

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 In certain cases in which a repealed Act or Section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16 incorporate amendments to the repealed Act or Section into the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 Acts and Section repealed on January 1, 2029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14 (a) The following Acts and Section are repealed on January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 impersonation 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; ~~and~~

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 voter⁷ 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~~7~~ 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~~7~~ 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, 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 2004₂, 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 Fund⁷ 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 ~~±~~ 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 learning⁷
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)

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21 by creating a new school or by converting an existing public
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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).

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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
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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
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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.

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12 charter school shall not charge tuition; provided that a
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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
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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;
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- 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;
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- 1 10-20.56 of this Code;
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- 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;
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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)

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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

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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
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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~~ed~~)..

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_L or suspend, or
10 threaten to discharge, demote_L 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_L but not limited to_L 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 an~~ 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, 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 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
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,
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~~r~~ 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~~r~~ 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 felony⁷ 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 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.

1 INDEX

2 Statutes amended in order of appearance

3 5 ILCS 80/4.39

4 5 ILCS 100/5-45.35

5 5 ILCS 100/5-45.36

6 5 ILCS 100/5-45.38

7 5 ILCS 100/5-45.39

8 5 ILCS 100/5-45.40

9 5 ILCS 100/5-45.41

10 5 ILCS 100/5-45.45

11 5 ILCS 100/5-45.46

12 5 ILCS 100/5-45.47

13 5 ILCS 100/5-45.48

14 5 ILCS 100/5-45.50

15 5 ILCS 100/5-45.51

16 5 ILCS 100/5-45.52

17 5 ILCS 140/7

18 5 ILCS 140/7.5

19 5 ILCS 230/10

20 5 ILCS 375/6.11

21 5 ILCS 810/5

22 5 ILCS 840/40

23 10 ILCS 5/1A-8 from Ch. 46, par. 1A-8

24 10 ILCS 5/1A-16.1

25 10 ILCS 5/24B-9.1

1 15 ILCS 335/1A
2 15 ILCS 335/4
3 15 ILCS 510/7a from Ch. 130, par. 107a
4 20 ILCS 5/5-222
5 20 ILCS 65/20-15
6 20 ILCS 105/4.02
7 20 ILCS 415/8a from Ch. 127, par. 63b108a
8 20 ILCS 415/8b.3 from Ch. 127, par. 63b108b.3
9 20 ILCS 415/8b.9 from Ch. 127, par. 63b108b.9
10 20 ILCS 415/8b.10 from Ch. 127, par. 63b108b.10
11 20 ILCS 415/9 from Ch. 127, par. 63b109
12 20 ILCS 505/5
13 20 ILCS 505/5d
14 20 ILCS 505/7.4
15 20 ILCS 505/17 from Ch. 23, par. 5017
16 20 ILCS 505/21
17 20 ILCS 605/605-1103
18 20 ILCS 655/5.5 from Ch. 67 1/2, par. 609.1
19 20 ILCS 1305/10-75
20 20 ILCS 1305/80-45
21 20 ILCS 1370/1-80
22 20 ILCS 1405/1405-50
23 20 ILCS 1405/1405-51
24 20 ILCS 2105/2105-15
25 20 ILCS 2105/2105-368
26 20 ILCS 2105/2105-370

- 1 20 ILCS 2310/2310-130
- 2 20 ILCS 2310/2310-720
- 3 20 ILCS 2310/2310-725
- 4 20 ILCS 2605/2605-52
- 5 20 ILCS 2610/16 from Ch. 121, par. 307.16
- 6 20 ILCS 3440/13 from Ch. 127, par. 2673
- 7 20 ILCS 3855/1-56
- 8 20 ILCS 3930/4 from Ch. 38, par. 210-4
- 9 20 ILCS 3975/Act title
- 10 30 ILCS 5/3-2.3
- 11 30 ILCS 105/5.990
- 12 30 ILCS 105/5.991
- 13 30 ILCS 105/5.993
- 14 30 ILCS 105/5.994
- 15 30 ILCS 105/5.995
- 16 30 ILCS 105/5.996
- 17 30 ILCS 105/5.997
- 18 30 ILCS 105/5.999
- 19 30 ILCS 105/5.1000
- 20 30 ILCS 105/5.1001
- 21 30 ILCS 105/5.1002
- 22 30 ILCS 105/5.1003
- 23 30 ILCS 105/5.1004
- 24 30 ILCS 105/5.1005
- 25 30 ILCS 105/5.1006
- 26 30 ILCS 105/5.1007

- 1 30 ILCS 105/5.1008
- 2 30 ILCS 105/5.1009
- 3 30 ILCS 105/5.1010
- 4 30 ILCS 105/5.1011
- 5 30 ILCS 105/6z-32
- 6 30 ILCS 105/6z-82
- 7 30 ILCS 105/8.3
- 8 30 ILCS 105/12-2 from Ch. 127, par. 148-2
- 9 30 ILCS 330/11 from Ch. 127, par. 661
- 10 30 ILCS 420/3 from Ch. 127, par. 753
- 11 30 ILCS 425/5 from Ch. 127, par. 2805
- 12 30 ILCS 500/1-10
- 13 30 ILCS 500/10-20
- 14 30 ILCS 559/20-15
- 15 30 ILCS 750/10-6 from Ch. 127, par. 2710-6
- 16 30 ILCS 805/8.46
- 17 30 ILCS 805/8.47
- 18 35 ILCS 5/201
- 19 35 ILCS 5/203
- 20 35 ILCS 5/228
- 21 35 ILCS 5/237
- 22 35 ILCS 45/110-30
- 23 35 ILCS 45/110-40
- 24 35 ILCS 105/3-5
- 25 35 ILCS 110/3-5
- 26 35 ILCS 115/3-5

1	35 ILCS 115/9	from Ch. 120, par. 439.109
2	35 ILCS 115/12	from Ch. 120, par. 439.112
3	35 ILCS 120/2-5	
4	35 ILCS 120/3	from Ch. 120, par. 442
5	35 ILCS 130/2	from Ch. 120, par. 453.2
6	35 ILCS 735/3-3	from Ch. 120, par. 2603-3
7	35 ILCS 1010/1-60	
8	40 ILCS 5/15-198	
9	40 ILCS 5/16-127	from Ch. 108 1/2, par. 16-127
10	50 ILCS 45/30	
11	50 ILCS 725/7.2	
12	55 ILCS 5/3-8002	from Ch. 34, par. 3-8002
13	55 ILCS 5/4-7001	
14	55 ILCS 5/5-1022	
15	55 ILCS 5/5-1069.3	
16	65 ILCS 5/8-4-1	from Ch. 24, par. 8-4-1
17	65 ILCS 5/10-4-2.3	
18	70 ILCS 705/20	from Ch. 127 1/2, par. 38.3
19	70 ILCS 1816/15	
20	70 ILCS 2005/11	
21	70 ILCS 3605/51	
22	75 ILCS 10/3	from Ch. 81, par. 113
23	105 ILCS 5/2-3.25d-5	
24	105 ILCS 5/2-3.25o	
25	105 ILCS 5/2-3.163	
26	105 ILCS 5/2-3.196	

- 1 105 ILCS 5/2-3.198
- 2 105 ILCS 5/2-3.199
- 3 105 ILCS 5/2-3.200
- 4 105 ILCS 5/2-3.201
- 5 105 ILCS 5/2-3.202
- 6 105 ILCS 5/2-3.203
- 7 105 ILCS 5/3-11
- 8 105 ILCS 5/10-17a
- 9 105 ILCS 5/10-20.67
- 10 105 ILCS 5/10-20.85
- 11 105 ILCS 5/10-20.86
- 12 105 ILCS 5/10-22.3f
- 13 105 ILCS 5/10-22.36 from Ch. 122, par. 10-22.36
- 14 105 ILCS 5/10-22.39
- 15 105 ILCS 5/14-7.02 from Ch. 122, par. 14-7.02
- 16 105 ILCS 5/14-8.02 from Ch. 122, par. 14-8.02
- 17 105 ILCS 5/18-8.15
- 18 105 ILCS 5/19-6 from Ch. 122, par. 19-6
- 19 105 ILCS 5/21B-30
- 20 105 ILCS 5/21B-50
- 21 105 ILCS 5/21B-70
- 22 105 ILCS 5/22-30
- 23 105 ILCS 5/22-95
- 24 105 ILCS 5/22-97
- 25 105 ILCS 5/22-98
- 26 105 ILCS 5/22-99

- 1 105 ILCS 5/24-2
- 2 105 ILCS 5/24-12
- 3 105 ILCS 5/24A-5 from Ch. 122, par. 24A-5
- 4 105 ILCS 5/26A-40
- 5 105 ILCS 5/27-23.1 from Ch. 122, par. 27-23.1
- 6 105 ILCS 5/27A-3
- 7 105 ILCS 5/27A-5
- 8 105 ILCS 5/27A-6
- 9 105 ILCS 5/27A-7
- 10 105 ILCS 5/27A-11.5
- 11 105 ILCS 5/34-18.82
- 12 105 ILCS 5/34-18.83
- 13 105 ILCS 5/34-18.84
- 14 105 ILCS 5/34-84 from Ch. 122, par. 34-84
- 15 105 ILCS 105/10a from Ch. 122, par. 1410a
- 16 105 ILCS 110/3
- 17 105 ILCS 128/50
- 18 105 ILCS 128/55
- 19 110 ILCS 305/115
- 20 110 ILCS 330/8h
- 21 110 ILCS 330/8i
- 22 110 ILCS 935/3.09
- 23 110 ILCS 947/65.100
- 24 110 ILCS 947/67
- 25 115 ILCS 5/2 from Ch. 48, par. 1702
- 26 210 ILCS 3/35.2

1	210 ILCS 40/10.3	
2	210 ILCS 40/10.4	
3	210 ILCS 50/3.55	
4	210 ILCS 50/3.116	
5	210 ILCS 85/10.10	
6	210 ILCS 85/11.9	
7	210 ILCS 89/15	
8	210 ILCS 170/46	
9	215 ILCS 5/356z.61	
10	215 ILCS 5/356z.63	
11	215 ILCS 5/356z.64	
12	215 ILCS 5/356z.65	
13	215 ILCS 5/356z.66	
14	215 ILCS 5/356z.67	
15	215 ILCS 5/356z.68	
16	215 ILCS 5/356z.69	
17	215 ILCS 5/356z.70	
18	215 ILCS 5/370c.1	
19	215 ILCS 124/25	
20	215 ILCS 125/5-3	from Ch. 111 1/2, par. 1411.2
21	215 ILCS 130/3006	from Ch. 73, par. 1503-6
22	215 ILCS 130/4003	from Ch. 73, par. 1504-3
23	215 ILCS 165/10	from Ch. 32, par. 604
24	220 ILCS 5/8-205	from Ch. 111 2/3, par. 8-205
25	220 ILCS 5/9-222.1A	
26	220 ILCS 5/9-229	

1	225 ILCS 10/5.1	from Ch. 23, par. 2215.1
2	225 ILCS 10/7.2	from Ch. 23, par. 2217.2
3	225 ILCS 10/18	from Ch. 23, par. 2228
4	225 ILCS 25/4	
5	225 ILCS 25/17	
6	225 ILCS 46/25	
7	225 ILCS 56/95	
8	225 ILCS 64/100	
9	225 ILCS 95/7.5	
10	225 ILCS 115/25.2	from Ch. 111, par. 7025.2
11	225 ILCS 130/75	
12	225 ILCS 230/1011	
13	225 ILCS 320/13.1	
14	225 ILCS 735/2	from Ch. 111, par. 702
15	230 ILCS 5/30	from Ch. 8, par. 37-30
16	230 ILCS 5/31	from Ch. 8, par. 37-31
17	235 ILCS 5/5-3	from Ch. 43, par. 118
18	305 ILCS 5/5-4.2	
19	305 ILCS 5/5-5	
20	305 ILCS 5/5-5.01a	
21	305 ILCS 5/5-5.05	
22	305 ILCS 5/5-5.2	
23	305 ILCS 5/5-16.8	
24	305 ILCS 5/5-47	
25	305 ILCS 5/5-50	
26	305 ILCS 5/5-51	

- 1 305 ILCS 5/5A-12.7
- 2 305 ILCS 5/6-9 from Ch. 23, par. 6-9
- 3 305 ILCS 5/6-12 from Ch. 23, par. 6-12
- 4 305 ILCS 5/12-4.57
- 5 305 ILCS 5/12-4.58
- 6 325 ILCS 2/10
- 7 325 ILCS 2/30
- 8 325 ILCS 2/35
- 9 325 ILCS 5/4.5
- 10 325 ILCS 5/7.4
- 11 325 ILCS 40/6 from Ch. 23, par. 2256
- 12 325 ILCS 85/95-10
- 13 405 ILCS 20/3e from Ch. 91 1/2, par. 303e
- 14 410 ILCS 45/8.1 from Ch. 111 1/2, par. 1308.1
- 15 410 ILCS 82/35
- 16 410 ILCS 517/5
- 17 410 ILCS 535/25
- 18 410 ILCS 535/25.6
- 19 410 ILCS 535/25.7
- 20 410 ILCS 650/8 from Ch. 56 1/2, par. 74
- 21 410 ILCS 705/15-150
- 22 410 ILCS 705/15-170
- 23 415 ILCS 5/17.12
- 24 415 ILCS 5/22.15
- 25 415 ILCS 5/31 from Ch. 111 1/2, par. 1031
- 26 415 ILCS 5/58.5

1	415 ILCS 5/58.6	
2	415 ILCS 5/58.7	
3	415 ILCS 60/24.1	from Ch. 5, par. 824.1
4	415 ILCS 120/40	
5	420 ILCS 40/6	from Ch. 111 1/2, par. 210-6
6	430 ILCS 65/10	from Ch. 38, par. 83-10
7	430 ILCS 125/10	
8	520 ILCS 5/2.36	from Ch. 61, par. 2.36
9	520 ILCS 5/2.37	from Ch. 61, par. 2.37
10	520 ILCS 5/3.5	from Ch. 61, par. 3.5
11	605 ILCS 5/6-901	from Ch. 121, par. 6-901
12	625 ILCS 5/2-119	from Ch. 95 1/2, par. 2-119
13	625 ILCS 5/3-699.14	
14	625 ILCS 5/6-103	from Ch. 95 1/2, par. 6-103
15	625 ILCS 5/6-106.1	
16	625 ILCS 5/6-118	
17	625 ILCS 5/6-508.5	
18	625 ILCS 5/7-315	from Ch. 95 1/2, par. 7-315
19	625 ILCS 5/11-208.6	
20	625 ILCS 5/11-305	from Ch. 95 1/2, par. 11-305
21	630 ILCS 5/19	
22	705 ILCS 105/27.1b	
23	705 ILCS 405/1-8	
24	705 ILCS 405/2-3	from Ch. 37, par. 802-3
25	705 ILCS 405/2-6	from Ch. 37, par. 802-6
26	705 ILCS 405/2-9	from Ch. 37, par. 802-9

1	705 ILCS 405/2-10	from Ch. 37, par. 802-10
2	705 ILCS 405/2-20	from Ch. 37, par. 802-20
3	705 ILCS 405/2-28	
4	705 ILCS 405/3-5	from Ch. 37, par. 803-5
5	705 ILCS 405/3-6	from Ch. 37, par. 803-6
6	705 ILCS 405/3-16	from Ch. 37, par. 803-16
7	705 ILCS 405/3-17	from Ch. 37, par. 803-17
8	705 ILCS 405/3-19	from Ch. 37, par. 803-19
9	705 ILCS 405/3-21	from Ch. 37, par. 803-21
10	705 ILCS 405/3-24	from Ch. 37, par. 803-24
11	705 ILCS 405/3-33.5	
12	705 ILCS 405/4-8	from Ch. 37, par. 804-8
13	705 ILCS 405/4-9	from Ch. 37, par. 804-9
14	705 ILCS 405/4-14	from Ch. 37, par. 804-14
15	705 ILCS 405/4-16	from Ch. 37, par. 804-16
16	705 ILCS 405/4-18	from Ch. 37, par. 804-18
17	705 ILCS 405/4-21	from Ch. 37, par. 804-21
18	705 ILCS 405/5-105	
19	705 ILCS 405/5-120	
20	705 ILCS 405/5-401.6	
21	705 ILCS 405/5-410	
22	705 ILCS 405/5-525	
23	705 ILCS 405/5-601	
24	705 ILCS 405/5-610	
25	705 ILCS 405/5-615	
26	705 ILCS 405/5-625	

- 1 705 ILCS 405/5-705
- 2 705 ILCS 405/5-710
- 3 705 ILCS 405/5-715
- 4 705 ILCS 405/5-810
- 5 705 ILCS 405/5-915
- 6 705 ILCS 405/6-7 from Ch. 37, par. 806-7
- 7 705 ILCS 405/6-9 from Ch. 37, par. 806-9
- 8 705 ILCS 405/6-10 from Ch. 37, par. 806-10
- 9 720 ILCS 5/9-1 from Ch. 38, par. 9-1
- 10 720 ILCS 5/24-1.9
- 11 720 ILCS 5/24-1.10
- 12 720 ILCS 5/24-5.1
- 13 730 ILCS 5/3-2-13
- 14 730 ILCS 5/3-2.7-5
- 15 730 ILCS 5/3-2.7-10
- 16 730 ILCS 5/3-2.7-20
- 17 730 ILCS 5/3-2.7-25
- 18 730 ILCS 5/3-2.7-30
- 19 730 ILCS 5/3-2.7-35
- 20 730 ILCS 5/3-2.7-40
- 21 730 ILCS 5/3-2.7-50
- 22 730 ILCS 5/3-2.7-55
- 23 730 ILCS 5/3-5-1
- 24 730 ILCS 5/3-6-3
- 25 730 ILCS 5/3-8-10 from Ch. 38, par. 1003-8-10
- 26 730 ILCS 5/5-4-1 from Ch. 38, par. 1005-4-1

1	730 ILCS 5/5-4-3	from Ch. 38, par. 1005-4-3
2	730 ILCS 5/5-4.5-105	
3	730 ILCS 5/5-6-3	from Ch. 38, par. 1005-6-3
4	730 ILCS 5/5-9-1.4	from Ch. 38, par. 1005-9-1.4
5	730 ILCS 5/5-9-1.9	
6	730 ILCS 148/35	
7	730 ILCS 150/6	
8	730 ILCS 154/30	
9	730 ILCS 215/10	
10	735 ILCS 5/21-101	from Ch. 110, par. 21-101
11	735 ILCS 5/21-102	from Ch. 110, par. 21-102
12	735 ILCS 5/21-102.5	
13	735 ILCS 5/21-103	
14	735 ILCS 30/25-5-105	
15	735 ILCS 30/25-5-107	
16	740 ILCS 175/6	from Ch. 127, par. 4106
17	745 ILCS 49/42	
18	750 ILCS 30/2	from Ch. 40, par. 2202
19	765 ILCS 1085/15	
20	765 ILCS 1085/25	
21	765 ILCS 1085/35	
22	775 ILCS 5/8-101	
23	805 ILCS 5/1.80	from Ch. 32, par. 1.80
24	805 ILCS 105/103.05	from Ch. 32, par. 103.05
25	815 ILCS 505/2BBBB	
26	815 ILCS 505/2CCCC	

1 815 ILCS 505/2DDDD

2 820 ILCS 105/12

3 820 ILCS 112/30

4 820 ILCS 130/2

5 820 ILCS 175/45

6 820 ILCS 192/15

7 820 ILCS 205/17 from Ch. 48, par. 31.17

8 820 ILCS 205/17.3 from Ch. 48, par. 31.17-3

9 820 ILCS 315/2 from Ch. 48, par. 282