knowingly possess, purchase,  
17 transport, or receive a firearm that is not imprinted with a  
18 serial number by (1) a federal firearms importer or federal  
19 firearms manufacturer in compliance with all federal laws and  
20 regulations regulating the manufacture and import of firearms  
21 or (2) a federal firearms manufacturer, federal firearms  
22 dealer, or other federal licensee authorized to provide  
23 marking services in compliance with the unserialized firearm  
24 serialization process under subsection (f) of this Section.

25 (e) Any firearm or unfinished frame or receiver  
26 manufactured using a three-dimensional printer must also be

1 serialized in accordance with the requirements of subsection  
2 (f) within 30 days after May 18, 2022 (the effective date of  
3 Public Act 102-889) ~~this amendatory Act of the 102nd General~~  
4 ~~Assembly~~, or prior to reaching a stage of manufacture where it  
5 may be readily completed, assembled, or converted to be a  
6 functional firearm.

7 (f) Unserialized unfinished frames or receivers and  
8 unserialized firearms serialized pursuant to this Section  
9 shall be serialized in compliance with all of the following:

10 (1) An unserialized unfinished frame or receiver and  
11 unserialized firearm shall be serialized by a federally  
12 licensed firearms dealer or other federal licensee  
13 authorized to provide marking services with the licensee's  
14 abbreviated federal firearms license number as a prefix  
15 (which is the first 3 and last 5 digits) followed by a  
16 hyphen, and then followed by a number as a suffix, such as  
17 12345678-(number). The serial number or numbers must be  
18 placed in a manner that accords with the requirements  
19 under federal law for affixing serial numbers to firearms,  
20 including the requirements that the serial number or  
21 numbers be at the minimum size and depth, and not  
22 susceptible to being readily obliterated, altered, or  
23 removed, and the licensee must retain records that accord  
24 with the requirements under federal law in the case of the  
25 sale of a firearm. The imprinting of any serial number  
26 upon an ~~a~~ undetectable firearm must be done on a steel

1 plaque in compliance with 18 U.S.C. 922(p).

2 (2) Every federally licensed firearms dealer or other  
3 federal licensee that engraves, casts, stamps, or  
4 otherwise conspicuously and permanently places a unique  
5 serial number pursuant to this Section shall maintain a  
6 record of such indefinitely. Licensees subject to the  
7 Firearm Dealer License Certification Act shall make all  
8 records accessible for inspection upon the request of the  
9 Illinois State Police or a law enforcement agency in  
10 accordance with Section 5-35 of the Firearm Dealer License  
11 Certification Act.

12 (3) Every federally licensed firearms dealer or other  
13 federal licensee that engraves, casts, stamps, or  
14 otherwise conspicuously and permanently places a unique  
15 serial number pursuant to this Section shall record it at  
16 the time of every transaction involving the transfer of a  
17 firearm, rifle, shotgun, finished frame or receiver, or  
18 unfinished frame or receiver that has been so marked in  
19 compliance with the federal guidelines set forth in 27 CFR  
20 478.124.

21 (4) Every federally licensed firearms dealer or other  
22 federal licensee that engraves, casts, stamps, or  
23 otherwise conspicuously and permanently places a unique  
24 serial number pursuant to this Section shall review and  
25 confirm the validity of the owner's Firearm Owner's  
26 Identification Card issued under the Firearm Owners

1 Identification Card Act prior to returning the firearm to  
2 the owner.

3 (g) Within 30 days after May 18, 2022 (the effective date  
4 of Public Act 102-889) ~~this amendatory Act of the 102nd~~  
5 ~~General Assembly~~, the Director of the Illinois State Police  
6 shall issue a public notice regarding the provisions of this  
7 Section. The notice shall include posting on the Illinois  
8 State Police website and may include written notification or  
9 any other means of communication statewide to all  
10 Illinois-based federal firearms manufacturers, federal  
11 firearms dealers, or other federal licensees authorized to  
12 provide marking services in compliance with the serialization  
13 process in subsection (f) in order to educate the public.

14 (h) Exceptions. This Section does not apply to an  
15 unserialized unfinished frame or receiver or an unserialized  
16 firearm that:

17 (1) has been rendered permanently inoperable;

18 (2) is an antique firearm, as defined in 18 U.S.C.  
19 921(a)(16);

20 (3) was manufactured prior to October 22, 1968;

21 (4) is an unfinished frame or receiver and is  
22 possessed by a bona fide supplier exclusively for transfer  
23 to a federal firearms manufacturer or federal firearms  
24 importer, or is possessed by a federal firearms  
25 manufacturer or federal firearms importer in compliance  
26 with all federal laws and regulations regulating the

1 manufacture and import of firearms; except this exemption  
2 does not apply if an unfinished frame or receiver is  
3 possessed for transfer or is transferred to a person other  
4 than a federal firearms manufacturer or federal firearms  
5 importer; or

6 (5) is possessed by a person who received the  
7 unserialized unfinished frame or receiver or unserialized  
8 firearm through inheritance, and is not otherwise  
9 prohibited from possessing the unserialized unfinished  
10 frame or receiver or unserialized firearm, for a period  
11 not exceeding 30 days after inheriting the unserialized  
12 unfinished frame or receiver or unserialized firearm.

13 (i) Penalties.

14 (1) A person who violates subsection (c) or (d) is  
15 guilty of a Class A misdemeanor for a first violation and  
16 is guilty of a Class 3 felony for a second or subsequent  
17 violation.

18 (2) A person who violates subsection (b) is guilty of  
19 a Class 4 felony for a first violation and is guilty of a  
20 Class 2 felony for a second or subsequent violation.

21 (Source: P.A. 102-889, eff. 5-18-22; revised 1-3-24.)

22 Section 565. The Unified Code of Corrections is amended by  
23 changing Sections 3-2-13, 3-2.7-5, 3-2.7-10, 3-2.7-20,  
24 3-2.7-25, 3-2.7-30, 3-2.7-35, 3-2.7-40, 3-2.7-50, 3-2.7-55,  
25 3-5-1, 3-6-3, 3-8-10, 5-4-1, 5-4-3, 5-4.5-105, 5-6-3, 5-9-1.4,

1 and 5-9-1.9 as follows:

2 (730 ILCS 5/3-2-13)

3 Sec. 3-2-13. Possession of a Firearm Owner's  
4 Identification Card. The Department of Corrections shall not  
5 make possession of a Firearm Owner's Identification Card a  
6 condition of continued employment as a Department employee  
7 authorized to possess firearms if the employee's Firearm  
8 Owner's Identification Card is revoked or seized because the  
9 employee has been a patient of a mental health facility and the  
10 employee has not been determined to pose a clear and present  
11 danger to himself, herself, or others as determined by a  
12 physician, clinical psychologist, or qualified examiner.  
13 Nothing in ~~is~~ this Section shall otherwise impair the  
14 Department's ability to determine an employee's fitness for  
15 duty. A collective bargaining agreement already in effect on  
16 this issue on January 1, 2022 (the effective date of Public Act  
17 102-645) ~~this amendatory Act of the 102nd General Assembly~~  
18 cannot be modified, but on or after January 1, 2022 (the  
19 effective date of Public Act 102-645) ~~this amendatory Act of~~  
20 ~~the 102nd General Assembly~~, the Department cannot require a  
21 Firearm Owner's Identification Card as a condition of  
22 continued employment in a collective bargaining agreement. The  
23 Department shall document if and why an employee has been  
24 determined to pose a clear and present danger. In this  
25 Section, "mental health facility" and "qualified examiner"

1 have the meanings provided in the Mental Health and  
2 Developmental Disabilities Code.

3 (Source: P.A. 102-645, eff. 1-1-22; revised 4-6-23.)

4 (730 ILCS 5/3-2.7-5)

5 (Text of Section before amendment by P.A. 103-397)

6 Sec. 3-2.7-5. Purpose. The purpose of this Article is to  
7 create within the Department of Juvenile Justice the Office of  
8 Independent Juvenile Ombudsperson for the purpose of securing  
9 the rights of youth committed to the Department of Juvenile  
10 Justice, including youth released on aftercare before final  
11 discharge.

12 (Source: P.A. 103-22, eff. 8-8-23.)

13 (Text of Section after amendment by P.A. 103-397)

14 Sec. 3-2.7-5. Purpose. The purpose of this Article is to  
15 create within the Department of Juvenile Justice the Office of  
16 Independent Juvenile Ombudsperson for the purpose of securing  
17 the rights of youth committed to the Department of Juvenile  
18 Justice and county-operated juvenile detention centers,  
19 including youth released on aftercare before final discharge.

20 (Source: P.A. 103-22, eff. 8-8-23; 103-397, eff. 1-1-25;  
21 revised 9-14-23.)

22 (730 ILCS 5/3-2.7-10)

23 (Text of Section before amendment by P.A. 103-397)

1           Sec. 3-2.7-10. Definitions. In this Article, unless the  
2 context requires otherwise:

3           "Department" means the Department of Juvenile Justice.

4           "Immediate family or household member" means the spouse,  
5 child, parent, brother, sister, grandparent, or grandchild,  
6 whether of the whole blood or half blood or by adoption, or a  
7 person who shares a common dwelling.

8           "Juvenile justice system" means all activities by public  
9 or private agencies or persons pertaining to youth involved in  
10 or having contact with the police, courts, or corrections.

11           "Office" means the Office of the Independent Juvenile  
12 Ombudsperson.

13           "Ombudsperson" means the Department of Juvenile Justice  
14 Independent Juvenile Ombudsperson.

15           "Youth" means any person committed by court order to the  
16 custody of the Department of Juvenile Justice, including youth  
17 released on aftercare before final discharge.

18           (Source: P.A. 103-22, eff. 8-8-23.)

19           (Text of Section after amendment by P.A. 103-397)

20           Sec. 3-2.7-10. Definitions. In this Article, unless the  
21 context requires otherwise:

22           "County-operated juvenile detention center" means any  
23 shelter care home or detention home as "shelter" and  
24 "detention" are defined in Section 1.1 of the County Shelter  
25 Care and Detention Home Act and any other facility that



1 detains youth in the juvenile justice system that is  
2 specifically designated to detain or incarcerate youth.  
3 "County-operated juvenile detention center" does not include  
4 police or other temporary law enforcement holding locations.

5 "Department" means the Department of Juvenile Justice.

6 "Immediate family or household member" means the spouse,  
7 child, parent, brother, sister, grandparent, or grandchild,  
8 whether of the whole blood or half blood or by adoption, or a  
9 person who shares a common dwelling.

10 "Juvenile justice system" means all activities by public  
11 or private agencies or persons pertaining to youth involved in  
12 or having contact with the police, courts, or corrections.

13 "Office" means the Office of the Independent Juvenile  
14 Ombudsperson.

15 "Ombudsperson" means the Department of Juvenile Justice  
16 Independent Juvenile Ombudsperson.

17 "Youth" means any person committed by court order to the  
18 custody of the Department of Juvenile Justice or a  
19 county-operated juvenile detention center, including youth  
20 released on aftercare before final discharge.

21 (Source: P.A. 103-22, eff. 8-8-23; 103-397, eff. 1-1-25;  
22 revised 9-14-23.)

23 (730 ILCS 5/3-2.7-20)

24 (Text of Section before amendment by P.A. 103-397)

25 Sec. 3-2.7-20. Conflicts of interest. A person may not

1 serve as Ombudsperson or as a deputy if the person or the  
2 person's immediate family or household member:

3 (1) is or has been employed by the Department of  
4 Juvenile Justice or Department of Corrections within one  
5 year prior to appointment, other than as Ombudsperson or  
6 Deputy Ombudsperson;

7 (2) participates in the management of a business  
8 entity or other organization receiving funds from the  
9 Department of Juvenile Justice;

10 (3) owns or controls, directly or indirectly, any  
11 interest in a business entity or other organization  
12 receiving funds from the Department of Juvenile Justice;

13 (4) uses or receives any amount of tangible goods,  
14 services, or funds from the Department of Juvenile  
15 Justice, other than as Ombudsperson or Deputy  
16 Ombudsperson; or

17 (5) is required to register as a lobbyist for an  
18 organization that interacts with the juvenile justice  
19 system.

20 (Source: P.A. 103-22, eff. 8-8-23.)

21 (Text of Section after amendment by P.A. 103-397)

22 Sec. 3-2.7-20. Conflicts of interest. A person may not  
23 serve as Ombudsperson or as a deputy if the person or the  
24 person's immediate family or household member:

25 (1) is or has been employed by the Department of

1 Juvenile Justice, Department of Corrections, or a  
2 county-operated juvenile detention center within one year  
3 prior to appointment, other than as Ombudsperson or Deputy  
4 Ombudsperson;

5 (2) participates in the management of a business  
6 entity or other organization receiving funds from the  
7 Department of Juvenile Justice or a county-operated  
8 juvenile detention center;

9 (3) owns or controls, directly or indirectly, any  
10 interest in a business entity or other organization  
11 receiving funds from the Department of Juvenile Justice or  
12 a county-operated juvenile detention center;

13 (4) uses or receives any amount of tangible goods,  
14 services, or funds from the Department of Juvenile Justice  
15 or a county-operated juvenile detention center, other than  
16 as Ombudsperson or Deputy Ombudsperson; or

17 (5) is required to register as a lobbyist for an  
18 organization that interacts with the juvenile justice  
19 system.

20 (Source: P.A. 103-22, eff. 8-8-23; 103-397, eff. 1-1-25;  
21 revised 9-14-23.)

22 (730 ILCS 5/3-2.7-25)

23 (Text of Section before amendment by P.A. 103-397)

24 Sec. 3-2.7-25. Duties and powers.

25 (a) The Independent Juvenile Ombudsperson shall function

1 independently within the Department of Juvenile Justice with  
2 respect to the operations of the Office in performance of the  
3 Ombudsperson's duties under this Article and shall report to  
4 the Governor. The Ombudsperson shall adopt rules and standards  
5 as may be necessary or desirable to carry out the  
6 Ombudsperson's duties. Funding for the Office shall be  
7 designated separately within Department funds. The Department  
8 shall provide necessary administrative services and facilities  
9 to the Office of the Independent Juvenile Ombudsperson.

10 (b) The Office of Independent Juvenile Ombudsperson shall  
11 have the following duties:

12 (1) review and monitor the implementation of the rules  
13 and standards established by the Department of Juvenile  
14 Justice and evaluate the delivery of services to youth to  
15 ensure that the rights of youth are fully observed;

16 (2) provide assistance to a youth or family whom the  
17 Ombudsperson determines is in need of assistance,  
18 including advocating with an agency, provider, or other  
19 person in the best interests of the youth;

20 (3) investigate and attempt to resolve complaints made  
21 by or on behalf of youth, other than complaints alleging  
22 criminal behavior or violations of the State Officials and  
23 Employees Ethics Act, if the Office determines that the  
24 investigation and resolution would further the purpose of  
25 the Office, and:

26 (A) a youth committed to the Department of

1 Juvenile Justice or the youth's family is in need of  
2 assistance from the Office; or

3 (B) a systemic issue in the Department of Juvenile  
4 Justice's provision of services is raised by a  
5 complaint;

6 (4) review or inspect periodically the facilities and  
7 procedures of any facility in which a youth has been  
8 placed by the Department of Juvenile Justice to ensure  
9 that the rights of youth are fully observed; and

10 (5) be accessible to and meet confidentially and  
11 regularly with youth committed to the Department and serve  
12 as a resource by informing them of pertinent laws, rules,  
13 and policies, and their rights thereunder.

14 (c) The following cases shall be reported immediately to  
15 the Director of Juvenile Justice and the Governor:

16 (1) cases of severe abuse or injury of a youth;

17 (2) serious misconduct, misfeasance, malfeasance, or  
18 serious violations of policies and procedures concerning  
19 the administration of a Department of Juvenile Justice  
20 program or operation;

21 (3) serious problems concerning the delivery of  
22 services in a facility operated by or under contract with  
23 the Department of Juvenile Justice;

24 (4) interference by the Department of Juvenile Justice  
25 with an investigation conducted by the Office; and

26 (5) other cases as deemed necessary by the

1 Ombudsperson.

2 (d) Notwithstanding any other provision of law, the  
3 Ombudsperson may not investigate alleged criminal behavior or  
4 violations of the State Officials and Employees Ethics Act. If  
5 the Ombudsperson determines that a possible criminal act has  
6 been committed, or that special expertise is required in the  
7 investigation, the Ombudsperson shall immediately notify the  
8 Illinois State Police. If the Ombudsperson determines that a  
9 possible violation of the State Officials and Employees Ethics  
10 Act has occurred, the Ombudsperson shall immediately refer the  
11 incident to the Office of the Governor's Executive Inspector  
12 General for investigation. If the Ombudsperson receives a  
13 complaint from a youth or third party regarding suspected  
14 abuse or neglect of a child, the Ombudsperson shall refer the  
15 incident to the Child Abuse and Neglect Hotline or to the  
16 Illinois State Police as mandated by the Abused and Neglected  
17 Child Reporting Act. Any investigation conducted by the  
18 Ombudsperson shall not be duplicative and shall be separate  
19 from any investigation mandated by the Abused and Neglected  
20 Child Reporting Act. All investigations conducted by the  
21 Ombudsperson shall be conducted in a manner designed to ensure  
22 the preservation of evidence for possible use in a criminal  
23 prosecution.

24 (e) In performance of the Ombudsperson's duties, the  
25 Ombudsperson may:

26 (1) review court files of youth;

1           (2) recommend policies, rules, and legislation  
2           designed to protect youth;

3           (3) make appropriate referrals under any of the duties  
4           and powers listed in this Section;

5           (4) attend internal administrative and disciplinary  
6           hearings to ensure the rights of youth are fully observed  
7           and advocate for the best interest of youth when deemed  
8           necessary; and

9           (5) perform other acts, otherwise permitted or  
10          required by law, in furtherance of the purpose of the  
11          Office.

12          (f) To assess if a youth's rights have been violated, the  
13          Ombudsperson may, in any matter that does not involve alleged  
14          criminal behavior, contact or consult with an administrator,  
15          employee, youth, parent, expert, or any other individual in  
16          the course of the Ombudsperson's investigation or to secure  
17          information as necessary to fulfill the Ombudsperson's duties.  
18          (Source: P.A. 102-538, eff. 8-20-21; 103-22, eff. 8-8-23.)

19           (Text of Section after amendment by P.A. 103-397)

20           Sec. 3-2.7-25. Duties and powers.

21           (a) The Independent Juvenile Ombudsperson shall function  
22           independently within the Department of Juvenile Justice and  
23           county-operated juvenile detention centers with respect to the  
24           operations of the Office in performance of the Ombudsperson's  
25           duties under this Article and shall report to the Governor and

1 to local authorities as provided in Section 3-2.7-50. The  
2 Ombudsperson shall adopt rules and standards as may be  
3 necessary or desirable to carry out the Ombudsperson's duties.  
4 Funding for the Office shall be designated separately within  
5 Department funds and shall include funds for operations at  
6 county-operated juvenile detention centers. The Department  
7 shall provide necessary administrative services and facilities  
8 to the Office of the Independent Juvenile Ombudsperson.  
9 County-operated juvenile detention centers shall provide  
10 necessary administrative services and space, upon request,  
11 inside the facility to the Office of the Independent Juvenile  
12 Ombudsperson ~~Ombudsman~~ to meet confidentially with youth and  
13 otherwise in performance of the Ombudsperson's ~~his or her~~  
14 duties under this Article.

15 (b) The Office of Independent Juvenile Ombudsperson shall  
16 have the following duties:

17 (1) review and monitor the implementation of the rules  
18 and standards established by the Department of Juvenile  
19 Justice and county-operated juvenile detention centers and  
20 evaluate the delivery of services to youth to ensure that  
21 the rights of youth are fully observed;

22 (2) provide assistance to a youth or family whom the  
23 Ombudsperson determines is in need of assistance,  
24 including advocating with an agency, provider, or other  
25 person in the best interests of the youth;

26 (3) investigate and attempt to resolve complaints made



1 by or on behalf of youth, other than complaints alleging  
2 criminal behavior or violations of the State Officials and  
3 Employees Ethics Act, if the Office determines that the  
4 investigation and resolution would further the purpose of  
5 the Office, and:

6 (A) a youth committed to the Department of  
7 Juvenile Justice or a county-operated juvenile  
8 detention center or the youth's family is in need of  
9 assistance from the Office; or

10 (B) a systemic issue in the Department of Juvenile  
11 Justice's or county-operated juvenile detention  
12 center's provision of services is raised by a  
13 complaint;

14 (4) review or inspect periodically the facilities and  
15 procedures of any county-operated juvenile detention  
16 center or any facility in which a youth has been placed by  
17 the Department of Juvenile Justice to ensure that the  
18 rights of youth are fully observed; and

19 (5) be accessible to and meet confidentially and  
20 regularly with youth committed to the Department or a  
21 county-operated juvenile detention center and serve as a  
22 resource by informing them of pertinent laws, rules, and  
23 policies, and their rights thereunder.

24 (c) The following cases shall be reported immediately to  
25 the Director of Juvenile Justice and the Governor, and for  
26 cases that arise in county-operated juvenile detention

1 centers, to the chief judge of the applicable judicial circuit  
2 and the Director of the Administrative Office of the Illinois  
3 Courts:

4 (1) cases of severe abuse or injury of a youth;

5 (2) serious misconduct, misfeasance, malfeasance, or  
6 serious violations of policies and procedures concerning  
7 the administration of a Department of Juvenile Justice or  
8 county-operated juvenile detention center program or  
9 operation;

10 (3) serious problems concerning the delivery of  
11 services in a county-operated juvenile detention center or  
12 a facility operated by or under contract with the  
13 Department of Juvenile Justice;

14 (4) interference by the Department of Juvenile Justice  
15 or county-operated juvenile detention center with an  
16 investigation conducted by the Office; and

17 (5) other cases as deemed necessary by the  
18 Ombudsperson.

19 (d) Notwithstanding any other provision of law, the  
20 Ombudsperson may not investigate alleged criminal behavior or  
21 violations of the State Officials and Employees Ethics Act. If  
22 the Ombudsperson determines that a possible criminal act has  
23 been committed, or that special expertise is required in the  
24 investigation, the Ombudsperson shall immediately notify the  
25 Illinois State Police. If the Ombudsperson determines that a  
26 possible violation of the State Officials and Employees Ethics

1 Act has occurred, the Ombudsperson shall immediately refer the  
2 incident to the Office of the Governor's Executive Inspector  
3 General for investigation. If the Ombudsperson receives a  
4 complaint from a youth or third party regarding suspected  
5 abuse or neglect of a child, the Ombudsperson shall refer the  
6 incident to the Child Abuse and Neglect Hotline or to the  
7 Illinois State Police as mandated by the Abused and Neglected  
8 Child Reporting Act. Any investigation conducted by the  
9 Ombudsperson shall not be duplicative and shall be separate  
10 from any investigation mandated by the Abused and Neglected  
11 Child Reporting Act. All investigations conducted by the  
12 Ombudsperson shall be conducted in a manner designed to ensure  
13 the preservation of evidence for possible use in a criminal  
14 prosecution.

15 (e) In performance of the Ombudsperson's duties, the  
16 Ombudsperson may:

- 17 (1) review court files of youth;
- 18 (2) recommend policies, rules, and legislation  
19 designed to protect youth;
- 20 (3) make appropriate referrals under any of the duties  
21 and powers listed in this Section;
- 22 (4) attend internal administrative and disciplinary  
23 hearings to ensure the rights of youth are fully observed  
24 and advocate for the best interest of youth when deemed  
25 necessary; and
- 26 (5) perform other acts, otherwise permitted or

1 required by law, in furtherance of the purpose of the  
2 Office.

3 (f) To assess if a youth's rights have been violated, the  
4 Ombudsperson may, in any matter that does not involve alleged  
5 criminal behavior, contact or consult with an administrator,  
6 employee, youth, parent, expert, or any other individual in  
7 the course of the Ombudsperson's investigation or to secure  
8 information as necessary to fulfill the Ombudsperson's duties.  
9 (Source: P.A. 102-538, eff. 8-20-21; 103-22, eff. 8-8-23;  
10 103-397, eff. 1-1-25; revised 9-14-23.)

11 (730 ILCS 5/3-2.7-30)

12 (Text of Section before amendment by P.A. 103-397)

13 Sec. 3-2.7-30. Duties of the Department of Juvenile  
14 Justice.

15 (a) The Department of Juvenile Justice shall allow any  
16 youth to communicate with the Ombudsperson or a deputy at any  
17 time. The communication:

18 (1) may be in person, by phone, by mail, or by any  
19 other means deemed appropriate in light of security  
20 concerns; and

21 (2) is confidential and privileged.

22 (b) The Department shall allow the Ombudsperson and  
23 deputies full and unannounced access to youth and Department  
24 facilities at any time. The Department shall furnish the  
25 Ombudsperson and deputies with appropriate meeting space in

1 each facility in order to preserve confidentiality.

2 (c) The Department shall allow the Ombudsperson and  
3 deputies to participate in professional development  
4 opportunities provided by the Department of Juvenile Justice  
5 as practical and to attend appropriate professional training  
6 when requested by the Ombudsperson.

7 (d) The Department shall provide the Ombudsperson copies  
8 of critical incident reports involving a youth residing in a  
9 facility operated by the Department. Critical incidents  
10 include, but are not limited to, severe injuries that result  
11 in hospitalization, suicide attempts that require medical  
12 intervention, sexual abuse, and escapes.

13 (e) The Department shall provide the Ombudsperson with  
14 reasonable advance notice of all internal administrative and  
15 disciplinary hearings regarding a youth residing in a facility  
16 operated by the Department.

17 (f) The Department of Juvenile Justice may not discharge,  
18 demote, discipline, or in any manner discriminate or retaliate  
19 against a youth or an employee who in good faith makes a  
20 complaint to the Office of the Independent Juvenile  
21 Ombudsperson or cooperates with the Office.

22 (Source: P.A. 103-22, eff. 8-8-23.)

23 (Text of Section after amendment by P.A. 103-397)

24 Sec. 3-2.7-30. Duties of the Department of Juvenile  
25 Justice or county-operated juvenile detention center.

1           (a) The Department of Juvenile Justice and every  
2 county-operated juvenile detention center shall allow any  
3 youth to communicate with the Ombudsperson or a deputy at any  
4 time. The communication:

5           (1) may be in person, by phone, by mail, or by any  
6 other means deemed appropriate in light of security  
7 concerns; and

8           (2) is confidential and privileged.

9           (b) The Department and county-operated juvenile detention  
10 centers shall allow the Ombudsperson and deputies full and  
11 unannounced access to youth and Department facilities and  
12 county-operated juvenile detention centers at any time. The  
13 Department and county-operated juvenile detention centers  
14 shall furnish the Ombudsperson and deputies with appropriate  
15 meeting space in each facility in order to preserve  
16 confidentiality.

17           (c) The Department and county-operated juvenile detention  
18 centers shall allow the Ombudsperson and deputies to  
19 participate in professional development opportunities provided  
20 by the Department of Juvenile Justice and county-operated  
21 juvenile detention centers as practical and to attend  
22 appropriate professional training when requested by the  
23 Ombudsperson.

24           (d) The Department and county-operated juvenile detention  
25 centers shall provide the Ombudsperson copies of critical  
26 incident reports involving a youth residing in a facility

1 operated by the Department or a county-operated juvenile  
2 detention center. Critical incidents include, but are not  
3 limited to, severe injuries that result in hospitalization,  
4 suicide attempts that require medical intervention, sexual  
5 abuse, and escapes.

6 (e) The Department and county-operated juvenile detention  
7 centers shall provide the Ombudsperson with reasonable advance  
8 notice of all internal administrative and disciplinary  
9 hearings regarding a youth residing in a facility operated by  
10 the Department or a county-operated juvenile detention center.

11 (f) The Department of Juvenile Justice and county-operated  
12 juvenile detention centers may not discharge, demote,  
13 discipline, or in any manner discriminate or retaliate against  
14 a youth or an employee who in good faith makes a complaint to  
15 the Office of the Independent Juvenile Ombudsperson or  
16 cooperates with the Office.

17 (Source: P.A. 103-22, eff. 8-8-23; 103-397, eff. 1-1-25;  
18 revised 9-14-23.)

19 (730 ILCS 5/3-2.7-35)

20 (Text of Section before amendment by P.A. 103-397)

21 Sec. 3-2.7-35. Reports. The Independent Juvenile  
22 Ombudsperson shall provide to the General Assembly and the  
23 Governor, no later than January 1 of each year, a summary of  
24 activities done in furtherance of the purpose of the Office  
25 for the prior fiscal year. The summaries shall contain data

1 both aggregated and disaggregated by individual facility and  
2 describe:

3 (1) the work of the Ombudsperson;

4 (2) the status of any review or investigation  
5 undertaken by the Ombudsperson, but may not contain any  
6 confidential or identifying information concerning the  
7 subjects of the reports and investigations; and

8 (3) any recommendations that the Independent Juvenile  
9 Ombudsperson has relating to a systemic issue in the  
10 Department of Juvenile Justice's provision of services and  
11 any other matters for consideration by the General  
12 Assembly and the Governor.

13 (Source: P.A. 103-22, eff. 8-8-23.)

14 (Text of Section after amendment by P.A. 103-397)

15 Sec. 3-2.7-35. Reports. The Independent Juvenile  
16 Ombudsperson shall provide to the General Assembly and the  
17 Governor, no later than January 1 of each year, a summary of  
18 activities done in furtherance of the purpose of the Office  
19 for the prior fiscal year. The summaries shall contain data  
20 both aggregated and disaggregated by individual facility and  
21 describe:

22 (1) the work of the Ombudsperson;

23 (2) the status of any review or investigation  
24 undertaken by the Ombudsperson, but may not contain any  
25 confidential or identifying information concerning the



1 subjects of the reports and investigations; and

2 (3) any recommendations that the Independent Juvenile  
3 Ombudsperson has relating to a systemic issue in the  
4 Department of Juvenile Justice's or a county-operated  
5 juvenile detention center's provision of services and any  
6 other matters for consideration by the General Assembly  
7 and the Governor.

8 With respect to county-operated juvenile detention  
9 centers, the Ombudsperson ~~Ombudsman~~ shall provide data  
10 responsive to paragraphs (1) through (3) to the chief judge of  
11 the applicable judicial circuit and to the Director of the  
12 Administrative Office of the Illinois Courts, and shall make  
13 the data publicly available.

14 (Source: P.A. 103-22, eff. 8-8-23; 103-397, eff. 1-1-25;  
15 revised 9-14-23.)

16 (730 ILCS 5/3-2.7-40)

17 (Text of Section before amendment by P.A. 103-397)

18 Sec. 3-2.7-40. Complaints. The Office of Independent  
19 Juvenile Ombudsperson shall promptly and efficiently act on  
20 complaints made by or on behalf of youth filed with the Office  
21 that relate to the operations or staff of the Department of  
22 Juvenile Justice. The Office shall maintain information about  
23 parties to the complaint, the subject matter of the complaint,  
24 a summary of the results of the review or investigation of the  
25 complaint, including any resolution of or recommendations made

1 as a result of the complaint. The Office shall make  
2 information available describing its procedures for complaint  
3 investigation and resolution. When applicable, the Office  
4 shall notify the complaining youth that an investigation and  
5 resolution may result in or will require disclosure of the  
6 complaining youth's identity. The Office shall periodically  
7 notify the complaint parties of the status of the complaint  
8 until final disposition.

9 (Source: P.A. 103-22, eff. 8-8-23.)

10 (Text of Section after amendment by P.A. 103-397)

11 Sec. 3-2.7-40. Complaints. The Office of Independent  
12 Juvenile Ombudsperson shall promptly and efficiently act on  
13 complaints made by or on behalf of youth filed with the Office  
14 that relate to the operations or staff of the Department of  
15 Juvenile Justice or a county-operated juvenile detention  
16 center. The Office shall maintain information about parties to  
17 the complaint, the subject matter of the complaint, a summary  
18 of the results of the review or investigation of the  
19 complaint, including any resolution of or recommendations made  
20 as a result of the complaint. The Office shall make  
21 information available describing its procedures for complaint  
22 investigation and resolution. When applicable, the Office  
23 shall notify the complaining youth that an investigation and  
24 resolution may result in or will require disclosure of the  
25 complaining youth's identity. The Office shall periodically

1 notify the complaint parties of the status of the complaint  
2 until final disposition.

3 (Source: P.A. 103-22, eff. 8-8-23; 103-397, eff. 1-1-25;  
4 revised 9-18-23.)

5 (730 ILCS 5/3-2.7-50)

6 (Text of Section before amendment by P.A. 103-397)

7 Sec. 3-2.7-50. Promotion and awareness of Office. The  
8 Independent Juvenile Ombudsperson shall promote awareness  
9 among the public and youth of:

- 10 (1) the rights of youth committed to the Department;  
11 (2) the purpose of the Office;  
12 (3) how the Office may be contacted;  
13 (4) the confidential nature of communications; and  
14 (5) the services the Office provides.

15 (Source: P.A. 103-22, eff. 8-8-23.)

16 (Text of Section after amendment by P.A. 103-397)

17 Sec. 3-2.7-50. Promotion and awareness of Office. The  
18 Independent Juvenile Ombudsperson shall promote awareness  
19 among the public and youth of:

- 20 (1) the rights of youth committed to the Department  
21 and county-operated juvenile detention centers;  
22 (2) the purpose of the Office;  
23 (3) how the Office may be contacted;  
24 (4) the confidential nature of communications; and

1 (5) the services the Office provides.

2 (Source: P.A. 103-22, eff. 8-8-23; 103-397, eff. 1-1-25;  
3 revised 9-18-23.)

4 (730 ILCS 5/3-2.7-55)

5 (Text of Section before amendment by P.A. 103-397)

6 Sec. 3-2.7-55. Access to information of governmental  
7 entities. The Department of Juvenile Justice shall provide the  
8 Independent Juvenile Ombudsperson unrestricted access to all  
9 master record files of youth under Section 3-5-1 of this Code.  
10 Access to educational, social, psychological, mental health,  
11 substance abuse, and medical records shall not be disclosed  
12 except as provided in Section 5-910 of the Juvenile Court Act  
13 of 1987, the Mental Health and Developmental Disabilities  
14 Confidentiality Act, the School Code, and any applicable  
15 federal laws that govern access to those records.

16 (Source: P.A. 103-22, eff. 8-8-23.)

17 (Text of Section after amendment by P.A. 103-397)

18 Sec. 3-2.7-55. Access to information of governmental  
19 entities. The Department of Juvenile Justice and  
20 county-operated juvenile detention centers shall provide the  
21 Independent Juvenile Ombudsperson unrestricted access to all  
22 master record files of youth under Section 3-5-1 of this Code  
23 or any other files of youth in the custody of county-operated  
24 juvenile detention centers, or both. Access to educational,

1 social, psychological, mental health, substance abuse, and  
2 medical records shall not be disclosed except as provided in  
3 Section 5-910 of the Juvenile Court Act of 1987, the Mental  
4 Health and Developmental Disabilities Confidentiality Act, the  
5 School Code, and any applicable federal laws that govern  
6 access to those records.

7 (Source: P.A. 103-22, eff. 8-8-23; 103-397, eff. 1-1-25;  
8 revised 9-15-23.)

9 (730 ILCS 5/3-5-1)

10 Sec. 3-5-1. Master record file.

11 (a) The Department of Corrections and the Department of  
12 Juvenile Justice shall maintain a master record file on each  
13 person committed to it, which shall contain the following  
14 information:

15 (1) all information from the committing court;

16 (1.5) ethnic and racial background data collected in  
17 accordance with Section 4.5 of the Criminal Identification  
18 Act and Section 2-5 of the No Representation Without  
19 Population Act;

20 (1.6) the committed person's last known complete  
21 street address prior to incarceration or legal residence  
22 collected in accordance with Section 2-5 of the No  
23 Representation Without Population Act;

24 (2) reception summary;

25 (3) evaluation and assignment reports and

1 recommendations;

2 (4) reports as to program assignment and progress;

3 (5) reports of disciplinary infractions and  
4 disposition, including tickets and Administrative Review  
5 Board action;

6 (6) any parole or aftercare release plan;

7 (7) any parole or aftercare release reports;

8 (8) the date and circumstances of final discharge;

9 (9) criminal history;

10 (10) current and past gang affiliations and ranks;

11 (11) information regarding associations and family  
12 relationships;

13 (12) any grievances filed and responses to those  
14 grievances;

15 (13) other information that the respective Department  
16 determines is relevant to the secure confinement and  
17 rehabilitation of the committed person;

18 (14) the last known address provided by the person  
19 committed; and

20 (15) all medical and dental records.

21 (b) All files shall be confidential and access shall be  
22 limited to authorized personnel of the respective Department  
23 or by disclosure in accordance with a court order or subpoena.  
24 Personnel of other correctional, welfare or law enforcement  
25 agencies may have access to files under rules and regulations  
26 of the respective Department. The respective Department shall

1 keep a record of all outside personnel who have access to  
2 files, the files reviewed, any file material copied, and the  
3 purpose of access. If the respective Department or the  
4 Prisoner Review Board makes a determination under this Code  
5 which affects the length of the period of confinement or  
6 commitment, the committed person and his counsel shall be  
7 advised of factual information relied upon by the respective  
8 Department or Board to make the determination, provided that  
9 the Department or Board shall not be required to advise a  
10 person committed to the Department of Juvenile Justice any  
11 such information which in the opinion of the Department of  
12 Juvenile Justice or Board would be detrimental to his  
13 treatment or rehabilitation.

14 (c) The master file shall be maintained at a place  
15 convenient to its use by personnel of the respective  
16 Department in charge of the person. When custody of a person is  
17 transferred from the Department to another department or  
18 agency, a summary of the file shall be forwarded to the  
19 receiving agency with such other information required by law  
20 or requested by the agency under rules and regulations of the  
21 respective Department.

22 (d) The master file of a person no longer in the custody of  
23 the respective Department shall be placed on inactive status  
24 and its use shall be restricted subject to rules and  
25 regulations of the Department.

26 (e) All public agencies may make available to the

1       respective Department on request any factual data not  
2       otherwise privileged as a matter of law in their possession in  
3       respect to individuals committed to the respective Department.

4       (f) A committed person may request a summary of the  
5       committed person's master record file once per year and the  
6       committed person's attorney may request one summary of the  
7       committed person's master record file once per year. The  
8       Department shall create a form for requesting this summary,  
9       and shall make that form available to committed persons and to  
10      the public on its website. Upon receipt of the request form,  
11      the Department shall provide the summary within 15 days. The  
12      summary must contain, unless otherwise prohibited by law:

13           (1) the person's name, ethnic, racial, last known  
14           street address prior to incarceration or legal residence,  
15           and other identifying information;

16           (2) all digitally available information from the  
17           committing court;

18           (3) all information in the Offender 360 system on the  
19           person's criminal history;

20           (4) the person's complete assignment history in the  
21           Department of Corrections;

22           (5) the person's disciplinary card;

23           (6) additional records about up to 3 specific  
24           disciplinary incidents as identified by the requester;

25           (7) any available records about up to 5 specific  
26           grievances filed by the person, as identified by the



1 requester; and

2 (8) the records of all grievances filed on or after  
3 January 1, 2023.

4 Notwithstanding any provision of this subsection (f) to  
5 the contrary, a committed person's master record file is not  
6 subject to disclosure and copying under the Freedom of  
7 Information Act.

8 (g) Subject to appropriation, on or before July 1, 2025,  
9 the Department of Corrections shall digitalize all newly  
10 committed persons' master record files who become incarcerated  
11 and all other new information that the Department maintains  
12 concerning its correctional institutions, facilities, and  
13 individuals incarcerated.

14 (h) Subject to appropriation, on or before July 1, 2027,  
15 the Department of Corrections shall digitalize all medical and  
16 dental records in the master record files and all other  
17 information that the Department maintains concerning its  
18 correctional institutions and facilities in relation to  
19 medical records, dental records, and medical and dental needs  
20 of committed persons.

21 (i) Subject to appropriation, on or before July 1, 2029,  
22 the Department of Corrections shall digitalize all information  
23 in the master record files and all other information that the  
24 Department maintains concerning its correctional institutions  
25 and facilities.

26 (j) The Department of Corrections shall adopt rules to

1 implement subsections (g), (h), and (i) if appropriations are  
2 available to implement these provisions.

3 (k) Subject to appropriation, the Department of  
4 Corrections, in consultation with the Department of Innovation  
5 and Technology, shall conduct a study on the best way to  
6 digitize all Department of Corrections records and the impact  
7 of that digitizing on State agencies, including the impact on  
8 the Department of Innovation and Technology. The study shall  
9 be completed on or before January 1, 2024.

10 (Source: P.A. 102-776, eff. 1-1-23; 102-784, eff. 5-13-22;  
11 103-18, eff. 1-1-24; 103-71, eff. 6-9-23; 103-154, eff.  
12 6-30-23; revised 12-15-23.)

13 (730 ILCS 5/3-6-3)

14 Sec. 3-6-3. Rules and regulations for sentence credit.

15 (a) (1) The Department of Corrections shall prescribe rules  
16 and regulations for awarding and revoking sentence credit for  
17 persons committed to the Department of Corrections and the  
18 Department of Juvenile Justice shall prescribe rules and  
19 regulations for awarding and revoking sentence credit for  
20 persons committed to the Department of Juvenile Justice under  
21 Section 5-8-6 of the Unified Code of Corrections, which shall  
22 be subject to review by the Prisoner Review Board.

23 (1.5) As otherwise provided by law, sentence credit may be  
24 awarded for the following:

25 (A) successful completion of programming while in

1 custody of the Department of Corrections or the Department  
2 of Juvenile Justice or while in custody prior to  
3 sentencing;

4 (B) compliance with the rules and regulations of the  
5 Department; or

6 (C) service to the institution, service to a  
7 community, or service to the State.

8 (2) Except as provided in paragraph (4.7) of this  
9 subsection (a), the rules and regulations on sentence credit  
10 shall provide, with respect to offenses listed in clause (i),  
11 (ii), or (iii) of this paragraph (2) committed on or after June  
12 19, 1998 or with respect to the offense listed in clause (iv)  
13 of this paragraph (2) committed on or after June 23, 2005 (the  
14 effective date of Public Act 94-71) or with respect to offense  
15 listed in clause (vi) committed on or after June 1, 2008 (the  
16 effective date of Public Act 95-625) or with respect to the  
17 offense of being an armed habitual criminal committed on or  
18 after August 2, 2005 (the effective date of Public Act 94-398)  
19 or with respect to the offenses listed in clause (v) of this  
20 paragraph (2) committed on or after August 13, 2007 (the  
21 effective date of Public Act 95-134) or with respect to the  
22 offense of aggravated domestic battery committed on or after  
23 July 23, 2010 (the effective date of Public Act 96-1224) or  
24 with respect to the offense of attempt to commit terrorism  
25 committed on or after January 1, 2013 (the effective date of  
26 Public Act 97-990), the following:

1           (i) that a prisoner who is serving a term of  
2 imprisonment for first degree murder or for the offense of  
3 terrorism shall receive no sentence credit and shall serve  
4 the entire sentence imposed by the court;

5           (ii) that a prisoner serving a sentence for attempt to  
6 commit terrorism, attempt to commit first degree murder,  
7 solicitation of murder, solicitation of murder for hire,  
8 intentional homicide of an unborn child, predatory  
9 criminal sexual assault of a child, aggravated criminal  
10 sexual assault, criminal sexual assault, aggravated  
11 kidnapping, aggravated battery with a firearm as described  
12 in Section 12-4.2 or subdivision (e) (1), (e) (2), (e) (3),  
13 or (e) (4) of Section 12-3.05, heinous battery as described  
14 in Section 12-4.1 or subdivision (a) (2) of Section  
15 12-3.05, being an armed habitual criminal, aggravated  
16 battery of a senior citizen as described in Section 12-4.6  
17 or subdivision (a) (4) of Section 12-3.05, or aggravated  
18 battery of a child as described in Section 12-4.3 or  
19 subdivision (b) (1) of Section 12-3.05 shall receive no  
20 more than 4.5 days of sentence credit for each month of his  
21 or her sentence of imprisonment;

22           (iii) that a prisoner serving a sentence for home  
23 invasion, armed robbery, aggravated vehicular hijacking,  
24 aggravated discharge of a firearm, or armed violence with  
25 a category I weapon or category II weapon, when the court  
26 has made and entered a finding, pursuant to subsection

1 (c-1) of Section 5-4-1 of this Code, that the conduct  
2 leading to conviction for the enumerated offense resulted  
3 in great bodily harm to a victim, shall receive no more  
4 than 4.5 days of sentence credit for each month of his or  
5 her sentence of imprisonment;

6 (iv) that a prisoner serving a sentence for aggravated  
7 discharge of a firearm, whether or not the conduct leading  
8 to conviction for the offense resulted in great bodily  
9 harm to the victim, shall receive no more than 4.5 days of  
10 sentence credit for each month of his or her sentence of  
11 imprisonment;

12 (v) that a person serving a sentence for gunrunning,  
13 narcotics racketeering, controlled substance trafficking,  
14 methamphetamine trafficking, drug-induced homicide,  
15 aggravated methamphetamine-related child endangerment,  
16 money laundering pursuant to clause (c) (4) or (5) of  
17 Section 29B-1 of the Criminal Code of 1961 or the Criminal  
18 Code of 2012, or a Class X felony conviction for delivery  
19 of a controlled substance, possession of a controlled  
20 substance with intent to manufacture or deliver,  
21 calculated criminal drug conspiracy, criminal drug  
22 conspiracy, street gang criminal drug conspiracy,  
23 participation in methamphetamine manufacturing,  
24 aggravated participation in methamphetamine  
25 manufacturing, delivery of methamphetamine, possession  
26 with intent to deliver methamphetamine, aggravated

1 delivery of methamphetamine, aggravated possession with  
2 intent to deliver methamphetamine, methamphetamine  
3 conspiracy when the substance containing the controlled  
4 substance or methamphetamine is 100 grams or more shall  
5 receive no more than 7.5 days sentence credit for each  
6 month of his or her sentence of imprisonment;

7 (vi) that a prisoner serving a sentence for a second  
8 or subsequent offense of luring a minor shall receive no  
9 more than 4.5 days of sentence credit for each month of his  
10 or her sentence of imprisonment; and

11 (vii) that a prisoner serving a sentence for  
12 aggravated domestic battery shall receive no more than 4.5  
13 days of sentence credit for each month of his or her  
14 sentence of imprisonment.

15 (2.1) For all offenses, other than those enumerated in  
16 subdivision (a)(2)(i), (ii), or (iii) committed on or after  
17 June 19, 1998 or subdivision (a)(2)(iv) committed on or after  
18 June 23, 2005 (the effective date of Public Act 94-71) or  
19 subdivision (a)(2)(v) committed on or after August 13, 2007  
20 (the effective date of Public Act 95-134) or subdivision  
21 (a)(2)(vi) committed on or after June 1, 2008 (the effective  
22 date of Public Act 95-625) or subdivision (a)(2)(vii)  
23 committed on or after July 23, 2010 (the effective date of  
24 Public Act 96-1224), and other than the offense of aggravated  
25 driving under the influence of alcohol, other drug or drugs,  
26 or intoxicating compound or compounds, or any combination

1       thereof as defined in subparagraph (F) of paragraph (1) of  
2       subsection (d) of Section 11-501 of the Illinois Vehicle Code,  
3       and other than the offense of aggravated driving under the  
4       influence of alcohol, other drug or drugs, or intoxicating  
5       compound or compounds, or any combination thereof as defined  
6       in subparagraph (C) of paragraph (1) of subsection (d) of  
7       Section 11-501 of the Illinois Vehicle Code committed on or  
8       after January 1, 2011 (the effective date of Public Act  
9       96-1230), the rules and regulations shall provide that a  
10      prisoner who is serving a term of imprisonment shall receive  
11      one day of sentence credit for each day of his or her sentence  
12      of imprisonment or recommitment under Section 3-3-9. Each day  
13      of sentence credit shall reduce by one day the prisoner's  
14      period of imprisonment or recommitment under Section 3-3-9.

15           (2.2) A prisoner serving a term of natural life  
16      imprisonment shall receive no sentence credit.

17           (2.3) Except as provided in paragraph (4.7) of this  
18      subsection (a), the rules and regulations on sentence credit  
19      shall provide that a prisoner who is serving a sentence for  
20      aggravated driving under the influence of alcohol, other drug  
21      or drugs, or intoxicating compound or compounds, or any  
22      combination thereof as defined in subparagraph (F) of  
23      paragraph (1) of subsection (d) of Section 11-501 of the  
24      Illinois Vehicle Code, shall receive no more than 4.5 days of  
25      sentence credit for each month of his or her sentence of  
26      imprisonment.

1           (2.4) Except as provided in paragraph (4.7) of this  
2 subsection (a), the rules and regulations on sentence credit  
3 shall provide with respect to the offenses of aggravated  
4 battery with a machine gun or a firearm equipped with any  
5 device or attachment designed or used for silencing the report  
6 of a firearm or aggravated discharge of a machine gun or a  
7 firearm equipped with any device or attachment designed or  
8 used for silencing the report of a firearm, committed on or  
9 after July 15, 1999 (the effective date of Public Act 91-121),  
10 that a prisoner serving a sentence for any of these offenses  
11 shall receive no more than 4.5 days of sentence credit for each  
12 month of his or her sentence of imprisonment.

13           (2.5) Except as provided in paragraph (4.7) of this  
14 subsection (a), the rules and regulations on sentence credit  
15 shall provide that a prisoner who is serving a sentence for  
16 aggravated arson committed on or after July 27, 2001 (the  
17 effective date of Public Act 92-176) shall receive no more  
18 than 4.5 days of sentence credit for each month of his or her  
19 sentence of imprisonment.

20           (2.6) Except as provided in paragraph (4.7) of this  
21 subsection (a), the rules and regulations on sentence credit  
22 shall provide that a prisoner who is serving a sentence for  
23 aggravated driving under the influence of alcohol, other drug  
24 or drugs, or intoxicating compound or compounds or any  
25 combination thereof as defined in subparagraph (C) of  
26 paragraph (1) of subsection (d) of Section 11-501 of the



1 Illinois Vehicle Code committed on or after January 1, 2011  
2 (the effective date of Public Act 96-1230) shall receive no  
3 more than 4.5 days of sentence credit for each month of his or  
4 her sentence of imprisonment.

5 (3) In addition to the sentence credits earned under  
6 paragraphs (2.1), (4), (4.1), (4.2), and (4.7) of this  
7 subsection (a), the rules and regulations shall also provide  
8 that the Director of Corrections or the Director of Juvenile  
9 Justice may award up to 180 days of earned sentence credit for  
10 prisoners serving a sentence of incarceration of less than 5  
11 years, and up to 365 days of earned sentence credit for  
12 prisoners serving a sentence of 5 years or longer. The  
13 Director may grant this credit for good conduct in specific  
14 instances as either Director deems proper for eligible persons  
15 in the custody of each Director's respective Department. The  
16 good conduct may include, but is not limited to, compliance  
17 with the rules and regulations of the Department, service to  
18 the Department, service to a community, or service to the  
19 State.

20 Eligible inmates for an award of earned sentence credit  
21 under this paragraph (3) may be selected to receive the credit  
22 at either Director's or his or her designee's sole discretion.  
23 Eligibility for the additional earned sentence credit under  
24 this paragraph (3) may be based on, but is not limited to,  
25 participation in programming offered by the Department as  
26 appropriate for the prisoner based on the results of any

1 available risk/needs assessment or other relevant assessments  
2 or evaluations administered by the Department using a  
3 validated instrument, the circumstances of the crime,  
4 demonstrated commitment to rehabilitation by a prisoner with a  
5 history of conviction for a forcible felony enumerated in  
6 Section 2-8 of the Criminal Code of 2012, the inmate's  
7 behavior and improvements in disciplinary history while  
8 incarcerated, and the inmate's commitment to rehabilitation,  
9 including participation in programming offered by the  
10 Department.

11 The Director of Corrections or the Director of Juvenile  
12 Justice shall not award sentence credit under this paragraph  
13 (3) to an inmate unless the inmate has served a minimum of 60  
14 days of the sentence, including time served in a county jail;  
15 except nothing in this paragraph shall be construed to permit  
16 either Director to extend an inmate's sentence beyond that  
17 which was imposed by the court. Prior to awarding credit under  
18 this paragraph (3), each Director shall make a written  
19 determination that the inmate:

20 (A) is eligible for the earned sentence credit;

21 (B) has served a minimum of 60 days, or as close to 60  
22 days as the sentence will allow;

23 (B-1) has received a risk/needs assessment or other  
24 relevant evaluation or assessment administered by the  
25 Department using a validated instrument; and

26 (C) has met the eligibility criteria established by

1 rule for earned sentence credit.

2 The Director of Corrections or the Director of Juvenile  
3 Justice shall determine the form and content of the written  
4 determination required in this subsection.

5 (3.5) The Department shall provide annual written reports  
6 to the Governor and the General Assembly on the award of earned  
7 sentence credit no later than February 1 of each year. The  
8 Department must publish both reports on its website within 48  
9 hours of transmitting the reports to the Governor and the  
10 General Assembly. The reports must include:

11 (A) the number of inmates awarded earned sentence  
12 credit;

13 (B) the average amount of earned sentence credit  
14 awarded;

15 (C) the holding offenses of inmates awarded earned  
16 sentence credit; and

17 (D) the number of earned sentence credit revocations.

18 (4)(A) Except as provided in paragraph (4.7) of this  
19 subsection (a), the rules and regulations shall also provide  
20 that any prisoner who is engaged full-time in substance abuse  
21 programs, correctional industry assignments, educational  
22 programs, work-release programs or activities in accordance  
23 with Article 13 of Chapter III of this Code, behavior  
24 modification programs, life skills courses, or re-entry  
25 planning provided by the Department under this paragraph (4)  
26 and satisfactorily completes the assigned program as

1 determined by the standards of the Department, shall receive  
2 one day of sentence credit for each day in which that prisoner  
3 is engaged in the activities described in this paragraph. The  
4 rules and regulations shall also provide that sentence credit  
5 may be provided to an inmate who was held in pre-trial  
6 detention prior to his or her current commitment to the  
7 Department of Corrections and successfully completed a  
8 full-time, 60-day or longer substance abuse program,  
9 educational program, behavior modification program, life  
10 skills course, or re-entry planning provided by the county  
11 department of corrections or county jail. Calculation of this  
12 county program credit shall be done at sentencing as provided  
13 in Section 5-4.5-100 of this Code and shall be included in the  
14 sentencing order. The rules and regulations shall also provide  
15 that sentence credit may be provided to an inmate who is in  
16 compliance with programming requirements in an adult  
17 transition center.

18 (B) The Department shall award sentence credit under this  
19 paragraph (4) accumulated prior to January 1, 2020 (the  
20 effective date of Public Act 101-440) in an amount specified  
21 in subparagraph (C) of this paragraph (4) to an inmate serving  
22 a sentence for an offense committed prior to June 19, 1998, if  
23 the Department determines that the inmate is entitled to this  
24 sentence credit, based upon:

25 (i) documentation provided by the Department that the  
26 inmate engaged in any full-time substance abuse programs,

1 correctional industry assignments, educational programs,  
2 behavior modification programs, life skills courses, or  
3 re-entry planning provided by the Department under this  
4 paragraph (4) and satisfactorily completed the assigned  
5 program as determined by the standards of the Department  
6 during the inmate's current term of incarceration; or

7 (ii) the inmate's own testimony in the form of an  
8 affidavit or documentation, or a third party's  
9 documentation or testimony in the form of an affidavit  
10 that the inmate likely engaged in any full-time substance  
11 abuse programs, correctional industry assignments,  
12 educational programs, behavior modification programs, life  
13 skills courses, or re-entry planning provided by the  
14 Department under paragraph (4) and satisfactorily  
15 completed the assigned program as determined by the  
16 standards of the Department during the inmate's current  
17 term of incarceration.

18 (C) If the inmate can provide documentation that he or she  
19 is entitled to sentence credit under subparagraph (B) in  
20 excess of 45 days of participation in those programs, the  
21 inmate shall receive 90 days of sentence credit. If the inmate  
22 cannot provide documentation of more than 45 days of  
23 participation in those programs, the inmate shall receive 45  
24 days of sentence credit. In the event of a disagreement  
25 between the Department and the inmate as to the amount of  
26 credit accumulated under subparagraph (B), if the Department

1 provides documented proof of a lesser amount of days of  
2 participation in those programs, that proof shall control. If  
3 the Department provides no documentary proof, the inmate's  
4 proof as set forth in clause (ii) of subparagraph (B) shall  
5 control as to the amount of sentence credit provided.

6 (D) If the inmate has been convicted of a sex offense as  
7 defined in Section 2 of the Sex Offender Registration Act,  
8 sentencing credits under subparagraph (B) of this paragraph  
9 (4) shall be awarded by the Department only if the conditions  
10 set forth in paragraph (4.6) of subsection (a) are satisfied.  
11 No inmate serving a term of natural life imprisonment shall  
12 receive sentence credit under subparagraph (B) of this  
13 paragraph (4).

14 (E) The rules and regulations shall provide for the  
15 recalculation of program credits awarded pursuant to this  
16 paragraph (4) prior to July 1, 2021 (the effective date of  
17 Public Act 101-652) at the rate set for such credits on and  
18 after July 1, 2021.

19 Educational, vocational, substance abuse, behavior  
20 modification programs, life skills courses, re-entry planning,  
21 and correctional industry programs under which sentence credit  
22 may be earned under this paragraph (4) and paragraph (4.1) of  
23 this subsection (a) shall be evaluated by the Department on  
24 the basis of documented standards. The Department shall report  
25 the results of these evaluations to the Governor and the  
26 General Assembly by September 30th of each year. The reports

1 shall include data relating to the recidivism rate among  
2 program participants.

3 Availability of these programs shall be subject to the  
4 limits of fiscal resources appropriated by the General  
5 Assembly for these purposes. Eligible inmates who are denied  
6 immediate admission shall be placed on a waiting list under  
7 criteria established by the Department. The rules and  
8 regulations shall provide that a prisoner who has been placed  
9 on a waiting list but is transferred for non-disciplinary  
10 reasons before beginning a program shall receive priority  
11 placement on the waitlist for appropriate programs at the new  
12 facility. The inability of any inmate to become engaged in any  
13 such programs by reason of insufficient program resources or  
14 for any other reason established under the rules and  
15 regulations of the Department shall not be deemed a cause of  
16 action under which the Department or any employee or agent of  
17 the Department shall be liable for damages to the inmate. The  
18 rules and regulations shall provide that a prisoner who begins  
19 an educational, vocational, substance abuse, work-release  
20 programs or activities in accordance with Article 13 of  
21 Chapter III of this Code, behavior modification program, life  
22 skills course, re-entry planning, or correctional industry  
23 programs but is unable to complete the program due to illness,  
24 disability, transfer, lockdown, or another reason outside of  
25 the prisoner's control shall receive prorated sentence credits  
26 for the days in which the prisoner did participate.

1           (4.1) Except as provided in paragraph (4.7) of this  
2 subsection (a), the rules and regulations shall also provide  
3 that an additional 90 days of sentence credit shall be awarded  
4 to any prisoner who passes high school equivalency testing  
5 while the prisoner is committed to the Department of  
6 Corrections. The sentence credit awarded under this paragraph  
7 (4.1) shall be in addition to, and shall not affect, the award  
8 of sentence credit under any other paragraph of this Section,  
9 but shall also be pursuant to the guidelines and restrictions  
10 set forth in paragraph (4) of subsection (a) of this Section.  
11 The sentence credit provided for in this paragraph shall be  
12 available only to those prisoners who have not previously  
13 earned a high school diploma or a State of Illinois High School  
14 Diploma. If, after an award of the high school equivalency  
15 testing sentence credit has been made, the Department  
16 determines that the prisoner was not eligible, then the award  
17 shall be revoked. The Department may also award 90 days of  
18 sentence credit to any committed person who passed high school  
19 equivalency testing while he or she was held in pre-trial  
20 detention prior to the current commitment to the Department of  
21 Corrections. Except as provided in paragraph (4.7) of this  
22 subsection (a), the rules and regulations shall provide that  
23 an additional 120 days of sentence credit shall be awarded to  
24 any prisoner who obtains an associate degree while the  
25 prisoner is committed to the Department of Corrections,  
26 regardless of the date that the associate degree was obtained,



1 including if prior to July 1, 2021 (the effective date of  
2 Public Act 101-652). The sentence credit awarded under this  
3 paragraph (4.1) shall be in addition to, and shall not affect,  
4 the award of sentence credit under any other paragraph of this  
5 Section, but shall also be under the guidelines and  
6 restrictions set forth in paragraph (4) of subsection (a) of  
7 this Section. The sentence credit provided for in this  
8 paragraph (4.1) shall be available only to those prisoners who  
9 have not previously earned an associate degree prior to the  
10 current commitment to the Department of Corrections. If, after  
11 an award of the associate degree sentence credit has been made  
12 and the Department determines that the prisoner was not  
13 eligible, then the award shall be revoked. The Department may  
14 also award 120 days of sentence credit to any committed person  
15 who earned an associate degree while he or she was held in  
16 pre-trial detention prior to the current commitment to the  
17 Department of Corrections.

18 Except as provided in paragraph (4.7) of this subsection  
19 (a), the rules and regulations shall provide that an  
20 additional 180 days of sentence credit shall be awarded to any  
21 prisoner who obtains a bachelor's degree while the prisoner is  
22 committed to the Department of Corrections. The sentence  
23 credit awarded under this paragraph (4.1) shall be in addition  
24 to, and shall not affect, the award of sentence credit under  
25 any other paragraph of this Section, but shall also be under  
26 the guidelines and restrictions set forth in paragraph (4) of

1 this subsection (a). The sentence credit provided for in this  
2 paragraph shall be available only to those prisoners who have  
3 not earned a bachelor's degree prior to the current commitment  
4 to the Department of Corrections. If, after an award of the  
5 bachelor's degree sentence credit has been made, the  
6 Department determines that the prisoner was not eligible, then  
7 the award shall be revoked. The Department may also award 180  
8 days of sentence credit to any committed person who earned a  
9 bachelor's degree while he or she was held in pre-trial  
10 detention prior to the current commitment to the Department of  
11 Corrections.

12 Except as provided in paragraph (4.7) of this subsection  
13 (a), the rules and regulations shall provide that an  
14 additional 180 days of sentence credit shall be awarded to any  
15 prisoner who obtains a master's or professional degree while  
16 the prisoner is committed to the Department of Corrections.  
17 The sentence credit awarded under this paragraph (4.1) shall  
18 be in addition to, and shall not affect, the award of sentence  
19 credit under any other paragraph of this Section, but shall  
20 also be under the guidelines and restrictions set forth in  
21 paragraph (4) of this subsection (a). The sentence credit  
22 provided for in this paragraph shall be available only to  
23 those prisoners who have not previously earned a master's or  
24 professional degree prior to the current commitment to the  
25 Department of Corrections. If, after an award of the master's  
26 or professional degree sentence credit has been made, the

1 Department determines that the prisoner was not eligible, then  
2 the award shall be revoked. The Department may also award 180  
3 days of sentence credit to any committed person who earned a  
4 master's or professional degree while he or she was held in  
5 pre-trial detention prior to the current commitment to the  
6 Department of Corrections.

7 (4.2) (A) The rules and regulations shall also provide that  
8 any prisoner engaged in self-improvement programs, volunteer  
9 work, or work assignments that are not otherwise eligible  
10 activities under paragraph (4), shall receive up to 0.5 days  
11 of sentence credit for each day in which the prisoner is  
12 engaged in activities described in this paragraph.

13 (B) The rules and regulations shall provide for the award  
14 of sentence credit under this paragraph (4.2) for qualifying  
15 days of engagement in eligible activities occurring prior to  
16 July 1, 2021 (the effective date of Public Act 101-652).

17 (4.5) The rules and regulations on sentence credit shall  
18 also provide that when the court's sentencing order recommends  
19 a prisoner for substance abuse treatment and the crime was  
20 committed on or after September 1, 2003 (the effective date of  
21 Public Act 93-354), the prisoner shall receive no sentence  
22 credit awarded under clause (3) of this subsection (a) unless  
23 he or she participates in and completes a substance abuse  
24 treatment program. The Director of Corrections may waive the  
25 requirement to participate in or complete a substance abuse  
26 treatment program in specific instances if the prisoner is not

1 a good candidate for a substance abuse treatment program for  
2 medical, programming, or operational reasons. Availability of  
3 substance abuse treatment shall be subject to the limits of  
4 fiscal resources appropriated by the General Assembly for  
5 these purposes. If treatment is not available and the  
6 requirement to participate and complete the treatment has not  
7 been waived by the Director, the prisoner shall be placed on a  
8 waiting list under criteria established by the Department. The  
9 Director may allow a prisoner placed on a waiting list to  
10 participate in and complete a substance abuse education class  
11 or attend substance abuse self-help meetings in lieu of a  
12 substance abuse treatment program. A prisoner on a waiting  
13 list who is not placed in a substance abuse program prior to  
14 release may be eligible for a waiver and receive sentence  
15 credit under clause (3) of this subsection (a) at the  
16 discretion of the Director.

17 (4.6) The rules and regulations on sentence credit shall  
18 also provide that a prisoner who has been convicted of a sex  
19 offense as defined in Section 2 of the Sex Offender  
20 Registration Act shall receive no sentence credit unless he or  
21 she either has successfully completed or is participating in  
22 sex offender treatment as defined by the Sex Offender  
23 Management Board. However, prisoners who are waiting to  
24 receive treatment, but who are unable to do so due solely to  
25 the lack of resources on the part of the Department, may, at  
26 either Director's sole discretion, be awarded sentence credit

1 at a rate as the Director shall determine.

2 (4.7) On or after January 1, 2018 (the effective date of  
3 Public Act 100-3), sentence credit under paragraph (3), (4),  
4 or (4.1) of this subsection (a) may be awarded to a prisoner  
5 who is serving a sentence for an offense described in  
6 paragraph (2), (2.3), (2.4), (2.5), or (2.6) for credit earned  
7 on or after January 1, 2018 (the effective date of Public Act  
8 100-3); provided, the award of the credits under this  
9 paragraph (4.7) shall not reduce the sentence of the prisoner  
10 to less than the following amounts:

11 (i) 85% of his or her sentence if the prisoner is  
12 required to serve 85% of his or her sentence; or

13 (ii) 60% of his or her sentence if the prisoner is  
14 required to serve 75% of his or her sentence, except if the  
15 prisoner is serving a sentence for gunrunning his or her  
16 sentence shall not be reduced to less than 75%.

17 (iii) 100% of his or her sentence if the prisoner is  
18 required to serve 100% of his or her sentence.

19 (5) Whenever the Department is to release any inmate  
20 earlier than it otherwise would because of a grant of earned  
21 sentence credit under paragraph (3) of subsection (a) of this  
22 Section given at any time during the term, the Department  
23 shall give reasonable notice of the impending release not less  
24 than 14 days prior to the date of the release to the State's  
25 Attorney of the county where the prosecution of the inmate  
26 took place, and if applicable, the State's Attorney of the

1 county into which the inmate will be released. The Department  
2 must also make identification information and a recent photo  
3 of the inmate being released accessible on the Internet by  
4 means of a hyperlink labeled "Community Notification of Inmate  
5 Early Release" on the Department's World Wide Web homepage.  
6 The identification information shall include the inmate's:  
7 name, any known alias, date of birth, physical  
8 characteristics, commitment offense, and county where  
9 conviction was imposed. The identification information shall  
10 be placed on the website within 3 days of the inmate's release  
11 and the information may not be removed until either:  
12 completion of the first year of mandatory supervised release  
13 or return of the inmate to custody of the Department.

14 (b) Whenever a person is or has been committed under  
15 several convictions, with separate sentences, the sentences  
16 shall be construed under Section 5-8-4 in granting and  
17 forfeiting of sentence credit.

18 (c) (1) The Department shall prescribe rules and  
19 regulations for revoking sentence credit, including revoking  
20 sentence credit awarded under paragraph (3) of subsection (a)  
21 of this Section. The Department shall prescribe rules and  
22 regulations establishing and requiring the use of a sanctions  
23 matrix for revoking sentence credit. The Department shall  
24 prescribe rules and regulations for suspending or reducing the  
25 rate of accumulation of sentence credit for specific rule  
26 violations, during imprisonment. These rules and regulations

1 shall provide that no inmate may be penalized more than one  
2 year of sentence credit for any one infraction.

3 (2) When the Department seeks to revoke, suspend, or  
4 reduce the rate of accumulation of any sentence credits for an  
5 alleged infraction of its rules, it shall bring charges  
6 therefor against the prisoner sought to be so deprived of  
7 sentence credits before the Prisoner Review Board as provided  
8 in subparagraph (a)(4) of Section 3-3-2 of this Code, if the  
9 amount of credit at issue exceeds 30 days, whether from one  
10 infraction or cumulatively from multiple infractions arising  
11 out of a single event, or when, during any 12-month period, the  
12 cumulative amount of credit revoked exceeds 30 days except  
13 where the infraction is committed or discovered within 60 days  
14 of scheduled release. In those cases, the Department of  
15 Corrections may revoke up to 30 days of sentence credit. The  
16 Board may subsequently approve the revocation of additional  
17 sentence credit, if the Department seeks to revoke sentence  
18 credit in excess of 30 days. However, the Board shall not be  
19 empowered to review the Department's decision with respect to  
20 the loss of 30 days of sentence credit within any calendar year  
21 for any prisoner or to increase any penalty beyond the length  
22 requested by the Department.

23 (3) The Director of Corrections or the Director of  
24 Juvenile Justice, in appropriate cases, may restore sentence  
25 credits which have been revoked, suspended, or reduced. The  
26 Department shall prescribe rules and regulations governing the

1 restoration of sentence credits. These rules and regulations  
2 shall provide for the automatic restoration of sentence  
3 credits following a period in which the prisoner maintains a  
4 record without a disciplinary violation.

5 Nothing contained in this Section shall prohibit the  
6 Prisoner Review Board from ordering, pursuant to Section  
7 3-3-9(a)(3)(i)(B), that a prisoner serve up to one year of the  
8 sentence imposed by the court that was not served due to the  
9 accumulation of sentence credit.

10 (d) If a lawsuit is filed by a prisoner in an Illinois or  
11 federal court against the State, the Department of  
12 Corrections, or the Prisoner Review Board, or against any of  
13 their officers or employees, and the court makes a specific  
14 finding that a pleading, motion, or other paper filed by the  
15 prisoner is frivolous, the Department of Corrections shall  
16 conduct a hearing to revoke up to 180 days of sentence credit  
17 by bringing charges against the prisoner sought to be deprived  
18 of the sentence credits before the Prisoner Review Board as  
19 provided in subparagraph (a)(8) of Section 3-3-2 of this Code.  
20 If the prisoner has not accumulated 180 days of sentence  
21 credit at the time of the finding, then the Prisoner Review  
22 Board may revoke all sentence credit accumulated by the  
23 prisoner.

24 For purposes of this subsection (d):

25 (1) "Frivolous" means that a pleading, motion, or  
26 other filing which purports to be a legal document filed



1 by a prisoner in his or her lawsuit meets any or all of the  
2 following criteria:

3 (A) it lacks an arguable basis either in law or in  
4 fact;

5 (B) it is being presented for any improper  
6 purpose, such as to harass or to cause unnecessary  
7 delay or needless increase in the cost of litigation;

8 (C) the claims, defenses, and other legal  
9 contentions therein are not warranted by existing law  
10 or by a nonfrivolous argument for the extension,  
11 modification, or reversal of existing law or the  
12 establishment of new law;

13 (D) the allegations and other factual contentions  
14 do not have evidentiary support or, if specifically so  
15 identified, are not likely to have evidentiary support  
16 after a reasonable opportunity for further  
17 investigation or discovery; or

18 (E) the denials of factual contentions are not  
19 warranted on the evidence, or if specifically so  
20 identified, are not reasonably based on a lack of  
21 information or belief.

22 (2) "Lawsuit" means a motion pursuant to Section 116-3  
23 of the Code of Criminal Procedure of 1963, a habeas corpus  
24 action under Article X of the Code of Civil Procedure or  
25 under federal law (28 U.S.C. 2254), a petition for claim  
26 under the Court of Claims Act, an action under the federal

1 Civil Rights Act (42 U.S.C. 1983), or a second or  
2 subsequent petition for post-conviction relief under  
3 Article 122 of the Code of Criminal Procedure of 1963  
4 whether filed with or without leave of court or a second or  
5 subsequent petition for relief from judgment under Section  
6 2-1401 of the Code of Civil Procedure.

7 (e) Nothing in Public Act 90-592 or 90-593 affects the  
8 validity of Public Act 89-404.

9 (f) Whenever the Department is to release any inmate who  
10 has been convicted of a violation of an order of protection  
11 under Section 12-3.4 or 12-30 of the Criminal Code of 1961 or  
12 the Criminal Code of 2012, earlier than it otherwise would  
13 because of a grant of sentence credit, the Department, as a  
14 condition of release, shall require that the person, upon  
15 release, be placed under electronic surveillance as provided  
16 in Section 5-8A-7 of this Code.

17 (Source: P.A. 102-28, eff. 6-25-21; 102-558, eff. 8-20-21;  
18 102-784, eff. 5-13-22; 102-1100, eff. 1-1-23; 103-51, eff.  
19 1-1-24; 103-154, eff. 6-30-23; 103-330, eff. 1-1-24; revised  
20 12-15-23.)

21 (730 ILCS 5/3-8-10) (from Ch. 38, par. 1003-8-10)

22 Sec. 3-8-10. Intrastate detainers. Subsections ~~Subsection~~  
23 (b), (c), and (e) of Section 103-5 of the Code of Criminal  
24 Procedure of 1963 shall also apply to persons committed to any  
25 institution or facility or program of the Illinois Department

1 of Corrections who have untried complaints, charges or  
2 indictments pending in any county of this State, and such  
3 person shall include in the demand under subsection (b), a  
4 statement of the place of present commitment, the term, and  
5 length of the remaining term, the charges pending against him  
6 or her to be tried and the county of the charges, and the  
7 demand shall be addressed to the state's attorney of the  
8 county where he or she is charged with a copy to the clerk of  
9 that court and a copy to the chief administrative officer of  
10 the Department of Corrections institution or facility to which  
11 he or she is committed. The state's attorney shall then  
12 procure the presence of the defendant for trial in his county  
13 by habeas corpus. Additional time may be granted by the court  
14 for the process of bringing and serving an order of habeas  
15 corpus ad prosequendum. In the event that the person is not  
16 brought to trial within the allotted time, then the charge for  
17 which he or she has requested a speedy trial shall be  
18 dismissed. The provisions of this Section do not apply to  
19 persons no longer committed to a facility or program of the  
20 Illinois Department of Corrections. A person serving a period  
21 of parole or mandatory supervised release under the  
22 supervision of the Department of Corrections, for the purpose  
23 of this Section, shall not be deemed to be committed to the  
24 Department.

25 (Source: P.A. 103-51, eff. 1-1-24; revised 1-2-24.)

1 (730 ILCS 5/5-4-1) (from Ch. 38, par. 1005-4-1)

2 Sec. 5-4-1. Sentencing hearing.

3 (a) After a determination of guilt, a hearing shall be  
4 held to impose the sentence. However, prior to the imposition  
5 of sentence on an individual being sentenced for an offense  
6 based upon a charge for a violation of Section 11-501 of the  
7 Illinois Vehicle Code or a similar provision of a local  
8 ordinance, the individual must undergo a professional  
9 evaluation to determine if an alcohol or other drug abuse  
10 problem exists and the extent of such a problem. Programs  
11 conducting these evaluations shall be licensed by the  
12 Department of Human Services. However, if the individual is  
13 not a resident of Illinois, the court may, in its discretion,  
14 accept an evaluation from a program in the state of such  
15 individual's residence. The court shall make a specific  
16 finding about whether the defendant is eligible for  
17 participation in a Department impact incarceration program as  
18 provided in Section 5-8-1.1 or 5-8-1.3, and if not, provide an  
19 explanation as to why a sentence to impact incarceration is  
20 not an appropriate sentence. The court may in its sentencing  
21 order recommend a defendant for placement in a Department of  
22 Corrections substance abuse treatment program as provided in  
23 paragraph (a) of subsection (1) of Section 3-2-2 conditioned  
24 upon the defendant being accepted in a program by the  
25 Department of Corrections. At the hearing the court shall:

26 (1) consider the evidence, if any, received upon the

1 trial;

2 (2) consider any presentence reports;

3 (3) consider the financial impact of incarceration  
4 based on the financial impact statement filed with the  
5 clerk of the court by the Department of Corrections;

6 (4) consider evidence and information offered by the  
7 parties in aggravation and mitigation;

8 (4.5) consider substance abuse treatment, eligibility  
9 screening, and an assessment, if any, of the defendant by  
10 an agent designated by the State of Illinois to provide  
11 assessment services for the Illinois courts;

12 (5) hear arguments as to sentencing alternatives;

13 (6) afford the defendant the opportunity to make a  
14 statement in his own behalf;

15 (7) afford the victim of a violent crime or a  
16 violation of Section 11-501 of the Illinois Vehicle Code,  
17 or a similar provision of a local ordinance, the  
18 opportunity to present an oral or written statement, as  
19 guaranteed by Article I, Section 8.1 of the Illinois  
20 Constitution and provided in Section 6 of the Rights of  
21 Crime Victims and Witnesses Act. The court shall allow a  
22 victim to make an oral statement if the victim is present  
23 in the courtroom and requests to make an oral or written  
24 statement. An oral or written statement includes the  
25 victim or a representative of the victim reading the  
26 written statement. The court may allow persons impacted by

1 the crime who are not victims under subsection (a) of  
2 Section 3 of the Rights of Crime Victims and Witnesses Act  
3 to present an oral or written statement. A victim and any  
4 person making an oral statement shall not be put under  
5 oath or subject to cross-examination. All statements  
6 offered under this paragraph (7) shall become part of the  
7 record of the court. In this paragraph (7), "victim of a  
8 violent crime" means a person who is a victim of a violent  
9 crime for which the defendant has been convicted after a  
10 bench or jury trial or a person who is the victim of a  
11 violent crime with which the defendant was charged and the  
12 defendant has been convicted under a plea agreement of a  
13 crime that is not a violent crime as defined in subsection  
14 (c) of 3 of the Rights of Crime Victims and Witnesses Act;

15 (7.5) afford a qualified person affected by: (i) a  
16 violation of Section 405, 405.1, 405.2, or 407 of the  
17 Illinois Controlled Substances Act or a violation of  
18 Section 55 or Section 65 of the Methamphetamine Control  
19 and Community Protection Act; or (ii) a Class 4 felony  
20 violation of Section 11-14, 11-14.3 except as described in  
21 subdivisions (a)(2)(A) and (a)(2)(B), 11-15, 11-17, 11-18,  
22 11-18.1, or 11-19 of the Criminal Code of 1961 or the  
23 Criminal Code of 2012, committed by the defendant the  
24 opportunity to make a statement concerning the impact on  
25 the qualified person and to offer evidence in aggravation  
26 or mitigation; provided that the statement and evidence

1 offered in aggravation or mitigation shall first be  
2 prepared in writing in conjunction with the State's  
3 Attorney before it may be presented orally at the hearing.  
4 Sworn testimony offered by the qualified person is subject  
5 to the defendant's right to cross-examine. All statements  
6 and evidence offered under this paragraph (7.5) shall  
7 become part of the record of the court. In this paragraph  
8 (7.5), "qualified person" means any person who: (i) lived  
9 or worked within the territorial jurisdiction where the  
10 offense took place when the offense took place; or (ii) is  
11 familiar with various public places within the territorial  
12 jurisdiction where the offense took place when the offense  
13 took place. "Qualified person" includes any peace officer  
14 or any member of any duly organized State, county, or  
15 municipal peace officer unit assigned to the territorial  
16 jurisdiction where the offense took place when the offense  
17 took place;

18 (8) in cases of reckless homicide afford the victim's  
19 spouse, guardians, parents or other immediate family  
20 members an opportunity to make oral statements;

21 (9) in cases involving a felony sex offense as defined  
22 under the Sex Offender Management Board Act, consider the  
23 results of the sex offender evaluation conducted pursuant  
24 to Section 5-3-2 of this Act; and

25 (10) make a finding of whether a motor vehicle was  
26 used in the commission of the offense for which the

1 defendant is being sentenced.

2 (b) All sentences shall be imposed by the judge based upon  
3 his independent assessment of the elements specified above and  
4 any agreement as to sentence reached by the parties. The judge  
5 who presided at the trial or the judge who accepted the plea of  
6 guilty shall impose the sentence unless he is no longer  
7 sitting as a judge in that court. Where the judge does not  
8 impose sentence at the same time on all defendants who are  
9 convicted as a result of being involved in the same offense,  
10 the defendant or the State's Attorney may advise the  
11 sentencing court of the disposition of any other defendants  
12 who have been sentenced.

13 (b-1) In imposing a sentence of imprisonment or periodic  
14 imprisonment for a Class 3 or Class 4 felony for which a  
15 sentence of probation or conditional discharge is an available  
16 sentence, if the defendant has no prior sentence of probation  
17 or conditional discharge and no prior conviction for a violent  
18 crime, the defendant shall not be sentenced to imprisonment  
19 before review and consideration of a presentence report and  
20 determination and explanation of why the particular evidence,  
21 information, factor in aggravation, factual finding, or other  
22 reasons support a sentencing determination that one or more of  
23 the factors under subsection (a) of Section 5-6-1 of this Code  
24 apply and that probation or conditional discharge is not an  
25 appropriate sentence.

26 (c) In imposing a sentence for a violent crime or for an



1 offense of operating or being in physical control of a vehicle  
2 while under the influence of alcohol, any other drug or any  
3 combination thereof, or a similar provision of a local  
4 ordinance, when such offense resulted in the personal injury  
5 to someone other than the defendant, the trial judge shall  
6 specify on the record the particular evidence, information,  
7 factors in mitigation and aggravation or other reasons that  
8 led to his sentencing determination. The full verbatim record  
9 of the sentencing hearing shall be filed with the clerk of the  
10 court and shall be a public record.

11 (c-1) In imposing a sentence for the offense of aggravated  
12 kidnapping for ransom, home invasion, armed robbery,  
13 aggravated vehicular hijacking, aggravated discharge of a  
14 firearm, or armed violence with a category I weapon or  
15 category II weapon, the trial judge shall make a finding as to  
16 whether the conduct leading to conviction for the offense  
17 resulted in great bodily harm to a victim, and shall enter that  
18 finding and the basis for that finding in the record.

19 (c-1.5) Notwithstanding any other provision of law to the  
20 contrary, in imposing a sentence for an offense that requires  
21 a mandatory minimum sentence of imprisonment, the court may  
22 instead sentence the offender to probation, conditional  
23 discharge, or a lesser term of imprisonment it deems  
24 appropriate if: (1) the offense involves the use or possession  
25 of drugs, retail theft, or driving on a revoked license due to  
26 unpaid financial obligations; (2) the court finds that the

1 defendant does not pose a risk to public safety; and (3) the  
2 interest of justice requires imposing a term of probation,  
3 conditional discharge, or a lesser term of imprisonment. The  
4 court must state on the record its reasons for imposing  
5 probation, conditional discharge, or a lesser term of  
6 imprisonment.

7 (c-2) If the defendant is sentenced to prison, other than  
8 when a sentence of natural life imprisonment is imposed, at  
9 the time the sentence is imposed the judge shall state on the  
10 record in open court the approximate period of time the  
11 defendant will serve in custody according to the then current  
12 statutory rules and regulations for sentence credit found in  
13 Section 3-6-3 and other related provisions of this Code. This  
14 statement is intended solely to inform the public, has no  
15 legal effect on the defendant's actual release, and may not be  
16 relied on by the defendant on appeal.

17 The judge's statement, to be given after pronouncing the  
18 sentence, other than when the sentence is imposed for one of  
19 the offenses enumerated in paragraph (a) (4) of Section 3-6-3,  
20 shall include the following:

21 "The purpose of this statement is to inform the public of  
22 the actual period of time this defendant is likely to spend in  
23 prison as a result of this sentence. The actual period of  
24 prison time served is determined by the statutes of Illinois  
25 as applied to this sentence by the Illinois Department of  
26 Corrections and the Illinois Prisoner Review Board. In this

1 case, assuming the defendant receives all of his or her  
2 sentence credit, the period of estimated actual custody is ...  
3 years and ... months, less up to 180 days additional earned  
4 sentence credit. If the defendant, because of his or her own  
5 misconduct or failure to comply with the institutional  
6 regulations, does not receive those credits, the actual time  
7 served in prison will be longer. The defendant may also  
8 receive an additional one-half day sentence credit for each  
9 day of participation in vocational, industry, substance abuse,  
10 and educational programs as provided for by Illinois statute."

11 When the sentence is imposed for one of the offenses  
12 enumerated in paragraph (a)(2) of Section 3-6-3, other than  
13 first degree murder, and the offense was committed on or after  
14 June 19, 1998, and when the sentence is imposed for reckless  
15 homicide as defined in subsection (e) of Section 9-3 of the  
16 Criminal Code of 1961 or the Criminal Code of 2012 if the  
17 offense was committed on or after January 1, 1999, and when the  
18 sentence is imposed for aggravated driving under the influence  
19 of alcohol, other drug or drugs, or intoxicating compound or  
20 compounds, or any combination thereof as defined in  
21 subparagraph (F) of paragraph (1) of subsection (d) of Section  
22 11-501 of the Illinois Vehicle Code, and when the sentence is  
23 imposed for aggravated arson if the offense was committed on  
24 or after July 27, 2001 (the effective date of Public Act  
25 92-176), and when the sentence is imposed for aggravated  
26 driving under the influence of alcohol, other drug or drugs,

1 or intoxicating compound or compounds, or any combination  
2 thereof as defined in subparagraph (C) of paragraph (1) of  
3 subsection (d) of Section 11-501 of the Illinois Vehicle Code  
4 committed on or after January 1, 2011 (the effective date of  
5 Public Act 96-1230), the judge's statement, to be given after  
6 pronouncing the sentence, shall include the following:

7 "The purpose of this statement is to inform the public of  
8 the actual period of time this defendant is likely to spend in  
9 prison as a result of this sentence. The actual period of  
10 prison time served is determined by the statutes of Illinois  
11 as applied to this sentence by the Illinois Department of  
12 Corrections and the Illinois Prisoner Review Board. In this  
13 case, the defendant is entitled to no more than 4 1/2 days of  
14 sentence credit for each month of his or her sentence of  
15 imprisonment. Therefore, this defendant will serve at least  
16 85% of his or her sentence. Assuming the defendant receives 4  
17 1/2 days credit for each month of his or her sentence, the  
18 period of estimated actual custody is ... years and ...  
19 months. If the defendant, because of his or her own misconduct  
20 or failure to comply with the institutional regulations  
21 receives lesser credit, the actual time served in prison will  
22 be longer."

23 When a sentence of imprisonment is imposed for first  
24 degree murder and the offense was committed on or after June  
25 19, 1998, the judge's statement, to be given after pronouncing  
26 the sentence, shall include the following:

1           "The purpose of this statement is to inform the public of  
2 the actual period of time this defendant is likely to spend in  
3 prison as a result of this sentence. The actual period of  
4 prison time served is determined by the statutes of Illinois  
5 as applied to this sentence by the Illinois Department of  
6 Corrections and the Illinois Prisoner Review Board. In this  
7 case, the defendant is not entitled to sentence credit.  
8 Therefore, this defendant will serve 100% of his or her  
9 sentence."

10           When the sentencing order recommends placement in a  
11 substance abuse program for any offense that results in  
12 incarceration in a Department of Corrections facility and the  
13 crime was committed on or after September 1, 2003 (the  
14 effective date of Public Act 93-354), the judge's statement,  
15 in addition to any other judge's statement required under this  
16 Section, to be given after pronouncing the sentence, shall  
17 include the following:

18           "The purpose of this statement is to inform the public of  
19 the actual period of time this defendant is likely to spend in  
20 prison as a result of this sentence. The actual period of  
21 prison time served is determined by the statutes of Illinois  
22 as applied to this sentence by the Illinois Department of  
23 Corrections and the Illinois Prisoner Review Board. In this  
24 case, the defendant shall receive no earned sentence credit  
25 under clause (3) of subsection (a) of Section 3-6-3 until he or  
26 she participates in and completes a substance abuse treatment

1 program or receives a waiver from the Director of Corrections  
2 pursuant to clause (4.5) of subsection (a) of Section 3-6-3."

3 (c-4) Before the sentencing hearing and as part of the  
4 presentence investigation under Section 5-3-1, the court shall  
5 inquire of the defendant whether the defendant is currently  
6 serving in or is a veteran of the Armed Forces of the United  
7 States. If the defendant is currently serving in the Armed  
8 Forces of the United States or is a veteran of the Armed Forces  
9 of the United States and has been diagnosed as having a mental  
10 illness by a qualified psychiatrist or clinical psychologist  
11 or physician, the court may:

12 (1) order that the officer preparing the presentence  
13 report consult with the United States Department of  
14 Veterans Affairs, Illinois Department of Veterans'  
15 Affairs, or another agency or person with suitable  
16 knowledge or experience for the purpose of providing the  
17 court with information regarding treatment options  
18 available to the defendant, including federal, State, and  
19 local programming; and

20 (2) consider the treatment recommendations of any  
21 diagnosing or treating mental health professionals  
22 together with the treatment options available to the  
23 defendant in imposing sentence.

24 For the purposes of this subsection (c-4), "qualified  
25 psychiatrist" means a reputable physician licensed in Illinois  
26 to practice medicine in all its branches, who has specialized

1 in the diagnosis and treatment of mental and nervous disorders  
2 for a period of not less than 5 years.

3 (c-6) In imposing a sentence, the trial judge shall  
4 specify, on the record, the particular evidence and other  
5 reasons which led to his or her determination that a motor  
6 vehicle was used in the commission of the offense.

7 (c-7) In imposing a sentence for a Class 3 or 4 felony,  
8 other than a violent crime as defined in Section 3 of the  
9 Rights of Crime Victims and Witnesses Act, the court shall  
10 determine and indicate in the sentencing order whether the  
11 defendant has 4 or more or fewer than 4 months remaining on his  
12 or her sentence accounting for time served.

13 (d) When the defendant is committed to the Department of  
14 Corrections, the State's Attorney shall and counsel for the  
15 defendant may file a statement with the clerk of the court to  
16 be transmitted to the department, agency or institution to  
17 which the defendant is committed to furnish such department,  
18 agency or institution with the facts and circumstances of the  
19 offense for which the person was committed together with all  
20 other factual information accessible to them in regard to the  
21 person prior to his commitment relative to his habits,  
22 associates, disposition and reputation and any other facts and  
23 circumstances which may aid such department, agency or  
24 institution during its custody of such person. The clerk shall  
25 within 10 days after receiving any such statements transmit a  
26 copy to such department, agency or institution and a copy to

1 the other party, provided, however, that this shall not be  
2 cause for delay in conveying the person to the department,  
3 agency or institution to which he has been committed.

4 (e) The clerk of the court shall transmit to the  
5 department, agency or institution, if any, to which the  
6 defendant is committed, the following:

7 (1) the sentence imposed;

8 (2) any statement by the court of the basis for  
9 imposing the sentence;

10 (3) any presentence reports;

11 (3.3) the person's last known complete street address  
12 prior to incarceration or legal residence, the person's  
13 race, whether the person is of Hispanic or Latino origin,  
14 and whether the person is 18 years of age or older;

15 (3.5) any sex offender evaluations;

16 (3.6) any substance abuse treatment eligibility  
17 screening and assessment of the defendant by an agent  
18 designated by the State of Illinois to provide assessment  
19 services for the Illinois courts;

20 (4) the number of days, if any, which the defendant  
21 has been in custody and for which he is entitled to credit  
22 against the sentence, which information shall be provided  
23 to the clerk by the sheriff;

24 (4.1) any finding of great bodily harm made by the  
25 court with respect to an offense enumerated in subsection  
26 (c-1);



1           (5) all statements filed under subsection (d) of this  
2           Section;

3           (6) any medical or mental health records or summaries  
4           of the defendant;

5           (7) the municipality where the arrest of the offender  
6           or the commission of the offense has occurred, where such  
7           municipality has a population of more than 25,000 persons;

8           (8) all statements made and evidence offered under  
9           paragraph (7) of subsection (a) of this Section; and

10          (9) all additional matters which the court directs the  
11          clerk to transmit.

12          (f) In cases in which the court finds that a motor vehicle  
13          was used in the commission of the offense for which the  
14          defendant is being sentenced, the clerk of the court shall,  
15          within 5 days thereafter, forward a report of such conviction  
16          to the Secretary of State.

17          (Source: P.A. 102-813, eff. 5-13-22; 103-18, eff. 1-1-24;  
18          103-51, eff. 1-1-24; revised 12-15-23.)

19           (730 ILCS 5/5-4-3) (from Ch. 38, par. 1005-4-3)

20           Sec. 5-4-3. Specimens; genetic marker groups.

21           (a) Any person convicted of, found guilty under the  
22           Juvenile Court Act of 1987 for, or who received a disposition  
23           of court supervision for~~7~~ a qualifying offense or attempt of a  
24           qualifying offense, convicted or found guilty of any offense  
25           classified as a felony under Illinois law, convicted or found

1 guilty of any offense requiring registration under the Sex  
2 Offender Registration Act, found guilty or given supervision  
3 for any offense classified as a felony under the Juvenile  
4 Court Act of 1987, convicted or found guilty of, under the  
5 Juvenile Court Act of 1987, any offense requiring registration  
6 under the Sex Offender Registration Act, ~~or~~ institutionalized  
7 as a sexually dangerous person under the Sexually Dangerous  
8 Persons Act, or committed as a sexually violent person under  
9 the Sexually Violent Persons Commitment Act shall, regardless  
10 of the sentence or disposition imposed, be required to submit  
11 specimens of blood, saliva, or tissue to the Illinois State  
12 Police in accordance with the provisions of this Section,  
13 provided such person is:

14 (1) convicted of a qualifying offense or attempt of a  
15 qualifying offense on or after July 1, 1990 and sentenced  
16 to a term of imprisonment, periodic imprisonment, fine,  
17 probation, conditional discharge or any other form of  
18 sentence, or given a disposition of court supervision for  
19 the offense;

20 (1.5) found guilty or given supervision under the  
21 Juvenile Court Act of 1987 for a qualifying offense or  
22 attempt of a qualifying offense on or after January 1,  
23 1997;

24 (2) ordered institutionalized as a sexually dangerous  
25 person on or after July 1, 1990;

26 (3) convicted of a qualifying offense or attempt of a

1           qualifying offense before July 1, 1990 and is presently  
2           confined as a result of such conviction in any State  
3           correctional facility or county jail or is presently  
4           serving a sentence of probation, conditional discharge or  
5           periodic imprisonment as a result of such conviction;

6           (3.5) convicted or found guilty of any offense  
7           classified as a felony under Illinois law or found guilty  
8           or given supervision for such an offense under the  
9           Juvenile Court Act of 1987 on or after August 22, 2002;

10          (4) presently institutionalized as a sexually  
11          dangerous person or presently institutionalized as a  
12          person found guilty but mentally ill of a sexual offense  
13          or attempt to commit a sexual offense; or

14          (4.5) ordered committed as a sexually violent person  
15          on or after January 1, 1998 (the effective date of the  
16          Sexually Violent Persons Commitment Act).

17          (a-1) Any person incarcerated in a facility of the  
18          Illinois Department of Corrections or the Illinois Department  
19          of Juvenile Justice on or after August 22, 2002, whether for a  
20          term of years or natural life, who has not yet submitted a  
21          specimen of blood, saliva, or tissue shall be required to  
22          submit a specimen of blood, saliva, or tissue prior to his or  
23          her final discharge, or release on parole, aftercare release,  
24          or mandatory supervised release, as a condition of his or her  
25          parole, aftercare release, or mandatory supervised release, or  
26          within 6 months from August 13, 2009 (the effective date of

1 Public Act 96-426), whichever is sooner. A person incarcerated  
2 on or after August 13, 2009 (the effective date of Public Act  
3 96-426) shall be required to submit a specimen within 45 days  
4 of incarceration, or prior to his or her final discharge, or  
5 release on parole, aftercare release, or mandatory supervised  
6 release, as a condition of his or her parole, aftercare  
7 release, or mandatory supervised release, whichever is sooner.  
8 These specimens shall be placed into the State or national DNA  
9 database, to be used in accordance with other provisions of  
10 this Section, by the Illinois State Police.

11 (a-2) Any person sentenced to life imprisonment in a  
12 facility of the Illinois Department of Corrections after June  
13 13, 2005 (the effective date of Public Act 94-16) ~~this~~  
14 ~~amendatory Act of the 94th General Assembly~~ shall be required  
15 to provide a specimen of blood, saliva, or tissue within 45  
16 days after sentencing or disposition at a collection site  
17 designated by the Illinois State Police. Any person serving a  
18 sentence of life imprisonment in a facility of the Illinois  
19 Department of Corrections on June 13, 2005 (the effective date  
20 of Public Act 94-16) ~~this amendatory Act of the 94th General~~  
21 ~~Assembly~~ or any person who is under a sentence of death on June  
22 13, 2005 (the effective date of Public Act 94-16) ~~this~~  
23 ~~amendatory Act of the 94th General Assembly~~ shall be required  
24 to provide a specimen of blood, saliva, or tissue upon request  
25 at a collection site designated by the Illinois State Police.

26 (a-3) Any person seeking transfer to or residency in

1 Illinois under Sections 3-3-11.05 through 3-3-11.5 of this  
2 Code, the Interstate Compact for Adult Offender Supervision,  
3 or the Interstate Agreements on Sexually Dangerous Persons Act  
4 shall be required to provide a specimen of blood, saliva, or  
5 tissue within 45 days after transfer to or residency in  
6 Illinois at a collection site designated by the Illinois State  
7 Police.

8 (a-3.1) Any person required by an order of the court to  
9 submit a DNA specimen shall be required to provide a specimen  
10 of blood, saliva, or tissue within 45 days after the court  
11 order at a collection site designated by the Illinois State  
12 Police.

13 (a-3.2) On or after January 1, 2012 (the effective date of  
14 Public Act 97-383), any person arrested for any of the  
15 following offenses, after an indictment has been returned by a  
16 grand jury, or following a hearing pursuant to Section 109-3  
17 of the Code of Criminal Procedure of 1963 and a judge finds  
18 there is probable cause to believe the arrestee has committed  
19 one of the designated offenses, or an arrestee has waived a  
20 preliminary hearing shall be required to provide a specimen of  
21 blood, saliva, or tissue within 14 days after such indictment  
22 or hearing at a collection site designated by the Illinois  
23 State Police:

24 (A) first degree murder;

25 (B) home invasion;

26 (C) predatory criminal sexual assault of a child;

1 (D) aggravated criminal sexual assault; or

2 (E) criminal sexual assault.

3 (a-3.3) Any person required to register as a sex offender  
4 under the Sex Offender Registration Act, regardless of the  
5 date of conviction as set forth in subsection (c-5.2) shall be  
6 required to provide a specimen of blood, saliva, or tissue  
7 within the time period prescribed in subsection (c-5.2) at a  
8 collection site designated by the Illinois State Police.

9 (a-5) Any person who was otherwise convicted of or  
10 received a disposition of court supervision for any other  
11 offense under the Criminal Code of 1961 or the Criminal Code of  
12 2012 or who was found guilty or given supervision for such a  
13 violation under the Juvenile Court Act of 1987, may,  
14 regardless of the sentence imposed, be required by an order of  
15 the court to submit specimens of blood, saliva, or tissue to  
16 the Illinois State Police in accordance with the provisions of  
17 this Section.

18 (b) Any person required by paragraphs (a)(1), (a)(1.5),  
19 (a)(2), (a)(3.5), and (a-5) to provide specimens of blood,  
20 saliva, or tissue shall provide specimens of blood, saliva, or  
21 tissue within 45 days after sentencing or disposition at a  
22 collection site designated by the Illinois State Police.

23 (c) Any person required by paragraphs (a)(3), (a)(4), and  
24 (a)(4.5) to provide specimens of blood, saliva, or tissue  
25 shall be required to provide such specimens prior to final  
26 discharge or within 6 months from August 13, 2009 (the

1 effective date of Public Act 96-426), whichever is sooner.  
2 These specimens shall be placed into the State or national DNA  
3 database, to be used in accordance with other provisions of  
4 this Act, by the Illinois State Police.

5 (c-5) Any person required by paragraph (a-3) to provide  
6 specimens of blood, saliva, or tissue shall, where feasible,  
7 be required to provide the specimens before being accepted for  
8 conditioned residency in Illinois under the interstate compact  
9 or agreement, but no later than 45 days after arrival in this  
10 State.

11 (c-5.2) Unless it is determined that a registered sex  
12 offender has previously submitted a specimen of blood, saliva,  
13 or tissue that has been placed into the State DNA database, a  
14 person registering as a sex offender shall be required to  
15 submit a specimen at the time of his or her initial  
16 registration pursuant to the Sex Offender Registration Act or,  
17 for a person registered as a sex offender on or prior to  
18 January 1, 2012 (the effective date of Public Act 97-383),  
19 within one year of January 1, 2012 (the effective date of  
20 Public Act 97-383) or at the time of his or her next required  
21 registration.

22 (c-6) The Illinois State Police may determine which type  
23 of specimen or specimens, blood, saliva, or tissue, is  
24 acceptable for submission to the Division of Forensic Services  
25 for analysis. The Illinois State Police may require the  
26 submission of fingerprints from anyone required to give a

1 specimen under this Act.

2 (d) The Illinois State Police shall provide all equipment  
3 and instructions necessary for the collection of blood  
4 specimens. The collection of specimens shall be performed in a  
5 medically approved manner. Only a physician authorized to  
6 practice medicine, a registered nurse or other qualified  
7 person trained in venipuncture may withdraw blood for the  
8 purposes of this Act. The specimens shall thereafter be  
9 forwarded to the Illinois State Police, Division of Forensic  
10 Services, for analysis and categorizing into genetic marker  
11 groupings.

12 (d-1) The Illinois State Police shall provide all  
13 equipment and instructions necessary for the collection of  
14 saliva specimens. The collection of saliva specimens shall be  
15 performed in a medically approved manner. Only a person  
16 trained in the instructions promulgated by the Illinois State  
17 Police on collecting saliva may collect saliva for the  
18 purposes of this Section. The specimens shall thereafter be  
19 forwarded to the Illinois State Police, Division of Forensic  
20 Services, for analysis and categorizing into genetic marker  
21 groupings.

22 (d-2) The Illinois State Police shall provide all  
23 equipment and instructions necessary for the collection of  
24 tissue specimens. The collection of tissue specimens shall be  
25 performed in a medically approved manner. Only a person  
26 trained in the instructions promulgated by the Illinois State



1 Police on collecting tissue may collect tissue for the  
2 purposes of this Section. The specimens shall thereafter be  
3 forwarded to the Illinois State Police, Division of Forensic  
4 Services, for analysis and categorizing into genetic marker  
5 groupings.

6 (d-5) To the extent that funds are available, the Illinois  
7 State Police shall contract with qualified personnel and  
8 certified laboratories for the collection, analysis, and  
9 categorization of known specimens, except as provided in  
10 subsection (n) of this Section.

11 (d-6) Agencies designated by the Illinois State Police and  
12 the Illinois State Police may contract with third parties to  
13 provide for the collection or analysis of DNA, or both, of an  
14 offender's blood, saliva, and tissue specimens, except as  
15 provided in subsection (n) of this Section.

16 (e) The genetic marker groupings shall be maintained by  
17 the Illinois State Police, Division of Forensic Services.

18 (f) The genetic marker grouping analysis information  
19 obtained pursuant to this Act shall be confidential and shall  
20 be released only to peace officers of the United States, of  
21 other states or territories, of the insular possessions of the  
22 United States, of foreign countries duly authorized to receive  
23 the same, to all peace officers of the State of Illinois and to  
24 all prosecutorial agencies, and to defense counsel as provided  
25 by Section 116-5 of the Code of Criminal Procedure of 1963. The  
26 genetic marker grouping analysis information obtained pursuant

1 to this Act shall be used only for (i) valid law enforcement  
2 identification purposes and as required by the Federal Bureau  
3 of Investigation for participation in the National DNA  
4 database, (ii) technology validation purposes, (iii) a  
5 population statistics database, (iv) quality assurance  
6 purposes if personally identifying information is removed, (v)  
7 assisting in the defense of the criminally accused pursuant to  
8 Section 116-5 of the Code of Criminal Procedure of 1963, or  
9 (vi) identifying and assisting in the prosecution of a person  
10 who is suspected of committing a sexual assault as defined in  
11 Section 1a of the Sexual Assault Survivors Emergency Treatment  
12 Act. Notwithstanding any other statutory provision to the  
13 contrary, all information obtained under this Section shall be  
14 maintained in a single State data base, which may be uploaded  
15 into a national database, and which information may be subject  
16 to expungement only as set forth in subsection (f-1).

17 (f-1) Upon receipt of notification of a reversal of a  
18 conviction based on actual innocence, or of the granting of a  
19 pardon pursuant to Section 12 of Article V of the Illinois  
20 Constitution, if that pardon document specifically states that  
21 the reason for the pardon is the actual innocence of an  
22 individual whose DNA record has been stored in the State or  
23 national DNA identification index in accordance with this  
24 Section by the Illinois State Police, the DNA record shall be  
25 expunged from the DNA identification index, and the Department  
26 shall by rule prescribe procedures to ensure that the record

1 and any specimens, analyses, or other documents relating to  
2 such record, whether in the possession of the Department or  
3 any law enforcement or police agency, or any forensic DNA  
4 laboratory, including any duplicates or copies thereof, are  
5 destroyed and a letter is sent to the court verifying the  
6 expungement is completed. For specimens required to be  
7 collected prior to conviction, unless the individual has other  
8 charges or convictions that require submission of a specimen,  
9 the DNA record for an individual shall be expunged from the DNA  
10 identification databases and the specimen destroyed upon  
11 receipt of a certified copy of a final court order for each  
12 charge against an individual in which the charge has been  
13 dismissed, resulted in acquittal, or that the charge was not  
14 filed within the applicable time period. The Department shall  
15 by rule prescribe procedures to ensure that the record and any  
16 specimens in the possession or control of the Department are  
17 destroyed and a letter is sent to the court verifying the  
18 expungement is completed.

19 (f-5) Any person who intentionally uses genetic marker  
20 grouping analysis information, or any other information  
21 derived from a DNA specimen, beyond the authorized uses as  
22 provided under this Section, or any other Illinois law, is  
23 guilty of a Class 4 felony<sup>7</sup> and shall be subject to a fine of  
24 not less than \$5,000.

25 (f-6) The Illinois State Police may contract with third  
26 parties for the purposes of implementing Public Act 93-216

1 ~~this amendatory Act of the 93rd General Assembly~~, except as  
2 provided in subsection (n) of this Section. Any other party  
3 contracting to carry out the functions of this Section shall  
4 be subject to the same restrictions and requirements of this  
5 Section insofar as applicable, as the Illinois State Police,  
6 and to any additional restrictions imposed by the Illinois  
7 State Police.

8 (g) For the purposes of this Section, "qualifying offense"  
9 means any of the following:

10 (1) any violation or inchoate violation of Section  
11 11-1.50, 11-1.60, 11-6, 11-9.1, 11-11, 11-18.1, 12-15, or  
12 12-16 of the Criminal Code of 1961 or the Criminal Code of  
13 2012;

14 (1.1) any violation or inchoate violation of Section  
15 9-1, 9-2, 10-1, 10-2, 12-11, 12-11.1, 18-1, 18-2, 18-3,  
16 18-4, 18-6, 19-1, 19-2, or 19-6 of the Criminal Code of  
17 1961 or the Criminal Code of 2012 for which persons are  
18 convicted on or after July 1, 2001;

19 (2) any former statute of this State which defined a  
20 felony sexual offense;

21 (3) (blank);

22 (4) any inchoate violation of Section 9-3.1, 9-3.4,  
23 11-9.3, 12-7.3, or 12-7.4 of the Criminal Code of 1961 or  
24 the Criminal Code of 2012; or

25 (5) any violation or inchoate violation of Article 29D  
26 of the Criminal Code of 1961 or the Criminal Code of 2012.

1 (g-5) (Blank).

2 (h) The Illinois State Police shall be the State central  
3 repository for all genetic marker grouping analysis  
4 information obtained pursuant to this Act. The Illinois State  
5 Police may promulgate rules for the form and manner of the  
6 collection of blood, saliva, or tissue specimens and other  
7 procedures for the operation of this Act. The provisions of  
8 the Administrative Review Law shall apply to all actions taken  
9 under the rules so promulgated.

10 (i)(1) A person required to provide a blood, saliva, or  
11 tissue specimen shall cooperate with the collection of the  
12 specimen and any deliberate act by that person intended to  
13 impede, delay or stop the collection of the blood, saliva, or  
14 tissue specimen is a Class 4 felony.

15 (2) In the event that a person's DNA specimen is not  
16 adequate for any reason, the person shall provide another DNA  
17 specimen for analysis. Duly authorized law enforcement and  
18 corrections personnel may employ reasonable force in cases in  
19 which an individual refuses to provide a DNA specimen required  
20 under this Act.

21 (j) (Blank).

22 (k) All analysis and categorization assessments provided  
23 under the Criminal and Traffic Assessment ~~Assessments~~ Act to  
24 the State Crime Laboratory Fund shall be regulated as follows:

25 (1) (Blank).

26 (2) (Blank).

1           (3) Moneys deposited into the State Crime Laboratory  
2           Fund shall be used by Illinois State Police crime  
3           laboratories as designated by the Director of the Illinois  
4           State Police. These funds shall be in addition to any  
5           allocations made pursuant to existing laws and shall be  
6           designated for the exclusive use of State crime  
7           laboratories. These uses may include, but are not limited  
8           to, the following:

9           (A) Costs incurred in providing analysis and  
10          genetic marker categorization as required by  
11          subsection (d).

12          (B) Costs incurred in maintaining genetic marker  
13          groupings as required by subsection (e).

14          (C) Costs incurred in the purchase and maintenance  
15          of equipment for use in performing analyses.

16          (D) Costs incurred in continuing research and  
17          development of new techniques for analysis and genetic  
18          marker categorization.

19          (E) Costs incurred in continuing education,  
20          training, and professional development of forensic  
21          scientists regularly employed by these laboratories.

22          (1) The failure of a person to provide a specimen, or of  
23          any person or agency to collect a specimen, shall in no way  
24          alter the obligation of the person to submit such specimen, or  
25          the authority of the Illinois State Police or persons  
26          designated by the Illinois State Police to collect the

1 specimen, or the authority of the Illinois State Police to  
2 accept, analyze and maintain the specimen or to maintain or  
3 upload results of genetic marker grouping analysis information  
4 into a State or national database.

5 (m) If any provision of Public Act 93-216 ~~this amendatory~~  
6 ~~Act of the 93rd General Assembly~~ is held unconstitutional or  
7 otherwise invalid, the remainder of Public Act 93-216 ~~this~~  
8 ~~amendatory Act of the 93rd General Assembly~~ is not affected.

9 (n) Neither the Illinois State Police, the Division of  
10 Forensic Services, nor any laboratory of the Division of  
11 Forensic Services may contract out forensic testing for the  
12 purpose of an active investigation or a matter pending before  
13 a court of competent jurisdiction without the written consent  
14 of the prosecuting agency. For the purposes of this subsection  
15 (n), "forensic testing" includes the analysis of physical  
16 evidence in an investigation or other proceeding for the  
17 prosecution of a violation of the Criminal Code of 1961 or the  
18 Criminal Code of 2012 or for matters adjudicated under the  
19 Juvenile Court Act of 1987~~7~~ and includes the use of forensic  
20 databases and databanks, including DNA, firearm, and  
21 fingerprint databases, and expert testimony.

22 (o) Mistake does not invalidate a database match. The  
23 detention, arrest, or conviction of a person based upon a  
24 database match or database information is not invalidated if  
25 it is determined that the specimen was obtained or placed in  
26 the database by mistake.

1 (p) This Section may be referred to as the Illinois DNA  
2 Database Law of 2011.

3 (Source: P.A. 102-505, eff. 8-20-21; 102-538, eff. 8-20-21;  
4 103-51, eff. 1-1-24; revised 1-2-24.)

5 (730 ILCS 5/5-4.5-105)

6 Sec. 5-4.5-105. SENTENCING OF INDIVIDUALS UNDER THE AGE OF  
7 18 AT THE TIME OF THE COMMISSION OF AN OFFENSE.

8 (a) On or after January 1, 2016 (the effective date of  
9 Public Act 99-69) ~~this amendatory Act of the 99th General~~  
10 ~~Assembly~~, when a person commits an offense and the person is  
11 under 18 years of age at the time of the commission of the  
12 offense, the court, at the sentencing hearing conducted under  
13 Section 5-4-1, shall consider the following additional factors  
14 in mitigation in determining the appropriate sentence:

15 (1) the person's age, impetuosity, and level of  
16 maturity at the time of the offense, including the ability  
17 to consider risks and consequences of behavior, and the  
18 presence of cognitive or developmental disability, or  
19 both, if any;

20 (2) whether the person was subjected to outside  
21 pressure, including peer pressure, familial pressure, or  
22 negative influences;

23 (3) the person's family, home environment, educational  
24 and social background, including any history of parental  
25 neglect, domestic or sexual violence, sexual exploitation,



1 physical abuse, or other childhood trauma including  
2 adverse childhood experiences (or ACEs);

3 (4) the person's potential for rehabilitation or  
4 evidence of rehabilitation, or both;

5 (5) the circumstances of the offense;

6 (6) the person's degree of participation and specific  
7 role in the offense, including the level of planning by  
8 the defendant before the offense;

9 (7) whether the person was able to meaningfully  
10 participate in his or her defense;

11 (8) the person's prior juvenile or criminal history;

12 (9) the person's involvement in the child welfare  
13 system;

14 (10) involvement of the person in the community;

15 (11) if a comprehensive mental health evaluation of  
16 the person was conducted by a qualified mental health  
17 professional, the outcome of the evaluation; and

18 (12) ~~12~~ any other information the court finds relevant  
19 and reliable, including an expression of remorse, if  
20 appropriate. However, if the person, on advice of counsel  
21 chooses not to make a statement, the court shall not  
22 consider a lack of an expression of remorse as an  
23 aggravating factor.

24 (b) The trial judge shall specify on the record its  
25 consideration of the factors under subsection (a) of this  
26 Section.

1 (c) Notwithstanding any other provision of law, if the  
2 court determines by clear and convincing evidence that the  
3 individual against whom the person is convicted of committing  
4 the offense previously committed a crime under Section 10-9,  
5 Section 11-1.20, Section 11-1.30, Section 11-1.40, Section  
6 11-1.50, Section 11-1.60, Section 11-6, Section 11-6.5,  
7 Section 11-6.6, Section 11-9.1, Section 11-14.3, Section  
8 11-14.4 or Section 11-18.1 of the ~~under~~ Criminal Code of 2012  
9 against the person within 3 years before the offense in which  
10 the person was convicted, the court may, in its discretion:

11 (1) transfer the person to juvenile court for  
12 sentencing under Section 5-710 of the Juvenile Court Act  
13 of 1987;

14 (2) depart from any mandatory minimum sentence,  
15 maximum sentence, or sentencing enhancement; or

16 (3) suspend any portion of an otherwise applicable  
17 sentence.

18 (d) Subsection (c) shall be construed as prioritizing the  
19 successful treatment and rehabilitation of persons under 18  
20 years of age who are sex crime victims who commit acts of  
21 violence against their abusers. It is the General Assembly's  
22 intent that these persons be viewed as victims and provided  
23 treatment and services in the community and in the ~~7~~ juvenile  
24 or family court system.

25 (e) Except as provided in subsections (f) and (g) ~~(d)~~, the  
26 court may sentence the defendant to any disposition authorized

1 for the class of the offense of which he or she was found  
2 guilty as described in Article 4.5 of this Code, and may, in  
3 its discretion, decline to impose any otherwise applicable  
4 sentencing enhancement based upon firearm possession,  
5 possession with personal discharge, or possession with  
6 personal discharge that proximately causes great bodily harm,  
7 permanent disability, permanent disfigurement, or death to  
8 another person.

9 (f) Notwithstanding any other provision of law, if the  
10 defendant is convicted of first degree murder and would  
11 otherwise be subject to sentencing under clause (iii), (iv),  
12 (v), or (vii) of subparagraph (c) of paragraph (1) of  
13 subsection (a) of Section 5-8-1 of this Code based on the  
14 category of persons identified therein, the court shall impose  
15 a sentence of not less than 40 years of imprisonment, except  
16 for persons convicted of first degree murder where subsection  
17 (c) applies. In addition, the court may, in its discretion,  
18 decline to impose the sentencing enhancements based upon the  
19 possession or use of a firearm during the commission of the  
20 offense included in subsection (d) of Section 5-8-1.

21 (g) ~~(d)~~ Fines and assessments, such as fees or  
22 administrative costs, shall not be ordered or imposed against  
23 a minor subject to this Code or against the minor's parent,  
24 guardian, or legal custodian. For the purposes of this  
25 subsection (g) ~~this amendatory Act of the 103rd General~~  
26 ~~Assembly~~, "minor" has the meaning provided in Section 1-3 of

1 the Juvenile Court Act of 1987 and includes any minor under the  
2 age of 18 transferred to adult court or excluded from juvenile  
3 court jurisdiction under Article V of the Juvenile Court Act  
4 of 1987.

5 (Source: P.A. 103-191, eff. 1-1-24; 103-379, eff. 7-28-23;  
6 revised 9-14-23.)

7 (730 ILCS 5/5-6-3) (from Ch. 38, par. 1005-6-3)

8 Sec. 5-6-3. Conditions of probation and of conditional  
9 discharge.

10 (a) The conditions of probation and of conditional  
11 discharge shall be that the person:

12 (1) not violate any criminal statute of any  
13 jurisdiction;

14 (2) report to or appear in person before such person  
15 or agency as directed by the court. To comply with the  
16 provisions of this paragraph (2), in lieu of requiring the  
17 person on probation or conditional discharge to appear in  
18 person for the required reporting or meetings, the officer  
19 may utilize technology, including cellular and other  
20 electronic communication devices or platforms, that allow  
21 for communication between the supervised person and the  
22 officer in accordance with standards and guidelines  
23 established by the Administrative Office of the Illinois  
24 Courts;

25 (3) refrain from possessing a firearm or other

1 dangerous weapon where the offense is a felony or, if a  
2 misdemeanor, the offense involved the intentional or  
3 knowing infliction of bodily harm or threat of bodily  
4 harm;

5 (4) not leave the State without the consent of the  
6 court or, in circumstances in which the reason for the  
7 absence is of such an emergency nature that prior consent  
8 by the court is not possible, without the prior  
9 notification and approval of the person's probation  
10 officer. Transfer of a person's probation or conditional  
11 discharge supervision to another state is subject to  
12 acceptance by the other state pursuant to the Interstate  
13 Compact for Adult Offender Supervision;

14 (5) permit the probation officer to visit him at his  
15 home or elsewhere to the extent necessary to discharge his  
16 duties;

17 (6) perform no less than 30 hours of community service  
18 and not more than 120 hours of community service, if  
19 community service is available in the jurisdiction and is  
20 funded and approved by the county board where the offense  
21 was committed, where the offense was related to or in  
22 furtherance of the criminal activities of an organized  
23 gang and was motivated by the offender's membership in or  
24 allegiance to an organized gang. The community service  
25 shall include, but not be limited to, the cleanup and  
26 repair of any damage caused by a violation of Section

1 21-1.3 of the Criminal Code of 1961 or the Criminal Code of  
2 2012 and similar damage to property located within the  
3 municipality or county in which the violation occurred.  
4 When possible and reasonable, the community service should  
5 be performed in the offender's neighborhood. For purposes  
6 of this Section, "organized gang" has the meaning ascribed  
7 to it in Section 10 of the Illinois Streetgang Terrorism  
8 Omnibus Prevention Act. The court may give credit toward  
9 the fulfillment of community service hours for  
10 participation in activities and treatment as determined by  
11 court services. Community service shall not interfere with  
12 the school hours, school-related activities, or work  
13 commitments of the minor or the minor's parent, guardian,  
14 or legal custodian;

15 (7) if he or she is at least 17 years of age and has  
16 been sentenced to probation or conditional discharge for a  
17 misdemeanor or felony in a county of 3,000,000 or more  
18 inhabitants and has not been previously convicted of a  
19 misdemeanor or felony, may be required by the sentencing  
20 court to attend educational courses designed to prepare  
21 the defendant for a high school diploma and to work toward  
22 a high school diploma or to work toward passing high  
23 school equivalency testing or to work toward completing a  
24 vocational training program approved by the court. The  
25 person on probation or conditional discharge must attend a  
26 public institution of education to obtain the educational

1 or vocational training required by this paragraph (7). The  
2 court shall revoke the probation or conditional discharge  
3 of a person who willfully fails to comply with this  
4 paragraph (7). The person on probation or conditional  
5 discharge shall be required to pay for the cost of the  
6 educational courses or high school equivalency testing if  
7 a fee is charged for those courses or testing. The court  
8 shall resentence the offender whose probation or  
9 conditional discharge has been revoked as provided in  
10 Section 5-6-4. This paragraph (7) does not apply to a  
11 person who has a high school diploma or has successfully  
12 passed high school equivalency testing. This paragraph (7)  
13 does not apply to a person who is determined by the court  
14 to be a person with a developmental disability or  
15 otherwise mentally incapable of completing the educational  
16 or vocational program;

17 (8) if convicted of possession of a substance  
18 prohibited by the Cannabis Control Act, the Illinois  
19 Controlled Substances Act, or the Methamphetamine Control  
20 and Community Protection Act after a previous conviction  
21 or disposition of supervision for possession of a  
22 substance prohibited by the Cannabis Control Act or  
23 Illinois Controlled Substances Act or after a sentence of  
24 probation under Section 10 of the Cannabis Control Act,  
25 Section 410 of the Illinois Controlled Substances Act, or  
26 Section 70 of the Methamphetamine Control and Community

1 Protection Act and upon a finding by the court that the  
2 person is addicted, undergo treatment at a substance abuse  
3 program approved by the court;

4 (8.5) if convicted of a felony sex offense as defined  
5 in the Sex Offender Management Board Act, the person shall  
6 undergo and successfully complete sex offender treatment  
7 by a treatment provider approved by the Board and  
8 conducted in conformance with the standards developed  
9 under the Sex Offender Management Board Act;

10 (8.6) if convicted of a sex offense as defined in the  
11 Sex Offender Management Board Act, refrain from residing  
12 at the same address or in the same condominium unit or  
13 apartment unit or in the same condominium complex or  
14 apartment complex with another person he or she knows or  
15 reasonably should know is a convicted sex offender or has  
16 been placed on supervision for a sex offense; the  
17 provisions of this paragraph do not apply to a person  
18 convicted of a sex offense who is placed in a Department of  
19 Corrections licensed transitional housing facility for sex  
20 offenders;

21 (8.7) if convicted for an offense committed on or  
22 after June 1, 2008 (the effective date of Public Act  
23 95-464) that would qualify the accused as a child sex  
24 offender as defined in Section 11-9.3 or 11-9.4 of the  
25 Criminal Code of 1961 or the Criminal Code of 2012,  
26 refrain from communicating with or contacting, by means of



1 the Internet, a person who is not related to the accused  
2 and whom the accused reasonably believes to be under 18  
3 years of age; for purposes of this paragraph (8.7),  
4 "Internet" has the meaning ascribed to it in Section  
5 16-0.1 of the Criminal Code of 2012; and a person is not  
6 related to the accused if the person is not: (i) the  
7 spouse, brother, or sister of the accused; (ii) a  
8 descendant of the accused; (iii) a first or second cousin  
9 of the accused; or (iv) a step-child or adopted child of  
10 the accused;

11 (8.8) if convicted for an offense under Section 11-6,  
12 11-9.1, 11-14.4 that involves soliciting for a juvenile  
13 prostitute, 11-15.1, 11-20.1, 11-20.1B, 11-20.3, or 11-21  
14 of the Criminal Code of 1961 or the Criminal Code of 2012,  
15 or any attempt to commit any of these offenses, committed  
16 on or after June 1, 2009 (the effective date of Public Act  
17 95-983):

18 (i) not access or use a computer or any other  
19 device with Internet capability without the prior  
20 written approval of the offender's probation officer,  
21 except in connection with the offender's employment or  
22 search for employment with the prior approval of the  
23 offender's probation officer;

24 (ii) submit to periodic unannounced examinations  
25 of the offender's computer or any other device with  
26 Internet capability by the offender's probation

1 officer, a law enforcement officer, or assigned  
2 computer or information technology specialist,  
3 including the retrieval and copying of all data from  
4 the computer or device and any internal or external  
5 peripherals and removal of such information,  
6 equipment, or device to conduct a more thorough  
7 inspection;

8 (iii) submit to the installation on the offender's  
9 computer or device with Internet capability, at the  
10 offender's expense, of one or more hardware or  
11 software systems to monitor the Internet use; and

12 (iv) submit to any other appropriate restrictions  
13 concerning the offender's use of or access to a  
14 computer or any other device with Internet capability  
15 imposed by the offender's probation officer;

16 (8.9) if convicted of a sex offense as defined in the  
17 Sex Offender Registration Act committed on or after  
18 January 1, 2010 (the effective date of Public Act 96-262),  
19 refrain from accessing or using a social networking  
20 website as defined in Section 17-0.5 of the Criminal Code  
21 of 2012;

22 (9) if convicted of a felony or of any misdemeanor  
23 violation of Section 12-1, 12-2, 12-3, 12-3.2, 12-3.4, or  
24 12-3.5 of the Criminal Code of 1961 or the Criminal Code of  
25 2012 that was determined, pursuant to Section 112A-11.1 of  
26 the Code of Criminal Procedure of 1963, to trigger the

1 prohibitions of 18 U.S.C. 922(g)(9), physically surrender  
2 at a time and place designated by the court, his or her  
3 Firearm Owner's Identification Card and any and all  
4 firearms in his or her possession. The Court shall return  
5 to the Illinois State Police Firearm Owner's  
6 Identification Card Office the person's Firearm Owner's  
7 Identification Card;

8 (10) if convicted of a sex offense as defined in  
9 subsection (a-5) of Section 3-1-2 of this Code, unless the  
10 offender is a parent or guardian of the person under 18  
11 years of age present in the home and no non-familial  
12 minors are present, not participate in a holiday event  
13 involving children under 18 years of age, such as  
14 distributing candy or other items to children on  
15 Halloween, wearing a Santa Claus costume on or preceding  
16 Christmas, being employed as a department store Santa  
17 Claus, or wearing an Easter Bunny costume on or preceding  
18 Easter;

19 (11) if convicted of a sex offense as defined in  
20 Section 2 of the Sex Offender Registration Act committed  
21 on or after January 1, 2010 (the effective date of Public  
22 Act 96-362) that requires the person to register as a sex  
23 offender under that Act, may not knowingly use any  
24 computer scrub software on any computer that the sex  
25 offender uses;

26 (12) if convicted of a violation of the

1 Methamphetamine Control and Community Protection Act, the  
2 Methamphetamine Precursor Control Act, or a  
3 methamphetamine related offense:

4 (A) prohibited from purchasing, possessing, or  
5 having under his or her control any product containing  
6 pseudoephedrine unless prescribed by a physician; and

7 (B) prohibited from purchasing, possessing, or  
8 having under his or her control any product containing  
9 ammonium nitrate; and

10 (13) if convicted of a hate crime involving the  
11 protected class identified in subsection (a) of Section  
12 12-7.1 of the Criminal Code of 2012 that gave rise to the  
13 offense the offender committed, perform public or  
14 community service of no less than 200 hours and enroll in  
15 an educational program discouraging hate crimes that  
16 includes racial, ethnic, and cultural sensitivity training  
17 ordered by the court.

18 (b) The Court may in addition to other reasonable  
19 conditions relating to the nature of the offense or the  
20 rehabilitation of the defendant as determined for each  
21 defendant in the proper discretion of the Court require that  
22 the person:

23 (1) serve a term of periodic imprisonment under  
24 Article 7 for a period not to exceed that specified in  
25 paragraph (d) of Section 5-7-1;

26 (2) pay a fine and costs;

1           (3) work or pursue a course of study or vocational  
2 training;

3           (4) undergo medical, psychological or psychiatric  
4 treatment; or treatment for drug addiction or alcoholism;

5           (5) attend or reside in a facility established for the  
6 instruction or residence of defendants on probation;

7           (6) support his dependents;

8           (7) and in addition, if a minor:

9                 (i) reside with his parents or in a foster home;

10                (ii) attend school;

11                (iii) attend a non-residential program for youth;

12                (iv) provide nonfinancial contributions to his own  
13 support at home or in a foster home;

14                (v) with the consent of the superintendent of the  
15 facility, attend an educational program at a facility  
16 other than the school in which the offense was  
17 committed if he or she is convicted of a crime of  
18 violence as defined in Section 2 of the Crime Victims  
19 Compensation Act committed in a school, on the real  
20 property comprising a school, or within 1,000 feet of  
21 the real property comprising a school;

22           (8) make restitution as provided in Section 5-5-6 of  
23 this Code;

24           (9) perform some reasonable public or community  
25 service;

26           (10) serve a term of home confinement. In addition to

1 any other applicable condition of probation or conditional  
2 discharge, the conditions of home confinement shall be  
3 that the offender:

4 (i) remain within the interior premises of the  
5 place designated for his confinement during the hours  
6 designated by the court;

7 (ii) admit any person or agent designated by the  
8 court into the offender's place of confinement at any  
9 time for purposes of verifying the offender's  
10 compliance with the conditions of his confinement; and

11 (iii) if further deemed necessary by the court or  
12 the probation or court services department ~~Probation~~  
13 ~~or Court Services Department~~, be placed on an approved  
14 electronic monitoring device, subject to Article 8A of  
15 Chapter V;

16 (iv) for persons convicted of any alcohol,  
17 cannabis or controlled substance violation who are  
18 placed on an approved monitoring device as a condition  
19 of probation or conditional discharge, the court shall  
20 impose a reasonable fee for each day of the use of the  
21 device, as established by the county board in  
22 subsection (g) of this Section, unless after  
23 determining the inability of the offender to pay the  
24 fee, the court assesses a lesser fee or no fee as the  
25 case may be. This fee shall be imposed in addition to  
26 the fees imposed under subsections (g) and (i) of this

1 Section. The fee shall be collected by the clerk of the  
2 circuit court, except as provided in an administrative  
3 order of the Chief Judge of the circuit court. The  
4 clerk of the circuit court shall pay all monies  
5 collected from this fee to the county treasurer for  
6 deposit in the substance abuse services fund under  
7 Section 5-1086.1 of the Counties Code, except as  
8 provided in an administrative order of the Chief Judge  
9 of the circuit court.

10 The Chief Judge of the circuit court of the county  
11 may by administrative order establish a program for  
12 electronic monitoring of offenders, in which a vendor  
13 supplies and monitors the operation of the electronic  
14 monitoring device, and collects the fees on behalf of  
15 the county. The program shall include provisions for  
16 indigent offenders and the collection of unpaid fees.  
17 The program shall not unduly burden the offender and  
18 shall be subject to review by the Chief Judge.

19 The Chief Judge of the circuit court may suspend  
20 any additional charges or fees for late payment,  
21 interest, or damage to any device; and

22 (v) for persons convicted of offenses other than  
23 those referenced in clause (iv) above and who are  
24 placed on an approved monitoring device as a condition  
25 of probation or conditional discharge, the court shall  
26 impose a reasonable fee for each day of the use of the

1 device, as established by the county board in  
2 subsection (g) of this Section, unless after  
3 determining the inability of the defendant to pay the  
4 fee, the court assesses a lesser fee or no fee as the  
5 case may be. This fee shall be imposed in addition to  
6 the fees imposed under subsections (g) and (i) of this  
7 Section. The fee shall be collected by the clerk of the  
8 circuit court, except as provided in an administrative  
9 order of the Chief Judge of the circuit court. The  
10 clerk of the circuit court shall pay all monies  
11 collected from this fee to the county treasurer who  
12 shall use the monies collected to defray the costs of  
13 corrections. The county treasurer shall deposit the  
14 fee collected in the probation and court services  
15 fund. The Chief Judge of the circuit court of the  
16 county may by administrative order establish a program  
17 for electronic monitoring of offenders, in which a  
18 vendor supplies and monitors the operation of the  
19 electronic monitoring device, and collects the fees on  
20 behalf of the county. The program shall include  
21 provisions for indigent offenders and the collection  
22 of unpaid fees. The program shall not unduly burden  
23 the offender and shall be subject to review by the  
24 Chief Judge.

25 The Chief Judge of the circuit court may suspend  
26 any additional charges or fees for late payment,



1 interest, or damage to any device.

2 (11) comply with the terms and conditions of an order  
3 of protection issued by the court pursuant to the Illinois  
4 Domestic Violence Act of 1986, as now or hereafter  
5 amended, or an order of protection issued by the court of  
6 another state, tribe, or United States territory. A copy  
7 of the order of protection shall be transmitted to the  
8 probation officer or agency having responsibility for the  
9 case;

10 (12) reimburse any "local anti-crime program" as  
11 defined in Section 7 of the Anti-Crime Advisory Council  
12 Act for any reasonable expenses incurred by the program on  
13 the offender's case, not to exceed the maximum amount of  
14 the fine authorized for the offense for which the  
15 defendant was sentenced;

16 (13) contribute a reasonable sum of money, not to  
17 exceed the maximum amount of the fine authorized for the  
18 offense for which the defendant was sentenced, (i) to a  
19 "local anti-crime program", as defined in Section 7 of the  
20 Anti-Crime Advisory Council Act, or (ii) for offenses  
21 under the jurisdiction of the Department of Natural  
22 Resources, to the fund established by the Department of  
23 Natural Resources for the purchase of evidence for  
24 investigation purposes and to conduct investigations as  
25 outlined in Section 805-105 of the Department of Natural  
26 Resources (Conservation) Law;

1           (14) refrain from entering into a designated  
2 geographic area except upon such terms as the court finds  
3 appropriate. Such terms may include consideration of the  
4 purpose of the entry, the time of day, other persons  
5 accompanying the defendant, and advance approval by a  
6 probation officer, if the defendant has been placed on  
7 probation or advance approval by the court, if the  
8 defendant was placed on conditional discharge;

9           (15) refrain from having any contact, directly or  
10 indirectly, with certain specified persons or particular  
11 types of persons, including, but not limited to, members  
12 of street gangs and drug users or dealers;

13           (16) refrain from having in his or her body the  
14 presence of any illicit drug prohibited by the Illinois  
15 Controlled Substances Act or the Methamphetamine Control  
16 and Community Protection Act, unless prescribed by a  
17 physician, and submit samples of his or her blood or urine  
18 or both for tests to determine the presence of any illicit  
19 drug;

20           (17) if convicted for an offense committed on or after  
21 June 1, 2008 (the effective date of Public Act 95-464)  
22 that would qualify the accused as a child sex offender as  
23 defined in Section 11-9.3 or 11-9.4 of the Criminal Code  
24 of 1961 or the Criminal Code of 2012, refrain from  
25 communicating with or contacting, by means of the  
26 Internet, a person who is related to the accused and whom

1 the accused reasonably believes to be under 18 years of  
2 age; for purposes of this paragraph (17), "Internet" has  
3 the meaning ascribed to it in Section 16-0.1 of the  
4 Criminal Code of 2012; and a person is related to the  
5 accused if the person is: (i) the spouse, brother, or  
6 sister of the accused; (ii) a descendant of the accused;  
7 (iii) a first or second cousin of the accused; or (iv) a  
8 step-child or adopted child of the accused;

9 (18) if convicted for an offense committed on or after  
10 June 1, 2009 (the effective date of Public Act 95-983)  
11 that would qualify as a sex offense as defined in the Sex  
12 Offender Registration Act:

13 (i) not access or use a computer or any other  
14 device with Internet capability without the prior  
15 written approval of the offender's probation officer,  
16 except in connection with the offender's employment or  
17 search for employment with the prior approval of the  
18 offender's probation officer;

19 (ii) submit to periodic unannounced examinations  
20 of the offender's computer or any other device with  
21 Internet capability by the offender's probation  
22 officer, a law enforcement officer, or assigned  
23 computer or information technology specialist,  
24 including the retrieval and copying of all data from  
25 the computer or device and any internal or external  
26 peripherals and removal of such information,

1 equipment, or device to conduct a more thorough  
2 inspection;

3 (iii) submit to the installation on the offender's  
4 computer or device with Internet capability, at the  
5 subject's expense, of one or more hardware or software  
6 systems to monitor the Internet use; and

7 (iv) submit to any other appropriate restrictions  
8 concerning the offender's use of or access to a  
9 computer or any other device with Internet capability  
10 imposed by the offender's probation officer; and

11 (19) refrain from possessing a firearm or other  
12 dangerous weapon where the offense is a misdemeanor that  
13 did not involve the intentional or knowing infliction of  
14 bodily harm or threat of bodily harm.

15 (c) The court may as a condition of probation or of  
16 conditional discharge require that a person under 18 years of  
17 age found guilty of any alcohol, cannabis or controlled  
18 substance violation, refrain from acquiring a driver's license  
19 during the period of probation or conditional discharge. If  
20 such person is in possession of a permit or license, the court  
21 may require that the minor refrain from driving or operating  
22 any motor vehicle during the period of probation or  
23 conditional discharge, except as may be necessary in the  
24 course of the minor's lawful employment.

25 (d) An offender sentenced to probation or to conditional  
26 discharge shall be given a certificate setting forth the

1 conditions thereof.

2 (e) Except where the offender has committed a fourth or  
3 subsequent violation of subsection (c) of Section 6-303 of the  
4 Illinois Vehicle Code, the court shall not require as a  
5 condition of the sentence of probation or conditional  
6 discharge that the offender be committed to a period of  
7 imprisonment in excess of 6 months. This 6-month limit shall  
8 not include periods of confinement given pursuant to a  
9 sentence of county impact incarceration under Section 5-8-1.2.

10 Persons committed to imprisonment as a condition of  
11 probation or conditional discharge shall not be committed to  
12 the Department of Corrections.

13 (f) The court may combine a sentence of periodic  
14 imprisonment under Article 7 or a sentence to a county impact  
15 incarceration program under Article 8 with a sentence of  
16 probation or conditional discharge.

17 (g) An offender sentenced to probation or to conditional  
18 discharge and who during the term of either undergoes  
19 mandatory drug or alcohol testing, or both, or is assigned to  
20 be placed on an approved electronic monitoring device, shall  
21 be ordered to pay all costs incidental to such mandatory drug  
22 or alcohol testing, or both, and all costs incidental to such  
23 approved electronic monitoring in accordance with the  
24 defendant's ability to pay those costs. The county board with  
25 the concurrence of the Chief Judge of the judicial circuit in  
26 which the county is located shall establish reasonable fees

1 for the cost of maintenance, testing, and incidental expenses  
2 related to the mandatory drug or alcohol testing, or both, and  
3 all costs incidental to approved electronic monitoring,  
4 involved in a successful probation program for the county. The  
5 concurrence of the Chief Judge shall be in the form of an  
6 administrative order. The fees shall be collected by the clerk  
7 of the circuit court, except as provided in an administrative  
8 order of the Chief Judge of the circuit court. The clerk of the  
9 circuit court shall pay all moneys collected from these fees  
10 to the county treasurer who shall use the moneys collected to  
11 defray the costs of drug testing, alcohol testing, and  
12 electronic monitoring. The county treasurer shall deposit the  
13 fees collected in the county working cash fund under Section  
14 6-27001 or Section 6-29002 of the Counties Code, as the case  
15 may be. The Chief Judge of the circuit court of the county may  
16 by administrative order establish a program for electronic  
17 monitoring of offenders, in which a vendor supplies and  
18 monitors the operation of the electronic monitoring device,  
19 and collects the fees on behalf of the county. The program  
20 shall include provisions for indigent offenders and the  
21 collection of unpaid fees. The program shall not unduly burden  
22 the offender and shall be subject to review by the Chief Judge.  
23 A person shall not be assessed costs or fees for mandatory  
24 testing for drugs, alcohol, or both, if the person is an  
25 indigent person as defined in paragraph (2) of subsection (a)  
26 of Section 5-105 of the Code of Civil Procedure.

1           The Chief Judge of the circuit court may suspend any  
2 additional charges or fees for late payment, interest, or  
3 damage to any device.

4           (h) Jurisdiction over an offender may be transferred from  
5 the sentencing court to the court of another circuit with the  
6 concurrence of both courts. Further transfers or retransfers  
7 of jurisdiction are also authorized in the same manner. The  
8 court to which jurisdiction has been transferred shall have  
9 the same powers as the sentencing court. The probation  
10 department within the circuit to which jurisdiction has been  
11 transferred, or which has agreed to provide supervision, may  
12 impose probation fees upon receiving the transferred offender,  
13 as provided in subsection (i). For all transfer cases, as  
14 defined in Section 9b of the Probation and Probation Officers  
15 Act, the probation department from the original sentencing  
16 court shall retain all probation fees collected prior to the  
17 transfer. After the transfer, all probation fees shall be paid  
18 to the probation department within the circuit to which  
19 jurisdiction has been transferred.

20           (i) The court shall impose upon an offender sentenced to  
21 probation after January 1, 1989 or to conditional discharge  
22 after January 1, 1992 or to community service under the  
23 supervision of a probation or court services department after  
24 January 1, 2004, as a condition of such probation or  
25 conditional discharge or supervised community service, a fee  
26 of \$50 for each month of probation or conditional discharge

1 supervision or supervised community service ordered by the  
2 court, unless after determining the inability of the person  
3 sentenced to probation or conditional discharge or supervised  
4 community service to pay the fee, the court assesses a lesser  
5 fee. The court may not impose the fee on a minor who is placed  
6 in the guardianship or custody of the Department of Children  
7 and Family Services under the Juvenile Court Act of 1987 while  
8 the minor is in placement. The fee shall be imposed only upon  
9 an offender who is actively supervised by the probation and  
10 court services department. The fee shall be collected by the  
11 clerk of the circuit court. The clerk of the circuit court  
12 shall pay all monies collected from this fee to the county  
13 treasurer for deposit in the probation and court services fund  
14 under Section 15.1 of the Probation and Probation Officers  
15 Act.

16 A circuit court may not impose a probation fee under this  
17 subsection (i) in excess of \$25 per month unless the circuit  
18 court has adopted, by administrative order issued by the Chief  
19 Judge ~~chief judge~~, a standard probation fee guide determining  
20 an offender's ability to pay. Of the amount collected as a  
21 probation fee, up to \$5 of that fee collected per month may be  
22 used to provide services to crime victims and their families.

23 The Court may only waive probation fees based on an  
24 offender's ability to pay. The probation department may  
25 re-evaluate an offender's ability to pay every 6 months, and,  
26 with the approval of the Director of Court Services or the



1 Chief Probation Officer, adjust the monthly fee amount. An  
2 offender may elect to pay probation fees due in a lump sum. Any  
3 offender that has been assigned to the supervision of a  
4 probation department, or has been transferred either under  
5 subsection (h) of this Section or under any interstate  
6 compact, shall be required to pay probation fees to the  
7 department supervising the offender, based on the offender's  
8 ability to pay.

9 Public Act 93-970 deletes the \$10 increase in the fee  
10 under this subsection that was imposed by Public Act 93-616.  
11 This deletion is intended to control over any other Act of the  
12 93rd General Assembly that retains or incorporates that fee  
13 increase.

14 (i-5) In addition to the fees imposed under subsection (i)  
15 of this Section, in the case of an offender convicted of a  
16 felony sex offense (as defined in the Sex Offender Management  
17 Board Act) or an offense that the court or probation  
18 department has determined to be sexually motivated (as defined  
19 in the Sex Offender Management Board Act), the court or the  
20 probation department shall assess additional fees to pay for  
21 all costs of treatment, assessment, evaluation for risk and  
22 treatment, and monitoring the offender, based on that  
23 offender's ability to pay those costs either as they occur or  
24 under a payment plan.

25 (j) All fines and costs imposed under this Section for any  
26 violation of Chapters 3, 4, 6, and 11 of the Illinois Vehicle

1 Code, or a similar provision of a local ordinance, and any  
2 violation of the Child Passenger Protection Act, or a similar  
3 provision of a local ordinance, shall be collected and  
4 disbursed by the circuit clerk as provided under the Criminal  
5 and Traffic Assessment Act.

6 (k) Any offender who is sentenced to probation or  
7 conditional discharge for a felony sex offense as defined in  
8 the Sex Offender Management Board Act or any offense that the  
9 court or probation department has determined to be sexually  
10 motivated as defined in the Sex Offender Management Board Act  
11 shall be required to refrain from any contact, directly or  
12 indirectly, with any persons specified by the court and shall  
13 be available for all evaluations and treatment programs  
14 required by the court or the probation department.

15 (l) The court may order an offender who is sentenced to  
16 probation or conditional discharge for a violation of an order  
17 of protection be placed under electronic surveillance as  
18 provided in Section 5-8A-7 of this Code.

19 (m) Except for restitution, and assessments issued for  
20 adjudications under Section 5-125 of the Juvenile Court Act of  
21 1987, fines and assessments, such as fees or administrative  
22 costs, authorized under this Section shall not be ordered or  
23 imposed on a minor subject to Article III, IV, or V of the  
24 Juvenile Court Act of 1987, or a minor under the age of 18  
25 transferred to adult court or excluded from juvenile court  
26 jurisdiction under Article V of the Juvenile Court Act of

1 1987, or the minor's parent, guardian, or legal custodian.

2 (n) ~~(m)~~ A person on probation, conditional discharge, or  
3 supervision shall not be ordered to refrain from having  
4 cannabis or alcohol in his or her body unless:

5 (1) the person is under 21 years old;

6 (2) the person was sentenced to probation, conditional  
7 discharge, or supervision for an offense which had as an  
8 element of the offense the presence of an intoxicating  
9 compound in the person's body;

10 (3) the person is participating in a problem-solving  
11 court certified by the Illinois Supreme Court;

12 (4) the person has undergone a validated clinical  
13 assessment and the clinical treatment plan includes  
14 alcohol or cannabis testing; or

15 (5) a court ordered evaluation recommends that the  
16 person refrain from using alcohol or cannabis, provided  
17 the evaluation is a validated clinical assessment and the  
18 recommendation originates from a clinical treatment plan.

19 If the court has made findings that alcohol use was a  
20 contributing factor in the commission of the underlying  
21 offense, the court may order a person on probation,  
22 conditional discharge, or supervision to refrain from having  
23 alcohol in his or her body during the time between sentencing  
24 and the completion of a validated clinical assessment,  
25 provided that such order shall not exceed 30 days and shall be  
26 terminated if the clinical treatment plan does not recommend

1 abstinence or testing, or both.

2 In this subsection (n) ~~(m)~~, "validated clinical  
3 assessment" and "clinical treatment plan" have the meanings  
4 ascribed to them in Section 10 of the Drug Court Treatment Act.

5 In any instance in which the court orders testing for  
6 cannabis or alcohol, the court shall state the reasonable  
7 relation the condition has to the person's crime for which the  
8 person was placed on probation, conditional discharge, or  
9 supervision.

10 (o) ~~(n)~~ A person on probation, conditional discharge, or  
11 supervision shall not be ordered to refrain from use or  
12 consumption of any substance lawfully prescribed by a medical  
13 provider or authorized by the Compassionate Use of Medical  
14 Cannabis Program Act, except where use is prohibited in  
15 paragraph (3) or (4) of subsection (n) ~~(m)~~.

16 (Source: P.A. 102-538, eff. 8-20-21; 102-558, eff. 8-20-21;  
17 103-271, eff. 1-1-24; 103-379, eff. 7-28-23; 103-391, eff.  
18 1-1-24; revised 12-15-23.)

19 (730 ILCS 5/5-9-1.4) (from Ch. 38, par. 1005-9-1.4)

20 Sec. 5-9-1.4. (a) "Crime laboratory" means any  
21 not-for-profit laboratory registered with the Drug Enforcement  
22 Administration of the United States Department of Justice,  
23 substantially funded by a unit or combination of units of  
24 local government or the State of Illinois, which regularly  
25 employs at least one person engaged in the analysis of

1 controlled substances, cannabis, methamphetamine, or steroids  
2 for criminal justice agencies in criminal matters and provides  
3 testimony with respect to such examinations.

4 (b) (Blank).

5 (c) (Blank).

6 (c-1) A criminal laboratory analysis assessment, or  
7 equivalent fine or assessment, such as fees or administrative  
8 costs, shall not be ordered or imposed on a minor subject to  
9 Article III, IV, or V of the Juvenile Court Act of 1987, or a  
10 minor under the age of 18 transferred to adult court or  
11 excluded from juvenile court jurisdiction under Article V of  
12 the Juvenile Court Act of 1987, or the minor's parent,  
13 guardian, or legal custodian.

14 (d) Notwithstanding subsection (c-1) of this Section, all  
15 funds provided for by this Section shall be collected by the  
16 clerk of the court and forwarded to the appropriate crime  
17 laboratory fund as provided in subsection (f).

18 (e) Crime laboratory funds shall be established as  
19 follows:

20 (1) Any unit of local government which maintains a  
21 crime laboratory may establish a crime laboratory fund  
22 within the office of the county or municipal treasurer.

23 (2) Any combination of units of local government which  
24 maintains a crime laboratory may establish a crime  
25 laboratory fund within the office of the treasurer of the  
26 county where the crime laboratory is situated.

1           (3) The State Crime Laboratory Fund is hereby created  
2           as a special fund in the State Treasury.

3           (f) Funds shall be forwarded to the office of the  
4           treasurer of the unit of local government that performed the  
5           analysis if that unit of local government has established a  
6           crime laboratory fund, or to the State Crime Laboratory Fund  
7           if the analysis was performed by a laboratory operated by the  
8           Illinois State Police. If the analysis was performed by a  
9           crime laboratory funded by a combination of units of local  
10          government, the funds shall be forwarded to the treasurer of  
11          the county where the crime laboratory is situated if a crime  
12          laboratory fund has been established in that county. If the  
13          unit of local government or combination of units of local  
14          government has not established a crime laboratory fund, then  
15          the funds shall be forwarded to the State Crime Laboratory  
16          Fund.

17          (g) Moneys deposited into a crime laboratory fund created  
18          pursuant to paragraph (1) or (2) of subsection (e) of this  
19          Section shall be in addition to any allocations made pursuant  
20          to existing law and shall be designated for the exclusive use  
21          of the crime laboratory. These uses may include, but are not  
22          limited to, the following:

23                 (1) costs incurred in providing analysis for  
24                 controlled substances in connection with criminal  
25                 investigations conducted within this State;

26                 (2) purchase and maintenance of equipment for use in

1 performing analyses; and

2 (3) continuing education, training, and professional  
3 development of forensic scientists regularly employed by  
4 these laboratories.

5 (h) Moneys deposited in the State Crime Laboratory Fund  
6 created pursuant to paragraph (3) of subsection (d) of this  
7 Section shall be used by State crime laboratories as  
8 designated by the Director of the Illinois State Police. These  
9 funds shall be in addition to any allocations made pursuant to  
10 existing law and shall be designated for the exclusive use of  
11 State crime laboratories or for the sexual assault evidence  
12 tracking system created under Section 50 of the Sexual Assault  
13 Evidence Submission Act. These uses may include those  
14 enumerated in subsection (g) of this Section.

15 (Source: P.A. 102-505, eff. 8-20-21; 102-538, eff. 8-20-21;  
16 102-813, eff. 5-13-22; 103-363, eff. 7-28-23; 103-379, eff.  
17 7-28-23; revised 9-14-23.)

18 (730 ILCS 5/5-9-1.9)

19 Sec. 5-9-1.9. DUI analysis.

20 (a) "Crime laboratory" means a not-for-profit laboratory  
21 substantially funded by a single unit or combination of units  
22 of local government or the State of Illinois that regularly  
23 employs at least one person engaged in the DUI analysis of  
24 blood, other bodily substance, and urine for criminal justice  
25 agencies in criminal matters and provides testimony with

1 respect to such examinations.

2 "DUI analysis" means an analysis of blood, other bodily  
3 substance, or urine for purposes of determining whether a  
4 violation of Section 11-501 of the Illinois Vehicle Code has  
5 occurred.

6 (b) (Blank).

7 (c) (Blank).

8 (c-1) A criminal laboratory DUI analysis assessment, or  
9 equivalent fine or assessment, such as fees or administrative  
10 costs, shall not be ordered or imposed on a minor subject to  
11 Article III, IV, or V of the Juvenile Court Act of 1987, or a  
12 minor under the age of 18 transferred to adult court or  
13 excluded from juvenile court jurisdiction under Article V of  
14 the Juvenile Court Act of 1987, or the minor's parent,  
15 guardian, or legal custodian.

16 (d) Notwithstanding subsection (c-1), all funds provided  
17 for by this Section shall be collected by the clerk of the  
18 court and forwarded to the appropriate crime laboratory DUI  
19 fund as provided in subsection (f).

20 (e) Crime laboratory funds shall be established as  
21 follows:

22 (1) A unit of local government that maintains a crime  
23 laboratory may establish a crime laboratory DUI fund  
24 within the office of the county or municipal treasurer.

25 (2) Any combination of units of local government that  
26 maintains a crime laboratory may establish a crime



1 laboratory DUI fund within the office of the treasurer of  
2 the county where the crime laboratory is situated.

3 (3) (Blank).

4 (f) Notwithstanding subsection (c-1), all funds shall be  
5 forwarded to the office of the treasurer of the unit of local  
6 government that performed the analysis if that unit of local  
7 government has established a crime laboratory DUI fund, or  
8 remitted to the State Treasurer for deposit into the State  
9 Crime Laboratory Fund if the analysis was performed by a  
10 laboratory operated by the Illinois State Police. If the  
11 analysis was performed by a crime laboratory funded by a  
12 combination of units of local government, the funds shall be  
13 forwarded to the treasurer of the county where the crime  
14 laboratory is situated if a crime laboratory DUI fund has been  
15 established in that county. If the unit of local government or  
16 combination of units of local government has not established a  
17 crime laboratory DUI fund, then the funds shall be remitted to  
18 the State Treasurer for deposit into the State Crime  
19 Laboratory Fund.

20 (g) Moneys deposited into a crime laboratory DUI fund  
21 created under paragraphs (1) and (2) of subsection (e) of this  
22 Section shall be in addition to any allocations made pursuant  
23 to existing law and shall be designated for the exclusive use  
24 of the crime laboratory. These uses may include, but are not  
25 limited to, the following:

26 (1) Costs incurred in providing analysis for DUI

1 investigations conducted within this State.

2 (2) Purchase and maintenance of equipment for use in  
3 performing analyses.

4 (3) Continuing education, training, and professional  
5 development of forensic scientists regularly employed by  
6 these laboratories.

7 (h) Moneys deposited in the State Crime Laboratory Fund  
8 shall be used by State crime laboratories as designated by the  
9 Director of the Illinois State Police. These funds shall be in  
10 addition to any allocations made according to existing law and  
11 shall be designated for the exclusive use of State crime  
12 laboratories. These uses may include those enumerated in  
13 subsection (g) of this Section.

14 (i) (Blank).

15 (Source: P.A. 102-16, eff. 6-17-21; 102-145, eff. 7-23-21;  
16 102-538, eff. 8-20-21; 102-813, eff. 5-13-22; 103-363, eff.  
17 7-28-23; 103-379, eff. 7-28-23; revised 9-14-23.)

18 Section 570. The Arsonist Registration Act is amended by  
19 changing Section 35 as follows:

20 (730 ILCS 148/35)

21 Sec. 35. Duty to report change of address, school, name,  
22 or employment. Any person who is required to register under  
23 this Act shall report in person to the appropriate law  
24 enforcement agency with whom he or she last registered within

1 one year from the date of last registration and every year  
2 thereafter. If any person required to register under this Act  
3 changes his or her residence address, place of employment, or  
4 school, he or she shall, in writing, within 10 days inform the  
5 law enforcement agency with whom he or she last registered of  
6 his or her new address, change in employment, or school and  
7 register with the appropriate law enforcement agency within  
8 the time period specified in Section 10. Any person who is  
9 required to register under this Act and is granted a legal name  
10 change pursuant to subsection (b) of Section 21-101 of the  
11 Code of Civil Procedure shall, in writing, within 10 days  
12 inform the law enforcement agency with whom the person ~~they~~  
13 last registered of the ~~their~~ name change. The law enforcement  
14 agency shall, within 3 days of receipt, notify the Illinois  
15 State Police and the law enforcement agency having  
16 jurisdiction of the new place of residence, change in  
17 employment, or school. If any person required to register  
18 under this Act establishes a residence or employment outside  
19 of the State of Illinois, within 10 days after establishing  
20 that residence or employment, he or she shall, in writing,  
21 inform the law enforcement agency with which he or she last  
22 registered of his or her out-of-state residence or employment.  
23 The law enforcement agency with which such person last  
24 registered shall, within 3 days' ~~days~~ notice of an address or  
25 employment change, notify the Illinois State Police. The  
26 Illinois State Police shall forward such information to the

1 out-of-state law enforcement agency having jurisdiction in the  
2 form and manner prescribed by the Illinois State Police.

3 (Source: P.A. 102-538, eff. 8-20-21; 102-1133, eff. 1-1-24;  
4 revised 12-15-23.)

5 Section 575. The Sex Offender Registration Act is amended  
6 by changing Section 6 as follows:

7 (730 ILCS 150/6)

8 Sec. 6. Duty to report; change of address, school, name,  
9 or employment; duty to inform. A person who has been  
10 adjudicated to be sexually dangerous or is a sexually violent  
11 person and is later released, or found to be no longer sexually  
12 dangerous or no longer a sexually violent person and  
13 discharged, or convicted of a violation of this Act after July  
14 1, 2005, shall report in person to the law enforcement agency  
15 with whom he or she last registered no later than 90 days after  
16 the date of his or her last registration and every 90 days  
17 thereafter and at such other times at the request of the law  
18 enforcement agency not to exceed 4 times a year. Such sexually  
19 dangerous or sexually violent person must report all new or  
20 changed e-mail addresses, all new or changed instant messaging  
21 identities, all new or changed chat room identities, and all  
22 other new or changed Internet communications identities that  
23 the sexually dangerous or sexually violent person uses or  
24 plans to use, all new or changed Uniform Resource Locators

1 (URLs) registered or used by the sexually dangerous or  
2 sexually violent person, and all new or changed blogs and  
3 other Internet sites maintained by the sexually dangerous or  
4 sexually violent person or to which the sexually dangerous or  
5 sexually violent person has uploaded any content or posted any  
6 messages or information. Any person who lacks a fixed  
7 residence must report weekly, in person, to the appropriate  
8 law enforcement agency where the sex offender is located. Any  
9 other person who is required to register under this Article  
10 shall report in person to the appropriate law enforcement  
11 agency with whom he or she last registered within one year from  
12 the date of last registration and every year thereafter and at  
13 such other times at the request of the law enforcement agency  
14 not to exceed 4 times a year. If any person required to  
15 register under this Article lacks a fixed residence or  
16 temporary domicile, he or she must notify, in person, the  
17 agency of jurisdiction of his or her last known address within  
18 3 days after ceasing to have a fixed residence and if the  
19 offender leaves the last jurisdiction of residence, he or she,  
20 must within 3 days after leaving register in person with the  
21 new agency of jurisdiction. If any other person required to  
22 register under this Article changes his or her residence  
23 address, place of employment, telephone number, cellular  
24 telephone number, or school, he or she shall report in person,  
25 to the law enforcement agency with whom he or she last  
26 registered, his or her new address, change in employment,

1 telephone number, cellular telephone number, or school, all  
2 new or changed e-mail addresses, all new or changed instant  
3 messaging identities, all new or changed chat room identities,  
4 and all other new or changed Internet communications  
5 identities that the sex offender uses or plans to use, all new  
6 or changed Uniform Resource Locators (URLs) registered or used  
7 by the sex offender, and all new or changed blogs and other  
8 Internet sites maintained by the sex offender or to which the  
9 sex offender has uploaded any content or posted any messages  
10 or information, and register, in person, with the appropriate  
11 law enforcement agency within the time period specified in  
12 Section 3. If any person required to register under this  
13 Article is granted a legal name change pursuant to subsection  
14 (b) of Section 21-101 of the Code of Civil Procedure, the  
15 person ~~they~~ shall report, in person, within 3 days of the ~~their~~  
16 legal name change, to the law enforcement agency with whom the  
17 person ~~they~~ last registered. If the sex offender is a child sex  
18 offender as defined in Section 11-9.3 or 11-9.4 of the  
19 Criminal Code of 1961 or the Criminal Code of 2012, the sex  
20 offender shall within 3 days after beginning to reside in a  
21 household with a child under 18 years of age who is not his or  
22 her own child, provided that his or her own child is not the  
23 victim of the sex offense, report that information to the  
24 registering law enforcement agency. The law enforcement agency  
25 shall, within 3 days of the reporting in person by the person  
26 required to register under this Article, notify the Illinois

1 State Police of the new place of residence, change in  
2 employment, telephone number, cellular telephone number, or  
3 school.

4 If any person required to register under this Article  
5 intends to establish a residence or employment outside of the  
6 State of Illinois, at least 10 days before establishing that  
7 residence or employment, he or she shall report in person to  
8 the law enforcement agency with which he or she last  
9 registered of his or her out-of-state intended residence or  
10 employment. The law enforcement agency with which such person  
11 last registered shall, within 3 days after the reporting in  
12 person of the person required to register under this Article  
13 of an address or employment change, notify the Illinois State  
14 Police. The Illinois State Police shall forward such  
15 information to the out-of-state law enforcement agency having  
16 jurisdiction in the form and manner prescribed by the Illinois  
17 State Police.

18 (Source: P.A. P.A. 102-538, eff. 8-20-21; 102-1133, eff.  
19 1-1-24; revised 12-15-23.)

20 Section 580. The Murderer and Violent Offender Against  
21 Youth Registration Act is amended by changing Section 30 as  
22 follows:

23 (730 ILCS 154/30)

24 Sec. 30. Duty to report; change of address, school, name,

1 or employment; duty to inform. Any violent offender against  
2 youth who is required to register under this Act shall report  
3 in person to the appropriate law enforcement agency with whom  
4 he or she last registered within one year from the date of last  
5 registration and every year thereafter and at such other times  
6 at the request of the law enforcement agency not to exceed 4  
7 times a year. If any person required to register under this Act  
8 lacks a fixed residence or temporary domicile, he or she must  
9 notify, in person, the agency of jurisdiction of his or her  
10 last known address within 5 days after ceasing to have a fixed  
11 residence and if the offender leaves the last jurisdiction of  
12 residence, he or she must, within 48 hours after leaving,  
13 register in person with the new agency of jurisdiction. If any  
14 other person required to register under this Act changes his  
15 or her residence address, place of employment, or school, he  
16 or she shall report in person to the law enforcement agency  
17 with whom he or she last registered of his or her new address,  
18 change in employment, or school and register, in person, with  
19 the appropriate law enforcement agency within the time period  
20 specified in Section 10. The law enforcement agency shall,  
21 within 3 days of the reporting in person by the person required  
22 to register under this Act, notify the Illinois State Police  
23 of the new place of residence, change in employment, or  
24 school. If any person required to register under this Act is  
25 granted a legal name change pursuant to subsection (b) of  
26 Section 21-101 of the Code of Civil Procedure, the person ~~they~~



1 shall report, in person, within 5 days of receiving the ~~their~~  
2 legal name change order, the ~~their~~ legal name change to the law  
3 enforcement agency with whom the person ~~they~~ last registered.

4 If any person required to register under this Act intends  
5 to establish a residence or employment outside of the State of  
6 Illinois, at least 10 days before establishing that residence  
7 or employment, he or she shall report in person to the law  
8 enforcement agency with which he or she last registered of his  
9 or her out-of-state intended residence or employment. The law  
10 enforcement agency with which such person last registered  
11 shall, within 3 days after the reporting in person of the  
12 person required to register under this Act of an address or  
13 employment change, notify the Illinois State Police. The  
14 Illinois State Police shall forward such information to the  
15 out-of-state law enforcement agency having jurisdiction in the  
16 form and manner prescribed by the Illinois State Police.

17 (Source: P.A. 102-538, eff. 8-20-21; 102-1133, eff. 1-1-24;  
18 revised 12-15-23.)

19 Section 585. The End Youth Solitary Confinement Act is  
20 amended by changing Section 10 as follows:

21 (730 ILCS 215/10)

22 Sec. 10. Covered juvenile confinement.

23 (a) In this Act:

24 "Administrative hold" means the status assigned to a

1 covered juvenile who is temporarily being housed in a  
2 particular covered juvenile center and includes, but is not  
3 limited to: a covered juvenile awaiting transfer to another  
4 juvenile detention center, a covered juvenile permanently  
5 assigned to another juvenile detention center being  
6 temporarily housed for purposes of attending court, the  
7 covered juvenile awaiting release, and the covered juvenile  
8 who was transferred to the Department of Corrections by  
9 mistake.

10 "Behavioral hold" means the status assigned to a covered  
11 juvenile who is confined to the covered juvenile's own room or  
12 another area because he or she is engaging in dangerous  
13 behavior that poses a serious and immediate threat to his or  
14 her own safety, the safety of others, or the security of the  
15 juvenile detention center.

16 "Chief administrative officer" means the highest ranking  
17 official of a juvenile detention center.

18 "Confinement" means any instance when an individual  
19 covered juvenile is held for 15 minutes or more in a room,  
20 cell, or other area separated from other covered juveniles.  
21 Confinement may occur in locked or unlocked rooms.  
22 "Confinement" includes an administrative hold, behavioral  
23 hold, or investigative status. "Confinement" does not include  
24 medical isolation or quarantine, situations when a covered  
25 juvenile requests to go to his or her room, the movement of the  
26 covered juvenile between offices and classrooms while

1 attending school, a covered juvenile who receives individual  
2 counseling or other therapeutic services, or staff who are in  
3 ongoing continuous conversation or processing with the covered  
4 juvenile, such as a cool down.

5 "Covered juvenile" means any person under 21 years of age  
6 incarcerated in a Department of Juvenile Justice facility or  
7 any person under 18 years of age detained in a county facility  
8 under the authority of the local circuit court.

9 "Investigative status" means a status assigned to a  
10 covered juvenile for whom confinement is necessary for the  
11 efficient and effective investigation of a Tier 2 or Tier 3  
12 offense, as defined in the Department of Juvenile Justice's  
13 Administrative Directive 04.01.140.

14 "Tier 2" or "Tier 3" offense means a major rules violation  
15 that results in immediate disciplinary consequences that are  
16 assigned by the staff of a facility of the Illinois Department  
17 of Juvenile Justice reporting the violation.

18 (b) The use of room confinement at a youth facility for  
19 discipline, punishment, retaliation, or any reason other than  
20 as a temporary response to a juvenile's behavior that poses a  
21 serious and immediate risk of physical harm to any individual,  
22 including the juvenile, is prohibited.

23 (b-5) A covered juvenile may be placed on an  
24 administrative hold and confined when temporarily being housed  
25 in a particular juvenile detention center or for  
26 administrative or security purposes as personally determined

1 by the chief administrative officer.

2 (b-6) Placement on administrative hold shall be subject to  
3 the following time limitations:

4 (1) when the covered juvenile is awaiting transfer to  
5 a youth facility or a more secure setting, the  
6 administrative hold may not exceed 3 business days; and

7 (2) the administrative hold may not exceed 7 calendar  
8 days when the covered juvenile is temporarily transferred  
9 to a different facility for the purposes of placement  
10 interviews, court appearances, or medical treatment.

11 (b-7) Whenever a covered juvenile is on an administrative  
12 hold, the Department shall provide the covered juvenile with  
13 access to the same programs and services received by covered  
14 juveniles in the general population. Any restrictions on  
15 movement or access to programs and services shall be  
16 documented and justified by the chief administrative officer.

17 (c) If a covered juvenile poses a serious and immediate  
18 risk of physical harm to any individual, including the  
19 juvenile, before a staff member of the facility places a  
20 covered juvenile in room confinement, the staff member shall  
21 attempt to use other less restrictive options, unless  
22 attempting those options poses a threat to the safety or  
23 security of any minor or staff.

24 (d) If a covered juvenile is placed in room confinement  
25 because the covered juvenile poses a serious and immediate  
26 risk of physical harm to himself or herself, or to others, the

1 covered juvenile shall be released:

2 (1) immediately when the covered juvenile has  
3 sufficiently gained control so as to no longer engage in  
4 behavior that threatens serious and immediate risk of  
5 physical harm to himself or herself, or to others; or

6 (2) no more than 24 hours after being placed in room  
7 confinement if a covered juvenile does not sufficiently  
8 gain control as described in paragraph (1) of this  
9 subsection (d) and poses a serious and immediate risk of  
10 physical harm to himself or herself or others, not later  
11 than:

12 (A) 3 hours after being placed in room  
13 confinement, in the case of a covered juvenile who  
14 poses a serious and immediate risk of physical harm to  
15 others; or

16 (B) 30 minutes after being placed in room  
17 confinement, in the case of a covered juvenile who  
18 poses a serious and immediate risk of physical harm  
19 only to himself or herself.

20 (e) If, after the applicable maximum period of confinement  
21 has expired, a covered juvenile continues to pose a serious  
22 and immediate risk of physical harm to others:

23 (1) the covered juvenile shall be transferred to  
24 another facility, when available, or internal location  
25 where services can be provided to the covered juvenile  
26 without relying on room confinement; or

1           (2) if a qualified mental health professional believes  
2           the level of crisis service needed is not currently  
3           available, a staff member of the facility shall initiate a  
4           referral to a location that can meet the needs of the  
5           covered juvenile.

6           (f) Each facility detaining covered juveniles shall report  
7           the use of each incident of room confinement to an independent  
8           ombudsperson for the Department of Juvenile Justice each  
9           month, including:

10           (1) the name of the covered juvenile;

11           (2) demographic data, including, at a minimum, age,  
12           race, gender, and primary language;

13           (3) the reason for room confinement, including how  
14           detention facility officials determined the covered  
15           juvenile posed an immediate risk of physical harm to  
16           others or to the covered juvenile ~~him or herself~~;

17           (4) the length of room confinement;

18           (5) the number of covered juveniles transferred to  
19           another facility or referred ~~referral~~ to a separate crisis  
20           location covered under subsection (e); and

21           (6) the name of detention facility officials involved  
22           in each instance of room confinement.

23           (g) An independent ombudsperson for the Department of  
24           Juvenile Justice may review a detention facility's adherence  
25           to this Section.

26           (Source: P.A. 103-178, eff. 1-1-24; revised 12-19-23.)

1           Section 590. The Code of Civil Procedure is amended by  
2 changing Sections 21-101, 21-102, 21-102.5, and 21-103 as  
3 follows:

4           (735 ILCS 5/21-101) (from Ch. 110, par. 21-101)

5           Sec. 21-101. Proceedings; parties.

6           (a) If any person who is a resident of this State and has  
7 resided in this State for 6 months desires to change his or her  
8 name and to assume another name by which to be afterwards  
9 called and known, the person may file a petition requesting  
10 that relief in the circuit court of the county wherein he or  
11 she resides.

12           (b) A person who has been convicted of any offense for  
13 which a person is required to register under the Sex Offender  
14 Registration Act, the Murderer and Violent Offender Against  
15 Youth Registration Act, or the Arsonist Registration Act in  
16 this State or any other state and who has not been pardoned is  
17 not permitted to file a petition for a name change in the  
18 courts of this State during the period that the person is  
19 required to register, unless that person verifies under oath,  
20 as provided under Section 1-109, that the petition for the  
21 name change is due to marriage, religious beliefs, status as a  
22 victim of trafficking or gender-related identity as defined by  
23 the Illinois Human Rights Act. A judge may grant or deny the  
24 request for legal name change filed by such persons. Any such

1 persons granted a legal name change shall report the change to  
2 the law enforcement agency having jurisdiction of their  
3 current registration pursuant to the Duty to Report  
4 requirements specified in Section 35 of the Arsonist  
5 Registration Act, Section 20 of the Murderer and Violent  
6 Offender Against Youth Registration Act, and Section 6 of the  
7 Sex Offender Registration Act. For the purposes of this  
8 subsection, a person will not face a felony charge if the  
9 person's request for legal name change is denied without proof  
10 of perjury.

11 (b-1) A person who has been convicted of a felony offense  
12 in this State or any other state and whose sentence has not  
13 been completed, terminated, or discharged is not permitted to  
14 file a petition for a name change in the courts of this State  
15 unless that person is pardoned for the offense.

16 (c) A petitioner may include his or her spouse and adult  
17 unmarried children, with their consent, and his or her minor  
18 children where it appears to the court that it is for their  
19 best interest, in the petition and relief requested, and the  
20 court's order shall then include the spouse and children.  
21 Whenever any minor has resided in the family of any person for  
22 the space of 3 years and has been recognized and known as an  
23 adopted child in the family of that person, the application  
24 herein provided for may be made by the person having that minor  
25 in his or her family.

26 An order shall be entered as to a minor only if the court



1 finds by clear and convincing evidence that the change is  
2 necessary to serve the best interest of the child. In  
3 determining the best interest of a minor child under this  
4 Section, the court shall consider all relevant factors,  
5 including:

6 (1) The wishes of the child's parents and any person  
7 acting as a parent who has physical custody of the child.

8 (2) The wishes of the child and the reasons for those  
9 wishes. The court may interview the child in chambers to  
10 ascertain the child's wishes with respect to the change of  
11 name. Counsel shall be present at the interview unless  
12 otherwise agreed upon by the parties. The court shall  
13 cause a court reporter to be present who shall make a  
14 complete record of the interview instantaneously to be  
15 part of the record in the case.

16 (3) The interaction and interrelationship of the child  
17 with his or her parents or persons acting as parents who  
18 have physical custody of the child, step-parents,  
19 siblings, step-siblings, or any other person who may  
20 significantly affect the child's best interest.

21 (4) The child's adjustment to his or her home, school,  
22 and community.

23 (d) If it appears to the court that the conditions and  
24 requirements under this Article have been complied with and  
25 that there is no reason why the relief requested should not be  
26 granted, the court, by an order to be entered of record, may

1 direct and provide that the name of that person be changed in  
2 accordance with the relief requested in the petition. If the  
3 circuit court orders that a name change be granted to a person  
4 who has been adjudicated or convicted of a felony or  
5 misdemeanor offense under the laws of this State or any other  
6 state for which a pardon has not been granted, or has an arrest  
7 for which a charge has not been filed or a pending charge on a  
8 felony or misdemeanor offense, a copy of the order, including  
9 a copy of each applicable access and review response, shall be  
10 forwarded to the Illinois State Police. The Illinois State  
11 Police shall update any criminal history transcript or  
12 offender registration of each person 18 years of age or older  
13 in the order to include the change of name as well as his or  
14 her former name.

15 (Source: P.A. 102-538, eff. 8-20-21; 102-1133, eff. 1-1-24;  
16 revised 12-15-23.)

17 (735 ILCS 5/21-102) (from Ch. 110, par. 21-102)

18 Sec. 21-102. Petition; update criminal history transcript.

19 (a) The petition shall be a statewide standardized form  
20 approved by the Illinois Supreme Court and shall set forth the  
21 name then held, the name sought to be assumed, the residence of  
22 the petitioner, the length of time the petitioner has resided  
23 in this State, and the state or country of the petitioner's  
24 nativity or supposed nativity. The petition shall include a  
25 statement, verified under oath as provided under Section 1-109

1 of this Code, whether or not the petitioner or any other person  
2 18 years of age or older who will be subject to a change of  
3 name under the petition if granted: (1) has been adjudicated  
4 or convicted of a felony or misdemeanor offense under the laws  
5 of this State or any other state for which a pardon has not  
6 been granted; or (2) has an arrest for which a charge has not  
7 been filed or a pending charge on a felony or misdemeanor  
8 offense. The petition shall be signed by the person  
9 petitioning or, in case of minors, by the parent or guardian  
10 having the legal custody of the minor.

11 (b) If the statement provided under subsection (a) of this  
12 Section indicates the petitioner or any other person 18 years  
13 of age or older who will be subject to a change of name under  
14 the petition, if granted, has been adjudicated or convicted of  
15 a felony or misdemeanor offense under the laws of this State or  
16 any other state for which a pardon has not been granted, or has  
17 an arrest for which a charge has not been filed or a pending  
18 charge on a felony or misdemeanor offense, the State's  
19 Attorney may request the court to or the court may on its own  
20 motion, require the person, prior to a hearing on the  
21 petition, to initiate an update of his or her criminal history  
22 transcript with the Illinois State Police. The Illinois State  
23 Police Department shall allow a person to use the Access and  
24 Review process, established by rule in the Illinois State  
25 Police Department, for this purpose. Upon completion of the  
26 update of the criminal history transcript, the petitioner

1 shall file confirmation of each update with the court, which  
2 shall seal the records from disclosure outside of court  
3 proceedings on the petition.

4 (c) Any petition filed under subsection (a) shall include  
5 the following: "WARNING: If you are required to register under  
6 the Sex Offender Registration Act, the Murderer and Violent  
7 Offender Against Youth Registration Act, or the Arsonist  
8 Registration Act in this State or a similar law in any other  
9 state and have not been pardoned, you will be committing a  
10 felony under those respective Acts by seeking a change of name  
11 during the registration period UNLESS your request for legal  
12 name change is due to marriage, religious beliefs, status as a  
13 victim of trafficking or gender related identity as defined by  
14 the Illinois Human Rights Act.".

15 (Source: P.A. 102-538, eff. 8-20-21; 102-1133, eff. 1-1-24;  
16 revised 12-15-23.)

17 (735 ILCS 5/21-102.5)

18 Sec. 21-102.5. Notice; objection.

19 (a) The circuit court clerk shall promptly serve a copy of  
20 the petition on the State's Attorney and the Illinois State  
21 Police if the statement provided under subsection (a) of  
22 Section 21-102 indicates that the petitioner, or any other  
23 person 18 years of age or older who will be subject to a change  
24 of name under the petition, has been adjudicated or convicted  
25 of a felony or misdemeanor offense under the laws of this State

1 or any other state for which a pardon has not been granted, or  
2 has an arrest for which a charge has not been filed or a  
3 pending charge on a felony or misdemeanor offense.

4 (b) The State's Attorney may file an objection to the  
5 petition. All objections shall be in writing, shall be filed  
6 with the circuit court clerk, shall be served upon the  
7 petitioner, and shall state with specificity the basis of the  
8 objection. Objections to a petition must be filed within 30  
9 days of the date of service of the petition upon the State's  
10 Attorney if the petitioner:

11 (1) is the defendant in a pending criminal offense  
12 charge; or

13 (2) has been convicted of identity theft, aggravated  
14 identity theft, felony or misdemeanor criminal sexual  
15 abuse when the victim of the offense at the time of its  
16 commission is under 18 years of age, felony or misdemeanor  
17 sexual exploitation of a child, felony or misdemeanor  
18 indecent solicitation of a child, or felony or misdemeanor  
19 indecent solicitation of an adult, and has not been  
20 pardoned for the conviction.

21 (Source: P.A. 102-538, eff. 8-20-21; 102-1133, eff. 1-1-24;  
22 revised 12-15-23)

23 (735 ILCS 5/21-103)

24 Sec. 21-103. Notice by publication.

25 (a) Previous notice shall be given of the intended

1 application by publishing a notice thereof in some newspaper  
2 published in the municipality in which the person resides if  
3 the municipality is in a county with a population under  
4 2,000,000, or if the person does not reside in a municipality  
5 in a county with a population under 2,000,000, or if no  
6 newspaper is published in the municipality or if the person  
7 resides in a county with a population of 2,000,000 or more,  
8 then in some newspaper published in the county where the  
9 person resides, or if no newspaper is published in that  
10 county, then in some convenient newspaper published in this  
11 State. The notice shall be inserted for 3 consecutive weeks  
12 after filing, the first insertion to be at least 6 weeks before  
13 the return day upon which the petition is to be heard, and  
14 shall be signed by the petitioner or, in case of a minor, the  
15 minor's parent or guardian, and shall set forth the return day  
16 of court on which the petition is to be heard and the name  
17 sought to be assumed.

18 (b) The publication requirement of subsection (a) shall  
19 not be required in any application for a change of name  
20 involving a minor if, before making judgment under this  
21 Article, reasonable notice and opportunity to be heard is  
22 given to any parent whose parental rights have not been  
23 previously terminated and to any person who has physical  
24 custody of the child. If any of these persons are outside this  
25 State, notice and opportunity to be heard shall be given under  
26 Section 21-104.

1           (b-3) The publication requirement of subsection (a) shall  
2 not be required in any application for a change of name  
3 involving a person who has received a judgment of ~~for~~  
4 dissolution of marriage or declaration of invalidity of  
5 marriage and wishes to change his or her name to resume the use  
6 of his or her former or maiden name.

7           (b-5) The court may issue an order directing that the  
8 notice and publication requirement be waived for a change of  
9 name involving a person who files with the court a statement,  
10 verified under oath as provided under Section 1-109 of this  
11 Code, that the person believes that publishing notice of the  
12 name change would be a hardship, including, but not limited  
13 to, a negative impact on the person's health or safety.

14           (b-6) In a case where waiver of the notice and publication  
15 requirement is sought, the petition for waiver is presumed  
16 granted and heard at the same hearing as the petition for name  
17 change. The court retains discretion to determine whether a  
18 hardship is shown and may order the petitioner to publish  
19 thereafter.

20           (c) The Director of the Illinois State Police or his or her  
21 designee may apply to the circuit court for an order directing  
22 that the notice and publication requirements of this Section  
23 be waived if the Director or his or her designee certifies that  
24 the name change being sought is intended to protect a witness  
25 during and following a criminal investigation or proceeding.

26           (c-1) The court may also enter a written order waiving the

1 publication requirement of subsection (a) if:

2 (i) the petitioner is 18 years of age or older; and

3 (ii) concurrent with the petition, the petitioner  
4 files with the court a statement, verified under oath as  
5 provided under Section 1-109 of this Code, attesting that  
6 the petitioner is or has been a person protected under the  
7 Illinois Domestic Violence Act of 1986, the Stalking No  
8 Contact Order Act, the Civil No Contact Order Act, Article  
9 112A of the Code of Criminal Procedure of 1963, a  
10 condition of pretrial release under subsections (b)  
11 through (d) of Section 110-10 of the Code of Criminal  
12 Procedure of 1963, or a similar provision of a law in  
13 another state or jurisdiction.

14 The petitioner may attach to the statement any supporting  
15 documents, including relevant court orders.

16 (c-2) If the petitioner files a statement attesting that  
17 disclosure of the petitioner's address would put the  
18 petitioner or any member of the petitioner's family or  
19 household at risk or reveal the confidential address of a  
20 shelter for domestic violence victims, that address may be  
21 omitted from all documents filed with the court, and the  
22 petitioner may designate an alternative address for service.

23 (c-3) Court administrators may allow domestic abuse  
24 advocates, rape crisis advocates, and victim advocates to  
25 assist petitioners in the preparation of name changes under  
26 subsection (c-1).



1 (c-4) If the publication requirements of subsection (a)  
2 have been waived, the circuit court shall enter an order  
3 impounding the case.

4 (d) The maximum rate charged for publication of a notice  
5 under this Section may not exceed the lowest classified rate  
6 paid by commercial users for comparable space in the newspaper  
7 in which the notice appears and shall include all cash  
8 discounts, multiple insertion discounts, and similar benefits  
9 extended to the newspaper's regular customers.

10 (Source: P.A. 101-81, eff. 7-12-19; 101-203, eff. 1-1-20;  
11 101-652, eff. 1-1-23; 102-538, eff. 8-20-21; 102-813, eff.  
12 5-13-22; 102-1133, eff. 1-1-24; revised 12-15-23.)

13 Section 595. The Eminent Domain Act is amended by setting  
14 forth, renumbering, and changing multiple versions of Section  
15 25-5-105 as follows:

16 (735 ILCS 30/25-5-105)

17 (Section scheduled to be repealed on May 31, 2025)

18 Sec. 25-5-105. Quick-take; Menard County; Athens Blacktop.

19 (a) Quick-take proceedings under Article 20 may be used  
20 for a period of one year after May 31, 2025 (the effective date  
21 of Public Act 103-3) ~~this amendatory Act of the 103rd General~~  
22 ~~Assembly~~ by Menard County for the acquisition of the following  
23 described property for the purpose of reconstructing the  
24 Athens Blacktop corridor.

1 Route: FAS 574/Athens Blacktop Road

2 County: Menard

3 Parcel No.: D-18

4 P.I.N. No.: 12-28-400-006

5 Section: 09-00056-05-EG

6 Station: RT 181+94.77

7 Station: RT 188+48.97

8 A part of the Southeast Quarter of Section 28,  
9 Township 18 North, Range 6 West of the Third Principal  
10 Meridian, described as follows:

11 Commencing at the Northeast corner of the Southeast  
12 Quarter of said Section 28; thence South 89 degrees 42  
13 minutes 06 seconds West along the north line of the  
14 Southeast Quarter of said Section 28, a distance of 669.81  
15 feet to the northeast parcel corner and the point of  
16 beginning; thence South 02 degrees 24 minutes 13 seconds  
17 East along the east parcel line, 80.48 feet; thence South  
18 72 degrees 55 minutes 03 seconds West, 103.39 feet; thence  
19 South 89 degrees 43 minutes 40 seconds West, 150.00 feet;  
20 thence North 86 degrees 08 minutes 49 seconds West, 405.10  
21 feet to the west parcel line; thence North 01 degree 06  
22 minutes 28 seconds West along said line, 80.89 feet to the  
23 north line of the Southeast Quarter of said Section 28;  
24 thence North 89 degrees 42 minutes 06 seconds East along  
25 said line, 651.20 feet to the point of beginning,

1 containing 0.860 acres, more or less of new right of way  
2 and 0.621 acres, more or less of existing right of way.

3 Route: FAS 574/Athens Blacktop Road

4 County: Menard

5 Parcel No.: D-19

6 P.I.N. No.: 12-28-400-007

7 Section: 09-00056-05-EG

8 Station: RT 188+46.59

9 Station: RT 191+17.37

10 A part of the Southeast Quarter of Section 28,  
11 Township 18 North, Range 6 West of the Third Principal  
12 Meridian, described as follows:

13 Commencing at the Northeast corner of the Southeast  
14 Quarter of said Section 28; thence South 89 degrees 42  
15 minutes 06 seconds West along the north line of the  
16 Southeast Quarter of said Section 28, a distance of 399.89  
17 feet to the northeast parcel corner and the point of  
18 beginning; thence South 01 degree 10 minutes 54 seconds  
19 East along the east parcel line, 92.67 feet; thence South  
20 80 degrees 35 minutes 32 seconds West, 17.59 feet; thence  
21 South 89 degrees 43 minutes 40 seconds West, 75.00 feet;  
22 thence North 00 degrees 16 minutes 20 seconds West, 45.45  
23 feet to the existing southerly right of way line of Athens  
24 Blacktop Road (FAS 574); thence South 89 degrees 42  
25 minutes 25 seconds West along said line, 75.00 feet;

1           thence South 72 degrees 55 minutes 03 seconds West, 105.54  
2           feet to the west parcel line; thence North 02 degrees 24  
3           minutes 13 seconds West along said line, 80.48 feet to the  
4           north line of the Southeast Quarter of said Section 28;  
5           thence North 89 degrees 42 minutes 06 seconds East along  
6           said line, 269.92 feet to the point of beginning,  
7           containing 0.137 acres, more or less of new right of way  
8           and 0.303 acres, more or less of existing right of way.

9           (b) This Section is repealed May 31, 2025 (2 years after  
10          the effective date of Public Act 103-3) ~~this amendatory Act of~~  
11          ~~the 103rd General Assembly.~~

12          (Source: P.A. 103-3, eff. 5-31-23; revised 7-27-23.)

13           (735 ILCS 30/25-5-107)

14           (Section scheduled to be repealed on June 9, 2026)

15           Sec. 25-5-107 ~~25-5-105~~. Quick-take; Will County; Cedar  
16          Road; Francis Road.

17           (a) Quick-take proceedings under Article 20 may be used  
18          for a period of 2 years after June 9, 2023 (the effective date  
19          of Public Act 103-10) ~~this amendatory Act of the 103rd General~~  
20          ~~Assembly~~ by Will County for the acquisition of the following  
21          described property for the purpose of road construction:

22          Route: C.H.4 Cedar Road

23          Section: 20-00051-09-CH

24          County: Will

1 Parcel No: IL T0001

2 Station: 109+23.08 to 110+04.95

3 Index No.: 15-08-09-406-002

4 THAT PART OF LOT 1 IN WILMSEN'S SUBDIVISION OF LOTS 1 AND 8 OF  
5 ARTHUR T. MCINTOSH AND COMPANY'S ADDITION TO NEW LENOX, A  
6 SUBDIVISION OF PART OF THE SOUTHEAST QUARTER OF SECTION 9, AND  
7 PART OF THE NORTHEAST QUARTER OF SECTION 16, TOWNSHIP 35  
8 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN,  
9 ACCORDING TO THE PLAT THEREOF RECORDED JULY 10, 1948 AS  
10 DOCUMENT NUMBER 642528, IN WILL COUNTY, ILLINOIS, BEARINGS AND  
11 DISTANCES BASED ON THE ILLINOIS STATE PLANE COORDINATE SYSTEM,  
12 EAST ZONE, NAD83 (2011 ADJUSTMENT) WITH A COMBINED FACTOR OF  
13 0.9999586959 DESCRIBED AS FOLLOWS:

14 BEGINNING AT THE NORTHEAST CORNER OF SAID LOT 1; THENCE SOUTH  
15 01 DEGREES 30 MINUTES 42 SECONDS EAST ALONG THE EAST LINE OF  
16 SAID LOT 1, ALSO BEING THE WEST LINE OF CEDAR ROAD, BEING A  
17 LINE 33.00 FEET WEST OF AND PARALLEL WITH THE EAST LINE OF SAID  
18 SOUTHEAST QUARTER, 81.87 FEET; THENCE SOUTH 88 DEGREES 29  
19 MINUTES 18 SECONDS WEST, 5.00 FEET; THENCE NORTH 01 DEGREES 30  
20 MINUTES 42 SECONDS WEST ALONG A LINE 5.00 FEET WEST OF AND  
21 PARALLEL WITH SAID WEST LINE OF CEDAR ROAD, 48.67 FEET; THENCE  
22 NORTH 46 DEGREES 55 MINUTES 15 SECONDS WEST, 39.62 FEET TO THE  
23 NORTHERLY LINE OF SAID LOT 1, ALSO BEING THE SOUTHERLY LINE OF  
24 FRANCIS ROAD AS MONUMENTED AND OCCUPIED; THENCE NORTH 79  
25 DEGREES 17 MINUTES 03 SECONDS EAST ALONG SAID SOUTHERLY LINE  
26 OF FRANCIS ROAD, 33.65 FEET TO THE PLACE OF BEGINNING.

1 SAID PARCEL CONTAINING 0.020 ACRES, MORE OR LESS.

2 Route: C.H. 64 Francis Road

3 Section: 20-00051-09-CH

4 County: Will

5 Parcel No: IL T0001TE-A

6 Station: 208+19.76 to 210+13.46

7 Index No.:15-08-09-406-001

8 15-08-09-406-002

9 THAT PART OF LOTS 1 AND 2 IN WILMSEN'S SUBDIVISION OF LOTS 1  
10 AND 8 OF ARTHUR T. MCINTOSH AND COMPANY'S ADDITION TO NEW  
11 LENOX, A SUBDIVISION OF PART OF THE SOUTHEAST QUARTER OF  
12 SECTION 9, AND PART OF THE NORTHEAST QUARTER OF SECTION 16,  
13 TOWNSHIP 35 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL  
14 MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JULY 10, 1948  
15 AS DOCUMENT NUMBER 642528, IN WILL COUNTY, ILLINOIS, BEARINGS  
16 AND DISTANCES BASED ON THE ILLINOIS STATE PLANE COORDINATE  
17 SYSTEM, EAST ZONE, NAD83 (2011 ADJUSTMENT) WITH A COMBINED  
18 FACTOR OF 0.9999586959, DESCRIBED AS FOLLOWS:

19 COMMENCING AT THE NORTHEAST CORNER OF SAID LOT 1; THENCE SOUTH  
20 79 DEGREES 17 MINUTES 03 SECONDS WEST ALONG THE NORTHERLY LINE  
21 OF SAID LOT 1, ALSO BEING THE SOUTHERLY LINE OF FRANCIS ROAD AS  
22 MONUMENTED AND OCCUPIED, 33.65 FEET FOR THE PLACE OF  
23 BEGINNING; THENCE SOUTH 46 DEGREES 55 MINUTES 15 SECONDS EAST,  
24 6.20 FEET; THENCE SOUTH 79 DEGREES 17 MINUTES 03 SECONDS WEST  
25 ALONG A LINE 5.00 FEET SOUTH OF AND PARALLEL WITH SAID

1 SOUTHERLY LINE OF FRANCIS ROAD, 71.83 FEET; THENCE SOUTH 10  
2 DEGREES 42 MINUTES 57 SECONDS EAST, 10.00 FEET; THENCE SOUTH  
3 79 DEGREES 17 MINUTES 03 SECONDS WEST ALONG A LINE 15.00 FEET  
4 SOUTH OF AND PARALLEL WITH SAID SOUTHERLY LINE OF FRANCIS  
5 ROAD, 33.19 FEET; THENCE NORTH 10 DEGREES 42 MINUTES 57  
6 SECONDS WEST, 10.00 FEET; THENCE SOUTH 79 DEGREES 17 MINUTES  
7 03 SECONDS WEST ALONG A LINE 5.00 FEET SOUTH OF AND PARALLEL  
8 WITH SAID SOUTHERLY LINE OF FRANCIS ROAD, 88.67 FEET TO THE  
9 WEST LINE OF SAID LOT 2; THENCE NORTH 01 DEGREES 30 MINUTES 42  
10 SECONDS WEST ALONG SAID WEST LINE OF LOT 2, A DISTANCE OF 5.07  
11 FEET TO THE NORTHWEST CORNER THEREOF; THENCE NORTH 79 DEGREES  
12 17 MINUTES 03 SECONDS EAST ALONG SAID SOUTHERLY LINE OF  
13 FRANCIS ROAD, 189.22 FEET TO THE PLACE OF BEGINNING.

14 SAID PARCEL CONTAINING 0.030 ACRES, MORE OR LESS.

15 REVISION DATE: 05-26-2022

16 Route: C.H.4 Cedar Road

17 Section: 20-00051-09-CH

18 County: Will

19 Parcel No: IL T0001TE-B

20 Station: 107+04.56 to 109+76.68

21 Index No.: 15-08-09-406-002

22 15-08-09-406-003

23 15-08-09-406-004

24 THAT PART OF LOTS 1, 3 AND 4 IN WILMSEN'S SUBDIVISION OF LOTS 1  
25 AND 8 OF ARTHUR T. MCINTOSH AND COMPANY'S ADDITION TO NEW

1 LENOX, A SUBDIVISION OF PART OF THE SOUTHEAST QUARTER OF  
2 SECTION 9, AND PART OF THE NORTHEAST QUARTER OF SECTION 16,  
3 TOWNSHIP 35 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL  
4 MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JULY 10, 1948  
5 AS DOCUMENT NUMBER 642528, IN WILL COUNTY, ILLINOIS, BEARINGS  
6 AND DISTANCES BASED ON THE ILLINOIS STATE PLANE COORDINATE  
7 SYSTEM, EAST ZONE, NAD83 (2011 ADJUSTMENT) WITH A COMBINED  
8 FACTOR OF 0.9999586959, DESCRIBED AS FOLLOWS:

9 COMMENCING AT THE NORTHEAST CORNER OF SAID LOT 1; THENCE SOUTH  
10 01 DEGREES 30 MINUTES 42 SECONDS EAST ALONG THE EAST LINE OF  
11 SAID LOT 1, ALSO BEING THE WEST LINE OF CEDAR ROAD, BEING A  
12 LINE 33.00 FEET WEST OF AND PARALLEL WITH THE EAST LINE OF THE  
13 SOUTHEAST QUARTER OF SAID SECTION 9, A DISTANCE OF 81.87 FEET  
14 FOR THE PLACE OF BEGINNING; THENCE CONTINUING SOUTH 01 DEGREES  
15 30 MINUTES 42 SECONDS EAST ALONG SAID WEST LINE OF CEDAR ROAD,  
16 218.52 FEET TO THE SOUTH LINE OF SAID LOT 4; THENCE SOUTH 88  
17 DEGREES 55 MINUTES 56 SECONDS WEST ALONG SAID SOUTH LINE,  
18 10.00 FEET; THENCE NORTH 01 DEGREES 30 MINUTES 42 SECONDS WEST  
19 ALONG A LINE 10.00 FEET WEST OF AND PARALLEL WITH SAID WEST  
20 LINE OF CEDAR ROAD, 272.05 FEET; THENCE SOUTH 46 DEGREES 55  
21 MINUTES 15 SECONDS EAST, 7.02 FEET; THENCE SOUTH 01 DEGREES 30  
22 MINUTES 42 SECONDS EAST ALONG A LINE 5.00 FEET WEST OF AND  
23 PARALLEL WITH SAID WEST LINE OF CEDAR ROAD, 48.67 FEET; THENCE  
24 NORTH 88 DEGREES 29 MINUTES 18 SECONDS EAST, 5.00 FEET TO THE  
25 PLACE OF BEGINNING.

26 SAID PARCEL CONTAINING 0.056 ACRES, MORE OR LESS.



1 Route: C.H.4 Cedar Road  
2 Section: 20-00051-09-CH  
3 County: Will  
4 Parcel No: IL T0002  
5 Station: 110+78.28 to 111+36.28  
6 Index No.: 15-08-09-402-027

7 THAT PART OF LOT 1 IN SHELDON HAUCKS' SUBDIVISION, BEING A  
8 SUBDIVISION OF PART OF THE SOUTHEAST QUARTER OF THE SOUTHEAST  
9 QUARTER OF SECTION 9, TOWNSHIP 35 NORTH, RANGE 11 EAST OF THE  
10 THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF  
11 RECORDED JULY 30, 1955 AS DOCUMENT NUMBER 778985, IN WILL  
12 COUNTY, ILLINOIS, BEARINGS AND DISTANCES BASED ON THE ILLINOIS  
13 STATE PLANE COORDINATE SYSTEM, EAST ZONE, NAD83 (2011  
14 ADJUSTMENT), WITH A COMBINED FACTOR OF 0.9999586959; DESCRIBED  
15 AS FOLLOWS:

16 BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 1; THENCE SOUTH  
17 79 DEGREES 17 MINUTES 03 SECONDS WEST ALONG THE SOUTH LINE OF  
18 SAID LOT 1, ALSO BEING THE NORTHERLY LINE OF FRANCIS ROAD AS  
19 MONUMENTED AND OCCUPIED, A DISTANCE OF 50.00 FEET; THENCE  
20 NORTH 38 DEGREES 53 MINUTES 10 SECONDS EAST, 76.16 FEET TO THE  
21 EAST LINE OF SAID LOT 1, ALSO BEING THE WEST LINE OF CEDAR  
22 ROAD, BEING A LINE 50 FEET WEST OF AND PARALLEL WITH THE EAST  
23 LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 9; THENCE SOUTH  
24 01 DEGREES 30 MINUTES 42 SECONDS EAST ALONG SAID WEST LINE OF  
25 CEDAR ROAD, 50.00 FEET TO THE PLACE OF BEGINNING.

1 SAID PARCEL CONTAINING 0.028 ACRES, MORE OR LESS.

2 Route: C.H. 64 Francis Road

3 Section: 20-00051-09-CH

4 County: Will

5 Parcel No: IL T0002TE-A

6 Station: 209+19.56 to 210+01.42

7 Index No.: 15-08-09-402-027

8 THAT PART OF LOT 1 IN SHELDON HAUCKS' SUBDIVISION, BEING A  
9 SUBDIVISION OF PART OF THE SOUTHEAST QUARTER OF THE SOUTHEAST  
10 QUARTER OF SECTION 9, TOWNSHIP 35 NORTH, RANGE 11 EAST OF THE  
11 THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF  
12 RECORDED JULY 30, 1955 AS DOCUMENT NUMBER 778985, IN WILL  
13 COUNTY, ILLINOIS, BEARINGS AND DISTANCES BASED ON THE ILLINOIS  
14 STATE PLANE COORDINATE SYSTEM, EAST ZONE, NAD83 (2011  
15 ADJUSTMENT), WITH A COMBINED FACTOR OF 0.9999586959; DESCRIBED  
16 AS FOLLOWS:

17 COMMENCING AT THE SOUTHEAST CORNER OF SAID LOT 1; THENCE SOUTH  
18 79 DEGREES 17 MINUTES 03 SECONDS WEST ALONG THE SOUTH LINE OF  
19 SAID LOT 1, ALSO BEING THE NORTHERLY LINE OF FRANCIS ROAD AS  
20 MONUMENTED AND OCCUPIED, A DISTANCE OF 50.00 FEET FOR THE  
21 PLACE OF BEGINNING; THENCE CONTINUING SOUTH 79 DEGREES 17  
22 MINUTES 03 SECONDS WEST ALONG SAID SOUTH LINE OF LOT 1, A  
23 DISTANCE OF 70.11 FEET; THENCE NORTH 10 DEGREES 42 MINUTES 57  
24 SECONDS WEST, 10.00 FEET; THENCE NORTH 79 DEGREES 17 MINUTES  
25 03 SECONDS EAST ALONG A LINE 10.00 FEET NORTH OF AND PARALLEL

1 WITH SAID SOUTH LINE OF LOT 1, A DISTANCE OF 81.86 FEET; THENCE  
2 SOUTH 38 DEGREES 53 MINUTES 10 SECONDS WEST, 15.43 FEET TO THE  
3 PLACE OF BEGINNING.

4 SAID PARCEL CONTAINING 0.017 ACRES, MORE OR LESS.

5 Route: C.H.4 Cedar Road

6 Section: 20-00051-09-CH

7 County: Will

8 Parcel No: IL T0002TE-B

9 Station: 111+24.53 to 111+97.97

10 Index No.: 15-08-09-402-027

11 THAT PART OF LOT 1 IN SHELDON HAUCKS' SUBDIVISION, BEING A  
12 SUBDIVISION OF PART OF THE SOUTHEAST QUARTER OF THE SOUTHEAST  
13 QUARTER OF SECTION 9, TOWNSHIP 35 NORTH, RANGE 11 EAST OF THE  
14 THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF  
15 RECORDED JULY 30, 1955 AS DOCUMENT NUMBER 778985, IN WILL  
16 COUNTY, ILLINOIS, BEARINGS AND DISTANCES BASED ON THE ILLINOIS  
17 STATE PLANE COORDINATE SYSTEM, EAST ZONE, NAD83 (2011  
18 ADJUSTMENT), WITH A COMBINED FACTOR OF 0.9999586959; DESCRIBED  
19 AS FOLLOWS:

20 COMMENCING AT THE SOUTHEAST CORNER OF SAID LOT 1; THENCE NORTH  
21 01 DEGREES 30 MINUTES 42 SECONDS WEST ALONG THE EAST LINE OF  
22 SAID LOT 1, ALSO BEING THE WEST LINE OF CEDAR ROAD, BEING A  
23 LINE 50 FEET WEST OF AND PARALLEL WITH THE EAST LINE OF SAID  
24 SOUTHEAST QUARTER, A DISTANCE OF 50.00 FEET FOR THE PLACE OF  
25 BEGINNING; THENCE SOUTH 38 DEGREES 53 MINUTES 10 SECONDS WEST,

1 15.43 FEET; THENCE NORTH 01 DEGREES 30 MINUTES 42 SECONDS WEST  
2 ALONG A LINE 10.00 FEET WEST OF AND PARALLEL WITH SAID WEST  
3 LINE OF CEDAR ROAD, A DISTANCE OF 73.44 FEET; THENCE NORTH 88  
4 DEGREES 29 MINUTES 18 SECONDS EAST, 10.00 FEET TO SAID WEST  
5 LINE OF CEDAR ROAD; THENCE SOUTH 01 DEGREES 30 MINUTES 42  
6 SECONDS EAST ALONG SAID WEST LINE OF CEDAR ROAD, A DISTANCE OF  
7 61.69 FEET TO THE PLACE OF BEGINNING.  
8 SAID PARCEL CONTAINING 0.015 ACRES, MORE OR LESS.

9 Route: C.H.4 Cedar Road

10 Section: 20-00051-09-CH

11 County: Will

12 Parcel No: IL T0003

13 Station: 110+82.35 to 111+62.35

14 Index No.: 15-08-10-300-040

15 THAT PART OF LOT 9 IN ARTHUR T. MCINTOSH AND COMPANY'S NEW  
16 LENOX ACRES, A SUBDIVISION IN SECTIONS 10 AND 15, TOWNSHIP 35  
17 NORTH, AND RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN,  
18 ACCORDING TO THE PLAT THEREOF RECORDED JULY 16, 1927 AS  
19 DOCUMENT 408969, IN WILL COUNTY, ILLINOIS, BEARINGS AND  
20 DISTANCES BASED ON THE ILLINOIS STATE PLANE COORDINATE SYSTEM,  
21 EAST ZONE, NAD83 (2011 ADJUSTMENT) WITH A COMBINED FACTOR OF  
22 0.9999586959 DESCRIBED AS FOLLOWS:

23 BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT 9; THENCE NORTH  
24 01 DEGREES 30 MINUTES 42 SECONDS WEST ALONG THE WEST LINE OF  
25 SAID LOT 9, BEING ALSO THE EAST RIGHT-OF-WAY LINE OF CEDAR

1 ROAD, 80.00 FEET; THENCE SOUTH 26 DEGREES 23 MINUTES 36  
2 SECONDS EAST, 82.17 FEET TO THE SOUTH LINE OF SAID LOT 9, BEING  
3 ALSO THE NORTH RIGHT-OF-WAY LINE OF FRANCIS ROAD; THENCE SOUTH  
4 79 DEGREES 30 MINUTES 57 SECONDS WEST ALONG SAID SOUTH LINE OF  
5 LOT 9, A DISTANCE OF 35.00 FEET TO THE PLACE OF BEGINNING.

6 SAID PARCEL CONTAINING 0.032 ACRES, MORE OR LESS.

7 REVISION DATE: 05-26-2022

8 Route: C.H.4 Cedar Road

9 Section: 20-00051-09-CH

10 County: Will

11 Parcel No: IL T0003PE

12 Station: 111+51.57 to 114+33.66

13 Index No.: 15-08-10-300-040

14 THAT PART OF LOTS 8 AND 9, IN ARTHUR T. MCINTOSH AND COMPANY'S  
15 NEW LENOX ACRES, A SUBDIVISION IN SECTIONS 10 AND 15, TOWNSHIP  
16 35 NORTH, AND RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN,  
17 ACCORDING TO THE PLAT THEREOF RECORDED JULY 16, 1927 AS  
18 DOCUMENT 408969, IN WILL COUNTY, ILLINOIS, BEARINGS AND  
19 DISTANCES BASED ON THE ILLINOIS STATE PLANE COORDINATE SYSTEM,  
20 EAST ZONE, NAD83 (2011 ADJUSTMENT) WITH A COMBINED FACTOR OF  
21 0.9999586959 DESCRIBED AS FOLLOWS:

22 COMMENCING AT THE SOUTHWEST CORNER OF SAID LOT 9; THENCE NORTH  
23 01 DEGREES 30 MINUTES 42 SECONDS WEST ALONG THE WEST LINE OF  
24 SAID LOT 9, BEING ALSO THE EAST RIGHT-OF-WAY LINE OF CEDAR  
25 ROAD, 80.00 FEET FOR THE PLACE OF BEGINNING; THENCE CONTINUING

1 NORTH 01 DEGREES 30 MINUTES 42 SECONDS WEST ALONG SAID WEST  
2 LINES OF LOT 9 AND LOT 8, A DISTANCE OF 271.27 FEET TO THE  
3 SOUTH LINE OF THE NORTH 100 FEET OF SAID LOT 8; THENCE NORTH 88  
4 DEGREES 19 MINUTES 08 SECONDS EAST ALONG SAID SOUTH LINE,  
5 17.00 FEET; THENCE SOUTH 01 DEGREES 30 MINUTES 42 SECONDS  
6 EAST, 7.00 FEET; THENCE SOUTH 88 DEGREES 19 MINUTES 08 SECONDS  
7 WEST, 12.00 FEET; THENCE SOUTH 01 DEGREES 30 MINUTES 42  
8 SECONDS EAST ALONG A LINE 5.00 FEET EAST OF AND PARALLEL WITH  
9 THE WEST LINE OF SAID LOT 9, A DISTANCE OF 275.06 FEET; THENCE  
10 NORTH 26 DEGREES 23 MINUTES 36 SECONDS WEST, 11.88 FEET TO THE  
11 PLACE OF BEGINNING.

12 SAID PARCEL CONTAINING 0.034 ACRES, MORE OR LESS.

13 REVISION DATE: 05-26-2022

14 Route: C.H.4 Cedar Road

15 Section: 20-00051-09-CH

16 County: Will

17 Parcel No: IL T0003TE

18 Station: 110+87.81 to 114+26.66

19 Index No.: 15-08-10-300-040

20 THAT PART OF LOTS 8 AND 9, IN ARTHUR T. MCINTOSH AND COMPANY'S  
21 NEW LENOX ACRES, A SUBDIVISION IN SECTIONS 10 AND 15, TOWNSHIP  
22 35 NORTH, AND RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN,  
23 ACCORDING TO THE PLAT THEREOF RECORDED JULY 16, 1927 AS  
24 DOCUMENT 408969, IN WILL COUNTY, ILLINOIS, BEARINGS AND  
25 DISTANCES BASED ON THE ILLINOIS STATE PLANE COORDINATE SYSTEM,

1 EAST ZONE, NAD83 (2011 ADJUSTMENT) WITH A COMBINED FACTOR OF  
2 0.9999586959 DESCRIBED AS FOLLOWS:

3 COMMENCING AT THE SOUTHWEST CORNER OF SAID LOT 9; THENCE NORTH  
4 01 DEGREES 30 MINUTES 42 SECONDS WEST ALONG THE WEST LINE OF  
5 SAID LOT 9, BEING ALSO THE EAST RIGHT-OF-WAY LINE OF CEDAR  
6 ROAD, 80.00 FEET; THENCE SOUTH 26 DEGREES 23 MINUTES 36  
7 SECONDS EAST, 11.88 FEET FOR THE PLACE OF BEGINNING; THENCE  
8 NORTH 01 DEGREES 30 MINUTES 42 SECONDS WEST ALONG A LINE 5.00  
9 FEET EAST OF AND PARALLEL WITH SAID WEST LINES OF LOT 9 AND LOT  
10 8, A DISTANCE OF 275.06 FEET; THENCE NORTH 88 DEGREES 19  
11 MINUTES 08 SECONDS EAST, 12.00 FEET; THENCE SOUTH 01 DEGREES  
12 30 MINUTES 42 SECONDS EAST ALONG A LINE 17.00 FEET EAST OF AND  
13 PARALLEL WITH THE WEST LINE OF SAID LOT 9, A DISTANCE OF 257.47  
14 FEET; THENCE SOUTH 26 DEGREES 23 MINUTES 36 SECONDS EAST,  
15 76.04 FEET; THENCE NORTH 79 DEGREES 30 MINUTES 57 SECONDS EAST  
16 ALONG A LINE 10.00 FEET NORTH OF AND PARALLEL WITH THE SOUTH  
17 LINE OF SAID LOT 9, BEING ALSO THE NORTH RIGHT-OF-WAY LINE OF  
18 FRANCIS ROAD, 198.02 FEET; THENCE SOUTH 02 DEGREE 14 MINUTES  
19 14 SECONDS EAST, 10.10 FEET TO SAID SOUTH LINE OF LOT 9; THENCE  
20 SOUTH 79 DEGREES 30 MINUTES 57 SECONDS WEST ALONG SAID SOUTH  
21 LINE OF LOT 9, A DISTANCE OF 212.75 FEET; THENCE NORTH 26  
22 DEGREES 23 MINUTES 36 SECONDS WEST, 70.28 FEET TO THE PLACE OF  
23 BEGINNING.

24 SAID PARCEL CONTAINING 0.151 ACRES, MORE OR LESS.

25 REVISION DATE: 05-26-2022

1 Route: C.H. 64 Francis Road

2 Section: 20-00051-09-CH

3 County: Will

4 Parcel No: IL T0004

5 Station: 213+68.59 to 214+69.31

6 Index No.: 15-08-10-300-037

7 THE SOUTH 5.00 FEET OF THAT PART OF LOT 9 IN ARTHUR T. MCINTOSH  
8 AND COMPANY'S NEW LENOX ACRES, A SUBDIVISION IN SECTIONS 10  
9 AND 15, TOWNSHIP 35 NORTH, AND RANGE 11 EAST OF THE THIRD  
10 PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED  
11 JULY 16, 1927 AS DOCUMENT 408969, IN WILL COUNTY, ILLINOIS,  
12 BEARINGS AND DISTANCES BASED ON THE ILLINOIS STATE PLANE  
13 COORDINATE SYSTEM, EAST ZONE, NAD83 (2011 ADJUSTMENT) WITH A  
14 COMBINED FACTOR OF 0.9999586959 DESCRIBED AS FOLLOWS:

15 COMMENCING AT THE SOUTHEASTERLY CORNER OF SAID LOT 9 AND  
16 RUNNING SOUTHWESTERLY ALONG THE SOUTHERLY LINE OF SAID LOT 9,  
17 311.53 FEET TO THE POINT OF BEGINNING; THENCE NORTH 175 FEET,  
18 THENCE SOUTHWESTERLY ON A LINE PARALLEL WITH THE SOUTHERLY  
19 LINE OF SAID LOT 9, 100 FEET, THENCE SOUTH 175 FEET TO THE  
20 SOUTHERLY LINE OF SAID LOT 9, THENCE NORTHEASTERLY ALONG THE  
21 SOUTHERLY LINE OF SAID LOT 9, 100 FEET TO THE POINT OF  
22 BEGINNING.

23 SAID PARCEL CONTAINING 0.011 ACRES, MORE OR LESS.

24 REVISION DATE: 05-26-2022

25 Route: C.H. 64 Francis Road



1 Section: 20-00051-09-CH

2 County: Will

3 Parcel No: IL T0005

4 Station: 214+68.59 to 215+00.84

5 Index No.: 15-08-10-300-047

6 THE SOUTHERLY 5 FEET (MEASURING 31.53 FEET) OF LOT 9 OF THAT  
7 PART OF LOTS 8 AND 9 IN ARTHUR T. MCINTOSH AND COMPANY'S NEW  
8 LENOX ACRES, A SUBDIVISION IN SECTIONS 10 AND 15, TOWNSHIP 35  
9 NORTH, AND RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN,  
10 ACCORDING TO THE PLAT THEREOF RECORDED JULY 16, 1927 AS  
11 DOCUMENT 408969, IN WILL COUNTY, ILLINOIS, BEARINGS AND  
12 DISTANCES BASED ON THE ILLINOIS STATE PLANE COORDINATE SYSTEM,  
13 EAST ZONE, NAD83 (2011 ADJUSTMENT) WITH A COMBINED FACTOR OF  
14 0.9999586959 DESCRIBED AS FOLLOWS:

15 BEGINNING AT THE NORTHEAST CORNER OF SAID LOT 8; THENCE SOUTH  
16 ALONG THE EAST LINE OF SAID LOTS 8 AND 9 TO A POINT 175 FEET  
17 NORTH OF THE SOUTHEAST CORNER OF SAID LOT 9; THENCE  
18 SOUTHWESTERLY 280 FEET PARALLEL WITH THE SOUTHWESTERLY LINE OF  
19 SAID LOT 9; THENCE SOUTH 175 FEET PARALLEL WITH SAID EAST LINE  
20 TO THE SOUTHERLY LINE OF SAID LOT 9; THENCE SOUTHWESTERLY  
21 31.53 FEET ALONG SAID SOUTHERLY LINE; THENCE NORTH 175 FEET  
22 PARALLEL WITH SAID EAST LINE; THENCE SOUTHWESTERLY 100 FEET  
23 PARALLEL WITH SAID SOUTHERLY LINE; THENCE NORTH PARALLEL WITH  
24 SAID EAST LINE TO A POINT 100 FEET SOUTH OF THE NORTH LINE OF  
25 SAID LOT 8; THENCE WEST PARALLEL WITH SAID NORTH LINE TO A  
26 POINT 175 FEET EAST OF THE WEST LINE OF SAID LOT 8; THENCE

1 NORTH 100 FEET PARALLEL WITH SAID WEST LINE TO THE NORTH LINE  
2 OF SAID LOT 8; THENCE EAST ALONG SAID NORTH LINE TO THE POINT  
3 OF BEGINNING, IN WILL COUNTY, ILLINOIS.  
4 SAID PARCEL CONTAINING 0.004 ACRES (158 SQUARE FEET), MORE OR  
5 LESS.

6 Route: C.H. 64 Francis Road

7 Section: 20-00051-09-CH

8 County: Will

9 Parcel No: IL T0005TE

10 Station: 214+69.31 to 215+02.29

11 Index No.: 15-08-10-300-047

12 THE NORTHERLY 10 FEET OF THE SOUTHERLY 15 FEET (MEASURING  
13 31.53 FEET) OF LOT 9 OF THAT PART OF LOTS 8 AND 9 IN ARTHUR T.  
14 MCINTOSH AND COMPANY'S NEW LENOX ACRES, A SUBDIVISION IN  
15 SECTIONS 10 AND 15, TOWNSHIP 35 NORTH, AND RANGE 11 EAST OF THE  
16 THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF  
17 RECORDED JULY 16, 1927 AS DOCUMENT 408969, IN WILL COUNTY,  
18 ILLINOIS, BEARINGS AND DISTANCES BASED ON THE ILLINOIS STATE  
19 PLANE COORDINATE SYSTEM, EAST ZONE, NAD83 (2011 ADJUSTMENT)  
20 WITH A COMBINED FACTOR OF 0.9999586959 DESCRIBED AS FOLLOWS:

21 BEGINNING AT THE NORTHEAST CORNER OF SAID LOT 8; THENCE SOUTH  
22 ALONG THE EAST LINE OF SAID LOTS 8 AND 9 TO A POINT 175 FEET  
23 NORTH OF THE SOUTHEAST CORNER OF SAID LOT 9; THENCE  
24 SOUTHWESTERLY 280 FEET PARALLEL WITH THE SOUTHWESTERLY LINE OF  
25 SAID LOT 9; THENCE SOUTH 175 FEET PARALLEL WITH SAID EAST LINE

1 TO THE SOUTHERLY LINE OF SAID LOT 9; THENCE SOUTHWESTERLY  
2 31.53 FEET ALONG SAID SOUTHERLY LINE; THENCE NORTH 175 FEET  
3 PARALLEL WITH SAID EAST LINE; THENCE SOUTHWESTERLY 100 FEET  
4 PARALLEL WITH SAID SOUTHERLY LINE; THENCE NORTH PARALLEL WITH  
5 SAID EAST LINE TO A POINT 100 FEET SOUTH OF THE NORTH LINE OF  
6 SAID LOT 8; THENCE WEST PARALLEL WITH SAID NORTH LINE TO A  
7 POINT 175 FEET EAST OF THE WEST LINE OF SAID LOT 8; THENCE  
8 NORTH 100 FEET PARALLEL WITH SAID WEST LINE TO THE NORTH LINE  
9 OF SAID LOT 8; THENCE EAST ALONG SAID NORTH LINE TO THE POINT  
10 OF BEGINNING, IN WILL COUNTY, ILLINOIS.

11 SAID PARCEL CONTAINING 0.007 ACRES (315 SQUARE FEET), MORE OR  
12 LESS.

13 REVISION DATE: 06-30-2022

14 Route: C.H. 64 Francis Road

15 Section: 20-00051-09-CH

16 County: Will

17 Parcel No: IL T0006

18 Station: 215+80.12 to 216+71.09

19 Index No.: 15-08-10-300-014

20 THE SOUTH 5.00 FEET OF THAT PART OF LOT 9 IN ARTHUR T. MCINTOSH  
21 AND COMPANY'S NEW LENOX ACRES, A SUBDIVISION IN SECTIONS 10  
22 AND 15, TOWNSHIP 35 NORTH, AND RANGE 11 EAST OF THE THIRD  
23 PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED  
24 JULY 16, 1927 AS DOCUMENT 408969, IN WILL COUNTY, ILLINOIS,  
25 BEARINGS AND DISTANCES BASED ON THE ILLINOIS STATE PLANE

1 COORDINATE SYSTEM, EAST ZONE, NAD83 (2011 ADJUSTMENT) WITH A  
2 COMBINED FACTOR OF 0.9999586959 DESCRIBED AS FOLLOWS:

3 BEGINNING 110 FEET WESTERLY OF THE SOUTHEAST CORNER OF LOT 9 ON  
4 THE SOUTHERLY LINE OF SAID LOT 9; THENCE CONTINUING WESTERLY  
5 ALONG SAID SOUTHERLY LINE 90 FEET; THENCE NORTH 175 FEET TO A  
6 POINT; THENCE EASTERLY ALONG A LINE PARALLEL TO SAID SOUTHERLY  
7 LINE 90 FEET; THENCE SOUTH 175 FEET TO THE POINT OF BEGINNING.  
8 SAID PARCEL CONTAINING 0.010 ACRES (451 SQUARE FEET), MORE OR  
9 LESS.

10 REVISION DATE: 06-30-2022

11 Route: C.H. 64 Francis Road

12 Section: 20-00051-09-CH

13 County: Will

14 Parcel No: IL T0006TE

15 Station: 215+80.84 to 216+15.15

16 Index No.: 15-08-10-300-014

17 THAT PART OF LOT 9 IN ARTHUR T. MCINTOSH AND COMPANY'S NEW  
18 LENOX ACRES, A SUBDIVISION IN SECTIONS 10 AND 15, TOWNSHIP 35  
19 NORTH, AND RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN,  
20 ACCORDING TO THE PLAT THEREOF RECORDED JULY 16, 1927 AS  
21 DOCUMENT 408969, IN WILL COUNTY, ILLINOIS, BEARINGS AND  
22 DISTANCES BASED ON THE ILLINOIS STATE PLANE COORDINATE SYSTEM,  
23 EAST ZONE, NAD83 (2011 ADJUSTMENT) WITH A COMBINED FACTOR OF  
24 0.9999586959 DESCRIBED AS FOLLOWS:

25 COMMENCING 200 FEET WESTERLY OF THE SOUTHEAST CORNER OF SAID

1 LOT 9 ON THE SOUTHERLY LINE OF SAID LOT 9, SAID SOUTHERLY LINE  
2 BEARING SOUTH 79 DEGREES 30 MINUTES 57 SECONDS EAST; THENCE  
3 NORTH 02 DEGREES 14 MINUTES 14 SECONDS WEST, 5.05 FEET FOR THE  
4 PLACE OF BEGINNING; THENCE CONTINUING NORTH 02 DEGREES 14  
5 MINUTES 14 SECONDS WEST, 10.10 FEET; THENCE NORTH 79 DEGREES  
6 30 MINUTES 57 SECONDS EAST ALONG A LINE 15.00 FEET NORTH OF AND  
7 PARALLEL WITH SAID SOUTHERLY LINE OF LOT 9, A DISTANCE OF 32.85  
8 FEET; THENCE SOUTH 10 DEGREES 29 MINUTES 03 SECONDS EAST,  
9 10.00 FEET; THENCE SOUTH 79 DEGREES 30 MINUTES 57 SECONDS EAST  
10 ALONG A LINE 5.00 FEET NORTH OF AND PARALLEL WITH SAID  
11 SOUTHERLY LINE OF LOT 9, A DISTANCE OF 34.30 FEET TO THE PLACE  
12 OF BEGINNING.

13 SAID PARCEL CONTAINING 0.008 ACRES (336 SQUARE FEET), MORE OR  
14 LESS.

15 Route: C.H. 64 Francis Road

16 Section: 20-00051-09-CH

17 County: Will

18 Parcel No: IL T0007

19 Station: 216+70.37 to 217+81.42

20 Index No.: 15-08-10-300-038

21 THE SOUTH 5.00 FEET OF THAT PART OF LOT 9 IN ARTHUR T. MCINTOSH  
22 AND COMPANY'S NEW LENOX ACRES, A SUBDIVISION IN SECTIONS 10  
23 AND 15, TOWNSHIP 35 NORTH, AND RANGE 11 EAST OF THE THIRD  
24 PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED  
25 JULY 16, 1927 AS DOCUMENT 408969, IN WILL COUNTY, ILLINOIS,

1 BEARINGS AND DISTANCES BASED ON THE ILLINOIS STATE PLANE  
2 COORDINATE SYSTEM, EAST ZONE, NAD83 (2011 ADJUSTMENT) WITH A  
3 COMBINED FACTOR OF 0.9999586959 DESCRIBED AS FOLLOWS:

4 COMMENCING AT THE SOUTHEAST CORNER OF LOT 9; THENCE NORTH  
5 ALONG THE EAST LINE OF SAID LOT 9, A DISTANCE OF 175 FEET;  
6 THENCE WESTERLY 110 FEET ON A LINE PARALLEL WITH THE SOUTH LINE  
7 OF LOT 9 TO A POINT; THENCE SOUTH 175 FEET TO A POINT ON THE  
8 SOUTHERLY LINE OF SAID LOT 9 THAT IS 110 FEET WESTERLY OF THE  
9 SOUTHEAST CORNER OF SAID LOT 9; THENCE EASTERLY 110 FEET TO THE  
10 POINT OF BEGINNING.

11 SAID PARCEL CONTAINING 0.013 ACRES, MORE OR LESS.

12 REVISION DATE: 06-30-2022

13 Route: C.H.64 Francis Road

14 Section: 20-00051-09-CH

15 County: Will

16 Parcel No: IL T0008

17 Station: 217+80.66 to 218+48.30

18 Index No.: 15-08-10-300-044

19 THAT PART OF LOT 32 IN ARTHUR T. MCINTOSH AND COMPANY'S NEW  
20 LENOX ACRES, A SUBDIVISION IN SECTIONS 10 AND 15, TOWNSHIP 35  
21 NORTH, AND RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN,  
22 ACCORDING TO THE PLAT THEREOF RECORDED JULY 16, 1927 AS  
23 DOCUMENT 408969, IN WILL COUNTY, ILLINOIS, BEARINGS AND  
24 DISTANCES BASED ON THE ILLINOIS STATE PLANE COORDINATE SYSTEM,  
25 EAST ZONE, NAD83 (2011 ADJUSTMENT) WITH A COMBINED FACTOR OF

1 0.9999586959 DESCRIBED AS FOLLOWS:

2 BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT 32; THENCE NORTH  
3 01 DEGREES 30 MINUTES 42 SECONDS WEST ALONG THE WEST LINE OF  
4 SAID LOT 32, A DISTANCE OF 5.06 FEET; THENCE NORTH 79 DEGREES  
5 30 MINUTES 57 SECONDS EAST ALONG A LINE 5.00 FEET NORTH OF AND  
6 PARALLEL WITH THE SOUTH LINE OF SAID LOT 32, A DISTANCE OF  
7 66.85 FEET; THENCE SOUTH 01 DEGREES 34 MINUTES 09 SECONDS  
8 EAST, 5.06 FEET TO THE SOUTH LINE OF SAID LOT 32; THENCE SOUTH  
9 79 DEGREES 30 MINUTES 57 SECONDS WEST ALONG SAID SOUTH LINE OF  
10 LOT 32, ALSO BEING THE NORTH RIGHT-OF-WAY LINE OF FRANCIS  
11 ROAD, 66.85 FEET TO THE PLACE OF BEGINNING.

12 SAID PARCEL CONTAINING 0.008 ACRES (334 SQUARE FEET), MORE OR  
13 LESS.

14 REVISION DATE: 05-26-2022

15 Route: C.H.64 Francis Road

16 Section: 20-00051-09-CH

17 County: Will

18 Parcel No: IL T0009

19 Station: 218+47.52 to 218+96.30

20 Index No.: 15-08-10-300-022

21 THE SOUTH 5.00 FEET OF THAT PART OF LOT 32 IN ARTHUR T.  
22 MCINTOSH AND COMPANY'S NEW LENOX ACRES, A SUBDIVISION IN  
23 SECTIONS 10 AND 15, TOWNSHIP 35 NORTH, AND RANGE 11 EAST OF THE  
24 THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF  
25 RECORDED JULY 16, 1927 AS DOCUMENT 408969, IN WILL COUNTY,

1 ILLINOIS, BEARINGS AND DISTANCES BASED ON THE ILLINOIS STATE  
2 PLANE COORDINATE SYSTEM, EAST ZONE, NAD83 (2011 ADJUSTMENT)  
3 WITH A COMBINED FACTOR OF 0.9999586959 DESCRIBED AS FOLLOWS:  
4 THE WEST 112.25 FEET, EXCEPT THE NORTH 300 FEET AND EXCEPT THE  
5 WEST 62.25 FEET THEREOF, OF SAID LOT 32.

6 SAID PARCEL CONTAINING 0.006 ACRES (240 SQUARE FEET), MORE OR  
7 LESS.

8 REVISION DATE: 05-26-2022

9 Route: C.H.4 Cedar Road

10 Section: 20-00051-09-CH

11 County: Will

12 Parcel No: IL T0010

13 Station: 123+28.62 to 126+13.30

14 Index No.: 15-08-10-300-060

15 THAT PART OF LOTS 1 AND 2 IN ARTHUR T. MCINTOSH'S NEW LENOX  
16 ACRES, BEING A SUBDIVISION OF THE SOUTHWEST QUARTER OF SECTION  
17 10 AND PART OF THE NORTHWEST QUARTER OF SECTION 15, TOWNSHIP 35  
18 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN,  
19 ACCORDING TO THE PLAT THEREOF RECORDED JULY 16, 1927 AS  
20 DOCUMENT NUMBER 408969, IN WILL COUNTY, ILLINOIS, BEARINGS AND  
21 DISTANCES BASED ON THE ILLINOIS STATE PLANE COORDINATE SYSTEM,  
22 EAST ZONE, NAD83 (2011 ADJUSTMENT), WITH A COMBINED FACTOR OF  
23 0.9999586959, DESCRIBED AS FOLLOWS:

24 BEGINNING AT THE NORTHWEST CORNER OF SAID LOT 1; THENCE NORTH  
25 88 DEGREES 19 MINUTES 08 SECONDS EAST ALONG THE NORTH LINE OF



1 SAID LOT 1, ALSO BEING THE SOUTH RIGHT-OF-WAY LINE OF LENOX  
2 STREET, A DISTANCE OF 50.00 FEET; THENCE SOUTH 43 DEGREES 24  
3 MINUTES 13 SECONDS WEST, 46.74 FEET; THENCE SOUTH 01 DEGREES  
4 30 MINUTES 42 SECONDS EAST ALONG A LINE 17.00 FEET EAST OF AND  
5 PARALLEL WITH THE WEST LINES OF SAID LOTS 1 AND 2, ALSO BEING  
6 THE EAST RIGHT-OF-WAY LINE OF CEDAR ROAD, A DISTANCE OF 251.69  
7 FEET TO THE SOUTH LINE OF LOT 2; THENCE SOUTH 88 DEGREES 19  
8 MINUTES 08 SECONDS WEST ALONG SAID SOUTH LINE, 17.00 FEET TO  
9 THE SOUTHWEST CORNER OF SAID LOT 2; THENCE NORTH 01 DEGREES 30  
10 MINUTES 42 SECONDS WEST ALONG SAID WEST LINES OF LOTS 1 AND 2,  
11 ALSO BEING SAID RIGHT-OF-WAY LINE, 284.69 FEET TO THE PLACE OF  
12 BEGINNING.

13 SAID PARCEL CONTAINING 0.124 ACRES, MORE OR LESS.

14 REVISION DATE: 05-26-2022

15 Route: C.H.4 Cedar Road

16 Section: 20-00051-09-CH

17 County: Will

18 Parcel No: IL T0012

19 Station: 123+15.53 to 126+46.31

20 Index No.: 15-08-09-400-002

21 THAT PART OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF  
22 SECTION 9, TOWNSHIP 35 NORTH, RANGE 11 EAST OF THE THIRD  
23 PRINCIPAL MERIDIAN, IN WILL COUNTY, ILLINOIS, BEARINGS AND  
24 DISTANCES BASED ON THE ILLINOIS STATE PLANE COORDINATE SYSTEM,  
25 EAST ZONE, NAD83 (2011 ADJUSTMENT), WITH A COMBINED FACTOR OF

1 0.9999586959; DESCRIBED AS FOLLOWS:

2 BEGINNING AT THE NORTHEAST CORNER OF SAID SOUTHEAST QUARTER OF  
3 SECTION 9; THENCE SOUTH 01 DEGREES 30 MINUTES 42 SECONDS EAST  
4 ALONG THE EAST LINE OF SAID SOUTHEAST QUARTER, 330.77 FEET TO  
5 THE SOUTH LINE OF THE NORTH HALF OF THE NORTH HALF OF THE  
6 NORTHEAST QUARTER OF SAID SOUTHEAST QUARTER; THENCE SOUTH 88  
7 DEGREES 39 MINUTES 31 SECONDS WEST ALONG SAID SOUTH LINE OF THE  
8 NORTH HALF OF THE NORTH HALF OF THE NORTHEAST QUARTER OF THE  
9 SOUTHEAST QUARTER, 55.00 FEET; THENCE NORTH 01 DEGREES 30  
10 MINUTES 42 SECONDS WEST ALONG A LINE 55.00 FEET WEST OF AND  
11 PARALLEL WITH THE EAST LINE OF SAID SOUTHEAST QUARTER, 165.39  
12 FEET; THENCE NORTH 88 DEGREES 39 MINUTES 31 SECONDS EAST  
13 PARALLEL WITH SAID SOUTH LINE OF THE NORTH HALF OF THE NORTH  
14 HALF OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER, 22.00  
15 FEET; THENCE NORTH 01 DEGREES 30 MINUTES 42 SECONDS WEST ALONG  
16 A LINE 33.00 FEET WEST OF AND PARALLEL WITH THE EAST LINE OF  
17 SAID SOUTHEAST QUARTER, 165.37 FEET TO THE NORTH LINE OF SAID  
18 SOUTHEAST QUARTER; THENCE NORTH 88 DEGREES 37 MINUTES 32  
19 SECONDS EAST ALONG THE NORTH LINE OF SAID SOUTHEAST QUARTER,  
20 33.00 FEET TO THE PLACE OF BEGINNING, IN WILL COUNTY,  
21 ILLINOIS.

22 SAID PARCEL CONTAINING 0.333 ACRES, MORE OR LESS, OF WHICH  
23 0.250 ACRES, MORE OR LESS, WAS PREVIOUSLY USED FOR ROADWAY  
24 PURPOSES.

25 REVISION DATE: 05-26-2022

26 REVISION DATE: 06-30-2022

1 Route: C.H.4 Cedar Road

2 Section: 20-00051-09-CH

3 County: Will

4 Parcel No: IL T0012TE

5 Station: 124+80.92 to 126+46.32

6 Index No.: 15-08-09-400-002

7 THAT PART OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF  
8 SECTION 9, TOWNSHIP 35 NORTH, RANGE 11 EAST OF THE THIRD  
9 PRINCIPAL MERIDIAN, IN WILL COUNTY, ILLINOIS, BEARINGS AND  
10 DISTANCES BASED ON THE ILLINOIS STATE PLANE COORDINATE SYSTEM,  
11 EAST ZONE, NAD83 (2011 ADJUSTMENT), WITH A COMBINED FACTOR OF  
12 0.9999586959; DESCRIBED AS FOLLOWS:

13 THE WEST 5.00 FEET OF THE EAST 38.00 FEET OF THE NORTH HALF OF  
14 THE NORTH HALF OF SAID NORTHEAST QUARTER OF THE SOUTHEAST  
15 QUARTER (EXCEPT THE SOUTH 165.39 FEET THEREOF), IN WILL  
16 COUNTY, ILLINOIS.

17 SAID PARCEL CONTAINING 0.019 ACRES, MORE OR LESS.

18 Route: C.H.4 Cedar Road

19 Section: 20-00051-09-CH

20 County: Will

21 Parcel No: IL T0013TE

22 Station: 122+32.87 to 123+15.61

23 Index No.: 15-08-09-400-003

24 THAT PART OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF

1 SECTION 9, TOWNSHIP 35 NORTH, RANGE 11 EAST OF THE THIRD  
2 PRINCIPAL MERIDIAN, IN WILL COUNTY, ILLINOIS, BEARINGS AND  
3 DISTANCES BASED ON THE ILLINOIS STATE PLANE COORDINATE SYSTEM,  
4 EAST ZONE, NAD83 (2011 ADJUSTMENT), WITH A COMBINED FACTOR OF  
5 0.9999586959; DESCRIBED AS FOLLOWS:

6 THE WEST 10.00 FEET OF THE EAST 43.00 FEET OF THE NORTH QUARTER  
7 OF THE SOUTH HALF OF THE NORTH HALF OF SAID NORTHEAST QUARTER  
8 OF THE SOUTHEAST QUARTER, IN WILL COUNTY, ILLINOIS.

9 SAID PARCEL CONTAINING 0.019 ACRES, MORE OR LESS.

10 Route: C.H.4 Cedar Road

11 Section: 20-00051-09-CH

12 County: Will

13 Parcel No: IL T0014TE

14 Station: 121+69.62 to 123+28.62

15 Index No.: 15-08-10-300-061

16 THE WEST 5.00 FEET OF LOT 3 IN ARTHUR T. MCINTOSH'S NEW LENOX  
17 ACRES, BEING A SUBDIVISION OF THE SOUTHWEST QUARTER OF SECTION  
18 10 AND PART OF THE NORTHWEST QUARTER OF SECTION 15, TOWNSHIP 35  
19 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN,  
20 ACCORDING TO THE PLAT THEREOF RECORDED JULY 16, 1927 AS  
21 DOCUMENT NUMBER 408969, IN WILL COUNTY, ILLINOIS, BEARINGS AND  
22 DISTANCES BASED ON THE ILLINOIS STATE PLANE COORDINATE SYSTEM,  
23 EAST ZONE, NAD83 (2011 ADJUSTMENT), WITH A COMBINED FACTOR OF  
24 0.9999586959.

25 SAID PARCEL CONTAINING 0.018 ACRES, MORE OR LESS.

1 REVISION DATE: 05-26-2022

2 Route: C.H.4 Cedar Road

3 Section: 20-00051-09-CH

4 County: Will

5 Parcel No: IL T0015TE

6 Station: 121+50.19 to 122+32.94

7 Index No.: 15-08-09-400-004

8 THAT PART OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF  
9 SECTION 9, TOWNSHIP 35 NORTH, RANGE 11 EAST OF THE THIRD  
10 PRINCIPAL MERIDIAN, IN WILL COUNTY, ILLINOIS, BEARINGS AND  
11 DISTANCES BASED ON THE ILLINOIS STATE PLANE COORDINATE SYSTEM,  
12 EAST ZONE, NAD83 (2011 ADJUSTMENT), WITH A COMBINED FACTOR OF  
13 0.9999586959; DESCRIBED AS FOLLOWS:

14 THE NORTH 31.00 FEET OF THE WEST 25.00 FEET OF THE EAST 58.00  
15 FEET TOGETHER WITH THE WEST 5.00 FEET OF THE EAST 38.00 FEET  
16 (EXCEPT THE NORTH 31.00 FEET THEREOF) OF THE SOUTH HALF OF THE  
17 NORTH HALF OF THE SOUTH HALF OF THE NORTH HALF OF SAID  
18 NORTHEAST QUARTER OF THE SOUTHEAST QUARTER, IN WILL COUNTY,  
19 ILLINOIS.

20 SAID PARCEL CONTAINING 0.024 ACRES, MORE OR LESS.

21 Route: C.H.4 Cedar Road

22 Section: 20-00051-09-CH

23 County: Will

24 Parcel No: IL T0016TE

1 Station: 120+10.63 to 121+69.62

2 Index No.: 15-08-10-300-058

3 THE WEST 5.00 FEET OF LOT 4 IN ARTHUR T. MCINTOSH'S NEW LENOX  
4 ACRES, BEING A SUBDIVISION OF THE SOUTHWEST QUARTER OF SECTION  
5 10 AND PART OF THE NORTHWEST QUARTER OF SECTION 15, TOWNSHIP 35  
6 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN,  
7 ACCORDING TO THE PLAT THEREOF RECORDED JULY 16, 1927 AS  
8 DOCUMENT NUMBER 408969, IN WILL COUNTY, ILLINOIS, BEARINGS AND  
9 DISTANCES BASED ON THE ILLINOIS STATE PLANE COORDINATE SYSTEM,  
10 EAST ZONE, NAD83 (2011 ADJUSTMENT), WITH A COMBINED FACTOR OF  
11 0.9999586959.

12 SAID PARCEL CONTAINING 0.018 ACRES, MORE OR LESS.

13 REVISION DATE: 05-26-2022

14 Route: C.H.4 Cedar Road

15 Section: 20-00051-09-CH

16 County: Will

17 Parcel No: IL T0017TE

18 Station: 118+51.61 to 120+10.61

19 Index No.: 15-08-10-300-057

20 15-08-10-300-006

21 THE WEST 5.00 FEET OF LOT 5 IN ARTHUR T. MCINTOSH'S NEW LENOX  
22 ACRES, BEING A SUBDIVISION OF THE SOUTHWEST QUARTER OF SECTION  
23 10 AND PART OF THE NORTHWEST QUARTER OF SECTION 15, TOWNSHIP 35  
24 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN,  
25 ACCORDING TO THE PLAT THEREOF RECORDED JULY 16, 1927 AS

1 DOCUMENT NUMBER 408969, IN WILL COUNTY, ILLINOIS, BEARINGS AND  
2 DISTANCES BASED ON THE ILLINOIS STATE PLANE COORDINATE SYSTEM,  
3 EAST ZONE, NAD83 (2011 ADJUSTMENT), WITH A COMBINED FACTOR OF  
4 0.9999586959.

5 SAID PARCEL CONTAINING 0.018 ACRES, MORE OR LESS.

6 Route: C.H.4 Cedar Road

7 Section: 20-00051-09-CH

8 County: Will

9 Parcel No: IL T0018TE

10 Station: 116+92.61 to 118+51.63

11 Index No.: 15-08-10-300-007

12 THE WEST 5.00 FEET OF LOT 6 IN ARTHUR T. MCINTOSH'S NEW LENOX  
13 ACRES, BEING A SUBDIVISION OF THE SOUTHWEST QUARTER OF SECTION  
14 10 AND PART OF THE NORTHWEST QUARTER OF SECTION 15, TOWNSHIP 35  
15 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN,  
16 ACCORDING TO THE PLAT THEREOF RECORDED JULY 16, 1927 AS  
17 DOCUMENT NUMBER 408969, IN WILL COUNTY, ILLINOIS, BEARINGS AND  
18 DISTANCES BASED ON THE ILLINOIS STATE PLANE COORDINATE SYSTEM,  
19 EAST ZONE, NAD83 (2011 ADJUSTMENT), WITH A COMBINED FACTOR OF  
20 0.9999586959

21 SAID PARCEL CONTAINING 0.018 ACRES, MORE OR LESS.

22 Route: C.H.4 Cedar Road

23 Section: 20-00051-09-CH

24 County: Will

1 Parcel No: IL T0019TE

2 Station: 118+89.42 to 119+84.84

3 Index No.: 15-08-09-400-013

4 THAT PART OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF  
5 SECTION 9, TOWNSHIP 35 NORTH, RANGE 11 EAST OF THE THIRD  
6 PRINCIPAL MERIDIAN, IN WILL COUNTY, ILLINOIS, BEARINGS AND  
7 DISTANCES BASED ON THE ILLINOIS STATE PLANE COORDINATE SYSTEM,  
8 EAST ZONE, NAD83 (2011 ADJUSTMENT), WITH A COMBINED FACTOR OF  
9 0.9999586959; DESCRIBED AS FOLLOWS:

10 THE NORTH 44.00 FEET OF THE WEST 20.00 FEET OF THE EAST 53.00  
11 FEET TOGETHER WITH THE WEST 7.00 FEET OF THE EAST 40.00 FEET  
12 (EXCEPT THE NORTH 44.00 FEET THEREOF) OF THE NORTH HALF OF THE  
13 NORTH HALF OF THE SOUTH HALF OF SAID NORTHEAST QUARTER OF THE  
14 SOUTHEAST QUARTER, IN WILL COUNTY, ILLINOIS.

15 SAID PARCEL CONTAINING 0.028 ACRES, MORE OR LESS.

16 Route: C.H.4 Cedar Road

17 Section: 20-00051-09-CH

18 County: Will

19 Parcel No: IL T0020TE

20 Station: 116+54.05 to 118+89.42

21 Index No.: 15-08-09-400-010

22 15-08-09-400-011

23 THAT PART OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF  
24 SECTION 9, TOWNSHIP 35 NORTH, RANGE 11 EAST OF THE THIRD  
25 PRINCIPAL MERIDIAN, IN WILL COUNTY, ILLINOIS, BEARINGS AND



1 DISTANCES BASED ON THE ILLINOIS STATE PLANE COORDINATE SYSTEM,  
2 EAST ZONE, NAD83 (2011 ADJUSTMENT), WITH A COMBINED FACTOR OF  
3 0.9999586959; DESCRIBED AS FOLLOWS:

4 THE WEST 7.00 FEET OF THE EAST 40.00 FEET OF THE SOUTH HALF OF  
5 THE NORTH HALF OF THE SOUTH HALF OF THE NORTHEAST QUARTER OF  
6 THE SOUTHEAST QUARTER OF SAID SECTION 9; TOGETHER WITH THE  
7 WEST 7.00 FEET OF THE EAST 40.00 FEET OF THE SOUTH 70 FEET OF  
8 THE NORTH HALF OF THE NORTH HALF OF THE SOUTH HALF OF THE  
9 NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 9,  
10 ALL IN TOWNSHIP 35 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL  
11 MERIDIAN, IN WILL COUNTY, ILLINOIS.

12 SAID PARCEL CONTAINING 0.038 ACRES, MORE OR LESS.

13 Route: C.H.4 Cedar Road

14 Section: 20-00051-09-CH

15 County: Will

16 Parcel No: IL T0021PE

17 Station: 114+33.61 to 114+36.66

18 Index No.: 15-08-10-300-011

19 THE SOUTH 3 FEET OF THE WEST 17 FEET OF THE NORTH 100 FEET OF  
20 THE WEST 175 FEET OF LOT 8, IN ARTHUR T. MCINTOSH'S NEW LENOX  
21 ACRES, BEING A SUBDIVISION OF THE SOUTHWEST QUARTER OF SECTION  
22 10 AND PART OF THE NORTHWEST QUARTER OF SECTION 15, TOWNSHIP 35  
23 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN,  
24 ACCORDING TO THE PLAT THEREOF RECORDED JULY 16, 1927 AS  
25 DOCUMENT NUMBER 408969, IN WILL COUNTY, ILLINOIS, BEARINGS AND

1 DISTANCES BASED ON THE ILLINOIS STATE PLANE COORDINATE SYSTEM,  
2 EAST ZONE, NAD83 (2011 ADJUSTMENT), WITH A COMBINED FACTOR OF  
3 0.9999586959

4 SAID PARCEL CONTAINING 0.001 ACRES (51 SQUARE FEET), MORE OR  
5 LESS.

6 REVISION DATE: 05-26-2022

7 Route: C.H.4 Cedar Road

8 Section: 20-00051-09-CH

9 County: Will

10 Parcel No: IL T0021TE

11 Station: 114+36.61 to 115+33.63

12 Index No.: 15-08-10-300-011

13 THE WEST 5.00 FEET OF THE NORTH 97 FEET OF THE WEST 175 FEET OF  
14 LOT 8, IN ARTHUR T. MCINTOSH'S NEW LENOX ACRES, BEING A  
15 SUBDIVISION OF THE SOUTHWEST QUARTER OF SECTION 10 AND PART OF  
16 THE NORTHWEST QUARTER OF SECTION 15, TOWNSHIP 35 NORTH, RANGE  
17 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT  
18 THEREOF RECORDED JULY 16, 1927 AS DOCUMENT NUMBER 408969, IN  
19 WILL COUNTY, ILLINOIS, BEARINGS AND DISTANCES BASED ON THE  
20 ILLINOIS STATE PLANE COORDINATE SYSTEM, EAST ZONE, NAD83 (2011  
21 ADJUSTMENT), WITH A COMBINED FACTOR OF 0.9999586959

22 SAID PARCEL CONTAINING 0.011 ACRES, MORE OR LESS.

23 Route: C.H. 64 Francis Road

24 Section: 20-00051-09-CH

1 County: Will

2 Parcel No: IL T0022TE

3 Station: 202+31.49 to 203+55.08

4 Index No.: 15-08-09-405-002

5 THE NORTHERLY 5.00 FEET OF LOT 14 IN WILMSEN'S SUBDIVISION OF  
6 LOTS 1 AND 8 OF ARTHUR T. MCINTOSH AND COMPANY'S ADDITION TO  
7 NEW LENOX, A SUBDIVISION OF PART OF THE SOUTHEAST QUARTER OF  
8 SECTION 9, AND PART OF THE NORTHEAST QUARTER OF SECTION 16,  
9 TOWNSHIP 35 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL  
10 MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JULY 10, 1948  
11 AS DOCUMENT NUMBER 642528, IN WILL COUNTY, ILLINOIS.  
12 SAID PARCEL CONTAINING 0.014 ACRES, MORE OR LESS.

13 Route: C.H. 64 Francis Road

14 Section: 20-00051-09-CH

15 County: Will

16 Parcel No: IL T0023TE

17 Station: 203+54.27 to 204+77.86

18 Index No.: 15-08-09-405-003

19 THE NORTHERLY 10.00 FEET OF LOT 12 IN WILMSEN'S SUBDIVISION OF  
20 LOTS 1 AND 8 OF ARTHUR T. MCINTOSH AND COMPANY'S ADDITION TO  
21 NEW LENOX, A SUBDIVISION OF PART OF THE SOUTHEAST QUARTER OF  
22 SECTION 9, AND PART OF THE NORTHEAST QUARTER OF SECTION 16,  
23 TOWNSHIP 35 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL  
24 MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JULY 10, 1948  
25 AS DOCUMENT NUMBER 642528, IN WILL COUNTY, ILLINOIS.

1 SAID PARCEL CONTAINING 0.028 ACRES, MORE OR LESS.

2 Route: C.H. 64 Francis Road

3 Section: 20-00051-09-CH

4 County: Will

5 Parcel No: IL T0024TE

6 Station: 204+77.86 to 206+00.14

7 Index No.: 15-08-09-405-004

8 THE NORTHERLY 10.00 FEET OF LOT 10 IN WILMSEN'S SUBDIVISION OF  
9 LOTS 1 AND 8 OF ARTHUR T. MCINTOSH AND COMPANY'S ADDITION TO  
10 NEW LENOX, A SUBDIVISION OF PART OF THE SOUTHEAST QUARTER OF  
11 SECTION 9, AND PART OF THE NORTHEAST QUARTER OF SECTION 16,  
12 TOWNSHIP 35 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL  
13 MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JULY 10, 1948  
14 AS DOCUMENT NUMBER 642528, IN WILL COUNTY, ILLINOIS.

15 SAID PARCEL CONTAINING 0.028 ACRES, MORE OR LESS.

16 Route: C.H. 64 Francis Road

17 Section: 20-00051-09-CH

18 County: Will

19 Parcel No: IL T0025TE

20 Station: 206+00.14 to 207+53.71

21 Index No.: 15-08-09-405-009

22 THAT PART OF LOT 9 IN WILMSEN'S SUBDIVISION OF LOTS 1 AND 8 OF  
23 ARTHUR T. MCINTOSH AND COMPANY'S ADDITION TO NEW LENOX, A  
24 SUBDIVISION OF PART OF THE SOUTHEAST QUARTER OF SECTION 9, AND

1 PART OF THE NORTHEAST QUARTER OF SECTION 16, TOWNSHIP 35  
2 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN,  
3 ACCORDING TO THE PLAT THEREOF RECORDED JULY 10, 1948 AS  
4 DOCUMENT NUMBER 642528, IN WILL COUNTY, ILLINOIS, BEARINGS AND  
5 DISTANCES BASED ON THE ILLINOIS STATE PLANE COORDINATE SYSTEM,  
6 EAST ZONE, NAD83 (2011 ADJUSTMENT), WITH A COMBINED FACTOR OF  
7 0.9999586959; DESCRIBED AS FOLLOWS:  
8 BEGINNING AT THE NORTHEAST CORNER OF SAID LOT 9; THENCE SOUTH  
9 01 DEGREES 30 MINUTES 42 SECONDS EAST ALONG THE EAST LINE OF  
10 SAID LOT 9, A DISTANCE OF 10.13 FEET; THENCE SOUTH 79 DEGREES  
11 17 MINUTES 03 SECONDS WEST ALONG A LINE 10.00 FEET SOUTH OF AND  
12 PARALLEL WITH THE NORTHERLY LINE OF SAID LOT 9, ALSO BEING THE  
13 SOUTHERLY LINE OF FRANCIS ROAD, 64.43 FEET; THENCE SOUTH 10  
14 DEGREES 42 MINUTES 57 SECONDS EAST, 5.00 FEET; THENCE SOUTH 79  
15 DEGREES 17 MINUTES 03 SECONDS WEST ALONG A LINE 15.00 FEET  
16 SOUTH OF AND PARALLEL WITH THE SAID SOUTHERLY LINE OF FRANCIS  
17 ROAD, 25.00 FEET; THENCE NORTH 10 DEGREES 42 MINUTES 57  
18 SECONDS WEST, 5.00 FEET; THENCE SOUTH 79 DEGREES 17 MINUTES 03  
19 SECONDS WEST ALONG A LINE 10.00 FEET SOUTH OF AND PARALLEL WITH  
20 THE SAID SOUTHERLY LINE OF FRANCIS ROAD, 62.53 FEET TO THE WEST  
21 LINE OF SAID LOT 9; THENCE NORTH 01 DEGREES 30 MINUTES 42  
22 SECONDS WEST ALONG SAID WEST LINE, 10.13 FEET TO SAID  
23 NORTHERLY LINE OF LOT 9, ALSO BEING SAID SOUTHERLY LINE OF  
24 FRANCIS ROAD; THENCE NORTH 79 DEGREES 17 MINUTES 03 SECONDS  
25 EAST ALONG SAID SOUTHERLY LINE OF FRANCIS ROAD, 151.96 FEET TO  
26 THE PLACE OF BEGINNING.

1 SAID PARCEL CONTAINING 0.038 ACRES, MORE OR LESS.

2 REVISION DATE: 05-26-2022

3 Route: C.H. 4 Cedar Road

4 Section: 20-00051-09-CH

5 County: Will

6 Parcel No: IL T0026TE

7 Station: 107+73.63 to 108+08.64

8 Index No.: 15-08-10-301-0073

9 THE NORTH 35 FEET OF THE SOUTH 55.25 FEET OF LOT 11 (EXCEPT THE  
10 WEST 17 FEET THEREOF) IN ARTHUR T. MCINTOSH AND COMPANY'S NEW  
11 LENOX ACRES, A SUBDIVISION IN SECTIONS 10 AND 15, TOWNSHIP 35  
12 NORTH, AND RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN,  
13 ACCORDING TO THE PLAT THEREOF RECORDED JULY 16, 1927 AS  
14 DOCUMENT 408969, IN WILL COUNTY, ILLINOIS, BEARINGS AND  
15 DISTANCES BASED ON THE ILLINOIS STATE PLANE COORDINATE SYSTEM,  
16 EAST ZONE, NAD83 (2011 ADJUSTMENT) WITH A COMBINED FACTOR OF  
17 0.9999586959.

18 SAID PARCEL CONTAINING 0.004 ACRES (175 SQUARE FEET), MORE OR  
19 LESS.

20 REVISION DATE: 05-26-2022

21 Route: C.H. 64 Francis Road

22 Section: 20-00051-09-CH

23 County: Will

24 Parcel No: IL T0027TE

1 Station: 216+52.49 to 217+35.06

2 Index No.: 15-08-10-301-005

3 THE NORTHERLY 10.00 FEET OF THE EAST 80 FEET OF THE WEST 617  
4 FEET OF LOT 10 IN ARTHUR T. MCINTOSH AND COMPANY'S NEW LENOX  
5 ACRES, A SUBDIVISION IN SECTIONS 10 AND 15, TOWNSHIP 35 NORTH,  
6 AND RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING  
7 TO THE PLAT THEREOF RECORDED JULY 16, 1927 AS DOCUMENT 408969,  
8 IN WILL COUNTY, ILLINOIS, BEARINGS AND DISTANCES BASED ON THE  
9 ILLINOIS STATE PLANE COORDINATE SYSTEM, EAST ZONE, NAD83 (2011  
10 ADJUSTMENT) WITH A COMBINED FACTOR OF 0.9999586959.

11 SAID PARCEL CONTAINING 0.018 ACRES, MORE OR LESS.

12 REVISION DATE: 05-26-2022

13 Route: C.H. 64 Francis Road

14 Section: 20-00051-09-CH

15 County: Will

16 Parcel No: IL T0028TE

17 Station: 217+33.45 to 218+43.47

18 Index No.: 15-08-10-301-067

19 THE NORTHERLY 10.00 FEET OF THE EAST 34.75 FEET OF LOT 10 AND  
20 LOT 35 (EXCEPT THE EAST 270.03 FEET THEREOF) IN ARTHUR T.  
21 MCINTOSH AND COMPANY'S NEW LENOX ACRES, A SUBDIVISION IN  
22 SECTIONS 10 AND 15, TOWNSHIP 35 NORTH, AND RANGE 11 EAST OF THE  
23 THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF  
24 RECORDED JULY 16, 1927 AS DOCUMENT 408969, IN WILL COUNTY,  
25 ILLINOIS, BEARINGS AND DISTANCES BASED ON THE ILLINOIS STATE

1 PLANE COORDINATE SYSTEM, EAST ZONE, NAD83 (2011 ADJUSTMENT)  
2 WITH A COMBINED FACTOR OF 0.9999586959.  
3 SAID PARCEL CONTAINING 0.025 ACRES, MORE OR LESS.  
4 REVISION DATE: 05-26-2022

5 Route: C.H. 64 Francis Road

6 Section: 20-00051-09-CH

7 County: Will

8 Parcel No: IL T0029TE

9 Station: 218+41.89 to 218+83.97

10 Index No.: 15-08-10-301-068

11 THE NORTHERLY 10.00 FEET OF THE WEST 40.00 FEET OF THE EAST  
12 270.00 FEET OF LOT 35, AS MEASURED ALONG THE SOUTH LINE OF SAID  
13 LOT 35, IN ARTHUR T. MCINTOSH AND COMPANY'S NEW LENOX ACRES, A  
14 SUBDIVISION IN SECTIONS 10 AND 15, TOWNSHIP 35 NORTH, AND  
15 RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO  
16 THE PLAT THEREOF RECORDED JULY 16, 1927 AS DOCUMENT 408969, IN  
17 WILL COUNTY, ILLINOIS, BEARINGS AND DISTANCES BASED ON THE  
18 ILLINOIS STATE PLANE COORDINATE SYSTEM, EAST ZONE, NAD83 (2011  
19 ADJUSTMENT) WITH A COMBINED FACTOR OF 0.9999586959.

20 SAID PARCEL CONTAINING 0.009 ACRES (405 SQUARE FEET), MORE OR  
21 LESS.

22 REVISION DATE: 05-26-2022

23 REVISION DATE: 06-30-2022

24 (b) This Section is repealed on June 9, 2026 (3 years after  
25 the effective date of Public Act 103-10) ~~this amendatory Act~~



1 ~~of the 103rd General Assembly.~~

2 (Source: P.A. 103-10, eff. 6-9-23; revised 7-27-23.)

3 Section 600. The Illinois False Claims Act is amended by  
4 changing Section 6 as follows:

5 (740 ILCS 175/6) (from Ch. 127, par. 4106)

6 Sec. 6. Subpoenas.

7 (a) In general.

8 (1) Issuance and service. Whenever the Attorney  
9 General has reason to believe that any person may be in  
10 possession, custody, or control of any documentary  
11 material or information relevant to an investigation, the  
12 Attorney General may, before commencing a civil proceeding  
13 under this Act or making an election under paragraph (4)  
14 of subsection (b) of Section 4, issue in writing and cause  
15 to be served upon such person, a subpoena requiring such  
16 person:

17 (A) to produce such documentary material for  
18 inspection and copying,

19 (B) to answer, in writing, written interrogatories  
20 with respect to such documentary material or  
21 information,

22 (C) to give oral testimony concerning such  
23 documentary material or information, or

24 (D) to furnish any combination of such material,

1           answers, or testimony.

2           The Attorney General may issue subpoenas under this  
3 subsection (a). Whenever a subpoena is an express demand  
4 for any product of discovery, the Attorney General shall  
5 cause to be served, in any manner authorized by this  
6 Section, a copy of such demand upon the person from whom  
7 the discovery was obtained and shall notify the person to  
8 whom such demand is issued of the date on which such copy  
9 was served. Any information obtained by the Attorney  
10 General under this Section may be shared with any qui tam  
11 relator if the Attorney General determines it necessary as  
12 part of any Illinois False Claims Act investigation.

13           (1.5) Where a subpoena requires the production of  
14 documentary material, the respondent shall produce the  
15 original of the documentary material, provided, however,  
16 that the Attorney General may agree that copies may be  
17 substituted for the originals. All documentary material  
18 kept or stored in electronic form, including electronic  
19 mail, shall be produced in native format, as kept in the  
20 normal course of business, or as otherwise directed by the  
21 Attorney General. The production of documentary material  
22 shall be made at the respondent's expense.

23           (2) Contents and deadlines. Each subpoena issued under  
24 paragraph (1):

25           (A) Shall state the nature of the conduct  
26           constituting an alleged violation that is under

1 investigation and the applicable provision of law  
2 alleged to be violated.

3 (B) Shall identify the individual causing the  
4 subpoena to be served and to whom communications  
5 regarding the subpoena should be directed.

6 (C) Shall state the date, place, and time at which  
7 the person is required to appear, produce written  
8 answers to interrogatories, produce documentary  
9 material or give oral testimony. The date shall not be  
10 less than 10 days from the date of service of the  
11 subpoena. Compliance with the subpoena shall be at the  
12 Office of the Attorney General in either the  
13 Springfield or Chicago location or at other location  
14 by agreement.

15 (D) If the subpoena is for documentary material or  
16 interrogatories, shall describe the documents or  
17 information requested with specificity.

18 (E) Shall notify the person of the right to be  
19 assisted by counsel.

20 (F) Shall advise that the person has 20 days from  
21 the date of service or up until the return date  
22 specified in the demand, whichever date is earlier, to  
23 move, modify, or set aside the subpoena pursuant to  
24 subparagraph (j) (2) (A) of this Section.

25 (b) Protected material or information.

26 (1) In general. A subpoena issued under subsection (a)

1           may not require the production of any documentary  
2           material, the submission of any answers to written  
3           interrogatories, or the giving of any oral testimony if  
4           such material, answers, or testimony would be protected  
5           from disclosure under:

6                   (A) the standards applicable to subpoenas or  
7                   subpoenas duces tecum issued by a court of this State  
8                   to aid in a grand jury investigation; or

9                   (B) the standards applicable to discovery requests  
10                  under the Code of Civil Procedure, to the extent that  
11                  the application of such standards to any such subpoena  
12                  is appropriate and consistent with the provisions and  
13                  purposes of this Section.

14           (2) Effect on other orders, rules, and laws. Any such  
15           subpoena which is an express demand for any product of  
16           discovery supersedes any inconsistent order, rule, or  
17           provision of law (other than this Section) preventing or  
18           restraining disclosure of such product of discovery to any  
19           person. Disclosure of any product of discovery pursuant to  
20           any such subpoena does not constitute a waiver of any  
21           right or privilege which the person making such disclosure  
22           may be entitled to invoke to resist discovery of trial  
23           preparation materials.

24           (c) Service in general. Any subpoena issued under  
25           subsection (a) may be served by any person so authorized by the  
26           Attorney General or by any person authorized to serve process

1 on individuals within Illinois, through any method prescribed  
2 in the Code of Civil Procedure or as otherwise set forth in  
3 this Act.

4 (d) Service upon legal entities and natural persons.

5 (1) Legal entities. Service of any subpoena issued  
6 under subsection (a) or of any petition filed under  
7 subsection (j) may be made upon a partnership,  
8 corporation, association, or other legal entity by:

9 (A) delivering an executed copy of such subpoena  
10 or petition to any partner, executive officer,  
11 managing agent, general agent, or registered agent of  
12 the partnership, corporation, association, or entity;

13 (B) delivering an executed copy of such subpoena  
14 or petition to the principal office or place of  
15 business of the partnership, corporation, association,  
16 or entity; or

17 (C) depositing an executed copy of such subpoena  
18 or petition in the United States mails by registered  
19 or certified mail, with a return receipt requested,  
20 addressed to such partnership, corporation,  
21 association, or entity as its principal office or  
22 place of business.

23 (2) Natural person. Service of any such subpoena or  
24 petition may be made upon any natural person by:

25 (A) delivering an executed copy of such subpoena  
26 or petition to the person; or

1 (B) depositing an executed copy of such subpoena  
2 or petition in the United States mails by registered  
3 or certified mail, with a return receipt requested,  
4 addressed to the person at the person's residence or  
5 principal office or place of business.

6 (e) Proof of service. A verified return by the individual  
7 serving any subpoena issued under subsection (a) or any  
8 petition filed under subsection (j) setting forth the manner  
9 of such service shall be proof of such service. In the case of  
10 service by registered or certified mail, such return shall be  
11 accompanied by the return post office receipt of delivery of  
12 such subpoena.

13 (f) Documentary material.

14 (1) Sworn certificates. The production of documentary  
15 material in response to a subpoena served under this  
16 Section shall be made under a sworn certificate, in such  
17 form as the subpoena designates, by:

18 (A) in the case of a natural person, the person to  
19 whom the subpoena is directed, or

20 (B) in the case of a person other than a natural  
21 person, a person having knowledge of the facts and  
22 circumstances relating to such production and  
23 authorized to act on behalf of such person.

24 The certificate shall state that all of the documentary  
25 material required by the demand and in the possession,  
26 custody, or control of the person to whom the subpoena is

1 directed has been produced and made available to the  
2 Attorney General.

3 (2) Production of materials. Any person upon whom any  
4 subpoena for the production of documentary material has  
5 been served under this Section shall make such material  
6 available for inspection and copying to the Attorney  
7 General at the place designated in the subpoena, or at  
8 such other place as the Attorney General and the person  
9 thereafter may agree and prescribe in writing, or as the  
10 court may direct under subsection (j)(1). Such material  
11 shall be made so available on the return date specified in  
12 such subpoena, or on such later date as the Attorney  
13 General may prescribe in writing. Such person may, upon  
14 written agreement between the person and the Attorney  
15 General, substitute copies for originals of all or any  
16 part of such material.

17 (g) Interrogatories. Each interrogatory in a subpoena  
18 served under this Section shall be answered separately and  
19 fully in writing under oath and shall be submitted under a  
20 sworn certificate, in such form as the subpoena designates by:

21 (1) in the case of a natural person, the person to whom  
22 the subpoena is directed, or

23 (2) in the case of a person other than a natural  
24 person, the person or persons responsible for answering  
25 each interrogatory.

26 If any interrogatory is objected to, the reasons for the

1 objection shall be stated in the certificate instead of an  
2 answer. The certificate shall state that all information  
3 required by the subpoena and in the possession, custody,  
4 control, or knowledge of the person to whom the demand is  
5 directed has been submitted. To the extent that any  
6 information is not furnished, the information shall be  
7 identified and reasons set forth with particularity regarding  
8 the reasons why the information was not furnished.

9 (h) Oral examinations.

10 (1) Procedures. The examination of any person pursuant  
11 to a subpoena for oral testimony served under this Section  
12 shall be taken before an officer authorized to administer  
13 oaths and affirmations by the laws of this State or of the  
14 place where the examination is held. The officer before  
15 whom the testimony is to be taken shall put the witness on  
16 oath or affirmation and shall, personally or by someone  
17 acting under the direction of the officer and in the  
18 officer's presence, record the testimony of the witness.  
19 The testimony shall be taken stenographically and shall be  
20 transcribed. When the testimony is fully transcribed, the  
21 officer before whom the testimony is taken shall promptly  
22 transmit a certified copy of the transcript of the  
23 testimony in accordance with the instructions of the  
24 Attorney General. This subsection shall not preclude the  
25 taking of testimony by any means authorized by, and in a  
26 manner consistent with, the Code of Civil Procedure.



1           (2) Persons present. The investigator conducting the  
2 examination shall exclude from the place where the  
3 examination is held all persons except the person giving  
4 the testimony, the attorney for and any other  
5 representative of the person giving the testimony, the  
6 attorney for the State, any person who may be agreed upon  
7 by the attorney for the State and the person giving the  
8 testimony, the officer before whom the testimony is to be  
9 taken, and any stenographer taking such testimony.

10           (3) Where testimony taken. The oral testimony of any  
11 person taken pursuant to a subpoena served under this  
12 Section shall be taken in the county within which such  
13 person resides, is found, or transacts business, or in  
14 such other place as may be agreed upon by the Attorney  
15 General and such person.

16           (4) Transcript of testimony. When the testimony is  
17 fully transcribed, the Attorney General or the officer  
18 before whom the testimony is taken shall afford the  
19 witness, who may be accompanied by counsel, a reasonable  
20 opportunity to review and correct the transcript, in  
21 accordance with the rules applicable to deposition  
22 witnesses in civil cases. Upon payment of reasonable  
23 charges, the Attorney General shall furnish a copy of the  
24 transcript to the witness, except that the Attorney  
25 General may, for good cause, limit the witness to  
26 inspection of the official transcript of the witness'

1 testimony.

2 (5) Conduct of oral testimony.

3 (A) Any person compelled to appear for oral  
4 testimony under a subpoena issued under subsection (a)  
5 may be accompanied, represented, and advised by  
6 counsel, who may raise objections based on matters of  
7 privilege in accordance with the rules applicable to  
8 depositions in civil cases. If such person refuses to  
9 answer any question, a petition may be filed in  
10 circuit court under subsection (j)(1) for an order  
11 compelling such person to answer such question.

12 (B) If such person refuses any question on the  
13 grounds of the privilege against self-incrimination,  
14 the testimony of such person may be compelled in  
15 accordance with Article 106 of the Code of Criminal  
16 Procedure of 1963.

17 (6) Witness fees and allowances. Any person appearing  
18 for oral testimony under a subpoena issued under  
19 subsection (a) shall be entitled to the same fees and  
20 allowances which are paid to witnesses in the circuit  
21 court.

22 (i) Custodians of documents, answers, and transcripts.

23 (1) Designation. The Attorney General or his or her  
24 delegate shall serve as custodian of documentary material,  
25 answers to interrogatories, and transcripts of oral  
26 testimony received under this Section.

1           (2) Except as otherwise provided in this Section, no  
2           documentary material, answers to interrogatories, or  
3           transcripts of oral testimony, or copies thereof, while in  
4           the possession of the custodian, shall be available for  
5           examination by any individual, except as determined  
6           necessary by the Attorney General and subject to the  
7           conditions imposed by him or her for effective enforcement  
8           of the laws of this State, or as otherwise provided by  
9           court order.

10           (3) Conditions for return of material. If any  
11           documentary material has been produced by any person in  
12           the course of any investigation pursuant to a subpoena  
13           under this Section and:

14                   (A) any case or proceeding before the court or  
15                   grand jury arising out of such investigation, or any  
16                   proceeding before any State agency involving such  
17                   material, has been completed, or

18                   (B) no case or proceeding in which such material  
19                   may be used has been commenced within a reasonable  
20                   time after completion of the examination and analysis  
21                   of all documentary material and other information  
22                   assembled in the course of such investigation,  
23           the custodian shall, upon written request of the person  
24           who produced such material, return to such person any such  
25           material which has not passed into the control of any  
26           court, grand jury, or agency through introduction into the

1 record of such case or proceeding.

2 (j) Judicial proceedings.

3 (1) Petition for enforcement. Whenever any person  
4 fails to comply with any subpoena issued under subsection  
5 (a), or whenever satisfactory copying or reproduction of  
6 any material requested in such demand cannot be done and  
7 such person refuses to surrender such material, the  
8 Attorney General may file, in the circuit court of any  
9 county in which such person resides, is found, or  
10 transacts business, or the circuit court of the county in  
11 which an action filed pursuant to Section 4 of this Act is  
12 pending if the action relates to the subject matter of the  
13 subpoena and serve upon such person a petition for an  
14 order of such court for the enforcement of the subpoena.

15 (2) Petition to modify or set aside subpoena.

16 (A) Any person who has received a subpoena issued  
17 under subsection (a) may file, in the circuit court of  
18 any county within which such person resides, is found,  
19 or transacts business, and serve upon the Attorney  
20 General a petition for an order of the court to modify  
21 or set aside such subpoena. In the case of a petition  
22 addressed to an express demand for any product of  
23 discovery, a petition to modify or set aside such  
24 demand may be brought only in the circuit court of the  
25 county in which the proceeding in which such discovery  
26 was obtained is or was last pending. Any petition

1 under this subparagraph (A) must be filed:

2 (i) within 20 days after the date of service  
3 of the subpoena, or at any time before the return  
4 date specified in the subpoena, whichever date is  
5 earlier, or

6 (ii) within such longer period as may be  
7 prescribed in writing by the Attorney General.

8 (B) The petition shall specify each ground upon  
9 which the petitioner relies in seeking relief under  
10 subparagraph (A), and may be based upon any failure of  
11 the subpoena to comply with the provisions of this  
12 Section or upon any constitutional or other legal  
13 right or privilege of such person. During the pendency  
14 of the petition in the court, the court may stay, as it  
15 deems proper, the running of the time allowed for  
16 compliance with the subpoena, in whole or in part,  
17 except that the person filing the petition shall  
18 comply with any portion of the subpoena not sought to  
19 be modified or set aside.

20 (3) Petition to modify or set aside demand for product  
21 of discovery. In the case of any subpoena issued under  
22 subsection (a) which is an express demand for any product  
23 of discovery, the person from whom such discovery was  
24 obtained may file, in the circuit court of the county in  
25 which the proceeding in which such discovery was obtained  
26 is or was last pending, a petition for an order of such

1 court to modify or set aside those portions of the  
2 subpoena requiring production of any such product of  
3 discovery, subject to the same terms, conditions, and  
4 limitations set forth in subparagraph (j)(2) of this  
5 Section.

6 (4) Jurisdiction. Whenever any petition is filed in  
7 any circuit court under this subsection (j), such court  
8 shall have jurisdiction to hear and determine the matter  
9 so presented, and to enter such orders as may be required  
10 to carry out the provisions of this Section. Any final  
11 order so entered shall be subject to appeal in the same  
12 manner as appeals of other final orders in civil matters.  
13 Any disobedience of any final order entered under this  
14 Section by any court shall be punished as a contempt of the  
15 court.

16 (k) Disclosure exemption. Any documentary material,  
17 answers to written interrogatories, or oral testimony provided  
18 under any subpoena issued under subsection (a) shall be exempt  
19 from disclosure under the Illinois Administrative Procedure  
20 Act.

21 (Source: P.A. 103-145, eff. 10-1-23; revised 9-20-23.)

22 Section 605. The Good Samaritan Act is amended by changing  
23 Section 42 as follows:

24 (745 ILCS 49/42)

1           Sec. 42. Optometrists; exemption from civil liability for  
2 emergency care. Any optometrist or any person licensed as an ~~a~~  
3 optometrist in any other state or territory of the United  
4 States who in good faith provides emergency care without fee  
5 to a victim of an accident at the scene of an accident shall  
6 not, as a result of his or her acts or omissions, except  
7 willful or wanton misconduct on the part of the person, in  
8 providing the care, be liable for civil damages.

9           (Source: P.A. 90-413, eff. 1-1-98; revised 9-20-23.)

10           Section 610. The Emancipation of Minors Act is amended by  
11 changing Section 2 as follows:

12           (750 ILCS 30/2) (from Ch. 40, par. 2202)

13           Sec. 2. Purpose and policy. The purpose of this Act is to  
14 provide a means by which a mature minor who has demonstrated  
15 the ability and capacity to manage the minor's own affairs and  
16 to live wholly or partially independent of the minor's parents  
17 or guardian, may obtain the legal status of an emancipated  
18 person with power to enter into valid legal contracts.

19           This Act is not intended to interfere with the integrity  
20 of the family or the rights of parents and their children. No  
21 order of complete or partial emancipation may be entered under  
22 this Act if there is any objection by the minor. An order of  
23 complete or partial emancipation may be entered under this Act  
24 if there is an objection by the minor's parents or guardian

1 only if the court finds, in a hearing, that emancipation would  
2 be in the minor's best interests. This Act does not limit or  
3 exclude any other means either in statute or case law by which  
4 a minor may become emancipated.

5 ~~(c)~~ Beginning January 1, 2019, and annually thereafter  
6 through January 1, 2024, the Department of Human Services  
7 shall submit annual reports to the General Assembly regarding  
8 homeless minors older than 16 years of age but less than 18  
9 years of age referred to a youth transitional housing program  
10 for whom parental consent to enter the program is not  
11 obtained. The report shall include the following information:

12 (1) the number of homeless minors referred to youth  
13 transitional housing programs;

14 (2) the number of homeless minors who were referred  
15 but a licensed youth transitional housing program was not  
16 able to provide housing and services, and what subsequent  
17 steps, if any, were taken to ensure that the homeless  
18 minors were referred to an appropriate and available  
19 alternative placement;

20 (3) the number of homeless minors who were referred  
21 but determined to be ineligible for a youth transitional  
22 housing program and the reason why the homeless minors  
23 were determined to be ineligible, and what subsequent  
24 steps, if any, were taken to ensure that the homeless  
25 minors were referred to an appropriate and available  
26 alternative placement; and



1           (4) the number of homeless minors who voluntarily left  
2           the program and who were dismissed from the program while  
3           they were under the age of 18, and what subsequent steps,  
4           if any, were taken to ensure that the homeless minors were  
5           referred to an appropriate and available alternative  
6           placement.

7           (Source: P.A. 103-22, eff. 8-8-23; revised 9-20-23.)

8           Section 615. The Electric Vehicle Charging Act is amended  
9           by changing Sections 15, 25, and 35 as follows:

10           (765 ILCS 1085/15)

11           Sec. 15. Definitions. As used in this Act:

12           "Affordable housing development" means (i) any housing  
13           that is subsidized by the federal or State government or (ii)  
14           any housing in which at least 20% of the dwelling units are  
15           subject to covenants or restrictions that require that the  
16           dwelling units to be sold or rented at prices that preserve  
17           them as affordable housing for a period of at least 10 years.

18           "Association" has the meaning set forth in subsection (o)  
19           of Section 2 of the Condominium Property Act or Section 1-5 of  
20           the Common Interest Community Association Act, as applicable.

21           "Electric vehicle" means a vehicle that is exclusively  
22           powered by and refueled by electricity, plugs in to charge,  
23           and is licensed to drive on public roadways. "Electric  
24           vehicle" does not include electric mopeds, electric

1 off-highway vehicles, hybrid electric vehicles, or  
2 extended-range electric vehicles that are equipped, fully or  
3 partially, with conventional fueled propulsion or auxiliary  
4 engines.

5 "Electric vehicle charging system" means a device that is:

6 (1) used to provide electricity to an electric  
7 vehicle;

8 (2) designed to ensure that a safe connection has been  
9 made between the electric grid and the electric vehicle;  
10 and

11 (3) able to communicate with the vehicle's control  
12 system so that electricity flows at an appropriate voltage  
13 and current level. An electric vehicle charging system may  
14 be wall mounted or pedestal style, may provide multiple  
15 cords to connect with electric vehicles, and shall:

16 (i) be certified by Underwriters Laboratories or  
17 have been granted an equivalent certification; and

18 (ii) comply with the current version of Article  
19 625 of the National Electrical Code.

20 "Electric vehicle supply equipment" or "EVSE" means a  
21 conductor, including an ungrounded, grounded, and equipment  
22 grounding conductor, and electric vehicle connectors,  
23 attachment plugs, and all other fittings, devices, power  
24 outlets, and apparatuses installed specifically for the  
25 purpose of transferring energy between the premises wiring and  
26 the electric vehicle.

1 "EV-capable" means parking spaces that have the electrical  
2 panel capacity and conduit installed during construction to  
3 support future implementation of electric vehicle charging  
4 with 208-volt or 240-volt or greater, 40-ampere or greater  
5 circuits. Each EV-capable space shall feature a continuous  
6 raceway or cable assembly installed between an enclosure or  
7 outlet located within 3 feet of the EV-capable space and a  
8 suitable panelboard or other onsite electrical distribution  
9 equipment. The electrical distribution equipment to which the  
10 raceway or cable assembly connects shall have sufficient  
11 dedicated space and spare electrical capacity for a 2-pole  
12 circuit breaker or set of fuses. Reserved capacity shall be no  
13 less than 40A 208/240V for each EV-capable space unless  
14 EV-capable spaces will be controlled by an energy management  
15 system providing load management in accordance with NFPA 70,  
16 shall have a minimum capacity of 4.1 kilovolt-ampere per  
17 space, or have a minimum capacity of 2.7 kilovolt-ampere per  
18 space when all of the parking spaces are designed to be  
19 EV-capable spaces, EV-ready spaces, or EVSE-installed spaces.  
20 The electrical enclosure or outlet and the electrical  
21 distribution equipment directory shall be marked "For future  
22 electric vehicle supply equipment (EVSE)." This strategy  
23 ensures the reduction of up-front costs for electric vehicle  
24 charging station installation by providing the electrical  
25 elements that are difficult to install during a retrofit.  
26 Anticipating the use of dual-head EVSE, the same circuit may

1 be used to support charging in adjacent EV-capable spaces. For  
2 purposes of this Act, "EV-capable" ~~"EV-capable"~~ shall not be  
3 construed to require a developer or builder to install or run  
4 wire or cable from the electrical panel through the conduit or  
5 raceway to the terminus of the conduit.

6 "EV-ready" means parking spaces that are provided with a  
7 branch circuit and either an outlet, junction box, or  
8 receptacle that will support an installed EVSE. Each branch  
9 circuit serving EV-ready spaces shall terminate at an outlet  
10 or enclosure, located within 3 feet of each EV-ready space it  
11 serves. The panelboard or other electrical distribution  
12 equipment directory shall designate the branch circuit as "For  
13 electric vehicle supply equipment (EVSE)" and the outlet or  
14 enclosure shall be marked "For electric vehicle supply  
15 equipment (EVSE)." The capacity of each branch circuit serving  
16 multiple EV-ready spaces designed to be controlled by an  
17 energy management system providing load management in  
18 accordance with NFPA 70, shall have a minimum capacity of 4.1  
19 kilovolt-ampere per space, or have a minimum capacity of 2.7  
20 kilovolt-ampere per space when all of the parking spaces are  
21 designed to be EV-capable spaces, EV-ready spaces, or EVSE  
22 spaces.

23 "EVSE-installed" means electric vehicle supply equipment  
24 that is fully installed from the electrical panel to the  
25 parking space.

26 "Large multifamily residence" means a single residential

1 building that accommodates 5 families or more.

2 "Level 1" means a 120-volt 20-ampere minimum branch  
3 circuit.

4 "Level 2" means a 208-volt to 240-volt 40-ampere branch  
5 circuit.

6 "New" means newly constructed.

7 "Reasonable restriction" means a restriction that does not  
8 significantly increase the cost of the electric vehicle  
9 charging station or electric vehicle charging system or  
10 significantly decrease its efficiency or specified  
11 performance.

12 "Single-family residence" means a detached single-family  
13 residence on a single lot.

14 "Small multifamily residence" means a single residential  
15 building that accommodates 2 to 4 families.

16 (Source: P.A. 103-53, eff. 1-1-24; revised 12-22-23.)

17 (765 ILCS 1085/25)

18 Sec. 25. Residential requirements.

19 (a) All building permits issued 90 days after the  
20 effective date of this Act shall require a new, large  
21 multifamily residential building or a large multifamily  
22 residential building being renovated by a developer converting  
23 the property to an association to have 100% of its total  
24 parking spaces EV-capable. However, nothing in this Act shall  
25 be construed to require that in the case of a developer

1 converting the property to an association, no EV-capable or  
2 EV-ready mandate shall apply if it would necessitate the  
3 developer having to excavate an existing surface lot or other  
4 parking facility in order to retrofit ~~retro-fit~~ the parking  
5 lot or facility with the necessary conduit and wiring.

6 (b) The following requirements and timelines shall apply  
7 for affordable housing. A new construction single-family  
8 residence or small multifamily residence that qualifies as an  
9 affordable housing development under the same project  
10 ownership and is located on a campus with centralized parking  
11 areas is subject to the requirements and timelines below.

12 All building permits issued 24 months after the effective  
13 date of this Act shall require a new construction large  
14 multifamily residence that qualifies as an affordable housing  
15 development to have the following, unless additional  
16 requirements are required under a subsequently adopted  
17 building code:

18 (1) For permits issued 24 months after the effective  
19 date of this Act, a minimum of 40% EV-capable parking  
20 spaces.

21 (2) For permits issued 5 years after the effective  
22 date of this Act, a minimum of 50% EV-capable parking  
23 spaces.

24 (3) For permits issued 10 years after the effective  
25 date of this Act, a minimum of 70% EV-capable parking  
26 spaces.

1 (d) An accessible parking space is not required by this  
2 Section if no accessible parking spaces are required by the  
3 local zoning code.

4 (Source: P.A. 103-53, eff. 1-1-24; revised 12-22-23.)

5 (765 ILCS 1085/35)

6 Sec. 35. Electric vehicle charging system policy for  
7 renters.

8 (a) Notwithstanding any provision in the lease to the  
9 contrary and subject to subsection (b):

10 (1) a tenant may install, at the tenant's expense for  
11 the tenant's own use, a level 1 receptacle or outlet, a  
12 level 2 receptacle or outlet, or a level 2 electric  
13 vehicle charging system on or in the leased premises;

14 (2) a landlord shall not assess or charge a tenant any  
15 fee for the placement or use of an electric vehicle  
16 charging system, except that:

17 (A) the landlord may:

18 (i) require reimbursement for the actual cost  
19 of electricity provided by the landlord that was  
20 used by the electric vehicle charging system;

21 (ii) charge a reasonable fee for access. If  
22 the electric vehicle charging system is part of a  
23 network for which a network fee is charged, the  
24 landlord's reimbursement may include the amount of  
25 the network fee. Nothing in this subparagraph

1 requires a landlord to impose upon a tenant a fee  
2 or charge other than the rental payments specified  
3 in the lease; or

4 (iii) charge a security deposit to cover costs  
5 to restore the property to its original condition  
6 if the tenant removes the electric vehicle  
7 charging system;~~;~~

8 (B) the landlord may require reimbursement for the  
9 cost of the installation of the electric vehicle  
10 charging system, including any additions or upgrades  
11 to existing wiring directly attributable to the  
12 requirements of the electric vehicle charging system,  
13 if the landlord places or causes the electric vehicle  
14 charging system to be placed at the request of the  
15 tenant; and

16 (C) if the tenant desires to place an electric  
17 vehicle charging system in an area accessible to other  
18 tenants, the landlord may assess or charge the tenant  
19 a reasonable fee to reserve a specific parking space  
20 in which to install the electric vehicle charging  
21 system.

22 (b) A landlord may require a tenant to comply with:

23 (1) bona fide safety requirements consistent with an  
24 applicable building code or recognized safety standard for  
25 the protection of persons and property;

26 (2) a requirement that the electric vehicle charging



1 system be registered with the landlord within 30 days  
2 after installation; or

3 (3) reasonable aesthetic provisions that govern the  
4 dimensions, placement, or external appearance of an  
5 electric vehicle charging system.

6 (c) A tenant may place an electric vehicle charging system  
7 if:

8 (1) the electric vehicle charging system is in  
9 compliance with all applicable requirements adopted by a  
10 landlord under subsection (b); and

11 (2) the tenant agrees, in writing, to:

12 (A) comply with the landlord's design  
13 specifications for the installation of an electric  
14 vehicle charging system;

15 (B) engage the services of a duly licensed and  
16 registered electrical contractor familiar with the  
17 installation and code requirements of an electric  
18 vehicle charging system; and

19 (C) provide, within 14 days after receiving the  
20 landlord's consent for the installation, a certificate  
21 of insurance naming the landlord as an additional  
22 insured party on the tenant's renter's insurance  
23 policy for any claim related to the installation,  
24 maintenance, or use of the electric vehicle charging  
25 system or, at the landlord's option, reimbursement to  
26 the landlord for the actual cost of any increased

1 insurance premium amount attributable to the electric  
2 vehicle charging system, notwithstanding any provision  
3 to the contrary in the lease. The tenant shall provide  
4 reimbursement for an increased insurance premium  
5 amount within 14 days after the tenant receives the  
6 landlord's invoice for the amount attributable to the  
7 electric vehicle charging system.

8 (d) If the landlord consents to a tenant's installation of  
9 an electric vehicle charging system on property accessible to  
10 other tenants, including a parking space, carport, or garage  
11 stall, then, unless otherwise specified in a written agreement  
12 with the landlord:

13 (1) The tenant, and each successive tenant with  
14 exclusive rights to the area where the electric vehicle  
15 charging system is installed, is responsible for costs for  
16 damages to the electric vehicle charging system and to any  
17 other property of the landlord or another tenant resulting  
18 from the installation, maintenance, repair, removal, or  
19 replacement of the electric vehicle charging system.

20 (A) Costs under this paragraph shall be based on:

21 (i) an embedded submetering device; or

22 (ii) a reasonable calculation of cost, based  
23 on the average miles driven, efficiency of the  
24 electric vehicle calculated by the United States  
25 Environmental Protection Agency, and the cost of  
26 electricity for the common area.

1           (B) The purpose of the costs under this paragraph  
2           is for reasonable reimbursement of electricity usage  
3           and shall not be set to deliberately exceed that  
4           reasonable reimbursement.

5           (2) Each successive tenant with exclusive rights to  
6           the area where the electric vehicle charging system is  
7           installed shall assume responsibility for the repair,  
8           maintenance, removal, and replacement of the electric  
9           vehicle charging system until the electric vehicle  
10          charging system is removed.

11          (3) The tenant, and each successive tenant with  
12          exclusive rights to the area where the electric vehicle  
13          charging system is installed, shall, at all times, have  
14          and maintain an insurance policy covering the obligations  
15          of the tenant under this subsection and shall name the  
16          landlord as an additional insured party under the policy.

17          (4) The tenant, and each successive tenant with  
18          exclusive rights to the area where the electric vehicle  
19          charging system is installed, is responsible for removing  
20          the system if reasonably necessary or convenient for the  
21          repair, maintenance, or replacement of any property of the  
22          landlord, whether or not leased to another tenant.

23          (e) An electric vehicle charging system installed at the  
24          tenant's cost is the property of the tenant. Upon termination  
25          of the lease, if the electric vehicle charging system is  
26          removable, the tenant may either remove it or sell it to the

1 landlord or another tenant for an agreed price. Nothing in  
2 this subsection requires the landlord or another tenant to  
3 purchase the electric vehicle charging system.

4 (f) A landlord that willfully violates this Section shall  
5 be liable to the tenant for actual damages, and shall pay a  
6 civil penalty to the tenant in an amount not to exceed \$1,000.

7 (g) In any action by a tenant requesting to have an  
8 electric vehicle charging system installed and seeking to  
9 enforce compliance with this Section, the court shall award  
10 reasonable attorney's fees to a prevailing plaintiff.

11 (h) A tenant whose landlord is an owner in an association  
12 and who desires to install an electric vehicle charging  
13 station must obtain approval to do so through the tenant's  
14 landlord or owner and in accordance with those provisions of  
15 this Act applicable to associations.

16 (Source: P.A. 103-53, eff. 1-1-24; revised 12-22-23.)

17 Section 620. The Illinois Human Rights Act is amended by  
18 changing Section 8-101 as follows:

19 (775 ILCS 5/8-101)

20 Sec. 8-101. Illinois Human Rights Commission.

21 (A) Creation; appointments. The Human Rights Commission is  
22 created to consist of 7 members appointed by the Governor with  
23 the advice and consent of the Senate. No more than 4 members  
24 shall be of the same political party. The Governor shall

1 designate one member as chairperson. All appointments shall be  
2 in writing and filed with the Secretary of State as a public  
3 record.

4 (B) Terms. Of the members first appointed, 4 shall be  
5 appointed for a term to expire on the third Monday of January~~7~~  
6 2021, and 3 (including the Chairperson) shall be appointed for  
7 a term to expire on the third Monday of January~~7~~ 2023.

8 Notwithstanding any provision of this Section to the  
9 contrary, the term of office of each member of the Illinois  
10 Human Rights Commission is abolished on January 19, 2019.  
11 Incumbent members holding a position on the Commission that  
12 was created by Public Act 84-115 and whose terms, if not for  
13 Public Act 100-1066 ~~this amendatory Act of the 100th General~~  
14 ~~Assembly~~, would have expired January 18, 2021 shall continue  
15 to exercise all of the powers and be subject to all of the  
16 duties of members of the Commission until June 30, 2019 or  
17 until their respective successors are appointed and qualified,  
18 whichever is earlier.

19 Thereafter, each member shall serve for a term of 4 years  
20 and until the member's successor is appointed and qualified;  
21 except that any member chosen to fill a vacancy occurring  
22 otherwise than by expiration of a term shall be appointed only  
23 for the unexpired term of the member whom the member shall  
24 succeed and until the member's successor is appointed and  
25 qualified.

26 (C) Vacancies.

1           (1) In the case of vacancies on the Commission during  
2           a recess of the Senate, the Governor shall make a  
3           temporary appointment until the next meeting of the Senate  
4           when the Governor shall appoint a person to fill the  
5           vacancy. Any person so nominated and confirmed by the  
6           Senate shall hold office for the remainder of the term and  
7           until the person's successor is appointed and qualified.

8           (2) If the Senate is not in session at the time this  
9           Act takes effect, the Governor shall make temporary  
10          appointments to the Commission as in the case of  
11          vacancies.

12          (3) Vacancies in the Commission shall not impair the  
13          right of the remaining members to exercise all the powers  
14          of the Commission. Except when authorized by this Act to  
15          proceed through a 3 member panel, a majority of the  
16          members of the Commission then in office shall constitute  
17          a quorum.

18          (D) Compensation. On and after January 19, 2019, the  
19          Chairperson of the Commission shall be compensated at the rate  
20          of \$125,000 per year, or as set by the Compensation Review  
21          Board, whichever is greater, during the Chairperson's service  
22          as Chairperson, and each other member shall be compensated at  
23          the rate of \$119,000 per year, or as set by the Compensation  
24          Review Board, whichever is greater. In addition, all members  
25          of the Commission shall be reimbursed for expenses actually  
26          and necessarily incurred by them in the performance of their

1 duties.

2 (E) Notwithstanding the general supervisory authority of  
3 the Chairperson, each commissioner, unless appointed to the  
4 special temporary panel created under subsection (H), has the  
5 authority to hire and supervise a staff attorney. The staff  
6 attorney shall report directly to the individual commissioner.

7 (F) A formal training program for newly appointed  
8 commissioners shall be implemented. The training program shall  
9 include the following:

10 (1) substantive and procedural aspects of the office  
11 of commissioner;

12 (2) current issues in employment and housing  
13 discrimination and public accommodation law and practice;

14 (3) orientation to each operational unit of the Human  
15 Rights Commission;

16 (4) observation of experienced hearing officers and  
17 commissioners conducting hearings of cases, combined with  
18 the opportunity to discuss evidence presented and rulings  
19 made;

20 (5) the use of hypothetical cases requiring the newly  
21 appointed commissioner to issue judgments as a means of  
22 evaluating knowledge and writing ability;

23 (6) writing skills; and

24 (7) professional and ethical standards.

25 A formal and ongoing professional development program  
26 including, but not limited to, the above-noted areas shall be

1 implemented to keep commissioners informed of recent  
2 developments and issues and to assist them in maintaining and  
3 enhancing their professional competence. Each commissioner  
4 shall complete 20 hours of training in the above-noted areas  
5 during every 2 years the commissioner remains in office.

6 (G) Commissioners must meet one of the following  
7 qualifications:

8 (1) licensed to practice law in the State of Illinois;

9 (2) at least 3 years of experience as a hearing  
10 officer at the Human Rights Commission; or

11 (3) at least 4 years of professional experience  
12 working for or dealing with individuals or corporations  
13 affected by this Act or similar laws in other  
14 jurisdictions, including, but not limited to, experience  
15 with a civil rights advocacy group, a fair housing group,  
16 a community organization, a trade association, a union, a  
17 law firm, a legal aid organization, an employer's human  
18 resources department, an employment discrimination  
19 consulting firm, a community affairs organization, or a  
20 municipal human relations agency.

21 The Governor's appointment message, filed with the  
22 Secretary of State and transmitted to the Senate, shall state  
23 specifically how the experience of a nominee for commissioner  
24 meets the requirement set forth in this subsection. The  
25 Chairperson must have public or private sector management and  
26 budget experience, as determined by the Governor.



1           Each commissioner shall devote full time to the  
2 commissioner's duties and any commissioner who is an attorney  
3 shall not engage in the practice of law, nor shall any  
4 commissioner hold any other office or position of profit under  
5 the United States or this State or any municipal corporation  
6 or political subdivision of this State, nor engage in any  
7 other business, employment, or vocation.

8           (H) (Blank).

9           (Source: P.A. 102-1129, eff. 2-10-23; 103-326, eff. 1-1-24;  
10 revised 12-15-23.)

11           Section 622. The Business Corporation Act of 1983 is  
12 amended by changing Section 1.80 as follows:

13           (805 ILCS 5/1.80) (from Ch. 32, par. 1.80)

14           Sec. 1.80. Definitions. As used in this Act, unless the  
15 context otherwise requires, the words and phrases defined in  
16 this Section shall have the meanings set forth herein.

17           (a) "Corporation" or "domestic corporation" means a  
18 corporation subject to the provisions of this Act, except a  
19 foreign corporation.

20           (b) "Foreign corporation" means a corporation for profit  
21 organized under laws other than the laws of this State, but  
22 shall not include a banking corporation organized under the  
23 laws of another state or of the United States, a foreign  
24 banking corporation organized under the laws of a country

1 other than the United States and holding a certificate of  
2 authority from the Commissioner of Banks and Real Estate  
3 issued pursuant to the Foreign Banking Office Act, or a  
4 banking corporation holding a license from the Commissioner of  
5 Banks and Real Estate issued pursuant to the Foreign Bank  
6 Representative Office Act.

7 (c) "Articles of incorporation" means the original  
8 articles of incorporation, including the articles of  
9 incorporation of a new corporation set forth in the articles  
10 of consolidation, and all amendments thereto, whether  
11 evidenced by articles of amendment, articles of merger,  
12 articles of exchange, statement of correction affecting  
13 articles, resolution establishing series of shares or a  
14 statement of cancellation under Section 9.05. Restated  
15 articles of incorporation shall supersede the original  
16 articles of incorporation and all amendments thereto prior to  
17 the effective date of filing the articles of amendment  
18 incorporating the restated articles of incorporation.

19 (d) "Subscriber" means one who subscribes for shares in a  
20 corporation, whether before or after incorporation.

21 (e) "Incorporator" means one of the signers of the  
22 original articles of incorporation.

23 (f) "Shares" means the units into which the proprietary  
24 interests in a corporation are divided.

25 (g) "Shareholder" means one who is a holder of record of  
26 shares in a corporation.

1 (h) "Certificate" representing shares means a written  
2 instrument executed by the proper corporate officers, as  
3 required by Section 6.35 of this Act, evidencing the fact that  
4 the person therein named is the holder of record of the share  
5 or shares therein described. If the corporation is authorized  
6 to issue uncertificated shares in accordance with Section 6.35  
7 of this Act, any reference in this Act to shares represented by  
8 a certificate shall also refer to uncertificated shares and  
9 any reference to a certificate representing shares shall also  
10 refer to the written notice in lieu of a certificate provided  
11 for in Section 6.35.

12 (i) "Authorized shares" means the aggregate number of  
13 shares of all classes which the corporation is authorized to  
14 issue.

15 (j) "Paid-in capital" means the sum of the cash and other  
16 consideration received, less expenses, including commissions,  
17 paid or incurred by the corporation, in connection with the  
18 issuance of shares, plus any cash and other consideration  
19 contributed to the corporation by or on behalf of its  
20 shareholders, plus amounts added or transferred to paid-in  
21 capital by action of the board of directors or shareholders  
22 pursuant to a share dividend, share split, or otherwise, minus  
23 reductions as provided elsewhere in this Act. Irrespective of  
24 the manner of designation thereof by the laws under which a  
25 foreign corporation is or may be organized, paid-in capital of  
26 a foreign corporation shall be determined on the same basis

1 and in the same manner as paid-in capital of a domestic  
2 corporation, for the purpose of computing license fees,  
3 franchise taxes and other charges imposed by this Act.

4 (k) "Net assets", for the purpose of determining the right  
5 of a corporation to purchase its own shares and of determining  
6 the right of a corporation to declare and pay dividends and  
7 make other distributions to shareholders is equal to the  
8 difference between the assets of the corporation and the  
9 liabilities of the corporation.

10 (l) "Registered office" means that office maintained by  
11 the corporation in this State, the address of which is on file  
12 in the office of the Secretary of State, at which any process,  
13 notice or demand required or permitted by law may be served  
14 upon the registered agent of the corporation.

15 (m) "Insolvent" means that a corporation is unable to pay  
16 its debts as they become due in the usual course of its  
17 business.

18 (n) "Anniversary" means that day each year exactly one or  
19 more years after:

20 (1) the date of filing the articles of incorporation  
21 prescribed by Section 2.10 of this Act, in the case of a  
22 domestic corporation;

23 (2) the date of filing the application for authority  
24 prescribed by Section 13.15 of this Act, in the case of a  
25 foreign corporation; or

26 (3) the date of filing the articles of consolidation

1           prescribed by Section 11.25 of this Act in the case of a  
2           consolidation, unless the plan of consolidation provides  
3           for a delayed effective date, pursuant to Section 11.40.

4           (o) "Anniversary month" means the month in which the  
5           anniversary of the corporation occurs.

6           (p) "Extended filing month" means the month (if any) which  
7           shall have been established in lieu of the corporation's  
8           anniversary month in accordance with Section 14.01.

9           (q) "Taxable year" means that 12-month ~~12-month~~ period  
10          commencing with the first day of the anniversary month of a  
11          corporation through the last day of the month immediately  
12          preceding the next occurrence of the anniversary month of the  
13          corporation, except that in the case of a corporation that has  
14          established an extended filing month "taxable year" means that  
15          12-month ~~12-month~~ period commencing with the first day of the  
16          extended filing month through the last day of the month  
17          immediately preceding the next occurrence of the extended  
18          filing month.

19          (r) "Fiscal year" means the 12-month ~~12-month~~ period with  
20          respect to which a corporation ordinarily files its federal  
21          income tax return.

22          (s) "Close corporation" means a corporation organized  
23          under or electing to be subject to Article 2A of this Act, the  
24          articles of incorporation of which contain the provisions  
25          required by Section 2.10, and either the corporation's  
26          articles of incorporation or an agreement entered into by all

1 of its shareholders provide that all of the issued shares of  
2 each class shall be subject to one or more of the restrictions  
3 on transfer set forth in Section 6.55 of this Act.

4 (t) "Common shares" means shares which have no preference  
5 over any other shares with respect to distribution of assets  
6 on liquidation or with respect to payment of dividends.

7 (u) "Delivered", for the purpose of determining if any  
8 notice required by this Act is effective, means:

9 (1) transferred or presented to someone in person; or

10 (2) deposited in the United States Mail addressed to  
11 the person at his, her or its address as it appears on the  
12 records of the corporation, with sufficient first-class  
13 postage prepaid thereon.

14 (v) "Property" means gross assets including, without  
15 limitation, all real, personal, tangible, and intangible  
16 property.

17 (w) "Taxable period" means that 12-month period commencing  
18 with the first day of the second month preceding the  
19 corporation's anniversary month in the preceding year and  
20 prior to the first day of the second month immediately  
21 preceding its anniversary month in the current year, except  
22 that, in the case of a corporation that has established an  
23 extended filing month, "taxable period" means that 12-month  
24 period ending with the last day of its fiscal year immediately  
25 preceding the extended filing month. In the case of a newly  
26 formed domestic corporation or a newly registered foreign

1 corporation that had not commenced transacting business in  
2 this State prior to obtaining authority, "taxable period"  
3 means that period commencing with the filing of the articles  
4 of incorporation or, in the case of a foreign corporation, of  
5 filing of the application for authority, and prior to the  
6 first day of the second month immediately preceding its  
7 anniversary month in the next succeeding year.

8 (x) "Treasury shares" mean (1) shares of a corporation  
9 that have been issued, have been subsequently acquired by and  
10 belong to the corporation, and have not been cancelled or  
11 restored to the status of authorized but unissued shares and  
12 (2) shares (i) declared and paid as a share dividend on the  
13 shares referred to in clause (1) or this clause (2), or (ii)  
14 issued in a share split of the shares referred to in clause (1)  
15 or this clause (2). Treasury shares shall be deemed to be  
16 "issued" shares but not "outstanding" shares. Treasury shares  
17 may not be voted, directly or indirectly, at any meeting or  
18 otherwise. Shares converted into or exchanged for other shares  
19 of the corporation shall not be deemed to be treasury shares.

20 (y) "Gross amount of business" means gross receipts, from  
21 whatever source derived.

22 (z) "Open data" means data that is expressed in a  
23 machine-readable form and that is made freely available to the  
24 public under an open license, without registration  
25 requirement, and without any other restrictions that would  
26 impede its use or reuse.

1 (Source: P.A. 102-49, eff. 1-1-22; revised 1-20-24.)

2 Section 625. The General Not For Profit Corporation Act of  
3 1986 is amended by changing Section 103.05 as follows:

4 (805 ILCS 105/103.05) (from Ch. 32, par. 103.05)

5 Sec. 103.05. Purposes and authority of corporations;  
6 particular purposes; exemptions.

7 (a) Not-for-profit corporations may be organized under  
8 this Act for any one or more of the following or similar  
9 purposes:

- 10 (1) Charitable.
- 11 (2) Benevolent.
- 12 (3) Eleemosynary.
- 13 (4) Educational.
- 14 (5) Civic.
- 15 (6) Patriotic.
- 16 (7) Political.
- 17 (8) Religious.
- 18 (9) Social.
- 19 (10) Literary.
- 20 (11) Athletic.
- 21 (12) Scientific.
- 22 (13) Research.
- 23 (14) Agricultural.
- 24 (15) Horticultural.



1 (16) Soil improvement.

2 (17) Crop improvement.

3 (18) Livestock or poultry improvement.

4 (19) Professional, commercial, industrial, or trade  
5 association.

6 (20) Promoting the development, establishment, or  
7 expansion of industries.

8 (21) Electrification on a cooperative basis.

9 (22) Telephone service on a mutual or cooperative  
10 basis.

11 (23) Ownership and operation of water supply  
12 facilities for drinking and general domestic use on a  
13 mutual or cooperative basis.

14 (24) Ownership or administration of residential  
15 property on a cooperative basis.

16 (25) Administration and operation of property owned on  
17 a condominium basis or by a homeowner association.

18 (26) Administration and operation of an organization  
19 on a cooperative basis producing or furnishing goods,  
20 services, or facilities primarily for the benefit of its  
21 members who are consumers of those goods, services, or  
22 facilities.

23 (27) Operation of a community mental health board or  
24 center organized pursuant to the Community Mental Health  
25 Act for the purpose of providing direct patient services.

26 (28) Provision of debt management services as

1 authorized by the Debt Management Service Act.

2 (29) Promotion, operation, and administration of a  
3 ridesharing arrangement as defined in Section 1-176.1 of  
4 the Illinois Vehicle Code.

5 (30) The administration and operation of an  
6 organization for the purpose of assisting low-income  
7 consumers in the acquisition of utility and telephone  
8 services.

9 (31) Any purpose permitted to be exempt from taxation  
10 under Sections 501(c) or 501(d) of the United States  
11 Internal Revenue Code, as now ~~in~~ or hereafter amended.

12 (32) Any purpose that would qualify for tax-deductible  
13 gifts under the Section 170(c) of the United States  
14 Internal Revenue Code, as now or hereafter amended. Any  
15 such purpose is deemed to be charitable under subsection  
16 (a)(1) of this Section.

17 (33) Furnishing of natural gas on a cooperative basis.

18 (34) Ownership and operation of agriculture-based  
19 biogas (anaerobic digester) systems on a cooperative basis  
20 including the marketing and sale of products produced from  
21 these, including, but not limited to, methane gas,  
22 electricity, and compost.

23 (35) Ownership and operation of a hemophilia program,  
24 including comprehensive hemophilia diagnostic treatment  
25 centers, under Section 501(a)(2) of the Social Security  
26 Act. The hemophilia program may employ physicians, other

1 health care professionals, and staff. The program and the  
2 corporate board may not exercise control over, direct, or  
3 interfere with a physician's exercise and execution of his  
4 or her professional judgment in the provision of care or  
5 treatment.

6 (36) Engineering for conservation services associated  
7 with wetland restoration or mitigation, flood mitigation,  
8 groundwater recharge, and natural infrastructure.  
9 Non-profit engineering for conservation services may not  
10 be procured by qualifications based selection criteria for  
11 contracts with the Department of Transportation, the  
12 Illinois State Toll Highway Authority, or Cook County,  
13 except as a subcontractor or subconsultant.

14 (b) A corporation may be organized hereunder to serve in  
15 an area that adjoins or borders (except for any intervening  
16 natural watercourse) an area located in an adjoining state  
17 intended to be similarly served, and the corporation may join  
18 any corporation created by the adjoining state having an  
19 identical purpose and organized as a not-for-profit  
20 corporation. Whenever any corporation organized under this Act  
21 so joins with a foreign corporation having an identical  
22 purpose, the corporation shall be permitted to do business in  
23 Illinois as one corporation; provided (1) that the name, bylaw  
24 provisions, officers, and directors of each corporation are  
25 identical, (2) that the foreign corporation complies with the  
26 provisions of this Act relating to the admission of foreign

1 corporation, and (3) that the Illinois corporation files a  
2 statement with the Secretary of State indicating that it has  
3 joined with a foreign corporation setting forth the name  
4 thereof and the state of its incorporation.

5 (Source: P.A. 103-66, eff. 6-9-23; revised 9-21-23.)

6 Section 630. The Consumer Fraud and Deceptive Business  
7 Practices Act is amended by setting forth, renumbering, and  
8 changing multiple versions of Section 2BBBB as follows:

9 (815 ILCS 505/2BBBB)

10 Sec. 2BBBB. Deceptive practices related to limited  
11 services pregnancy centers.

12 (a) As used in this Section:

13 "Abortion" means the use of any instrument, medicine,  
14 drug, or any other substance or device to terminate the  
15 pregnancy of an individual known to be pregnant with an  
16 intention other than to increase the probability of a live  
17 birth, to preserve the life or health of the child after live  
18 birth, or to remove a dead fetus, as defined in Section 1-10 of  
19 the Reproductive Health Act.

20 "Affiliates" has the meaning given to the term "hospital  
21 affiliate" as defined in subsection (b) of Section 10.8 of the  
22 Hospital Licensing Act.

23 "Emergency contraception" means one or more prescription  
24 drugs (i) used separately or in combination for the purpose of

1 preventing pregnancy, (ii) administered to or  
2 self-administered by a patient within a medically recommended  
3 amount of time after sexual intercourse, and (iii) dispensed  
4 for such purpose in accordance with professional standards of  
5 practice.

6 "Limited services pregnancy center" means an organization  
7 or facility, including a mobile facility, that:

8 (1) does not directly provide abortions or provide or  
9 prescribe emergency contraception, or provide referrals  
10 for abortions or emergency contraception, and has no  
11 affiliation with any organization or provider who provides  
12 abortions or provides or prescribes emergency  
13 contraception; and

14 (2) has a primary purpose to offer or provide  
15 pregnancy-related services to an individual who is or has  
16 reason to believe the individual may be pregnant, whether  
17 or not a fee is charged for such services.

18 "Limited services pregnancy center" does not include:

19 (1) a health care professional licensed by the  
20 Department of Financial and Professional Regulation;

21 (2) a hospital licensed under the Hospital Licensing  
22 Act and its affiliates; or

23 (3) a hospital licensed under the University of  
24 Illinois Hospital Act and its affiliates.

25 "Limited services pregnancy center" includes an organization  
26 or facility that has employees, volunteers, or agents who are

1 health care professionals licensed by the Department of  
2 Financial and Professional Regulation.

3 "Pregnancy-related services" means any medical service, or  
4 health counseling service, related to the prevention,  
5 preservation, or termination of pregnancy, including, but not  
6 limited to, contraception and contraceptive counseling,  
7 pregnancy testing, pregnancy diagnosis, pregnancy options  
8 counseling, limited obstetric ultrasound, obstetric  
9 ultrasound, obstetric sonogram, sexually transmitted  
10 infections testing, and prenatal care.

11 (b) A limited services pregnancy center shall not engage  
12 in unfair methods of competition or unfair or deceptive acts  
13 or practices, including the use or employment of any  
14 deception, fraud, false pretense, false promise, or  
15 misrepresentation, or the concealment, suppression, or  
16 omission of any material fact, with the intent that others  
17 rely upon the concealment, suppression, or omission of such  
18 material fact:

19 (1) to interfere with or prevent an individual from  
20 seeking to gain entry or access to a provider of abortion  
21 or emergency contraception;

22 (2) to induce an individual to enter or access the  
23 limited services pregnancy center;

24 (3) in advertising, soliciting, or otherwise offering  
25 pregnancy-related services; or

26 (4) in conducting, providing, or performing

1 pregnancy-related services.

2 (c) A violation of this Section constitutes a violation of  
3 this Act.

4 (Source: P.A. 103-270, eff. 7-27-23.)

5 (815 ILCS 505/2CCCC)

6 Sec. 2CCCC ~~2BBBB~~. Violations of the Vision Care Plan  
7 Regulation Act. Any person who violates the Vision Care Plan  
8 Regulation Act commits an unlawful practice within the meaning  
9 of this Act.

10 (Source: P.A. 103-482, eff. 8-4-23; revised 9-26-23.)

11 (815 ILCS 505/2DDDD)

12 Sec. 2DDDD ~~2BBBB~~. Sale and marketing of firearms.

13 (a) As used in this Section:

14 "Firearm" has the meaning set forth in Section 1.1 of the  
15 Firearm Owners Identification Card Act.

16 "Firearm accessory" means an attachment or device designed  
17 or adapted to be inserted into, affixed onto, or used in  
18 conjunction with a firearm that is designed, intended, or  
19 functions to alter or enhance (i) the firing capabilities of a  
20 firearm, frame, or receiver, (ii) the lethality of the  
21 firearm, or (iii) a shooter's ability to hold and use a  
22 firearm.

23 "Firearm ammunition" has the meaning set forth in Section  
24 1.1 of the Firearm Owners Identification Card Act.

1 "Firearm industry member" means a person, firm,  
2 corporation, company, partnership, society, joint stock  
3 company, or any other entity or association engaged in the  
4 design, manufacture, distribution, importation, marketing,  
5 wholesale, or retail sale of firearm-related products,  
6 including sales by mail, telephone, or Internet or in-person  
7 sales.

8 "Firearm-related product" means a firearm, firearm  
9 ammunition, a firearm precursor part, a firearm component, or  
10 a firearm accessory that meets any of the following  
11 conditions:

12 (1) the item is sold, made, or distributed in  
13 Illinois;

14 (2) the item is intended to be sold or distributed in  
15 Illinois; or

16 (3) the item is or was possessed in Illinois, and it  
17 was reasonably foreseeable that the item would be  
18 possessed in Illinois.

19 "Straw purchaser" means a person who (i) knowingly  
20 purchases or attempts to purchase a firearm-related product  
21 with intent to deliver that firearm-related product to another  
22 person who is prohibited by federal or State law from  
23 possessing a firearm-related product or (ii) intentionally  
24 provides false or misleading information on a Bureau of  
25 Alcohol, Tobacco, Firearms and Explosives firearms transaction  
26 record form to purchase a firearm-related product with the



1 intent to deliver that firearm-related product to another  
2 person.

3 "Unlawful paramilitary or private militia" means a group  
4 of armed individuals, organized privately, in violation of the  
5 Military Code of Illinois and Section 2 of Article XII of the  
6 Illinois Constitution.

7 (b) It is an unlawful practice within the meaning of this  
8 Act for any firearm industry member, through the sale,  
9 manufacturing, importing, or marketing of a firearm-related  
10 product, to do any of the following:

11 (1) Knowingly create, maintain, or contribute to a  
12 condition in Illinois that endangers the safety or health  
13 of the public by conduct either unlawful in itself or  
14 unreasonable under all circumstances, including failing to  
15 establish or utilize reasonable controls. Reasonable  
16 controls include reasonable procedures, safeguards, and  
17 business practices that are designed to:

18 (A) prevent the sale or distribution of a  
19 firearm-related product to a straw purchaser, a person  
20 prohibited by law from possessing a firearm, or a  
21 person who the firearm industry member has reasonable  
22 cause to believe is at substantial risk of using a  
23 firearm-related product to harm themselves or another  
24 individual or of possessing or using a firearm-related  
25 product unlawfully;

26 (B) prevent the loss or theft of a firearm-related

1 product from the firearm industry member; or

2 (C) comply with all provisions of applicable  
3 local, State, and federal law, and do not otherwise  
4 promote the unlawful manufacture, sale, possession,  
5 marketing, or use of a firearm-related product.

6 (2) Advertise, market, or promote a firearm-related  
7 product in a manner that reasonably appears to support,  
8 recommend, or encourage individuals to engage in unlawful  
9 paramilitary or private militia activity in Illinois, or  
10 individuals who are not in the National Guard, United  
11 States armed forces reserves, United States armed forces,  
12 or any duly authorized military organization to use a  
13 firearm-related product for a military-related purpose in  
14 Illinois.

15 (3) Except as otherwise provided, advertise, market,  
16 promote, design, or sell any firearm-related product in a  
17 manner that reasonably appears to support, recommend, or  
18 encourage persons under 18 years of age to unlawfully  
19 purchase or possess or use a firearm-related product in  
20 Illinois.

21 (A) In determining whether the conduct of a  
22 firearm industry member, as described in this  
23 paragraph, reasonably appears to support, recommend,  
24 or encourage persons under 18 years of age to  
25 unlawfully purchase a firearm-related product, a court  
26 shall consider the totality of the circumstances,

1 including, but not limited to, whether the marketing,  
2 advertising promotion, design, or sale:

3 (i) uses caricatures that reasonably appear to  
4 be minors or cartoon characters;

5 (ii) offers brand name merchandise for minors,  
6 including, but not limited to, clothing, toys,  
7 games, or stuffed animals, that promotes a firearm  
8 industry member or firearm-related product;

9 (iii) offers firearm-related products in  
10 sizes, colors, or designs that are specifically  
11 designed to be used by, or appeal to, minors;

12 (iv) is part of a marketing, advertising, or  
13 promotion campaign designed with the intent to  
14 appeal to minors;

15 (v) uses images or depictions of minors in  
16 advertising or marketing, or promotion materials,  
17 to depict the use of firearm-related products; or

18 (vi) is placed in a publication created for  
19 the purpose of reaching an audience that is  
20 predominantly composed of minors and not intended  
21 for a more general audience composed of adults.

22 (B) This paragraph does not apply to  
23 communications or promotional materials regarding  
24 lawful recreational activity with a firearm, such as,  
25 but not limited to, practice shooting at targets on  
26 established public or private target ranges or

1            hunting, trapping, or fishing in accordance with the  
2            Wildlife Code or the Fish and Aquatic Life Code.

3            (4) Otherwise engage in unfair methods of competition  
4            or unfair or deceptive acts or practices declared unlawful  
5            under Section 2 of this Act.

6            (c) Paragraphs (2), (3), and (4) of subsection (b) are  
7            declarative of existing law and shall not be construed as new  
8            enactments. The provisions of these paragraphs shall apply to  
9            all actions commenced or pending on or after August 14, 2023  
10           (the effective date of Public Act 103-559) ~~this amendatory Act~~  
11           ~~of the 103rd General Assembly.~~

12           (d) The provisions of this Section are severable under  
13           Section 1.31 of the Statute on Statutes.

14           (Source: P.A. 103-559, eff. 8-14-23; revised 9-26-23.)

15           Section 635. The Minimum Wage Law is amended by changing  
16           Section 12 as follows:

17           (820 ILCS 105/12)

18           Sec. 12. (a) If any employee is paid by his or her employer  
19           less than the wage to which he or she is entitled under the  
20           provisions of this Act, the employee may recover in a civil  
21           action treble the amount of any such underpayments together  
22           with costs and such reasonable attorney's fees as may be  
23           allowed by the Court, and damages of 5% of the amount of any  
24           such underpayments for each month following the date of

1 payment during which such underpayments remain unpaid. Any  
2 agreement between the employee and the employer to work for  
3 less than such wage is no defense to such action. At the  
4 request of the employee or on motion of the Director of Labor,  
5 the Department of Labor may make an assignment of such wage  
6 claim in trust for the assigning employee and may bring any  
7 legal action necessary to collect such claim, and the employer  
8 shall be required to pay the costs incurred in collecting such  
9 claim. Every such action shall be brought within 3 years from  
10 the date of the underpayment. Such employer shall be liable to  
11 the Department of Labor for a penalty in an amount of up to 20%  
12 of the total employer's underpayment where the employer's  
13 conduct is proven by a preponderance of the evidence to be  
14 willful, repeated, or with reckless disregard of this Act or  
15 any rule adopted under this Act. Such employer shall be liable  
16 to the Department for an additional penalty of \$1,500. All  
17 administrative penalties ordered under this Act shall be paid  
18 by certified check, money order, or ~~by~~ an electronic payment  
19 system designated by the Department for such purposes, and  
20 shall be made payable to or deposited into the Department's  
21 Wage Theft Enforcement Fund. Such employer shall be  
22 additionally liable to the employee for damages in the amount  
23 of 5% of the amount of any such underpayments for each month  
24 following the date of payment during which such underpayments  
25 remain unpaid. These penalties and damages may be recovered in  
26 a civil action brought by the Director of Labor in any circuit

1 court. In any such action, the Director of Labor shall be  
2 represented by the Attorney General.

3 If an employee collects damages of 5% of the amount of  
4 underpayments as a result of an action brought by the Director  
5 of Labor, the employee may not also collect those damages in a  
6 private action brought by the employee for the same violation.  
7 If an employee collects damages of 5% of the amount of  
8 underpayments in a private action brought by the employee, the  
9 employee may not also collect those damages as a result of an  
10 action brought by the Director of Labor for the same  
11 violation.

12 (b) If an employee has not collected damages under  
13 subsection (a) for the same violation, the Director is  
14 authorized to supervise the payment of the unpaid minimum  
15 wages and the unpaid overtime compensation owing to any  
16 employee or employees under Sections 4 and 4a of this Act and  
17 may bring any legal action necessary to recover the amount of  
18 the unpaid minimum wages and unpaid overtime compensation and  
19 an equal additional amount as damages, and the employer shall  
20 be required to pay the costs incurred in collecting such  
21 claim. Such employer shall be additionally liable to the  
22 Department of Labor for up to 20% of the total employer's  
23 underpayment where the employer's conduct is proven by a  
24 preponderance of the evidence to be willful, repeated, or with  
25 reckless disregard of this Act or any rule adopted under this  
26 Act. Such employer shall be liable to the Department of Labor

1 for an additional penalty of \$1,500, payable to the  
2 Department's Wage Theft Enforcement Fund. The action shall be  
3 brought within 5 years from the date of the failure to pay the  
4 wages or compensation. Any sums thus recovered by the Director  
5 on behalf of an employee pursuant to this subsection shall be  
6 deposited into the Department of Labor Special State Trust  
7 Fund, from which the Department shall disburse the sums owed  
8 to the employee or employees. The Department shall conduct a  
9 good faith search to find all employees for whom it has  
10 recovered unpaid minimum wages or unpaid overtime  
11 compensation. All disbursements authorized under this Section  
12 shall be made by certified check, money order, or an  
13 electronic payment system designated by the Department.

14 (c) The Department shall hold any moneys due to employees  
15 that it is unable to locate in the Department of Labor Special  
16 State Trust Fund for no less than 3 years after the moneys were  
17 collected.

18 Beginning November 1, 2023, or as soon as is practical,  
19 and each November 1 thereafter, the Department shall report  
20 any moneys due to employees who cannot be located and that have  
21 been held by the Department in the Department of Labor Special  
22 State Trust Fund for 3 or more years and moneys due to  
23 employees who are deceased to the State Treasurer as required  
24 by the Revised Uniform Unclaimed Property Act. The Department  
25 shall not be required to provide the notice required under  
26 Section 15-501 of the Revised Uniform Unclaimed Property Act.

1           Beginning July 1, 2023, or as soon as is practical, and  
2 each July 1 thereafter, the Department shall direct the State  
3 Comptroller and State Treasurer to transfer from the  
4 Department of Labor Special State Trust Fund the balance of  
5 the moneys due to employees who cannot be located and that have  
6 been held by the Department in the Department of Labor Special  
7 State Trust Fund for 3 or more years and moneys due to  
8 employees who are deceased as follows: (i) 15% to the Wage  
9 Theft Enforcement Fund and (ii) 85% to the Unclaimed Property  
10 Trust Fund.

11           The Department may use moneys in the Wage Theft  
12 Enforcement Fund for the purposes described in Section 14 of  
13 the Illinois Wage Payment and Collection Act.

14           (d) The Department may adopt rules to implement and  
15 administer this Section.

16           (Source: P.A. 103-182, eff. 6-30-23; 103-201, eff. 1-1-24;  
17 revised 12-15-23.)

18           Section 640. The Equal Pay Act of 2003 is amended by  
19 changing Section 30 as follows:

20           (820 ILCS 112/30)

21           (Text of Section before amendment by P.A. 103-539)

22           Sec. 30. Violations; fines and penalties.

23           (a) If an employee is paid by his or her employer less than  
24 the wage to which he or she is entitled in violation of Section



1 10 or 11 of this Act, the employee may recover in a civil  
2 action the entire amount of any underpayment together with  
3 interest, compensatory damages if the employee demonstrates  
4 that the employer acted with malice or reckless indifference,  
5 punitive damages as may be appropriate, injunctive relief as  
6 may be appropriate, and the costs and reasonable attorney's  
7 fees as may be allowed by the court and as necessary to make  
8 the employee whole. At the request of the employee or on a  
9 motion of the Director, the Department may make an assignment  
10 of the wage claim in trust for the assigning employee and may  
11 bring any legal action necessary to collect the claim, and the  
12 employer shall be required to pay the costs incurred in  
13 collecting the claim. Every such action shall be brought  
14 within 5 years from the date of the underpayment. For purposes  
15 of this Act, "date of the underpayment" means each time wages  
16 are underpaid.

17 (a-5) If an employer violates subsection (b), (b-5),  
18 (b-10), or (b-20) of Section 10, the employee may recover in a  
19 civil action any damages incurred, special damages not to  
20 exceed \$10,000, injunctive relief as may be appropriate, and  
21 costs and reasonable attorney's fees as may be allowed by the  
22 court and as necessary to make the employee whole. If special  
23 damages are available, an employee may recover compensatory  
24 damages only to the extent such damages exceed the amount of  
25 special damages. Such action shall be brought within 5 years  
26 from the date of the violation.

1           (b) The Director is authorized to supervise the payment of  
2 the unpaid wages under subsection (a) or damages under  
3 subsection (b), (b-5), (b-10), or (b-20) of Section 10 owing  
4 to any employee or employees under this Act and may bring any  
5 legal action necessary to recover the amount of unpaid wages,  
6 damages, and penalties or to seek injunctive relief, and the  
7 employer shall be required to pay the costs. Any sums  
8 recovered by the Director on behalf of an employee under this  
9 Section shall be paid to the employee or employees affected.

10           (c) Employers who violate any provision of this Act or any  
11 rule adopted under the Act are subject to a civil penalty,  
12 payable to the Department, for each employee affected as  
13 follows:

14           (1) An employer with fewer than 4 employees: first  
15 offense, a fine not to exceed \$500; second offense, a fine  
16 not to exceed \$2,500; third or subsequent offense, a fine  
17 not to exceed \$5,000.

18           (2) An employer with between 4 and 99 employees: first  
19 offense, a fine not to exceed \$2,500; second offense, a  
20 fine not to exceed \$3,000; third or subsequent offense, a  
21 fine not to exceed \$5,000.

22           (3) An employer with 100 or more employees who  
23 violates any Section of this Act except for Section 11  
24 shall be fined up to \$10,000 per employee affected. An  
25 employer with 100 or more employees that is a business as  
26 defined under Section 11 and commits a violation of

1 Section 11 shall be fined up to \$10,000.

2 Before any imposition of a penalty under this subsection,  
3 an employer with 100 or more employees who violates item (b) of  
4 Section 11 and inadvertently fails to file an initial  
5 application or recertification shall be provided 30 calendar  
6 days by the Department to submit the application or  
7 recertification.

8 An employer or person who violates subsection (b), (b-5),  
9 (b-10), (b-20), or (c) of Section 10 is subject to a civil  
10 penalty not to exceed \$5,000 for each violation for each  
11 employee affected, payable to the Department.

12 (d) In determining the amount of the penalty, the  
13 appropriateness of the penalty to the size of the business of  
14 the employer charged and the gravity of the violation shall be  
15 considered. The penalty may be recovered in a civil action  
16 brought by the Director in any circuit court.

17 (Source: P.A. 102-36, eff. 6-25-21; 103-201, eff. 1-1-24.)

18 (Text of Section after amendment by P.A. 103-539)

19 Sec. 30. Violations; fines and penalties.

20 (a) If an employee is paid by his or her employer less than  
21 the wage to which he or she is entitled in violation of Section  
22 10 or 11 of this Act, the employee may recover in a civil  
23 action the entire amount of any underpayment together with  
24 interest, compensatory damages if the employee demonstrates  
25 that the employer acted with malice or reckless indifference,

1 punitive damages as may be appropriate, injunctive relief as  
2 may be appropriate, and the costs and reasonable attorney's  
3 fees as may be allowed by the court and as necessary to make  
4 the employee whole. At the request of the employee or on a  
5 motion of the Director, the Department may make an assignment  
6 of the wage claim in trust for the assigning employee and may  
7 bring any legal action necessary to collect the claim, and the  
8 employer shall be required to pay the costs incurred in  
9 collecting the claim. Every such action shall be brought  
10 within 5 years from the date of the underpayment. For purposes  
11 of this Act, "date of the underpayment" means each time wages  
12 are underpaid.

13 (a-5) If an employer violates subsection (b), (b-5),  
14 (b-10), or (b-20) of Section 10, the employee may recover in a  
15 civil action any damages incurred, special damages not to  
16 exceed \$10,000, injunctive relief as may be appropriate, and  
17 costs and reasonable attorney's fees as may be allowed by the  
18 court and as necessary to make the employee whole. If special  
19 damages are available, an employee may recover compensatory  
20 damages only to the extent such damages exceed the amount of  
21 special damages. Such action shall be brought within 5 years  
22 from the date of the violation.

23 (b) The Director is authorized to supervise the payment of  
24 the unpaid wages under subsection (a) or damages under  
25 subsection (b), (b-5), (b-10), or (b-20) of Section 10 owing  
26 to any employee or employees under this Act and may bring any

1 legal action necessary to recover the amount of unpaid wages,  
2 damages, and penalties or to seek injunctive relief, and the  
3 employer shall be required to pay the costs. Any sums  
4 recovered by the Director on behalf of an employee under this  
5 Section shall be paid to the employee or employees affected.

6 (c) Employers who violate any provision of this Act or any  
7 rule adopted under the Act, except for a violation of  
8 subsection (b-25) of Section 10, are subject to a civil  
9 penalty, payable to the Department, for each employee affected  
10 as follows:

11 (1) An employer with fewer than 4 employees: first  
12 offense, a fine not to exceed \$500; second offense, a fine  
13 not to exceed \$2,500; third or subsequent offense, a fine  
14 not to exceed \$5,000.

15 (2) An employer with between 4 and 99 employees: first  
16 offense, a fine not to exceed \$2,500; second offense, a  
17 fine not to exceed \$3,000; third or subsequent offense, a  
18 fine not to exceed \$5,000.

19 (3) An employer with 100 or more employees who  
20 violates any Section of this Act except for Section 11  
21 shall be fined up to \$10,000 per employee affected. An  
22 employer with 100 or more employees that is a business as  
23 defined under Section 11 and commits a violation of  
24 Section 11 shall be fined up to \$10,000.

25 Before any imposition of a penalty under this subsection,  
26 an employer with 100 or more employees who violates item (b) of

1 Section 11 and inadvertently fails to file an initial  
2 application or recertification shall be provided 30 calendar  
3 days by the Department to submit the application or  
4 recertification.

5 An employer or person who violates subsection (b), (b-5),  
6 (b-10), (b-20), or (c) of Section 10 is subject to a civil  
7 penalty not to exceed \$5,000 for each violation for each  
8 employee affected, payable to the Department.

9 (c-5) The Department may initiate investigations of  
10 alleged violations of subsection (b-25) of Section 10 upon  
11 receiving a complaint from any person that claims to be  
12 aggrieved by a violation of that subsection or at the  
13 Department's discretion. Any person that claims to be  
14 aggrieved by a violation of subsection (b-25) of Section 10  
15 may submit a complaint of an alleged violation of that  
16 subsection to the Department within one year after the date of  
17 the violation. If the Department has determined that a  
18 violation has occurred, it shall issue to the employer a  
19 notice setting forth the violation, the applicable penalty as  
20 described in subsections (c-10) and (c-15), and the period to  
21 cure the violation as described in subsection (c-10).

22 (c-7) A job posting found to be in violation of subsection  
23 (b-25) of Section 10 shall be considered as one violating job  
24 posting regardless of the number of duplicative postings that  
25 list the job opening.

26 (c-10) The penalties for a job posting or batch of

1 postings that are active at the time the Department issues a  
2 notice of violation for violating subsection (b-25) of Section  
3 10 are as follows:

4 (1) For a first offense, following a cure period of 14  
5 days to remedy the violation, a fine not to exceed \$500 at  
6 the discretion of the Department. A first offense may be  
7 either a single job posting that violates subsection  
8 (b-25) of Section 10 or multiple job postings that violate  
9 subsection (b-25) of Section 10 and are identified at the  
10 same time by the Department. The Department shall have  
11 discretion to waive any civil penalty under this  
12 paragraph.

13 (2) For a second offense, following a cure period of 7  
14 days to remedy the violation, a fine not to exceed \$2,500  
15 at the discretion of the Department. A second offense is a  
16 single job posting that violates subsection (b-25) of  
17 Section 10. The Department shall have discretion to waive  
18 any civil penalty under this paragraph.

19 (3) For a third or subsequent offense, no cure period,  
20 a fine not to exceed \$10,000 at the discretion of the  
21 Department. A third or subsequent offense is a single job  
22 posting that violates subsection (b-25) of Section 10. The  
23 Department shall have discretion to waive any civil  
24 penalty under this paragraph. If a company has had a third  
25 offense, it shall incur automatic penalties without a cure  
26 period for a period of 5 years, at the completion of which

1 any future offense shall count as a first offense. The  
2 5-year period shall restart if, during that period, an  
3 employer receives a subsequent notice of violation from  
4 the Department.

5 (c-15) The penalties for a job posting or batch of job  
6 postings that are not active at the time the Department issues  
7 a notice of violation for violating subsection (b-25) of  
8 Section 10 are as follows:

9 (1) For a first offense, a fine not to exceed \$250 at  
10 the discretion of the Department. A first offense may be  
11 either a single job posting that violates subsection  
12 (b-25) of Section 10 or multiple job postings that violate  
13 subsection (b-25) of Section 10 and are identified at the  
14 same time by the Department. The Department shall have  
15 discretion to waive any civil penalty under this  
16 paragraph.

17 (2) For a second offense, a fine not to exceed \$2,500  
18 at the discretion of the Department. A second offense is a  
19 single job posting that violates subsection (b-25) of  
20 Section 10. The Department shall have discretion to waive  
21 any civil penalty under this paragraph.

22 (3) For a third or subsequent offense, a fine not to  
23 exceed \$10,000 at the discretion of the Department. A  
24 third or subsequent offense is a single job posting that  
25 violates subsection (b-25) of Section 10. The Department  
26 shall have discretion to waive any civil penalty under



1           this paragraph.

2           For the purposes of this subsection, the Department,  
3 during its investigation of a complaint, shall make a  
4 determination as to whether a job posting is not active by  
5 considering the totality of the circumstances, including, but  
6 not limited to: (i) whether a position has been filled; (ii)  
7 the length of time a posting has been accessible to the public;  
8 (iii) the existence of a date range for which a given position  
9 is active; and (iv) whether the violating posting is for a  
10 position for which the employer is no longer accepting  
11 applications.

12           (d) In determining the amount of the penalty under this  
13 Section, the appropriateness of the penalty to the size of the  
14 business of the employer charged and the gravity of the  
15 violation shall be considered. The penalty may be recovered in  
16 a civil action brought by the Director in any circuit court.

17           (Source: P.A. 102-36, eff. 6-25-21; 103-201, eff. 1-1-24;  
18 103-539, eff. 1-1-25; revised 9-27-23.)

19           Section 645. The Prevailing Wage Act is amended by  
20 changing Section 2 as follows:

21           (820 ILCS 130/2)

22           Sec. 2. This Act applies to the wages of laborers,  
23 mechanics and other workers employed in any public works, as  
24 hereinafter defined, by any public body and to anyone under

1 contracts for public works. This includes any maintenance,  
2 repair, assembly, or disassembly work performed on equipment  
3 whether owned, leased, or rented.

4 As used in this Act, unless the context indicates  
5 otherwise:

6 "Public works" means all fixed works constructed or  
7 demolished by any public body, or paid for wholly or in part  
8 out of public funds. "Public works" as defined herein includes  
9 all projects financed in whole or in part with bonds, grants,  
10 loans, or other funds made available by or through the State or  
11 any of its political subdivisions, including but not limited  
12 to: bonds issued under the Industrial Project Revenue Bond Act  
13 (Article 11, Division 74 of the Illinois Municipal Code), the  
14 Industrial Building Revenue Bond Act, the Illinois Finance  
15 Authority Act, the Illinois Sports Facilities Authority Act,  
16 or the Build Illinois Bond Act; loans or other funds made  
17 available pursuant to the Build Illinois Act; loans or other  
18 funds made available pursuant to the Riverfront Development  
19 Fund under Section 10-15 of the River Edge Redevelopment Zone  
20 Act; or funds from the Fund for Illinois' Future under Section  
21 6z-47 of the State Finance Act, funds for school construction  
22 under Section 5 of the General Obligation Bond Act, funds  
23 authorized under Section 3 of the School Construction Bond  
24 Act, funds for school infrastructure under Section 6z-45 of  
25 the State Finance Act, and funds for transportation purposes  
26 under Section 4 of the General Obligation Bond Act. "Public

1 works" also includes (i) all projects financed in whole or in  
2 part with funds from the Environmental Protection Agency under  
3 the Illinois Renewable Fuels Development Program Act for which  
4 there is no project labor agreement; (ii) all work performed  
5 pursuant to a public private agreement under the Public  
6 Private Agreements for the Illiana Expressway Act or the  
7 Public-Private Agreements for the South Suburban Airport Act;  
8 (iii) all projects undertaken under a public-private agreement  
9 under the Public-Private Partnerships for Transportation Act  
10 or the Department of Natural Resources World Shooting and  
11 Recreational Complex Act; and (iv) all transportation  
12 facilities undertaken under a design-build contract or a  
13 Construction Manager/General Contractor contract under the  
14 Innovations for Transportation Infrastructure Act. "Public  
15 works" also includes all projects at leased facility property  
16 used for airport purposes under Section 35 of the Local  
17 Government Facility Lease Act. "Public works" also includes  
18 the construction of a new wind power facility by a business  
19 designated as a High Impact Business under Section  
20 5.5(a)(3)(E) and the construction of a new utility-scale solar  
21 power facility by a business designated as a High Impact  
22 Business under Section 5.5(a)(3)(E-5) of the Illinois  
23 Enterprise Zone Act. "Public works" also includes electric  
24 vehicle charging station projects financed pursuant to the  
25 Electric Vehicle Act and renewable energy projects required to  
26 pay the prevailing wage pursuant to the Illinois Power Agency

1 Act. "Public works" also includes power washing projects by a  
2 public body or paid for wholly or in part out of public funds  
3 in which steam or pressurized water, with or without added  
4 abrasives or chemicals, is used to remove paint or other  
5 coatings, oils or grease, corrosion, or debris from a surface  
6 or to prepare a surface for a coating. "Public works" does not  
7 include work done directly by any public utility company,  
8 whether or not done under public supervision or direction, or  
9 paid for wholly or in part out of public funds. "Public works"  
10 also includes construction projects performed by a third party  
11 contracted by any public utility, as described in subsection  
12 (a) of Section 2.1, in public rights-of-way, as defined in  
13 Section 21-201 of the Public Utilities Act, whether or not  
14 done under public supervision or direction, or paid for wholly  
15 or in part out of public funds. "Public works" also includes  
16 construction projects that exceed 15 aggregate miles of new  
17 fiber optic cable, performed by a third party contracted by  
18 any public utility, as described in subsection (b) of Section  
19 2.1, in public rights-of-way, as defined in Section 21-201 of  
20 the Public Utilities Act, whether or not done under public  
21 supervision or direction, or paid for wholly or in part out of  
22 public funds. "Public works" also includes any corrective  
23 action performed pursuant to Title XVI of the Environmental  
24 Protection Act for which payment from the Underground Storage  
25 Tank Fund is requested. "Public works" also includes all  
26 construction projects involving fixtures or permanent

1 attachments affixed to light poles that are owned by a public  
2 body, including street light poles, traffic light poles, and  
3 other lighting fixtures, whether or not done under public  
4 supervision or direction, or paid for wholly or in part out of  
5 public funds, unless the project is performed by employees  
6 employed directly by the public body. "Public works" also  
7 includes work performed subject to the Mechanical Insulation  
8 Energy and Safety Assessment Act. "Public works" also includes  
9 the removal, hauling, and transportation of biosolids, lime  
10 sludge, and lime residue from a water treatment plant or  
11 facility and the disposal of biosolids, lime sludge, and lime  
12 residue removed from a water treatment plant or facility at a  
13 landfill. "Public works" does not include projects undertaken  
14 by the owner at an owner-occupied single-family residence or  
15 at an owner-occupied unit of a multi-family residence. "Public  
16 works" does not include work performed for soil and water  
17 conservation purposes on agricultural lands, whether or not  
18 done under public supervision or paid for wholly or in part out  
19 of public funds, done directly by an owner or person who has  
20 legal control of those lands.

21 "Construction" means all work on public works involving  
22 laborers, workers or mechanics. This includes any maintenance,  
23 repair, assembly, or disassembly work performed on equipment  
24 whether owned, leased, or rented.

25 "Locality" means the county where the physical work upon  
26 public works is performed, except (1) that if there is not

1 available in the county a sufficient number of competent  
2 skilled laborers, workers and mechanics to construct the  
3 public works efficiently and properly, "locality" includes any  
4 other county nearest the one in which the work or construction  
5 is to be performed and from which such persons may be obtained  
6 in sufficient numbers to perform the work and (2) that, with  
7 respect to contracts for highway work with the Department of  
8 Transportation of this State, "locality" may at the discretion  
9 of the Secretary of the Department of Transportation be  
10 construed to include two or more adjacent counties from which  
11 workers may be accessible for work on such construction.

12 "Public body" means the State or any officer, board or  
13 commission of the State or any political subdivision or  
14 department thereof, or any institution supported in whole or  
15 in part by public funds, and includes every county, city,  
16 town, village, township, school district, irrigation, utility,  
17 reclamation improvement or other district and every other  
18 political subdivision, district or municipality of the state  
19 whether such political subdivision, municipality or district  
20 operates under a special charter or not.

21 "Labor organization" means an organization that is the  
22 exclusive representative of an employer's employees recognized  
23 or certified pursuant to the National Labor Relations Act.

24 The terms "general prevailing rate of hourly wages",  
25 "general prevailing rate of wages" or "prevailing rate of  
26 wages" when used in this Act mean the hourly cash wages plus

1 annualized fringe benefits for training and apprenticeship  
2 programs approved by the U.S. Department of Labor, Bureau of  
3 Apprenticeship and Training, health and welfare, insurance,  
4 vacations and pensions paid generally, in the locality in  
5 which the work is being performed, to employees engaged in  
6 work of a similar character on public works.

7 (Source: P.A. 102-9, eff. 1-1-22; 102-444, eff. 8-20-21;  
8 102-673, eff. 11-30-21; 102-813, eff. 5-13-22; 102-1094, eff.  
9 6-15-22; 103-8, eff. 6-7-23; 103-327, eff. 1-1-24; 103-346,  
10 eff. 1-1-24; 103-359, eff. 7-28-23; 103-447, eff. 8-4-23;  
11 revised 12-15-23.)

12 Section 650. The Day and Temporary Labor Services Act is  
13 amended by changing Section 45 as follows:

14 (820 ILCS 175/45)

15 Sec. 45. Registration; Department of Labor.

16 (a) A day and temporary labor service agency which is  
17 located, operates or transacts business within this State  
18 shall register with the Department of Labor in accordance with  
19 rules adopted by the Department for day and temporary labor  
20 service agencies and shall be subject to this Act and any rules  
21 adopted under this Act. Each day and temporary labor service  
22 agency shall provide proof of an employer account number  
23 issued by the Department of Employment Security for the  
24 payment of unemployment insurance contributions as required

1 under the Unemployment Insurance Act, and proof of valid  
2 workers' compensation insurance in effect at the time of  
3 registration covering all of its employees. If, at any time, a  
4 day and temporary labor service agency's workers' compensation  
5 insurance coverage lapses, the agency shall have an  
6 affirmative duty to report the lapse of such coverage to the  
7 Department and the agency's registration shall be suspended  
8 until the agency's workers' compensation insurance is  
9 reinstated. The Department may assess each day and temporary  
10 labor service agency a non-refundable registration fee not  
11 exceeding \$3,000 per year per agency and a non-refundable fee  
12 not to exceed \$750 for each branch office or other location  
13 where the agency regularly contracts with day or temporary  
14 laborers for services. The fee may be paid by check, money  
15 order, or the State Treasurer's E-Pay program or any successor  
16 program, and the Department may not refuse to accept a check on  
17 the basis that it is not a certified check or a cashier's  
18 check. The Department may charge an additional fee to be paid  
19 by a day and temporary labor service agency if the agency, or  
20 any person on the agency's behalf, issues or delivers a check  
21 to the Department that is not honored by the financial  
22 institution upon which it is drawn. The Department shall also  
23 adopt rules for violation hearings and penalties for  
24 violations of this Act or the Department's rules in  
25 conjunction with the penalties set forth in this Act.

26 (a-1) At the time of registration with the Department of



1 Labor each year, the day and temporary labor service agency  
2 shall submit to the Department of Labor a report containing  
3 the information identified in paragraph (9) of subsection (a)  
4 of Section 12, broken down by branch office, in the aggregate  
5 for all day or temporary laborers assigned within Illinois and  
6 subject to this Act during the preceding year. This  
7 information shall be submitted on a form created by the  
8 Department of Labor. The Department of Labor shall aggregate  
9 the information submitted by all registering day and temporary  
10 labor service agencies by removing identifying data and shall  
11 have the information available to the public only on a  
12 municipal and county basis. As used in this paragraph,  
13 "identifying data" means any and all information that: (i)  
14 provides specific information on individual worker identity;  
15 (ii) identifies the service agency in any manner; and (iii)  
16 identifies clients utilizing the day and temporary labor  
17 service agency or any other information that can be traced  
18 back to any specific registering day and temporary labor  
19 service agency or its client. The information and reports  
20 submitted to the Department of Labor under this subsection by  
21 the registering day and temporary labor service agencies are  
22 exempt from inspection and copying under Section 7.5 of the  
23 Freedom of Information Act.

24 (b) It is a violation of this Act to operate a day and  
25 temporary labor service agency without first registering with  
26 the Department in accordance with subsection (a) of this

1 Section. The Department shall create and maintain at regular  
2 intervals on its website, accessible to the public: (1) a list  
3 of all registered day and temporary labor service agencies in  
4 the State whose registration is in good standing; (2) a list of  
5 day and temporary labor service agencies in the State whose  
6 registration has been suspended, including the reason for the  
7 suspension, the date the suspension was initiated, and the  
8 date, if known, the suspension is to be lifted; and (3) a list  
9 of day and temporary labor service agencies in the State whose  
10 registration has been revoked, including the reason for the  
11 revocation and the date the registration was revoked. The  
12 Department has the authority to assess a penalty against any  
13 day and temporary labor service agency that fails to register  
14 with the Department of Labor in accordance with this Act or any  
15 rules adopted under this Act of \$500 for each violation. Each  
16 day during which a day and temporary labor service agency  
17 operates without registering with the Department shall be a  
18 separate and distinct violation of this Act.

19 (c) An applicant is not eligible to register to operate a  
20 day and temporary labor service agency under this Act if the  
21 applicant or any of its officers, directors, partners, or  
22 managers or any owner of 25% or greater beneficial interest:

23 (1) has been involved, as owner, officer, director,  
24 partner, or manager, of any day and temporary labor  
25 service agency whose registration has been revoked or has  
26 been suspended without being reinstated within the 5 years

1 immediately preceding the filing of the application; or

2 (2) is under the age of 18.

3 (d) Every agency shall post and keep posted at each  
4 location, in a position easily accessible to all day or  
5 temporary laborers ~~s~~, notices as supplied and required by the  
6 Department containing a copy or summary of the provisions of  
7 the Act and a notice which informs the public of a toll-free  
8 telephone number for day or temporary laborers and the public  
9 to file wage dispute complaints and other alleged violations  
10 by day and temporary labor service agencies. Every day and  
11 temporary labor service agency employing day or temporary  
12 laborers who communicate with the day and temporary labor  
13 service agency by electronic communication shall also provide  
14 all required notices by email to its day or temporary laborers  
15 or on a website, regularly used by the employer to communicate  
16 work-related information, that all day or temporary laborers  
17 are able to regularly access, freely and without interference.  
18 Such notices shall be in English and any other language  
19 generally understood in the locale of the day and temporary  
20 labor service agency.

21 (Source: P.A. 103-201, eff. 1-1-24; 103-437, eff. 8-4-23;  
22 revised 12-15-23.)

23 Section 655. The Paid Leave for All Workers Act is amended  
24 by changing Section 15 as follows:

1 (820 ILCS 192/15)

2 Sec. 15. Provision of paid leave.

3 (a) An employee who works in Illinois is entitled to earn  
4 and use up to a minimum of 40 hours of paid leave during a  
5 12-month period or a pro rata number of hours of paid leave  
6 under the provisions of subsection (b). The paid leave may be  
7 used by the employee for any purpose as long as the paid leave  
8 is taken in accordance with the provisions of this Act.

9 (b) Paid leave under this Act shall accrue at the rate of  
10 one hour of paid leave for every 40 hours worked up to a  
11 minimum of 40 hours of paid leave or such greater amount if the  
12 employer provides more than 40 hours. Employees who are exempt  
13 from the overtime requirements of the federal Fair Labor  
14 Standards Act (29 U.S.C. 213(a)(1)) shall be deemed to work 40  
15 hours in each workweek for purposes of paid leave accrual  
16 unless their regular workweek is less than 40 hours, in which  
17 case paid leave accrues based on that regular workweek.  
18 Employees shall determine how much paid leave they need to  
19 use, however employers may set a reasonable minimum increment  
20 for the use of paid leave not to exceed 2 hours per day. If an  
21 employee's scheduled workday is less than 2 hours per day, the  
22 employee's scheduled workday shall be used to determine the  
23 amount of paid leave.

24 (c) An employer may make available the minimum number of  
25 hours of paid leave, subject to pro rata requirements provided  
26 in subsection (b), to an employee on the first day of

1 employment or the first day of the 12-month period. Employers  
2 that provide the minimum number of hours of paid leave to an  
3 employee on the first day of employment or the first day of the  
4 12-month period are not required to carryover paid leave from  
5 12-month period to 12-month period and may require employees  
6 to use all paid leave prior to the end of the benefit period or  
7 forfeit the unused paid leave. However, under no circumstances  
8 shall an employee be credited with paid leave that is less than  
9 what the employee would have accrued under subsections (a) and  
10 (g) of this Section.

11 (d) The 12-month period may be any consecutive 12-month  
12 period designated by the employer in writing at the time of  
13 hire. Changes to the 12-month period may be made by the  
14 employer if notice is given to employees in writing prior to  
15 the change and the change does not reduce the eligible accrual  
16 rate and paid leave available to the employee. If the employer  
17 changes the designated 12-month period, the employer shall  
18 provide the employee with documentation of the balance of  
19 hours worked, paid leave accrued and taken, and the remaining  
20 paid leave balance.

21 (e) Paid leave under this Act may be taken by an employee  
22 for any reason of the employee's choosing. An employee is not  
23 required to provide an employer a reason for the leave and may  
24 not be required to provide documentation or certification as  
25 proof or in support of the leave. An employee may choose  
26 whether to use paid leave provided under this Act prior to

1 using any other leave provided by the employer or State law.

2 (f) Employees shall be paid their hourly rate of pay for  
3 paid leave. However, employees engaged in an occupation in  
4 which gratuities or commissions have customarily and usually  
5 constituted and have been recognized as part of the  
6 remuneration for hire purposes shall be paid by their employer  
7 at least the full minimum wage in the jurisdiction in which  
8 they are employed when paid leave is taken. This wage shall be  
9 treated as the employee's regular rate of pay for purposes of  
10 this Act.

11 (g) Paid leave under this Act shall begin to accrue at the  
12 commencement of employment or on the effective date of this  
13 Act, whichever is later. Employees shall be entitled to begin  
14 using paid leave 90 days following commencement of their  
15 employment or 90 days following the effective date of this  
16 Act, whichever is later.

17 (h) Paid leave under this Act shall be provided upon the  
18 oral or written request of an employee in accordance with the  
19 employer's reasonable paid leave policy notification  
20 requirements which may include the following:

21 (1) If use of paid leave under this Act is  
22 foreseeable, the employer may require the employee to  
23 provide 7 calendar days' notice before the date the leave  
24 is to begin.

25 (2) If paid leave under this Act is not foreseeable,  
26 the employee shall provide such notice as soon as is

1           practicable after the employee is aware of the necessity  
2           of the leave. An employer that requires notice of paid  
3           leave under this Act when the leave is not foreseeable  
4           shall provide a written policy that contains procedures  
5           for the employee to provide notice.

6           (3) Employers shall provide employees with written  
7           notice of the paid leave policy notification requirements  
8           in this Section in the manner provided in Section 20 for  
9           notice and posting and within 5 calendar days of any  
10          change to the employer's reasonable paid leave policy  
11          notification requirements.

12          (4) An employer may not require, as a condition of  
13          providing paid leave under this Act, that the employee  
14          search for or find a replacement worker to cover the hours  
15          during which the employee takes paid leave.

16          (i) Except as provided in subsection (c), paid leave under  
17          this Act shall carry over annually to the extent not used by  
18          the employee, provided that nothing in this Act shall be  
19          construed to require an employer to provide more than 40 hours  
20          of paid leave for an employee in the 12-month period unless the  
21          employer agrees to do so.

22          (j) Nothing in this Section or any other Illinois law or  
23          rule shall be construed as requiring financial or other  
24          payment to an employee from an employer upon the employee's  
25          termination, resignation, retirement, or other separation from  
26          employment for paid leave accrued under this Act that has not

1 been used. Nothing in this Section or any other Illinois law or  
2 rule shall be construed as requiring financial or other  
3 reimbursements to an employee from an employer for unused paid  
4 leave under this Act at the end of the benefit year or any  
5 other time.

6 (k) If an employee is transferred to a separate division,  
7 entity, or location, but remains employed by the same  
8 employer, the employee is entitled to all paid leave accrued  
9 at the prior division, entity, or location and is entitled to  
10 use all paid leave as provided in this Section. If there is a  
11 separation from employment and the employee is rehired within  
12 12 months of separation by the same employer, previously  
13 accrued paid leave that had not been used by the employee shall  
14 be reinstated. The employee shall be entitled to use accrued  
15 paid leave at the commencement of employment following a  
16 separation from employment of 12 months or less.

17 (l) Paid leave under this Act shall not be charged or  
18 otherwise credited to an employee's paid time off bank or  
19 employee account unless the employer's policy permits such a  
20 credit. If the paid leave under this Act is credited to an  
21 employee's paid time off bank or employee vacation account  
22 then any unused paid leave shall be paid to the employee upon  
23 the employee's termination, resignation, retirement, or other  
24 separation to the same extent as vacation time under existing  
25 Illinois law or rule. Nothing in this Act shall be construed to  
26 waive or otherwise limit an employee's right to final



1 compensation for promised and earned, but unpaid vacation time  
2 or paid time off, as provided under the Illinois Wage Payment  
3 and Collection Act and rules. Employers shall provide  
4 employees with written notice of changes to the employer's  
5 vacation time, paid time off, or other paid leave policies  
6 that affect an employee's right to final compensation for such  
7 leave.

8 (m) During any period an employee takes leave under this  
9 Act, the employer shall maintain coverage for the employee and  
10 any family member under any group health plan for the duration  
11 of such leave at no less than the level and conditions of  
12 coverage that would have been provided if the employee had not  
13 taken the leave. The employer shall notify the employee that  
14 the employee is still responsible for paying the employee's  
15 share of the cost of the health care coverage, if any.

16 (n) Nothing in this Act shall be deemed to interfere with,  
17 impede, or in any way diminish the right of employees to  
18 bargain collectively with their employers through  
19 representatives of their own choosing in order to establish  
20 wages or other conditions of work in excess of the applicable  
21 minimum standards established in this Act. The paid leave  
22 requirements of this Act may be waived in a bona fide  
23 collective bargaining agreement, but only if the waiver is set  
24 forth explicitly in such agreement in clear and unambiguous  
25 terms.

26 Nothing in this Act shall be deemed to affect the validity

1 or change the terms of bona fide collective bargaining  
2 agreements in effect on January 1, 2024. After that date,  
3 requirements of this Act may be waived in a bona fide  
4 collective bargaining agreement, but only if the waiver is set  
5 forth explicitly in such agreement in clear and unambiguous  
6 terms.

7 In no event shall this Act apply to any employee working in  
8 the construction industry who is covered by a bona fide  
9 collective bargaining agreement, nor shall this Act apply to  
10 any employee who is covered by a bona fide collective  
11 bargaining agreement with an employer that provides services  
12 nationally and internationally of delivery, pickup, and  
13 transportation of parcels, documents, and freight.

14 Notwithstanding the provisions of this subsection, nothing  
15 in this Act shall be deemed to affect the validity or change  
16 the terms of a bona fide collective bargaining agreement  
17 applying to an employee who is employed by a State agency that  
18 is in effect on July 1, 2024. After that date, requirements of  
19 this Act may be waived in a bona fide collective bargaining  
20 agreement, but only if the waiver is set forth explicitly in  
21 such agreement in clear and unambiguous terms. As used in this  
22 subsection, "State agency" has the same meaning as set forth  
23 in Section 4 of the Forms Notice Act.

24 (o) An agreement by an employee to waive his or her rights  
25 under this Act is void as against public policy.

26 (p) The provisions of this Act shall not apply to any

1 employer that is covered by a municipal or county ordinance  
2 that is in effect on the effective date of this Act that  
3 requires employers to give any form of paid leave to their  
4 employees, including paid sick leave or paid leave.  
5 Notwithstanding the provisions of this subsection, any  
6 employer that is not required to provide paid leave to its  
7 employees, including paid sick leave or paid leave, under a  
8 municipal or county ordinance that is in effect on the  
9 effective date of this Act shall be subject to the provisions  
10 of this Act if the employer would be required to provide paid  
11 leave under this Act to its employees.

12 Any local ordinance that provides paid leave, including  
13 paid sick leave or paid leave, enacted or amended after the  
14 effective date of this Act must comply with the requirements  
15 of this Act or provide benefits, rights, and remedies that are  
16 greater than or equal to the benefits, rights, and remedies  
17 afforded under this Act.

18 An employer in a municipality or county that enacts or  
19 amends a local ordinance that provides paid leave, including  
20 paid sick leave or paid leave, after the effective date of this  
21 Act shall only comply with the local ordinance or ordinances  
22 so long as the benefits, rights, and remedies are greater than  
23 or equal to the benefits, rights, and remedies afforded under  
24 this Act.

25 (Source: P.A. 102-1143, eff. 1-1-24; revised 12-22-23.)

1 Section 660. The Child Labor Law is amended by changing  
2 Sections 17 and 17.3 as follows:

3 (820 ILCS 205/17) (from Ch. 48, par. 31.17)

4 Sec. 17. It shall be the duty of the Department of Labor to  
5 enforce the provisions of this Act. The Department of Labor  
6 shall have the power to conduct investigations in connection  
7 with the administration and enforcement of this Act and the  
8 authorized officers and employees of the Department of Labor  
9 are hereby authorized and empowered, to visit and inspect, at  
10 all reasonable times and as often as possible, all places  
11 covered by this Act. Truant officers and other school  
12 officials authorized by the board of education or school  
13 directors shall report violations under this Act to the  
14 Department of Labor, and may enter any place in which children  
15 are, or are believed to be employed and inspect the work  
16 certificates on file. Such truant officers or other school  
17 officials also are authorized to file complaints against any  
18 employer found violating the provisions of this Act in case no  
19 complaints for such violations are pending; and when such  
20 complaints are filed by truant officers or other school  
21 officials, the State's Attorneys ~~attorneys~~ of this State ~~state~~  
22 shall appear for the people, and attend to the prosecution of  
23 such complaints. The Department of Labor shall conduct  
24 hearings in accordance with the ~~"the~~ Illinois Administrative  
25 Procedure Act", ~~approved September 22, 1975, as amended,~~ upon

1 written complaint by an investigator of the Department of  
2 Labor, truant officer, or other school official, or any  
3 interested person of a violation of the Act or to revoke any  
4 certificate under this Act. After such hearing, if supported  
5 by the evidence, the Department of Labor may issue and cause to  
6 be served on any party an order to cease and desist from  
7 violation of the Act, take such further affirmative or other  
8 action as deemed reasonable to eliminate the effect of the  
9 violation, and may revoke any certificate issued under the Act  
10 and determine the amount of any civil penalty allowed by the  
11 Act. The Department may serve such orders by certified mail or  
12 by sending a copy by email to an email address previously  
13 designated by the party for purposes of receiving notice under  
14 this Act. An email address provided by the party in the course  
15 of the administrative proceeding shall not be used in any  
16 subsequent proceedings, unless the party designates that email  
17 address for the subsequent proceeding. The Director of Labor  
18 or his authorized representative may compel by subpoena, the  
19 attendance and testimony of witnesses and the production of  
20 books, payrolls, records, papers and other evidence in any  
21 investigation or hearing and may administer oaths to  
22 witnesses.

23 (Source: P.A. 103-201, eff. 1-1-24; revised 1-2-24.)

24 (820 ILCS 205/17.3) (from Ch. 48, par. 31.17-3)

25 Sec. 17.3. Any employer who violates any of the provisions

1 of this Act or any rule or regulation issued under the Act  
2 shall be subject to a civil penalty of not to exceed \$5,000 for  
3 each such violation. In determining the amount of such  
4 penalty, the appropriateness of such penalty to the size of  
5 the business of the employer charged and the gravity of the  
6 violation shall be considered. The amount of such penalty,  
7 when finally determined, may be

8 (1) recovered in a civil action brought by the  
9 Director of Labor in any circuit court, in which  
10 litigation the Director of Labor shall be represented by  
11 the Attorney General;

12 (2) ordered by the court, in an action brought for  
13 violation under Section 19, to be paid to the Director of  
14 Labor.

15 Any administrative determination by the Department of  
16 Labor of the amount of each penalty shall be final unless  
17 reviewed as provided in Section 17.1 of this Act.

18 Civil penalties recovered under this Section shall be paid  
19 by certified check, money order, or ~~by~~ an electronic payment  
20 system designated by the Department, and deposited into the  
21 Child Labor and Day and Temporary Labor Services Enforcement  
22 Fund, a special fund which is hereby created in the State  
23 treasury. Moneys in the Fund may be used, subject to  
24 appropriation, for exemplary programs, demonstration projects,  
25 and other activities or purposes related to the enforcement of  
26 this Act or for the activities or purposes related to the

1 enforcement of the Day and Temporary Labor Services Act, or  
2 for the activities or purposes related to the enforcement of  
3 the Private Employment Agency Act.

4 (Source: P.A. 103-201, eff. 1-1-24; revised 9-21-23.)

5 Section 665. The Line of Duty Compensation Act is amended  
6 by changing Section 2 as follows:

7 (820 ILCS 315/2) (from Ch. 48, par. 282)

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

10 (a) "Law enforcement officer" or "officer" means any  
11 person employed by the State or a local governmental entity as  
12 a policeman, peace officer, auxiliary policeman or in some  
13 like position involving the enforcement of the law and  
14 protection of the public interest at the risk of that person's  
15 life. This includes supervisors, wardens, superintendents and  
16 their assistants, guards and keepers, correctional officers,  
17 youth supervisors, parole agents, aftercare specialists,  
18 school teachers, and correctional counselors ~~counselors~~ in  
19 all facilities of both the Department of Corrections and the  
20 Department of Juvenile Justice, while within the facilities  
21 under the control of the Department of Corrections or the  
22 Department of Juvenile Justice or in the act of transporting  
23 inmates or wards from one location to another or while  
24 performing their official duties, and all other Department of

1 Corrections ~~Correction~~ or Department of Juvenile Justice  
2 employees who have daily contact with inmates. For the  
3 purposes of this Act, "law enforcement officer" or "officer"  
4 also means a probation officer, as defined in Section 9b of the  
5 Probation and Probation Officers Act.

6 The death of the foregoing employees of the Department of  
7 Corrections or the Department of Juvenile Justice in order to  
8 be included herein must be by the direct or indirect willful  
9 act of an inmate, ward, work-releasee, parolee, aftercare  
10 releasee, parole violator, aftercare release violator, person  
11 under conditional release, or any person sentenced or  
12 committed, or otherwise subject to confinement in or to the  
13 Department of Corrections or the Department of Juvenile  
14 Justice.

15 (b) "Fireman" means any person employed by the State or a  
16 local governmental entity as, or otherwise serving as, a  
17 member or officer of a fire department either for the purpose  
18 of the prevention or control of fire or the underwater  
19 recovery of drowning victims, including volunteer firemen.

20 (c) "Local governmental entity" includes counties,  
21 municipalities, and municipal corporations.

22 (d) "State" means the State of Illinois and its  
23 departments, divisions, boards, bureaus, commissions,  
24 authorities, and colleges and universities.

25 (e) "Killed in the line of duty" means losing one's life as  
26 a result of injury received in the active performance of



1 duties as a law enforcement officer, civil defense worker,  
2 civil air patrol member, paramedic, fireman, or chaplain if  
3 the death occurs within one year from the date the injury was  
4 received and if that injury arose from violence or other  
5 accidental cause. In the case of a State employee, "killed in  
6 the line of duty" means losing one's life as a result of injury  
7 received in the active performance of one's duties as a State  
8 employee, if the death occurs within one year from the date the  
9 injury was received and if that injury arose from a willful act  
10 of violence by another State employee committed during such  
11 other employee's course of employment and after January 1,  
12 1988. The term excludes death resulting from the willful  
13 misconduct or intoxication of the officer, civil defense  
14 worker, civil air patrol member, paramedic, fireman, chaplain,  
15 or State employee. However, the burden of proof of such  
16 willful misconduct or intoxication of the officer, civil  
17 defense worker, civil air patrol member, paramedic, fireman,  
18 chaplain, or State employee is on the Attorney General.  
19 Subject to the conditions set forth in subsection (a) with  
20 respect to inclusion under this Act of Department of  
21 Corrections and Department of Juvenile Justice employees  
22 described in that subsection, for the purposes of this Act,  
23 instances in which a law enforcement officer receives an  
24 injury in the active performance of duties as a law  
25 enforcement officer include, but are not limited to, instances  
26 when:

1           (1) the injury is received as a result of a willful  
2 ~~willful~~ act of violence committed other than by the officer  
3 and a relationship exists between the commission of such  
4 act and the officer's performance of his duties as a law  
5 enforcement officer, whether or not the injury is received  
6 while the officer is on duty as a law enforcement officer;

7           (2) the injury is received by the officer while the  
8 officer is attempting to prevent the commission of a  
9 criminal act by another or attempting to apprehend an  
10 individual the officer suspects has committed a crime,  
11 whether or not the injury is received while the officer is  
12 on duty as a law enforcement officer;

13           (3) the injury is received by the officer while the  
14 officer is traveling ~~travelling~~ to or from his employment  
15 as a law enforcement officer or during any meal break, or  
16 other break, which takes place during the period in which  
17 the officer is on duty as a law enforcement officer.

18           In the case of an Armed Forces member, "killed in the line  
19 of duty" means losing one's life while on active duty in  
20 connection with the September 11, 2001 terrorist attacks on  
21 the United States, Operation Enduring Freedom, Operation  
22 Freedom's Sentinel, Operation Iraqi Freedom, Operation New  
23 Dawn, or Operation Inherent Resolve.

24           (f) "Volunteer fireman" means a person having principal  
25 employment other than as a fireman, but who is carried on the  
26 rolls of a regularly constituted fire department either for

1 the purpose of the prevention or control of fire or the  
2 underwater recovery of drowning victims, the members of which  
3 are under the jurisdiction of the corporate authorities of a  
4 city, village, incorporated town, or fire protection district,  
5 and includes a volunteer member of a fire department organized  
6 under the ~~"General Not for Profit Corporation Act", approved~~  
7 ~~July 17, 1943, as now or hereafter amended,~~ which is under  
8 contract with any city, village, incorporated town, fire  
9 protection district, or persons residing therein, for fire  
10 fighting services. "Volunteer fireman" does not mean an  
11 individual who volunteers assistance without being regularly  
12 enrolled as a fireman.

13 (g) "Civil defense worker" means any person employed by  
14 the State or a local governmental entity as, or otherwise  
15 serving as, a member of a civil defense work force, including  
16 volunteer civil defense work forces engaged in serving the  
17 public interest during periods of disaster, whether natural or  
18 man-made.

19 (h) "Civil air patrol member" means any person employed by  
20 the State or a local governmental entity as, or otherwise  
21 serving as, a member of the organization commonly known as the  
22 "Civil Air Patrol", including volunteer members of the  
23 organization commonly known as the "Civil Air Patrol".

24 (i) "Paramedic" means an Emergency Medical  
25 Technician-Paramedic certified by the Illinois Department of  
26 Public Health under the Emergency Medical Services (EMS)

1 Systems Act, and all other emergency medical personnel  
2 certified by the Illinois Department of Public Health who are  
3 members of an organized body or not-for-profit corporation  
4 under the jurisdiction of a city, village, incorporated town,  
5 fire protection district, or county, that provides emergency  
6 medical treatment to persons of a defined geographical area.

7 (j) "State employee" means any employee as defined in  
8 Section 14-103.05 of the Illinois Pension Code, ~~as now or~~  
9 ~~hereafter amended.~~

10 (k) "Chaplain" means an individual who:

11 (1) is a chaplain of (i) a fire department or (ii) a  
12 police department or other agency consisting of law  
13 enforcement officers; and

14 (2) has been designated a chaplain by (i) the fire  
15 department, police department, or other agency or an  
16 officer or body having jurisdiction over the department or  
17 agency or (ii) a labor organization representing the  
18 firemen or law enforcement officers.

19 (l) "Armed Forces member" means an Illinois resident who  
20 is: a member of the Armed Forces of the United States; a member  
21 of the Illinois National Guard while on active military  
22 service pursuant to an order of the President of the United  
23 States; or a member of any reserve component of the Armed  
24 Forces of the United States while on active military service  
25 pursuant to an order of the President of the United States.

26 (Source: P.A. 102-221, eff. 1-1-22; revised 1-20-24.)

1           Section 995. No acceleration or delay. Where this Act  
2 makes changes in a statute that is represented in this Act by  
3 text that is not yet or no longer in effect (for example, a  
4 Section represented by multiple versions), the use of that  
5 text does not accelerate or delay the taking effect of (i) the  
6 changes made by this Act or (ii) provisions derived from any  
7 other Public Act.

8           Section 996. No revival or extension. This Act does not  
9 revive or extend any Section or Act otherwise repealed.

10           Section 999. Effective date. This Act takes effect upon  
11 becoming law.

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